

# Title 173 WAC

## ECOLOGY, DEPARTMENT OF

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

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## DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

## Chapter 173-02

## METHODS OF OPERATION AND ORGANIZATION

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| 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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 through 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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 through 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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 through 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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 through 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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 through 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 Repealed by 78-02-041 (Order DE 77-35),  |

- 173-02-070 filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340. 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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 through 42.17.340.

**Chapter 173-30****MINIMUM WATER FLOWS—CEDAR RIVER**

- 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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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.

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

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 Repealed by Order DE 75-24, filed 1/6/76.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

**Chapter 173-128****ODESSA GROUND WATER MANAGEMENT SUBAREA**

- 173-128-010 Background. [Order 72-25, § 173-128-010, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-

- 23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-020.
- 173-128-020 Purpose. [Order 72-25, § 173-128-020, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-030.
- 173-128-030 Authority. [Order 72-25, § 173-128-030, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-010.
- 173-128-040 Subarea definition. [Order 72-25, § 173-128-040, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-040.
- 173-128-050 Subarea map. [Order 72-25, § 173-128-050, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-050.

**Chapter 173-130****ODESSA GROUND WATER SUBAREA MANAGEMENT POLICY**

- 173-130-010 Background. [Order DE 73-32, § 173-130-010, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-020.
- 173-130-020 Authority. [Order DE 73-32, § 173-130-020, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-010.
- 173-130-030 Definitions. [Order DE 73-32, § 173-130-030, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-030.
- 173-130-040 Purpose. [Order DE 73-32, § 173-130-040, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-040.
- 173-130-050 Depth zone designation. [Order DE 73-32, § 173-130-050, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-060 Rate of decline in water level to be controlled. [Order DE 73-32, § 173-130-060, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-060.
- 173-130-070 Maximum lowering of the water table. [Order DE 73-32, § 173-130-070, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-070.
- 173-130-080 Regulation of withdrawal of ground water. [Order DE 75-33, § 173-130-080, filed 1/23/76; Order DE 73-32, § 173-130-080, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-080.

- 173-130-090 Notice of regulation. [Order DE 73-32, § 173-130-090, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-090.
- 173-130-100 No increase in ground water withdrawals during regulation. [Order DE 73-32, § 173-130-100, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-110 Supplemental wells regulated. [Order DE 73-32, § 173-130-110, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-120 Annual volume of water determined. [Order DE 73-32, § 173-130-120, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-130 New ground water withdrawals. [Order DE 73-32, § 173-130-130, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-140 New applications for withdrawal of ground waters. [Order DE 73-32, § 173-130-140, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-100.
- 173-130-150 Time sequence for processing new applications to appropriate ground water. [Order DE 75-33, § 173-130-150, filed 1/23/76; Order DE 73-32, § 173-130-150, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-155 Reworking wells. [Order DE 75-33, § 173-130-155, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-180.
- 173-130-160 Bore hole logs required. [Order DE 75-33, § 173-130-160, filed 1/23/76; Order DE 73-32, § 173-130-160, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-190.
- 173-130-170 Distance of wells from East Low Canal. [Order DE 73-32, § 173-130-170, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-110.
- 173-130-180 Supplemental surface water. [Order DE 73-32, § 173-130-180, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-190 Ground water supervisors. [Order DE 73-32, § 173-130-190, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-195 Irrigation season. [Order DE 75-33, § 173-130-195, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-130.
- 173-130-200 Review of regulations. [Order DE 75-33, § 173-130-200, filed 1/23/76; Order DE 73-32, § 173-130-200, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-220.

## Chapter 173-134

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

- 173-134-010 Administration of withdrawal of ground waters in the Quincy subarea. [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.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-010.
- 173-134-020 Definitions. [Order 74-35, § 173-134-020, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-040.
- 173-134-030 Quincy ground water subarea—Background statement. [Order 74-35, § 173-134-030, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-020.
- 173-134-040 Quincy ground water subarea—Managed and regulated by department of ecology. [Order 74-35, § 173-134-040, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-050.
- 173-134-050 Quincy ground water subarea—Withdrawals of waters of deep management unit—Controlled by prior appropriation provisions. [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.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-060.
- 173-134-055 Quincy ground water subarea—Public ground water permit amendments. [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.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-070.
- 173-134-060 Regulation of water of the shallow management unit—Permit requirements. [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.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-080.
- 173-134-070 Responsibility for water management—Designation of critical management areas. [Order 74-35, § 173-134-070, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory

- Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-090.
- 173-134-080 Establishment of a technical committee of scientific and engineering experts—Purpose. [Order 74-35, § 173-134-080, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-100.
- 173-134-085 Holder request for protection of interest—Department denial—Subject to review before the pollution control hearings board. [Order 74-35, § 173-134-085, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-110.
- 173-134-090 Permits not required—Conditions of exemptions. [Order 74-35, § 173-134-090, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-120.
- 173-134-100 Permits issued or extended—Conditions under which agreements may be entered into. [Order 74-35, § 173-134-100, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-130.
- 173-134-110 Notification requirements. [Order 74-35, § 173-134-110, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-120 Existing laws and rights recognized—Specific jurisdiction. [Order 74-35, § 173-134-120, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-130 Modification of rules when action appears justified. [Order 74-35, § 173-134-130, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-140 Artificially stored ground water permit applications—Lands not covered by declarations. [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.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-150 Area described at department Order No. DE 75-54—Public ground water permits. [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.] Repealed by 80-02-025 (Order DE 79-33), filed 1/9/80. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).
- 173-134-160 Authorized and unused public ground water in deep management unit—Reservation. [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.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-160.

## Chapter 173-301

## REGULATIONS RELATING TO MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING

- 173-301-100 Authority and purpose. [Order DE 72-21, § 173-301-100, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-101 Other agencies. [Order DE 72-21, § 173-301-101, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-105 Effects on pollution, public health and safety. [Order DE 72-21, § 173-301-105, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-110 Definitions. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-110, filed 4/13/83; Order DE 72-21, § 173-301-110, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-120 Solid waste storage. [Order DE 72-21, § 173-301-120, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-121 Solid waste storage—Garbage. [Order DE 72-21, § 173-301-121, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-122 Solid waste storage—Light material. [Order DE 72-21, § 173-301-122, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-123 Solid waste storage—Hazardous wastes. [Order DE 72-21, § 173-301-123, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-124 Solid waste storage—Agricultural wastes. [Order DE 72-21, § 173-301-124, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-125 Solid waste storage—Problem wastes. [Order DE 72-21, § 173-301-125, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-126 Solid waste storage—Storage areas and containers. [Order DE 72-21, § 173-301-126, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-140 Collection and transportation. [Order DE 72-21, § 173-301-140, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-141 Collection and transportation—Prevention of nuisances. [Order DE 72-21, § 173-301-141, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-142 Collection and transportation—Vehicle construction. [Order DE 72-21, § 173-301-142, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-143 Collection and transportation—Vehicle spillage. [Order DE 72-21, § 173-301-143, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

- 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-150 Transfer station. [Order DE 72-21, § 173-301-150, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-151 Transfer station—Application and plans. [Order DE 72-21, § 173-301-151, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-152 Transfer station—Architecture and landscaping. [Order DE 72-21, § 173-301-152, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-153 Transfer station—Pollution control and cleanliness. [Order DE 72-21, § 173-301-153, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-154 Transfer station—Roads. [Order DE 72-21, § 173-301-154, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-155 Transfer station—Identification. [Order DE 72-21, § 173-301-155, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-156 Transfer station—Fire protection. [Order DE 72-21, § 173-301-156, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-157 Transfer station—Communications. [Order DE 72-21, § 173-301-157, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-158 Transfer station—Employee facilities. [Order DE 72-21, § 173-301-158, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-159 Transfer station—Attendant. [Order DE 72-21, § 173-301-159, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-160 Transfer station—Safety. [Order DE 72-21, § 173-301-160, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-161 Transfer station—Vector control. [Order DE 72-21, § 173-301-161, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-162 Transfer station—Records. [Order DE 72-21, § 173-301-162, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-163 Transfer station—Confined tipping. [Order DE 72-21, § 173-301-163, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-164 Transfer station—Scavenging. [Order DE 72-21, § 173-301-164, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-180 Solid waste disposal site. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-180, filed 4/13/83; Order DE 72-21, § 173-301-180, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-181 Solid waste disposal site—Application and plans. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-181, filed 4/13/83; Order DE 72-21, § 173-301-181, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-182 Solid waste disposal site—Disposal site design, architecture and landscaping. [Order DE 72-21, § 173-301-182, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-183 Solid waste disposal site—Pollution control. [Order DE 72-21, § 173-301-183, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-184 Solid waste disposal site—Roads. [Order DE 72-21, § 173-301-184, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-185 Solid waste disposal site—Gate. [Order DE 72-21, § 173-301-185, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-186 Solid waste disposal site—Employee facilities. [Order DE 72-21, § 173-301-186, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-187 Solid waste disposal site—Disposal site identification. [Order DE 72-21, § 173-301-187, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-188 Solid waste disposal site—Fire protection. [Order DE 72-21, § 173-301-188, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-189 Solid waste disposal site—Communication. [Order DE 72-21, § 173-301-189, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-190 Solid waste disposal site—Confined unloading. [Order DE 72-21, § 173-301-190, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-191 Solid waste disposal site—Reclamation. [Order DE 72-21, § 173-301-191, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-192 Solid waste disposal site—Scavenging. [Order DE 72-21, § 173-301-192, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-193 Solid waste disposal site—Attendant. [Order DE 72-21, § 173-301-193, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-194 Solid waste disposal site—Safety. [Order DE 72-21, § 173-301-194, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-195 Solid waste disposal site—Vector control. [Order DE 72-21, § 173-301-195, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-196 Solid waste disposal site—Light material control. [Order DE 72-21, § 173-301-196, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-197 Solid waste disposal site—Records. [Order DE 72-21, § 173-301-197, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-300 Sanitary landfill, leachate control. [Order DE 72-21, § 173-301-300, filed 10/26/72.] Repealed by 86-03-

- 034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-301 Sanitary landfill, leachate control—Pollution prevention. [Order DE 72-21, § 173-301-301, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-302 Sanitary landfill, leachate control—Gas venting. [Order DE 72-21, § 173-301-302, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-303 Sanitary landfill, leachate control—Single layer compaction. [Order DE 72-21, § 173-301-303, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-304 Sanitary landfill, leachate control—Daily cover. [Order DE 72-21, § 173-301-304, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-305 Sanitary landfill, leachate control—Final cover. [Order DE 72-21, § 173-301-305, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-306 Sanitary landfill, leachate control—Final surface. [Order DE 72-21, § 173-301-306, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-307 Sanitary landfill, leachate control—Equipment. [Order DE 72-21, § 173-301-307, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-308 Sanitary landfill, leachate control—Completion inspection. [Order DE 72-21, § 173-301-308, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-309 Sanitary landfill, leachate control—Recurrent inspection and maintenance. [Order DE 72-21, § 173-301-309, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-310 Sanitary landfill, leachate control—Recording with county auditor. [Order DE 72-21, § 173-301-310, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-320 Sludge management. [Statutory Authority: RCW 70.95.060 and chapter 70.95 RCW. 83-09-017 (Order DE 83-2), § 173-301-320, filed 4/13/83.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-350 Incinerator, applicability of air pollution standards. [Order DE 72-21, § 173-301-350, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-351 Incinerator, applicability of air pollution standards—Incoming storage. [Order DE 72-21, § 173-301-351, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-352 Incinerator, applicability of air pollution standards—Preuse inspection and performance tests. [Order DE 72-21, § 173-301-352, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-353 Incinerator, applicability of air pollution standards—Residue disposal. [Order DE 72-21, § 173-301-353, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-354 Incinerator, applicability of air pollution standards—Emergency disposal. [Order DE 72-21, § 173-301-354, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-355 Incinerator, applicability of air pollution standards—Drains. [Order DE 72-21, § 173-301-355, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-356 Incinerator, applicability of air pollution standards—Disposal of process water. [Order DE 72-21, § 173-301-356, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-357 Incinerator, applicability of air pollution standards—Recording pyrometer. [Order DE 72-21, § 173-301-357, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-358 Incinerator, applicability of air pollution standards—Safety. [Order DE 72-21, § 173-301-358, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-359 Incinerator, applicability of air pollution standards—Cleaning. [Order DE 72-21, § 173-301-359, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-400 Compost plant, odorous materials. [Order DE 72-21, § 173-301-400, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-401 Compost plant, odorous materials—Safety. [Order DE 72-21, § 173-301-401, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-402 Compost plant, odorous materials—Byproducts. [Order DE 72-21, § 173-301-402, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-450 Reclamation site. [Order DE 72-21, § 173-301-450, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-451 Reclamation site—Application and plans. [Order DE 72-21, § 173-301-451, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-452 Reclamation site—Architecture and landscaping. [Order DE 72-21, § 173-301-452, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-453 Reclamation site—Pollution control and cleanliness. [Order DE 72-21, § 173-301-453, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-454 Reclamation site—Storage. [Order DE 72-21, § 173-301-454, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-455 Reclamation site—Safety. [Order DE 72-21, § 173-301-455, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-456 Reclamation site—Employee facilities. [Order DE 72-21, § 173-301-456, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.

- 173-301-457 Reclamation site—Records. [Order DE 72-21, § 173-301-457, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-500 Other methods of solid waste handling, processing and disposal. [Order DE 72-21, § 173-301-500, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-610 Nonconforming sites and facilities. [Order DE 72-21, § 173-301-610, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-611 Abandoned disposal sites. [Order DE 72-21, § 173-301-611, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-625 Enforcement. [Order DE 72-21, § 173-301-625, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- 173-301-626 Inspection. [Order DE 72-21, § 173-301-626, filed 10/26/72.] Repealed by 86-03-034 (Order 85-87), filed 1/10/86. Statutory Authority: Chapter 43.21A RCW.
- Chapter 173-302**  
**HAZARDOUS WASTE REGULATION**
- 173-302-010 Purpose. [Order DE 77-34, § 173-302-010, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-010.
- 173-302-020 Applicability. [Order DE 77-34, § 173-302-020, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-020.
- 173-302-030 Abbreviations. [Order DE 77-34, § 173-302-030, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-030.
- 173-302-040 Definitions. [Order DE 77-34, § 173-302-040, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-040.
- 173-302-050 Conference. [Order DE 77-34, § 173-302-050, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
- 173-302-060 Imminent hazard. [Order DE 77-34, § 173-302-060, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-050.
- 173-302-070 Designation of EHW. [Order DE 77-34, § 173-302-070, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-080 Categorization. [Order DE 77-34, § 173-302-080, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-101.
- 173-302-090 Criteria for dangerous wastes (DW). [Order DE 77-34, § 173-302-090, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-100 Criteria for extremely hazardous waste (EHW). [Order DE 77-34, § 173-302-100, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-110 Hazardous due to toxicity to man and wildlife. [Order DE 77-34, § 173-302-110, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-120 Hazardous due to quantity. [Order DE 77-34, § 173-302-120, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-102.
- 173-302-130 Hazardous due to persistence and potential hazard. [Order DE 77-34, § 173-302-130, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-140 Containers. [Order DE 77-34, § 173-302-140, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-160.
- 173-302-150 Division, dilution, and accumulation. [Order DE 77-34, § 173-302-150, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-150.
- 173-302-160 Appeal of designation. [Order DE 77-34, § 173-302-160, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-165 Disposal prohibited. [Statutory Authority: RCW 70.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-165, filed 7/12/78.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-170 Requirements for generators. [Order DE 77-34, § 173-302-170, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-180 Manifest procedures. [Order DE 77-34, § 173-302-180, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-180.
- 173-302-190 Manifest form. [Order DE 77-34, § 173-302-190, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-180.
- 173-302-200 Waste transporter requirements. [Order DE 77-34, § 173-302-200, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-240.
- 173-302-210 Transporter applicability. [Order DE 77-34, § 173-302-210, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-240.
- 173-302-220 Waste acceptance. [Order DE 77-34, § 173-302-220, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later



- promulgation, see WAC 173-303-250 and 173-303-370.
- 173-302-230 Transportation. [Order DE 77-34, § 173-302-230, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-250.
- 173-302-240 Operator requirements. [Order DE 77-34, § 173-302-240, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
- 173-302-250 Yearly operating plan. [Order DE 77-34, § 173-302-250, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
- 173-302-260 Hazardous waste acceptance. [Order DE 77-34, § 173-302-260, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-370.
- 173-302-270 EHW handling at the disposal site. [Order DE 77-34, § 173-302-270, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
- 173-302-280 Environmental requirements. [Order DE 77-34, § 173-302-280, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-290 Security requirements. [Order DE 77-34, § 173-302-290, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-310.
- 173-302-300 Safety requirements. [Order DE 77-34, § 173-302-300, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.
- 173-302-310 Emergency requirements. [Order DE 77-34, § 173-302-310, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-350 through 173-303-360.
- 173-302-320 Personnel requirements. [Order DE 77-34, § 173-302-320, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-330.
- 173-302-330 Department surveillance. [Order DE 77-34, § 173-302-330, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-340 Financial requirements. [Order DE 77-34, § 173-302-340, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-620.
- 173-302-350 Treater requirements. [Order DE 77-34, § 173-302-350, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-360 Treater applicability. [Order DE 77-34, § 173-302-360, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-370 EHW acceptance. [Order DE 77-34, § 173-302-370, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-380 Treatment criteria. [Order DE 77-34, § 173-302-380, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.
- 173-302-390 Compliance. [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.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

## Chapter 173-531

## WATER RESOURCE PROGRAM FOR THE JOHN DAY-MCNARY POOLS REACH OF THE COLUMBIA RIVER, WRIA 31 AND PARTS OF WRIS 32, 33, 36, AND 37

- 173-531-010 Purpose. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-010, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-010.
- 173-531-020 Definitions. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-020, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-020.
- 173-531-030 Existing water rights protected. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-030, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-030.
- 173-531-040 Reservation for future irrigation use. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-040, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-040.
- 173-531-050 Reservation for municipal use. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-050, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-050.
- 173-531-060 Department to develop an instream resource protection 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.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-060.
- 173-531-070 Department to review regulation. [Statutory Authority: RCW 90.54.040 and 90.54.050. 78-09-015 (Order DE 77-31), § 173-531-070, filed 8/8/78.] Repealed by 80-08-020 (Order DE 80-1), filed 6/24/80. Statutory Authority: RCW 90.54.040 and 90.54.050. Later promulgation, see WAC 173-531A-070.

## Chapter 173-800

## INTEGRATION OF POLICIES AND PROCEDURES OF SEPA INTO THE PROGRAMS OF THE DEPARTMENT OF ECOLOGY

- 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 nonexempt 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 nonexemptions 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. Later promulgation, see WAC 173-801-090.
- 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/nonsignificance. [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 nonproject 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 predraft 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.
- 173-801-040 Effect of SEPA. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-045 Integration of SEPA procedures with other departmental operations. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-050 Designation of responsible official. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-060 Timing. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-070 Summary of information which may be required of a private applicant. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-080 Sensitive areas. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-090 Individuals making SEPA-related determinations. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-100 Threshold determination appeal procedures. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-100, filed 4/4/78. Formerly 173-800-380.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-110 Statute of limitation. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-120 Coordination on combined DOE-federal action. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-120, filed 4/4/78.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-130 Severability. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.

**Chapter 173-801****DEPARTMENT OF ECOLOGY "SEPA" GUIDELINES**

- 173-801-010 Authority. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135. Later promulgation, see chapter 173-802 WAC.
- 173-801-020 Adoption by reference. [Statutory Authority: RCW 43.21C.120. 78-04-090 (Order DE 78-5), § 173-801-020, filed 4/4/78.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.
- 173-801-030 Purpose. [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.] Repealed by 84-13-037 (Order DE 84-21), filed 6/15/84. Statutory Authority: RCW 43.21C.120 and 43.21C.135.

**Chapter 173-805****MODEL ORDINANCE FOR USE IN INTEGRATION OF SEPA GUIDELINES**

- 173-805-010 Policies and authority. [Order DE 76-13, § 173-805-010, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority:

- RCW 43.21C.130. Later promulgation, see WAC 173-806-010.
- 173-805-020 Adoption by reference. [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.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-020, 173-806-065, 173-806-110, 173-806-128, 173-806-150, 173-806-155, 173-806-175, 173-806-180, 173-806-185 and 173-806-230.
- 173-805-030 Additional definitions. [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.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-030.
- 173-805-040 Time limits applicable to the SEPA process. [Order DE 76-13, § 173-805-040, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-055.
- 173-805-050 Environmentally sensitive areas. [Order DE 76-13, § 173-805-050, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-190.
- 173-805-060 Use of exemptions. [Order DE 76-13, § 173-805-060, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-080.
- 173-805-070 Lead agency determination and responsibilities. [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.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-050.
- 173-805-080 Transfer of lead agency status to a state agency. [Order DE 76-13, § 173-805-080, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-053.
- 173-805-090 Environmental checklist. [Order DE 76-13, § 173-805-090, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-090.
- 173-805-100 Preparation of EIS. [Order DE 76-13, § 173-805-100, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-120.
- 173-805-105 Additional elements to be covered in an EIS. [Order DE 76-13, § 173-805-105, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-125.
- 173-805-110 Designation of official to perform consulted agency responsibilities for the city/county. [Order DE 76-13, § 173-805-110, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-140.
- 173-805-115 Designation of responsible official. [Order DE 76-13, § 173-805-115, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-040.
- 173-805-120 (Optional) SEPA public information center. [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.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-200.
- 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.
- 173-805-130 Fees. [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.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-200.
- 173-805-135 Notice/statute of limitations. [Order DE 76-13, § 173-805-135, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-173.
- 173-805-140 Severability. [Order DE 76-13, § 173-805-140, filed 6/8/76.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130. Later promulgation, see WAC 173-806-220.

### Chapter 173-03 WAC PUBLIC RECORDS

#### WAC

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**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 173-04 WAC PRACTICE AND PROCEDURE

### WAC

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

**WAC 173-04-010 Hearings boards.** Appeals from decisions and orders of the department of ecology are under the jurisdiction of the pollution control hearings board. Practice and procedure before the pollution control hearings board is governed by the provisions of chapter 371-08 WAC. Declaratory proceedings under the Shoreline Management Act of 1971 (section 18(4),

chapter 286, Laws of 1971 ex. sess.) are under the jurisdiction of the shorelines hearings board.

[Order DE 71-14, § 173-04-010, filed 9/3/71.]

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

[Order DE 71-14, § 173-04-020, filed 9/3/71.]

### Chapter 173-06 WAC DELEGATION OF POWERS

#### WAC

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

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

173-06-060	NPDES delegation. [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.] Repealed by 80-17-044 (Order DE 80-47), filed 11/19/80. Statutory Authority: RCW 43.21A.090.
173-06-065	NPDES delegation. [Statutory Authority: RCW 43.21A.090. 81-24-033 (Order DE 81-41), § 173-06-065, filed 11/25/81; 81-09-056 (Order DE 81-7), § 173-06-065, filed 4/17/81.] Repealed by 84-20-042 (Order DE 84-39), filed 9/27/84. Statutory Authority: RCW 43.21A.060, 43.21A.080 and 43.21A.090.

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

Among the purposes of assigning these various responsibilities to a single state agency is, as shown by RCW 43.21A.020, the objective of "orderly, efficient and effective" administration of programs relating to the environment. In order to meet this objective, certain delegations of authority are necessary, as contemplated and authorized by RCW 43.21A.090.

[Order DE 71-13, § 173-06-010, filed 9/8/71.]

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

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

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(2) "Director," "deputy director," "executive assistant director," and "assistant director" refer to persons bearing such titles within the department of ecology in accordance with the description of organization set forth in chapter 173-02 WAC.

[Order DE 71-13, § 173-06-020, filed 9/8/71.]

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

(1) To the deputy directors, assistant directors, regional managers, division supervisors and program managers[,] the authority to:

- Issue orders relating to emergency episodes;
- Issue regulatory notices and orders;
- Impose civil penalties;
- Perform departmental functions relating to grants, gifts, loans, bonds, fees and special funds;
- Enter into contracts and appoint personnel;
- Initiate requests for review before shorelines hearings board;
- Issue determinations relating to tax credits or exemptions for pollution control facilities;
- Perform departmental functions relating to adjudication of water rights[:];
- Issue licenses, permits, variances, certificates, and certifications;
- Approve, modify or deny proposals, and plans and specifications required to be submitted to the department.

[2] To the deputy directors, assistant directors, regional managers, division supervisors, program managers and section heads, the authority to approve, modify or deny engineering reports, plans and specifications, or amendments thereto, required to be submitted to the department, provided that a registered professional engineer employed by the department shall provide an evaluation and recommendations on such approvals, modifications or denials.

[Statutory Authority: RCW 43.21A.090. 85-24-019 (Order 85-25), § 173-06-030, filed 11/26/85; Order DE 75-7, § 173-06-030, filed 5/16/75; Order DE 71-13, § 173-06-030, filed 9/8/71.]

**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 173-06-040 Director's powers.** The director may perform all powers, duties and functions within the authority of the department. The delegations set forth in



this chapter shall not preclude the director from exercising any of the powers, duties and functions delegated. In the director's absence, the deputy director may act as director.

[Order DE 71-13, § 173-06-040, filed 9/8/71.]

**WAC 173-06-050 Regulations.** Nothing in this chapter shall be construed as a delegation of authority to adopt, amend or repeal any rule or regulation. The power to adopt, amend or repeal rules or regulations rests with the director, or in his absence, the deputy director.

[Order DE 71-13, § 173-06-050, filed 9/8/71.]

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

**WAC**

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

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

173-08-060	Certification. [Order 74-6, § 173-08-060, filed 5/1/74.] Repealed by Order DE 77-23, filed 12/1/77.
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**WAC 173-08-010 Authority.** This regulation is adopted pursuant to chapter 185, Laws of 1973 1st ex. sess., the Environmental Coordination Procedures Act (ECPA) of 1973; amending section 1, RCW 90.62.010; section 2, RCW 90.62.020; section 4, RCW 90.62.040; section 5, RCW 90.62.050; section 6, RCW 90.62.060; section 8, RCW 90.62.080; section 9, RCW 90.62.090; section 10, RCW 90.62.100; and creating a new section (modification of the proposal).

[Order DE 77-23, § 173-08-010, filed 12/1/77; Order 74-6, § 173-08-010, filed 5/1/74.]

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

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

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

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

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

(5) An opportunity for members of the public to obtain information pertaining to federal and state statutory requirements before undertaking a project.

[Order DE 77-23, § 173-08-020, filed 12/1/77; Order 74-6, § 173-08-020, filed 5/1/74.]

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

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

(3) Board: Pollution control hearings board.

(4) Permit: Any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, use of, or interference with the natural resources of land, air or water in the state. This document must be obtained from a participating agency before constructing or operating a project in the state of Washington. "Permit" shall also mean a substantial development permit under RCW 90.58.140, and any permit required by a local government for a project that a local government has chosen to process under this chapter. In accordance with these definitions of "permit," the issuing agencies respective statutory authorities are as follows:

Department of natural resources

Burning permits – RCW 76.04.150 and 76.04.170

Dumping permits on forest lands –  
RCW 76.04.242

Surface mine reclamation permit –  
RCW 78.44.080

Drilling permit – RCW 78.52.120

Log patrol license – RCW 76.40.030

Forest practices application/notification –  
RCW 76.09.060

Regional air pollution control authorities

New source construction approval  
– RCW 70.94.152

Burning permit – RCW 70.94.650

Burning of field and turf grasses grown for seed  
– RCW 70.94.650

Local government

Substantial development permit – (shoreline management permit) RCW 90.58.140

Any other permit(s) chosen by local government for inclusion

Department of ecology

Surface water rights permit – RCW 90.03.250

Dam safety approval – RCW 90.03.350

Reservoir permit – RCW 90.03.370

Approval of change of place or purpose of use or point of diversion – RCW 90.03.380, surface water code; RCW 90.44.100, ground water code

Ground water permit – RCW 90.44.050

New source construction – approval

RCW 70.94.152

Burning of field and turf grasses grown for seed  
– RCW 70.94.650

Flood control zone permit – RCW 86.16.080

Waste discharge permit – RCW 90.48.180

NPDES permit – chapter 173-220 WAC

Sewage and industrial waste treatment facilities  
approval – RCW 90.48.110

Weather modification permit – RCW 43.37.110

Water quality certification – RCW 90.48.160

#### Department of fisheries

Hydraulic project approval – RCW 75.20.100

Salmon aquaculture permit – RCW 75.16.100

Mechanical harvest permit – RCW 75.28.287

#### Parks and recreation commission

Park and recreation facilities, state parks approval  
– RCW 53.08.270

Safe and adequate port district skilift facilities  
and equipment certification  
– RCW 70.88.020

Permits for volunteer improvement of state parks  
– RCW 43.51.130

#### Department of game

Hydraulic project approval – RCW 75.20.100

#### Department of social and health services

Public sewage – chapter 248-92 WAC

Public water supplies – chapter 248-54 WAC

#### Department of agriculture

Rendering plant operation – RCW 16.68.040

(5) Project: Any new activity, or any expansion of or addition to an existing activity, fixed in location, for which one or more permits are required before construction or operation. Permits would need to be required from two or more state agencies or one or more state agencies and one or more local governments, if the local government is processing permits or requests for variances, rezones, or other permits under this act. Such construction or operation may include, but need not be limited to, industrial and commercial operations and developments. For the purposes of this section, plans and specifications submitted for a hydraulic project, or other work, to the departments of fisheries and game, under RCW 75.20.100, shall be considered an application for a permit required by one state agency.

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

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

(8) State agency: Any state department, commission, board or other agency of the state however titled. For the limited purposes of this chapter only "state agency" shall also mean: (a) Any local or regional air pollution

control authority established under chapter 70.94 RCW; and (b) any local government, when said government is acting in its capacity as a decision maker on an application for a substantial development permit pursuant to RCW 90.58.140.

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

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

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

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

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

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

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

(16) SEPA: The State Environmental Policy Act.

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

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

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

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

(21) De novo quasi judicial hearing: A hearing held according to the Administrative Procedure Act, chapter 34.04 RCW.

[Order DE 77-23, § 173-08-030, filed 12/1/77; Order 74-6, § 173-08-030, filed 5/1/74.]

**WAC 173-08-040 Master application form.** The department shall supply a master application form to counties and department regional offices for applicants using this program. No other form shall be acceptable for the master application procedure.

[Order DE 77-23, § 173-08-040, filed 12/1/77; Order 74-6, § 173-08-040, filed 5/1/74.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

absence of a public hearing prior to issuance of the final permit decisions.

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

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

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

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

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

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

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

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

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

- (a) Master application;
- (b) Permit applications;
- (c) Public notices;
- (d) Project description, as modified or amended during the procedures of this chapter;
- (e) Environmental checklist;
- (f) Draft and final environmental impact statements, including written comments received during the draft review period;
- (g) All other written environmental investigations and studies;
- (h) All correspondence on the project, sent from or received by the center during these procedures;
- (i) Hearing transcript;
- (j) Written comments from the hearing;
- (k) All other pertinent documents submitted in evidence during the ECPA procedures.

(12) When received by the center, the final decisions shall be compiled, without being modified, into one document. This assembled document shall then be given to the applicant personally or sent by registered mail.

[Order DE 77-23, § 173-08-050, filed 12/1/77; Order 74-6, § 173-08-050, filed 5/1/74.]

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

- (1) A participating agency proposes modifications which require submitting a new application for a permit;
- (2) An applicant proposes modifications which require a new permit within the scope of this chapter and the center agrees or a majority of the participating agencies agree;
- (3) An applicant's proposed modification requires resubmittal of an application for a permit on file and the center agrees or a majority of the participating agencies agree.

[Order DE 77-23, § 173-08-065, filed 12/1/77.]

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

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

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

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

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

Any person aggrieved by and desiring to appeal any final decision of a local government, issued through the provisions of this chapter, shall obtain review in the same manner which would apply if the local government had not used the procedures of this chapter.

[Order DE 77-23, § 173-08-070, filed 12/1/77.]

**Chapter 173-10 WAC**

**PERMIT PROCESSING PROCEDURE APPLICABLE TO TWO OR MORE PERMIT PROGRAMS**

**WAC**

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

**WAC 173-10-010 Authority.** This regulation is adopted pursuant to the Environmental Coordination Procedures Act of 1973, in particular, RCW 90.62.110(3).

[Order DE 75-26, § 173-10-010, filed 11/7/75.]

**WAC 173-10-020 Purpose.** RCW 90.62.110(3) authorizes the director of the department of ecology to establish a permit application processing procedure which may be used, at the request of an applicant, in relation to two or more permit programs administered solely by the department of ecology consistent with the policies of the Environmental Coordination Procedures Act contained in RCW 90.62.010.

[Order DE 75-26, § 173-10-020, filed 11/7/75.]

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

(1) "Department" means department of ecology.

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

(3) "NPDES permit" means a permit issued by the department pursuant to RCW 90.48.260 and WAC 173-220-020, as a part of the National Pollutant Discharge Elimination System, (NPDES) created by section 402 of the Federal Water Pollution Control Act (FWPCA), for the discharge of pollutants from point sources into waters of the state and the United States.

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

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

(5) "Project" means any new activity or any expansion of or addition to an existing activity, fixed in location, for which two or more permits are required from the department prior to construction or operation, including but not limited to industrial and commercial operations and developments.

[Order DE 75-26, § 173-10-030, filed 11/7/75.]

**WAC 173-10-040 Single application form.** A single application form shall be supplied by the department for applicants making use of the procedures of this chapter: *Provided*, That when an NPDES permit is included among the permits applied for, the applicant choosing to

utilize the procedures of this chapter shall complete both a single application and a special NPDES application.

[Order DE 75-26, § 173-10-040, filed 11/7/75.]

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

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

- (a) Name, address, phone number, and representative of agency issuing the public notice;
- (b) Name and address of the applicant;
- (c) The proposed project including its location; and
- (d) Permits applied for.

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

(4) All written comments submitted by members of the public during the 30-day comment period shall be retained by the department and considered in the formulation of its final determinations with respect to the application. The period for comment may, at the discretion of the department, be extended for up to an additional period of 60 days.

[Order DE 75-26, § 173-10-050, filed 11/7/75.]

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

[Order DE 75-26, § 173-10-060, filed 11/7/75.]

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

(2) If, at any time, or after taking into consideration opportunities for members of the public to present views,

the department concludes that the public interest so requires, the department shall hold a public hearing relative to the proposed project.

(3) At any public hearing, the applicant may submit any relevant information and material in support of his applications, and members of the public may present relevant views and supporting materials in relation to any or all of the permits being applied for.

[Order DE 75-26, § 173-10-070, filed 11/7/75.]

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

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

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

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

(b) Time of the public hearing (to be held not less than 20 days after the date of last publication of the notice).

[Order DE 75-26, § 173-10-080, filed 11/7/75.]

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

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

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

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

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

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

(4) Within 60 days after receipt of a properly completed single application, the permit coordinator shall

notify the applicant in writing of the status of the application, providing as a minimum, the following information:

- (a) Whether a public hearing is required;
- (b) Any requirements which must be satisfied relating to detailed statements under RCW 43.21C.030;
- (c) Whether additional information is required from the applicant; and
- (d) The anticipated decision deadline.

The status letter shall be signed by a regional manager or division supervisor.

[Order DE 75-26, § 173-10-090, filed 11/7/75.]

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

(2) As soon as all final decisions have been made by the department for all permits covered under a single application, the department shall incorporate them into one document and transmit the same to the applicant either personally or by certified mail. Included as part of the document shall be a summary cover sheet prepared in a manner prescribed by the director.

[Order DE 75-26, § 173-10-100, filed 11/7/75.]

**WAC 173-10-110 Appeal.** Any person aggrieved by any decision of the department made pursuant to this chapter may appeal that decision to the board according to the procedures of RCW 90.62.080.

[Order DE 75-26, § 173-10-110, filed 11/7/75.]

**Chapter 173-12 WAC  
GENERAL PROCEDURE**

<b>WAC</b>	
173-12-010	Purpose.
173-12-020	Scope of directions—Requests for advice and guidance.
173-12-030	Requests of the director for advice and guidance.
173-12-040	Ecological commission submission of views.
173-12-050	Adoption of regulations.
173-12-060	Meetings.

**WAC 173-12-010 Purpose.** The ecological commission, hereinafter referred to as the commission, was established to provide advice and guidance to the director of the department of ecology on various matters before action is taken by the director. The purpose of this regulation is to set forth the relationship between the director and the ecological commission with regard to such advice and guidance and the procedures to be followed by the director in requesting advice and guidance and by the members of the commission in responding with their views.

[Order DE 70-11, § 173-12-010, filed 1/5/71.]

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

[Order DE 70-11, § 173-12-020, filed 1/5/71.]

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

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

Whenever practicable the director shall, pursuant to RCW 34.04.025, hold public hearings relating to a regulation proposed for adoption in conjunction with meetings of the ecological commission. If no public hearings are held in relation to a regulation, other than one relating to an emergency, proposed for adoption, the director shall, whenever practicable, furnish the data, views and other written material provided to the director by interested persons prior to the date of submission of views by the commissioners.

[Order 71-10, § 173-12-030, filed 8/4/71; Order DE 70-11, § 173-12-030, filed 1/5/71.]

**WAC 173-12-040 Ecological commission submission of views.** Each member of the commission shall submit his views separately and in writing with regard to each request for advice and guidance as provided in WAC 173-12-030. Whenever possible a commissioner shall submit his views to the director on the form provided by the director under WAC 173-12-030. Commissioners shall submit their views to the secretary of

the commission at his office in Olympia. If the secretary is someone other than the director, the secretary, upon receiving the views of a commissioner, shall forthwith deliver the same to the director. The secretary of the commission shall be responsible for maintaining a register containing a full and complete file of all relevant documents pertaining to each request for advice and guidance of the director.

[Order DE 70-11, § 173-12-040, filed 1/5/71.]

**WAC 173-12-050 Adoption of regulations.** Except as hereafter provided in this section, the director shall not adopt a regulation, other than those pertaining to procedural matters, until thirty days after the director's request for views of the commissioners: *Provided, however,* That whenever a regulation is designated by the director as an emergency regulation, the director may adopt said regulation as soon as he has received views of at least three commissioners generally approving the regulation as proposed by the director.

[Order 71-10, § 173-12-050, filed 8/4/71; Order DE 70-11, § 173-12-050, filed 1/5/71.]

**WAC 173-12-060 Meetings.** Regular meetings of the commission shall be held quarterly on the second Wednesday of March, June, September, and December at 9:30 a.m. at a location to be designated by the commission. Any person may obtain information as to said location by contacting the secretary of the commission at the offices of the department of ecology, Olympia, Washington.

[Order DE 72-16, § 173-12-060, filed 6/30/72.]

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

#### WAC

173-14-010	Authority.
173-14-020	Purpose.
173-14-030	Definitions.
173-14-040	Developments exempt from substantial development permit requirement.
173-14-050	Application of the permit system to substantial development undertaken prior to the act.
173-14-055	Nonconforming development standards.
173-14-060	Time requirements of permit.
173-14-062	Applicability of permit system to federal agencies.
173-14-064	Revisions to 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.
173-14-155	Minimum standards for conditional use and variance permits.
173-14-170	Requests for review.

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173-14-174	Certification of requests for review.
173-14-180	Regulatory orders by local government or the department.

#### 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.
173-14-190	Hearings on regulatory orders. [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.] Repealed by 81-04-027 (Order DE 80-42), filed 2/2/81. Statutory Authority: Chapters 90.22 and 90.54 RCW.

**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) "Act" means chapter 286, Laws of 1971 ex. sess., chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;

(2) "Applicable master program" means 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;

(3) "Average grade level" means 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;

(4) "Conditional use" means a use or development which is classified as a conditional use or is not classified within the applicable master program and development exceeds two thousand five hundred dollars in total cost or fair market value or materially interferes with the normal public use of the water or shorelines of the state;

(5) "Department" means the department of ecology;

(6) "Exempt" developments are those set forth in WAC 173-14-040 which do not meet the definition of substantial development under RCW 90.58.030 (3)(e);

(7) "Fair market value" of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project;

(8) "Final order" includes the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115;

(9) "Height" is measured from average grade level to the highest point of a structure: *Provided*, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines, or the applicable master program provides otherwise: *Provided further*, That temporary construction equipment is excluded in this calculation;

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

(11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

(12) "Party of record" includes all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-14-070;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of

transmittal for mailed items is the date that the department's final order is certified for mailing or, for hand-delivered items, is the date of receipt at the destination; and

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

(19) The definitions and concepts set forth in RCW 90.58.030 also apply as used herein.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-030, filed 5/23/86. 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 Developments exempt from substantial development permit requirement.** (1) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state.

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment;

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead is constructed at or near the ordinary high water mark to protect a single family residence and is for protecting land from erosion, not for the purpose of creating land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;

(d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter;

(e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, construction of a barn or similar agricultural structure, 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;

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

(g) 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. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the perimeter of a marsh, bog, or swamp. On a state-wide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; and grading which does not exceed two hundred fifty cubic yards (except to construct a conventional drainfield). Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) 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.

(i) 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;

(j) 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;

(k) 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; and

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

(2) Exemptions shall be construed narrowly.

(3) Exempted developments authorized by local government shall be consistent with the policies and provisions of the act and the applicable master program.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-040, filed 5/23/86. Statutory Authority: RCW 90.58-.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-040, filed 4/15/85. 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 173-14-055 Nonconforming development standards.** Where nonconforming development standards do not exist in the applicable master program, the following definitions and standards shall apply:

(1) "Nonconforming development" means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program or policies of the act;

(2) Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity;

(3) A nonconforming development which is moved any distance must be brought into conformance with the applicable master program and the act;

(4) If a nonconforming development is damaged to an extent not exceeding seventy-five percent replacement cost of the original structure, it may be reconstructed to

those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage;

(5) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;

(6) A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed; and

(7) An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act and the applicable master program but which does not conform to the present lot size or density standards may be developed so long as such development conforms to other requirements of the applicable master program and the act.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-055, filed 5/23/86.]

**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 the running of the five-year period shall not include 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, and: *Provided further*, 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. 80-04-027 (Order DE 80-9), § 173-14-060, filed 3/18/80; 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 permits.** When an applicant seeks to revise a 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" means all of the following:

(a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height of each structure may be increased a maximum of ten percent from the provisions of the original permit;

(c) Additional separate structures may not exceed a total of two hundred fifty square feet;

(d) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under the original permit;

(e) Additional landscaping is consistent with conditions (if any) attached to the original permit and with the applicable master program;

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

(g) No substantial adverse environmental impact will be caused by the project revision.

(3) If the sum of the revision and any previously approved revisions under WAC 173-14-064 violate the provisions in WAC 173-14-064(2) above, local government shall require that the applicant apply for a new permit in the manner provided for herein.

(4) Within eight days of the date of final local government action, the revision including the revised site plan, text and the final ruling on consistency with this section shall be filed with the department and the attorney general. In addition, local government shall notify parties of record of their action.

(5) If the revision to the original permit involves a conditional use or variance which was conditioned by the department, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial. The revision shall indicate that it is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(6) The revised permit is effective immediately upon final action by local government or, when appropriate under WAC 173-14-064(5), by the department.

(7) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within thirty days from the date of receipt of the local government's action by the department or, when appropriate under WAC 173-14-064(5), the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with 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 is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-064, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-064, filed 4/15/85. 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.** A final action by local government on an application for a permit, whether it be an approval or denial, or a revision shall be filed with the department and attorney general. A "final action" is that order or ruling, whether it be an approval or denial, which is established after local administrative appeals related to the permit have lapsed. 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 department and attorney general within eight days of the local government final action on a permit. Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

Filing is not complete until the required documents have been received by the department and by the attorney general. This same rule shall apply to conditional uses, variances, rescissions and revisions of permits. If the filing is determined by the department to be incomplete, the department will identify the deficiencies and so notify local government and the applicant in writing. If the requested materials are not received by the department within thirty days of notification, the permit will be returned to local government for completion and resubmittal.

"Date of filing" of a local government final action involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, is the date of actual receipt of a completed filing by 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" means the date the department's final order 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: Chapter 90.58 RCW, 86-12-011 (Order 86-06), § 173-14-090, filed 5/23/86. Statutory Authority: RCW 90.58-.030, 90.58.120 and 90.58.200, 85-09-043 (Order DE 85-05), § 173-14-090, filed 4/15/85. 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  
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- 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) -----  
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- 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:)  
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- 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 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, The guidelines of the Department of Ecology where no master program has been finally approved or adopted by the department, The master program.

(Date)

(Signature of Authorized Local Governmental Official)

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-115, filed 4/15/85. 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:

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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:

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(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 department for the department's approval, approval with conditions, or denial. When the department intends to conditionally approve a conditional use or a variance permit, the department shall notify the local government of its intention and the nature of the conditions prior to rendering

its final decision. 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: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-130, filed 5/23/86. Statutory Authority: RCW 90.58-030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-130, filed 4/15/85. 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 varying the application of 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 is 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 is compatible with other permitted uses within the area;

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

(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) Uses which are specifically prohibited by the master program may not be authorized.

(4) 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 shall also remain consistent with the policies of RCW 90.58.020 and shall



not produce substantial adverse effects to the shoreline environment.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-140, filed 5/23/86. Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-140, filed 2/2/81. 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 from 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 will 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 shall 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 use of the property not otherwise prohibited by the master program;

(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 is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment;

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

(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 under 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 use of the

property not otherwise prohibited by the master program;

(b) That the proposal is consistent with the criteria established under (2)(b) through (e) of this section; and

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(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 shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

(5) Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses. Such requests shall be evaluated using the criteria set forth in WAC 173-14-140.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-150, filed 5/23/86. Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-150, filed 2/2/81. 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 173-14-155 Minimum standards for conditional use and variance permits.** Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-14-140 and 173-14-150 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where it exists in approved and adopted master programs.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-155, filed 2/2/81.]

**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 may 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.

(3) A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-180, filed 5/23/86. Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-180, filed 2/2/81. 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.]

## Chapter 173-15 WAC

### PERMITS FOR OIL OR NATURAL GAS EXPLORATION ACTIVITIES CONDUCTED FROM STATE MARINE WATERS

#### WAC

173-15-010	Authority and purpose.
173-15-020	Definitions.
173-15-030	Exploration activity permit system.
173-15-040	Penalties.

**WAC 173-15-010 Authority and purpose.** These rules are promulgated pursuant to RCW 90.58.550(6) for the purpose of establishing the basic requirements for the exploration activity permit system.

[Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138, 84-01-028 (Order DE 83-35), § 173-15-010, filed 12/12/83.]

[Title 173 WAC—p 34]

**WAC 173-15-020 Definitions.** The following definitions shall apply:

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

(2) "Exploration activity" means reconnaissance or survey work related to gather information about geologic features and formations underlying or adjacent to marine waters. Such activities include sonic, ultrasonic, seismic, sparker, side-scan sonar, infrared, heat sensor, chemical analysis (sniffer), or other remote sensing techniques which do not disturb the surface of the aquatic lands, as well as drilling, core sampling, or other exploratory techniques which penetrate the beds underlying or adjacent to marine waters.

(3) "Marine waters" includes the waters of Puget Sound north to the Canadian border, the waters of the Strait of Juan de Fuca, the waters between the western boundary of the state and the ordinary high water mark, and related bays and estuaries. RCW 90.58.550 (1)(b).

(4) "Normal public use of the marine waters of the state" means those activities generally enjoyed by members of the public including, but not limited to, recreation, fishing (commercial and sports), navigation and commerce.

(5) "Vessel" includes ships, boats, barges, or any other floating craft. RCW 90.58.550 (1)(c).

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

(7) "Person" means any individual, public or private corporation, agency, or other entity whatsoever, except for state or federal agencies.

[Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138, 84-01-028 (Order DE 83-35), § 173-15-020, filed 12/12/83.]

**WAC 173-15-030 Exploration activity permit system.** The permit system established by RCW 90.58.550 shall be as follows:

(1) Applicability.

(a) A person desiring to perform oil or natural gas exploration activities by vessel located on or within marine waters of the state shall first obtain a permit from the department.

(b) An exploration activity permit obtained under (a) of this subsection shall be the sole permit required to be obtained for exploration activity under chapter 90.58 RCW.

(c) Except as provided in (b) of this subsection, nothing herein shall modify any powers of local governments set forth in chapter 90.58 RCW.

(2) Exploration activity permit application.

(a) Applications for an exploration activity permit shall be supplied by the department.

(b) Applications shall be filed with the Shorelands Division, Department of Ecology, Headquarters Office, Olympia, WA 98504.

(c) No application shall be processed until it is deemed complete by the department.

(d) Each application for an exploration activity permit shall be accompanied by a completed environmental checklist as provided in Title 197 WAC.

(3) Processing of complete application.

(1986 Ed.)

(a) A complete application will be forwarded to state natural resource management agencies and local governments and Indian tribes affected by the proposed exploration activity.

(b) Comments will be requested regarding the proposed exploration activity and its compatibility with the criteria established under RCW 90.58.550(2). Normally, reviewing agencies will be allowed fifteen days, from receipt of the application as provided by the department, in which to submit comments to the department.

(4) Public notice.

(a) Upon receipt of a completed application, the department shall instruct the applicant to publish notice thereof.

(b) Notices of the proposed exploration activity shall be published in the newspaper of the largest general circulation within each of the counties in which the activity is proposed.

(c) Any person wishing to express views on the proposed exploration activity will be given fifteen days to comment to the department.

(d) All notices of applications for exploration activity permits shall contain, as a minimum, the information called for in the following form:

Notice of Application for  
Exploration Activity Permit

Notice is hereby given that (company name or institution) has filed an application for an exploration activity permit for oil and/or natural gas survey and reconnaissance work in (list major bodies of water)

The exploration activity consists of (describe survey gear, vessel, and other equipment in sufficient detail to inform public of the nature of the operation)

The exploration activity is proposed to commence on (date) and end (date).

Any person desiring to express views or to be notified of the action taken on this application should notify the department of ecology in writing of his/her interest within fifteen days of the final date of publication of this notice which is (date). Written comments should be mailed or delivered to the Washington Department of Ecology, Shorelands Division, Mail Stop PV-11, Olympia, WA 98504, (206) 459-6272. Comment period deadline is (date).

(e) An affidavit that the notice has been properly published pursuant to this section shall be provided to the department by the applicant.

(5) Public hearing. A public hearing on the proposed exploration activity permit will be held by the department if it determines, upon consideration of such factors as location, timing, duration, method of operation, and public comments, that a hearing would assist it in implementing the intent of RCW 90.58.550(2).

(6) Department exploration activity permit decision.

(a) The department will approve an exploration activity permit application if it determines that the proposed

activity meets the criteria set forth in RCW 90.58.550(2). Exploration activities may not:

(i) Interfere materially with the normal public uses of the marine waters of the state;

(ii) Interfere with activities authorized by a permit issued under RCW 90.58.140(2);

(iii) Injure the marine biota or other fish and wildlife, beds, or tidelands of the waters;

(iv) Violate water quality standards established by the department;

(v) Create a public nuisance; or

(vi) Conflict with a shoreline master program approved by the department under RCW 90.58.090 or 90.58.190.

(b) The department, as lead agency, will comply with the provisions of the State Environmental Policy Act as governed by the procedures established under chapter 43.21 RCW and its implementing rules.

(c) No application for an exploration activity permit shall be approved by the department under this section which relates to surface drilling for oil or gas in the waters of Puget Sound north to the Canadian boundary or the Strait of Juan de Fuca seaward of the ordinary high water mark. RCW 90.58.160.

(7) Exploration activity permit terms and conditions.

(a) The department shall place terms and conditions in the exploration activity permit as necessary to assure that the permitted activity meets the requirements of RCW 90.58.550(2).

(b) Such terms and conditions may include but are not limited to:

(i) Geographic limits on the area of operation;

(ii) Timing of the operation;

(iii) Limitations on hours of operation;

(iv) Placement of on-board observers;

(v) Use of lead boats;

(vi) Insurance or bond; and/or

(vii) Fishermen (or other users group) notification procedures.

(8) Modifications of exploration activity permits. When a permittee seeks to modify an exploration activity permit, detailed maps/charts and text describing the nature of the modification shall be submitted to the department. Modifications to the permit may be made by the department when the department determines that such changes are of a minor nature.

(9) Request for review. All requests for review of any final permit decision under RCW 90.58.550(2) and these rules are governed by the procedures established in chapter 43.21B RCW and its implementing rules.

[Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138. 84-01-028 (Order DE 83-35), § 173-15-030, filed 12/12/83.]

**WAC 173-15-040 Penalties.** Any person violating RCW 90.58.550, or the provisions of these rules, is subject to a civil penalty issued by the department in an amount of up to five thousand dollars a day. See RCW 90.58.560 (1) and (2).

[Statutory Authority: RCW 90.58.550, 90.58.560 and 1983 c 138. 84-01-028 (Order DE 83-35), § 173-15-040, filed 12/12/83.]

## Chapter 173-16 WAC

SHORELINE MANAGEMENT ACT GUIDELINES  
FOR DEVELOPMENT OF MASTER PROGRAMS

## WAC

173-16-010	Purpose.
173-16-020	Applicability.
173-16-030	Definitions.
173-16-040	The master program.
173-16-050	Natural systems.
173-16-060	The use activities.
173-16-070	Variations and conditional uses.
173-16-200	Appendix.

**WAC 173-16-010 Purpose.** This regulation is adopted pursuant to chapter 90.58 RCW, in order to:

(1) Serve as standards for implementation of the policy of chapter 90.58 RCW for regulations of uses of the shorelines; and

(2) Provide criteria to local governments and the department of ecology in developing master programs.

[Order DE 72-12, § 173-16-010, filed 6/20/72 and 7/20/72.]

**WAC 173-16-020 Applicability.** The provisions of this chapter shall apply state-wide to all shorelines and shorelines of state-wide significance as defined in chapter 90.58 RCW and WAC 173-16-030.

[Order DE 72-12, § 173-16-020, filed 6/20/72 and 7/20/72.]

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

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

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

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

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

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

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

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

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

(9) "Master program" means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive

material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of the act.

(10) "Ordinary high-water mark" means the mark on all lakes, streams, and tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

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

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

(a) Shorelines of state-wide significance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Those wetlands associated with (a), (b), (d), and (e) of this subsection.

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

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

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

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

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

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

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

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

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

(17) "Wetlands" or "wetland areas" means those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high-water mark and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of the act.

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-16-030, filed 4/15/85; Order DE 72-12, § 173-16-030, filed 6/20/72 and 7/20/72.]

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

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

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

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

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

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

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

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

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

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

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

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

Though the department recognizes various forms of citizen involvement as viable approaches for involving the public in the master program, the local government will be encouraged to utilize the method as suggested in these guidelines. If a local government does not follow these guidelines, it should provide an explanation of the method used. The department will be available to explain and help organize the suggested approach to citizen involvement upon request.

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

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

- (i) Studying existing public policies related to shorelines.
- (ii) Defining the needs to satisfy local demands for shorelines.
- (iii) Studying the type and condition of local shorelines relative to needs.
- (iv) Developing goals and policies for the master program with the local government fulfilling the specifications of the master program, including designation of the environments.
- (v) Identifying use conflicts.
- (vi) Proposing alternatives for the use of shorelines.
- (vii) Examining the effects of the master program on the environment.

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

- (i) Public notice (as stated in subsection 1 below) must be provided seven days prior to the evening meeting.
- (ii) All meetings must be open to the public for free discussion.
- (iii) Meetings should be held in the evening at a location accessible to the general public.
- (iv) Record of all meetings should be filed with the local government and made available to the public.

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

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

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

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

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

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

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

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

(d) Publicity of the master program should utilize:

- (i) Public notice postings as per subsection (i) below.
- (ii) Newsletter.
- (iii) Radio, T.V. and local news media.
- (iv) A local paper of general circulation.
- (v) Announcements to community groups.

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

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

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

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

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

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

(i) Public notice shall include:

- (i) Reference to the authority under which the rule is proposed.
- (ii) A statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(iii) The time, place and manner in which interested persons may present their views thereon (as stated in RCW 30.04.025 [34.04.025]).

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

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

The following methodology for developing policy statements is recommended:

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

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

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

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

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

The plan elements are:

(a) Economic development element for the location and design of industries, transportation facilities, port

facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations.

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

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

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

(d) Shoreline use element for considering:

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

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

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

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

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

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

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

This system is designed to encourage uses in each environment which enhance the character of that environment. At the same time, local government may place reasonable standards and restrictions on development so

that such development does not disrupt or destroy the character of the environment.

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

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

(a) The basic concept for using the system is for local governments to designate their shorelines into environment categories that reflect the natural character of the shoreline areas and the goals for use of characteristically different shorelines. The determination as to which designation should be given any specific area should be made in the following manner:

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

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

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

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

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

The main emphasis of regulation in these areas should be on natural systems and resources which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore, activities which may degrade the actual or potential value of this environment

should be strictly regulated. Any activity which would bring about a change in the existing situation would be desirable only if such a change would contribute to the preservation of the existing character.

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

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

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

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

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

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

The rural environment is intended for those areas characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. Hence, those areas that are already used



for agricultural purposes, or which have agricultural potential should be maintained for present and future agricultural needs. Designation of rural environments should also seek to alleviate pressures of urban expansion on prime farming areas.

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

Public recreation facilities for public use which can be located and designed to minimize conflicts with agricultural activities are recommended for the rural environment. Linear water access which will prevent overcrowding in any one area, trail systems for safe nonmotorized traffic along scenic corridors and provisions for recreational viewing of water areas illustrate some of the ways to ensure maximum enjoyment of recreational opportunities along shorelines without conflicting with agricultural uses. In a similar fashion, agricultural activities should be conducted in a manner which will enhance the opportunities for shoreline recreation. Farm management practices which prevent erosion and subsequent siltation of water bodies and minimize the flow of waste material into water courses are to be encouraged by the master program for rural environments.

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

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

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

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

access points ought to be linked to nonmotorized transportation routes, such as bicycle and hiking paths.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for nonmotorized access to the shorelines.

[Order DE 72-12, § 173-16-040, filed 6/20/72 and 7/20/72.]

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

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

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

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

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

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

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

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

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

the intertidal zone. The subtidal zone is characterized by less stressful tidal influences but is subject to the forces of waves and currents which affect the distribution and kinds of organisms in this zone.

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

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

(2) Spits and bars. Spits and bars are natural formations composed of sand and gravel and shaped by wind and water currents and littoral drifting. Generally a spit is formed from a headland beach (tall cliff with a curved beach at the foot) and extends out into the water (hooks are simply hookshaped spits). While spits usually have one end free in open water, bars generally are attached to land at both ends. These natural forms enclose an area which is protected from wave action, allowing life forms such as shellfish, to reproduce and live protected from the violence of the open coast. (See WAC 173-16-060(16).)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This may cause considerable damage downstream even in areas already given some flood protection. In unprotected flood plains, land-use regulations must be applied to provide an adequate open corridor within which the effects of bank erosion, channel shifts and increased runoff may be contained. Obviously, structures

which must be built on a flood plain should be of a design to allow the passage of water and, wherever possible, permanent vegetation should be preserved to prevent erosion, retard runoff, and contribute to the natural beauty of the flood plain.

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

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

Puget Sound waters are rich in nutrients and support a wide variety of marine fish and shellfish species. An estimated 2,820 miles of stream are utilized by anadromous fish for spawning and rearing throughout the area. Some of these fish are chinook, coho, sockeye, pink and chum salmon, steelhead, searun cutthroat and Dolly Vardon trout. All these fish spend a portion of their lives in the saltwaters of Puget Sound and the Pacific Ocean before returning to streams of origin to spawn. The juveniles of these fish spend varying amounts of time in the shore waters of the area before moving to sea to grow to maturity. Aquaculture or sea farming is now in the process of becoming reality in the Puget Sound complex. The mass production of seaweed, clams, geoducks, scallops, shrimp, oysters, small salmon, lobsters and other possibilities looms as an important new industry. Shoreline management is particularly crucial to the success of sea farming. Aquaculture on any scale can be compatible and coexist with maritime shipping and shoreland industrial activities only be careful planning and regulation.

The shoreline resources of Puget Sound include few beach areas which are not covered at high tide. Bluffs ranging from 10 to 500 feet in height rim nearly the entire extent of the Sound making access to beach and intertidal areas difficult. Because of the glacial-till composition of these bluffs, they are susceptible to fluvial and marine erosion and present constant slide hazards. Although Puget Sound is protected from the direct influence of Pacific Ocean weather, storm conditions can

created very turbulent and sometimes destructive wave action. Without recognizing the tremendous energy contained in storm waves, development of shoreline resources can be hazardous and deleterious to the resource characteristics which make Puget Sound beaches attractive. (WAC 173-16-060 (11), (12), (13).)

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

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

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

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

[Order DE 72-12, § 173-16-050, filed 6/20/72 and 7/20/72.]

**WAC 173-16-060 The use activities.** This section contains guidelines for the local regulation of use activities proposed for shorelines. Each topic, representing a

specific use or group of uses, is broadly defined and followed by several guidelines. These guidelines represent the criteria upon which judgments for proposed shoreline developments will be based until master programs are completed. In addition, these guidelines are intended to provide the basis for the development of that portion of the master program concerned with the regulation of such uses.

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

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

It should be noted that there are several guidelines for certain activities which are not explicitly defined in the shoreline act as developments for which substantial development permits are not required (for example, the suggestion that a buffer of permanent vegetation be maintained along water bodies in agriculture areas.) While such activities generally cannot be regulated through the permit system, it is intended that they be dealt with in the comprehensive master program in a manner consistent with policy and intent of the Shoreline Act. To effectively provide for the management of the shorelines of the state, master programs should plan for and foster all reasonable and appropriate uses as provided in RCW 90.58.020.

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

(1) Agricultural practices. Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in the fragile shoreline areas. Also, large quantities of mineral and organic sediments enter water bodies through surface erosion when proper

land management techniques are not utilized. Guidelines:

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

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

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

(2) Aquaculture. Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. This activity is of state-wide and national interest. Properly managed, it can result in long term over short term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.

Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. The technology associated with present-day aquaculture is still in its formative stages and experimental. Local shoreline master plans should therefore recognize the necessity for some latitude in the development of this emerging economic water use as well as its potential impact on existing uses and natural systems.

(a) Guidelines:

(i) Aquacultural activities and structures should be located in areas where the navigational access of upland owners, recreational boaters and commercial traffic is not significantly restricted.

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

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

(iv) Certain aquacultural activities are of state-wide interest and should be managed in a consistent manner state-wide. Local master program development and administration should therefore seek to support state aquaculture management programs as expressed in state laws, regulations, and established management plans. State management programs should seek to determine

and accommodate local environmental concerns. To facilitate state-local coordination, the department will encourage state agencies to develop specific resource management plans and to include participation of local shoreline agencies.

(v) Shellfish resources and conditions suitable for aquaculture only occur in limited areas. The utility and productivity of these sites is threatened by activities and developments which reduce water quality such as waste discharges, nonpoint runoff and disruption of bottom sediments. Proposed developments and activities should be evaluated for impact on productive aquaculture areas. Identified impacts should be mitigated through permit conditions and performance standards.

(vi) Aquaculture is a preferred, water-dependent use. Water surface, column, and bedland areas suitable for aquaculture are limited to certain sites. These sites are subject to pressures from competing uses and degradation of water quality. The shoreline program is intended to provide a comprehensive land and water use plan which will reduce these conflicts and provide for appropriate uses. Therefore, a special effort should be made through the shoreline management program to identify and resolve resource use conflicts and resource management issues in regard to use of identified sites.

(b) Implementation of WAC 173-16-060 (2)(a)(vi):

(i) Within one month of the effective date of this regulation, the department of ecology shall notify each local jurisdiction in which major subtidal clam or geoduck beds have been identified by the department of fisheries that a program update will be required. The department of ecology shall provide maps showing the general location of each jurisdiction's major subtidal clam and geoduck beds. The department shall also provide information on subtidal clam and geoduck harvesting techniques, environmental impacts, mitigation measures, and guidance on format and issue coverage for submittal of proposed amendments.

(ii) Each local jurisdiction with identified major beds shall evaluate the application of its shoreline master program to commercial use of the identified beds. Where necessary, amendments to the master program shall be prepared to better address management and use of the beds. For example, such amendments may be necessary to address newly identified concerns, to coordinate with state-wide interests, or to bring policies into conformance with current scientific knowledge.

(iii) Within four months of notification under WAC 173-16-060 (2)(b)(i), each affected jurisdiction shall submit a progress report to the department. This report shall outline the procedure which will be used to comply with WAC 173-16-060 (2)(b)(ii) and an assessment of the need for coastal zone management financial assistance.

(iv) Within thirteen months of notification by the department under WAC 173-16-060 (2)(b)(i), each affected local government shall submit to the department for approval all portions of the shoreline management master program affecting use of the identified sites for shellfish management. Submittals shall include relevant

existing master program elements proposed to be retained as well as program additions. Explanation shall be submitted to the department for any use designations or management standards which would prohibit or prevent use of identified sites.

(v) The department, in considering local program submittals, will consider the advice of the state departments of fisheries and natural resources, other interested local, state, and federal agencies, and interest groups pertaining to the scientific basis, sufficiency, and practicality of proposed standards and use regulations.

(vi) The department may postpone notification under (i) above for those subtidal clam and geoduck beds which the department of social and health services believes are not certifiable. Should a bed become certifiable at some future date, the department shall make the notification required in (i) above.

(vii) If a local shoreline jurisdiction does not or is unable to comply with the requirements of this subsection, the department may undertake the required master program evaluation and preparation and adoption of necessary amendments.

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

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

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

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

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

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

(f) Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be

precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.

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

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

(4) Commercial development. Commercial developments are those uses which are involved in wholesale and retail trade or business activities. Commercial developments range from small businesses within residences, to high-rise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them. Guidelines:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Residential development. The following guidelines should be recognized in the development of any subdivision on the shorelines of the state. To the extent possible,



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Bulkheads. Bulkheads or seawalls are structures erected parallel to and near the high-water mark for the purpose of protecting adjacent uplands from the action

of waves or currents. Bulkheads are constructed of steel, timber or concrete piling, and may be either of solid or open-piling construction. For ocean-exposed locations, bulkheads do not provide a long-lived permanent solution, because eventually a more substantial wall is required as the beach continues to recede and layer waves reach the structure.

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

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

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

(b) Bulkheads and seawalls should be constructed in such a way as to minimize damage to fish and shellfish habitats. Open-piling construction is preferable in lieu of the solid type.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Local governments must regulate sanitary landfills and solid waste handling in accordance with regulations for solid waste handling when adopted by the department of ecology. New regulations restricting sanitary landfills within any water course and within flood plains of any water course have been proposed for adoption by the department.

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

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

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

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

(17) Shoreline protection. Flood protection and streamway modifications are those activities occurring within the streamway and wetland areas which are designed to reduce overbank flow of high waters and stabilize eroding streambanks. Reduction of flood damage,

bank stabilization to reduce sedimentation, and protection of property from erosion are normally achieved through watershed and flood plain management and by structural works. Such measures are often complementary to one another and several measures together may be necessary to achieve the desired end. Guidelines:

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

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

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

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

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

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

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

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

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

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

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

(19) Piers. A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. Floating docks can also alter beach sand patterns in areas where tides and littoral

drift are significant. On lakes, a proliferation of piers along the shore can have the effect of substantially reducing the usable water surface. Guidelines:

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

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

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

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

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

(20) Archeological areas and historic sites. Archeological areas, ancient villages, military forts, old settlers homes, ghost towns, and trails were often located on shorelines because of the proximity of food resources and because water provided an important means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved. Guidelines:

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

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

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

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

of the Washington state parks and recreation commission as the person responsible for this program.

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

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

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

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

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

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

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

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

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

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

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

(k) State and local health agencies have broad regulations which apply to recreation facilities, recreation watercraft and ocean beaches which should be consulted by local governments in preparing use regulations and issuing permits. (See Reference Nos. 30, 31, 35, 36, 37.)

[Statutory Authority: RCW 90.58.060 and 90.58.190. 80-15-072 (Order DE-80-37), § 173-16-060, filed 10/17/80; Order DE 72-12, § 173-16-060, filed 6/20/72 and 7/20/72.]

#### WAC 173-16-070 Variances and conditional uses.

The act states that each local master program shall contain provisions covering conditional uses and variances. Any permit for a variance or a conditional use granted by local government under an approved master program must be submitted to the department for approval, approval with conditions, or disapproval. The criteria contained in WAC 173-14-140 and 173-14-150 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. More restrictive criteria may be applied where it exists in approved and adopted local master programs.

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

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-16-070, filed 4/15/85; Order DE 72-12, § 173-16-070, filed 6/20/72 and 7/20/72.]

#### WAC 173-16-200 Appendix.

##### Agricultural practices

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

##### Forest management practices

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

##### Aquaculture

13. Chapter 75.16 RCW, Food fish and shellfish conservation and propagation.
14. Chapter 248-58 WAC, State board of health, shellfish.

##### Archeological areas and historic sites

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

##### Bulkheads and breakwaters

16. Washington state department of fisheries, criteria governing the design of bulkheads, landfills and marinas.

##### Landfill

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

##### Marinas

See Bulkheads, this page.

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

##### Mining

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

##### Outdoor advertising

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

##### Residential development

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

23. Washington state department of social and health services, health services division, "standards for individual sewage waste disposal system."
24. U.S. Department of Agriculture, Soil Conservation Service, June 1967, *Know the Soil You Build On*, Bulletin No. 320.
25. U.S. Department of Agriculture, Soil Conservation Service, (September 1968) *Soil Conservation*, "Soil and Water Conservation in Suburbia" reprints available.
26. WAC 248-50-100 State board of health regulation, disposal of human excreta.
27. Chapter 248-96 WAC, State board of health regulation, individual sewage disposal (to be adopted).

## Utilities

28. Chapter 80.50 RCW, Thermal power plants - site locations.
29. Ports and water related industries, Washington department of natural resources, proposed harbor area guidelines.

## Pacific Ocean beaches

30. RCW 79.16.160 Declared a public highway.
31. RCW 79.16.172 Declared a public recreation area.

## Environmental impacts

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

## Public health, state board of health

33. WAC 248-50-140 Stagnant water
34. Chapter 248-54 WAC, Public water supplies
35. Chapter 248-72 WAC, Camps and parks
36. Chapter 248-92 WAC, Public sewage disposal
37. Chapter 248-98 WAC, Swimming pools, bathing beaches and wading pools

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

## Chapter 173-18 WAC

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

## WAC

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**WAC 173-18-010 Purpose.** The department of ecology, pursuant to RCW 90.58.300, is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the streams and rivers and portions thereof which constitute shorelines of the state pursuant to RCW 90.58.030 (2)(d) and (e).

[Order DE 72-13, § 173-18-010, filed 6/30/72.]

**WAC 173-18-020 Applicability.** The provisions of this chapter shall apply state wide.

[Order DE 72-13, § 173-18-020, filed 6/30/72.]

**WAC 173-18-030 Definitions.** The definitions and concepts set forth in RCW 90.58.030 shall apply as used herein.

[Order DE 72-13, § 173-18-030, filed 6/30/72.]

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

(1) Streams which constitute shorelines.

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

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

(2) Rivers which constitute shorelines of state-wide significance.

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

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

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

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

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

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

(4) Other data.

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

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

(c) Where quadrangle maps are unavailable, photomaps have been used as indicated.

[Order 73-14, § 173-18-040, filed 8/27/73; Order DE 72-13, § 173-18-040, filed 6/30/72.]

**WAC 173-18-044 Review of designations.** The department shall review all the designations made herein at least once in every five year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-18 WAC in the manner and form prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-044, filed 6/30/80.]

**WAC 173-18-046 Conflicts between designations and criteria.** In the event that any of the designations set forth in this chapter conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-18-040 the criteria shall control. The designation of the stream or river shall be governed by the criteria.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-046, filed 6/30/80.]

#### WAC 173-18-050 Adams County. Streams

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

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

#### WAC 173-18-060 Asotin County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Asotin Creek (S. Fork)	<u>Harlow Ridge</u> 7 1/2 Potter Hill 7 1/2	From the confluence of the South Fork Asotin Creek and the Alder Gulch Stream (Sec.34,T9N,R44E) downstream to mouth at Asotin Creek (Sec.10, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(2) Asotin Creek*	<u>Potter Hill</u> 7 1/2 <u>Rock Pile</u> Creek 7 1/2 Asotin 7 1/2	From the confluence of North and South Forks of Asotin Creek (Sec.10,T9N,R44E) downstream to mouth on Snake River near Asotin (Sec.16,T10N,R46E). This stream has a 300 square mile drainage area ending at mouth of George Creek (Sec.24,T10N,R45E).
(3) Asotin Creek (N. Fork)	<u>Harlow Ridge</u> 7 1/2 <u>Potter Hill</u> 7 1/2	From the Umatilla National Forest boundary (Sec.19, T9N,R44E) downstream to mouth at Asotin Creek (Sec.10, same township).
(4) George Creek	<u>Asotin</u> 7 1/2	From the confluence of George Creek and Pintler Creek (Sec.36,T10N,R45E) downstream to mouth at Asotin Creek (Sec.24, same township).
(5) Grand Ronde River*	<u>Mountain View</u> 7 1/2 <u>Fields Spring</u> 7 1/2 <u>Black Butte</u> 7 1/2 <u>Flora</u> 7 1/2	From the Washington-Oregon boundary (Sec.14, T6N,R43E) downstream to mouth at Snake River and Washington - Idaho boundary line (Sec.13, T7N,R46E). This stream has over 300 square miles of drainage area.
(6) Joseph Creek	<u>Black Butte</u> 7 1/2	From the Oregon-Washington state line (Sec.18,T6N,R46E) downstream to its mouth at Grande Ronde River (Sec.26,T7N,R46E).
(7) Snake River*	<u>Jim Creek</u> <u>Butte</u> 7 1/2 <u>Limekiln</u> <u>Rapids</u> 7 1/2 <u>Captain John</u> <u>Rapids</u> 7 1/2 <u>Lewiston Orchards</u> <u>S.</u> 7 1/2 <u>Asotin</u> 7 1/2 <u>Clarkston</u> 7 1/2 <u>Silcott</u> 7 1/2	From Washington - Oregon boundary (Sec.16,T6N,R47E) downstream to Garfield County line (Sec.6,T11N,R45E), left bank only. This stream has both over 300 square miles of drainage area and over 200 cfs MAF at Washington - Oregon boundary.

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

### WAC 173-18-070 Benton County. Streams

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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(3) Yakima River (Cont.)*	<u>Prosser</u> 7 1/2 <u>Whitstran</u> 7 1/2 <u>Corral Canyon</u> 15 <u>Richland</u> 15 <u>Badger Mtn.</u> 7 1/2 <u>Eltopia</u> 7 1/2	From Benton-Yakima County line (Sec.7,T8N,R24E) downstream to mouth on Columbia River (Sec.19, T9N,R29E). The flow exceeds 200 cfs MAF at Benton-Yakima County line.

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

### WAC 173-18-080 Chelan County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Chelan River*	<u>Wenatchee (AMS)</u> * 1:250,000 <u>Manson</u> 7 1/2 <u>Winesap</u> 7 1/2 <u>Cooper Ridge</u> 7 1/2 <u>Chelan</u> 7 1/2 <u>Chelan Falls</u> 7 1/2	From the Lake Chelan Dam (Sec.13,T27N,R22E) downstream to Chelan Falls at mouth at Columbia River (Sec.29, T27N,R23E). The 200 cfs MAF point begins at the dam.
(2) Chiwawa River*	<u>Holden</u> 15 <u>Wenatchee Lake</u> 15 <u>Plain</u> * 7 1/2	From Wenatchee National Forest boundary (NW1/4 Sec.27,T30N,R16E) downstream to mouth at Wenatchee River, (Sec.1, T26N,R17E) (excluding federal lands). The 200 cfs MAF point begins at (SW1/4, NE1/4 Sec.20,T28N,R17E).
(3) Columbia River (Cont.)*	<u>Wells Dam</u> 7 1/2 <u>Wenatchee</u> 7 1/2 <u>Rock Island</u> 7 1/2 <u>Malaga</u> 7 1/2 <u>Rock Island</u> <u>Dam</u> 7 1/2	From the Okanogan County line on the Columbia River (Sec.6,T28N,R24E) downstream along the Douglas/Chelan County line to Kittitas County (Sec.5,T20N,R22E). The flow exceeds 200 cfs MAF at Okanogan-Chelan County line.
(4) Entiat River*	<u>Brief</u> * 7 1/2 <u>Tyce MTN</u> 7 1/2 <u>Baldy MTN</u> 7 1/2 <u>Ardenvoir</u> 7 1/2 <u>Entiat</u> 7 1/2	From the Wenatchee National Forest boundary (Sec.29,T28N,R19E) downstream (excluding all federal properties) to mouth at the Columbia River (Sec.17,T25N,R21E). The 200 cfs MAF point begins at Wenatchee National Forest boundary.

(5) Icicle Creek*	<u>Chiwaukum Mts.</u> 15 <u>Leavenworth</u> 15	From the Wenatchee National Forest boundary (west section line) (Sec. 5,T24N,R16E) downstream to mouth at Wenatchee River (Sec.13,T24N,R17E) (excluding federal land). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(6) Little Wenatchee River*	<u>Wenatchee Lake</u> * 15	From confluence with Soda Creek (Sec.10, T27N,R15E) downstream to mouth on Wenatchee Lake (Sec.23,T27N,R16E). Exclude federal lands. The 200 cfs point begins at confluence with Soda Creek.



Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(7) Mad River	<u>Tye Mtn.</u> 7 1/2 <u>Ardenvoir</u> 7 1/2 <u>Chumstick Mtn.</u> 7 1/2	From the Wenatchee National Forest boundary (Sec.13,T26N,R19E) downstream to mouth at Entiat River (Sec.19,T26N,R20E). Exclude federal lands.	(17) Phelps Creek	<u>Holden</u> 15	From NE1/4 of SW1/4 (Sec.10,T30N,R16E) downstream to mouth Chiwawa River (Sec.27, same township). Exclude federal lands.
(8) Mission Creek	<u>Monitor</u> 7 1/2 <u>Cashmere</u> 7 1/2	From the confluence of Mission Creek and Bear Gulch (Sec.31,T23N,R19E) downstream to mouth at Wenatchee River (Sec.4, T23N,R19E).	(18) White-pine Creek	<u>Wenatchee Lake</u> 15	From south section line (Sec.11,T26N,R15E) downstream to mouth at Nason Creek (Sec.1, same township). Exclude federal lands.
(9) Napeequa River	<u>Wenatchee Lake</u> 15	From confluence of Twin Lakes Cr. and Napeequa River (Sec.17,T28N,R16E) downstream to mouth at White River (Sec.18, same township).	(19) Chiwaukum Creek	<u>Chiwaukum Mts.</u> 15 <u>Leavenworth</u> 15	From confluence with South Fork Chiwaukum (Sec.34,T26N,R16E) downstream to mouth at Wenatchee River (Sec.9,T25N,R17E). Exclude federal lands.
(10) Nason Creek*	<u>Labyrinth Mtn.</u> *7 1/2 <u>Wenatchee Lake</u> 15 <u>Plain</u> 7 1/2	From west section line (Sec.5,T26N,R15E) downstream to mouth at Wenatchee River (Sec.28, T27N,R17E). Exclude federal lands. The 200 cfs MAF point is at confluence with Roaring Creek (Sec.11,T26N,R16E).	(20) Chiwaukum Creek (S. Fork)	<u>Chiwaukum Mts.</u> 15	From confluence with Painter Creek (Sec.3, T25N,R16E) downstream to mouth at Chiwaukum Creek (Sec.34,T26N,R16E). Exclude federal lands.
(11) Peshastin Creek	<u>Liberty</u> 15 <u>Leavenworth</u> 15	From the Wenatchee National Forest boundary (Sec.25,T23N,R17E) downstream (excluding all federal lands) to mouth at Wenatchee River (Sec.22,T24N,R18E).	(21) Eight-mile Creek	<u>Chiwaukum Mts.</u> 15	From the west section line (Sec.25,T24N,R16E) downstream to Icicle Cr. (Sec.19,T24N,R17E). Exclude federal lands.
(12) Stehekin River*	<u>McGregor Mtn.</u> 7 1/2 <u>Stehekin</u> 7 1/2	From the North Cascades National Park boundary (Sec.11,T33N,R16E) downstream, excluding federal lands, to mouth on Lake Chelan (Sec.36, T33N,R17E). The 200 cfs MAF point begins at National Park boundary.	(22) Ingalls Creek	<u>Mount Stuart</u> 15 <u>Liberty</u> 15	From west section line (Sec.31,T23N,R17E) downstream to mouth at Peshastin Creek (Sec.25,T23N,R17E). Exclude federal lands.
(13) Wenatchee River*	<u>Plain</u> * 7 1/2 <u>Leavenworth</u> 15 <u>Monitor</u> 7 1/2 <u>Wenatchee</u> 7 1/2 <u>Cashmere</u> 7 1/2	From the outlet on Wenatchee Lake (Sec.28, T27N,R17E) downstream (excluding all federal lands) to the mouth at the Columbia River (Sec. 27,T23N,R20E). The 200 cfs MAF point begins at gauging station (Sec.28, T27N,R17E).	[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-080, filed 6/30/80; Order DE 76-14, § 173-18-080, filed 5/3/76; Order 73-14, § 173-18-080, filed 8/27/73; Order DE 72-13, § 173-18-080, filed 6/30/72.]		
(14) White River*	<u>Wenatchee Lake</u> * 15	From Wenatchee National Forest boundary (Sec.18, T28N,R16E) downstream to mouth at Wenatchee Lake (Sec.14,T27N,R16E). Exclude federal land. The 200 cfs MAF point is at gauging station (Sec.5,T27N,R16E).	<b>WAC 173-18-090 Clallam County. Streams</b>		
(15) Railroad Creek	<u>Holden</u> 15 <u>Lucerne</u> 15	From Wenatchee National Forest boundary (Sec.7, T31N,R17E) downstream, excluding federal lands, to mouth at Lake Chelan (Sec.10,T31N,R18E).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(16) Twenty-five Mile Creek	<u>Stormy Mtn.</u> 7 1/2	From south section line (Sec.36,T29N,R20E) downstream to mouth at Lake Chelan (Sec.19,T29N,R21E).	(1) Big River	<u>Lake Pleasant</u> 15	From the confluence of Big River and unnamed creek (Sec.16,T31N,R14W) downstream to mouth on Lake Ozette (Sec.10,T30N,R15W).
			(2) Bear Creek	<u>Forks</u> 15	From the confluence of Bear Creek and unnamed creek (Sec.24,T28N,R13W) downstream to mouth at Bogachiel River (Sec.35, T28N,R13W).
			(3) Bear Creek	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.25, T30N,R12W) downstream to mouth at Soleduck River (Sec.27, same township).
			(4) Beaver Creek	<u>Lake Pleasant</u> 15	From the Olympic National Forest boundary (Sec.20, T30N,R12W) downstream to mouth at Soleduck River (Sec.30,T30N,R12W).
			(5) Bockman Creek	<u>Lake Pleasant</u> 15	From the Olympic National Forest boundary (Sec.1, T29N,R13W) downstream to mouth at Soleduck River (same section).

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

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(30) McDonald Creek	<u>Carlsborg</u> 7 1/2 <u>Dungeness</u> 7 1/2	From the confluence of McDonald Creek and unnamed creek (Sec.6,T29N,R4W) downstream to mouth at Strait of Juan de Fuca (Sec.5,T30N,R4W).	(42) Shuwah Creek	<u>Lake Pleasant</u> 15	From the confluence of Shuwah Creek and unnamed creek (NW1/4 SW1/4 of Sec. 15,T29N,R13W) downstream to mouth at Soleduck River (Sec.22, same township).
(31) Murphy Creek	<u>La Push</u> 15	From the confluence of Murphy Creek and unnamed creek (Sec.33,T28N,R14W) downstream to mouth at Bogachiel River (Sec.29, same township).	(43) Skunk Creek	<u>Lake Pleasant</u> 15	From the confluence of Skunk Creek and unnamed creek (Sec.29,T30N,R13W) downstream to mouth at the Dickey River (Sec.31,T39N, R13W).
(32) Pilchuck Creek	<u>Ozette Lake</u> 15	From a point (SW1/4 of NE1/4 Sec.33,T32N,R15W) downstream to mouth at Sooes River (Sec.28, same township).	(44) Snag Creek	<u>Ozette Lake</u> 15	From the confluence of Snag Creek and unnamed creek (Sec.6,T31N,R14W) downstream to mouth at Sooes River (Sec.30,T32N, R14W).
(33) Morse Creek	<u>Morse Creek</u> 7 1/2	From Olympic National Park boundary (Sec.8,T29N,R5W) downstream to mouth at Port Angeles Harbor (Sec. 5,T30N,R5W).	(45) Soleduck River*	<u>Pysht</u> 15 <u>Lake Pleasant*</u> 15 <u>Forks</u> 15 <u>La Push</u> 15	From the Olympic National Forest boundary (Sec.35, T30N,R10W) downstream to mouth at Quillayute River (Sec.20,T28N,R14W). The 1,000 cfs MAF point begins at mouth of Bockman Creek (Sec.1,T29N,R13W). Excludes federal lands.
(34) Ponds Creek	<u>Lake Pleasant</u> 15	From the confluence of Ponds Creek and unnamed creek on the south section line (Sec.34,T31N,R14W) downstream to mouth at Dickey Lake (Sec.9,T30N, R14W).	(46) Sooes River	<u>Ozette Lake</u> 15 <u>Cape Flattery</u> 15	From the confluence of Snag Creek and Sooes River (Sec.30,T32N,R14W) downstream to Indian Reservation boundary (Sec.16,T32N,R15W).
(35) Pysht River	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.34, T31N,R12W) downstream to mouth at Strait of Juan de Fuca near Pysht (Sec.9, T31N,R11W).	(47) Thunder Creek	<u>Lake Pleasant</u> 15	From the confluence of Thunder Creek and unnamed creek (Sec.11,T29N,R14W) downstream to mouth at East Fork Dickey River (Sec.23, same township).
(36) Pysht River (S. Fk.)	<u>Pysht</u> 15	From the confluence of the South Fork Pysht River and Middle Creek (Sec.28,T31N, R11W) downstream to mouth at Pysht River (Sec.13,T31N, R12W).	(48) Umbrella Creek	<u>Ozette Lake</u> 15	From the confluence of Umbrella Creek and unnamed creek (Sec.23,T31N,R15W) downstream to mouth at Umbrella Point on Lake Ozette (Sec.4,T30N,R15W).
(37) Quillayute River*	<u>La Push</u> * 15	From confluence of Soleduck and Bogachiel rivers (Sec. 20,T28N,R14W) downstream to Olympic National Park boundary (Sec.24,T28N,R15W). The 1,000 cfs MAF point begins at confluence of Soleduck River and Bogachiel River.	(49) West Twin River	<u>Lake Crescent</u> 15	From the Olympic National Forest boundary (Sec.34, T31N,R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23,T31N,R10W).
(38) Salt Creek	<u>Joyce</u> 15	From the confluence of Salt Creek and unnamed creek (SE1/4, SE1/4 of Sec. 34,T31N,R8W) downstream to mouth at Crescent Bay on Strait of Juan de Fuca (Sec.21, same township).	[Order DE 76-14, § 173-18-090, filed 5/3/76; Order 73-14, § 173-18-090, filed 8/27/73; Order DE 72-13, § 173-18-090, filed 6/30/72.]		
(39) Sekiu River (S. Fk.)	<u>Lake Pleasant</u> 15	From the confluence of the South Fork Sekiu River and unnamed creek (Sec.26,T32N, R14W) downstream to mouth at Sekiu River (Sec.15, same township).	<b>WAC 173-18-100 Clark County. Streams</b>		
(40) Sekiu River (N. Fk.)	<u>Cape Flattery</u> 15	From the confluence of North Fork Sekiu River and unnamed creek (Sec.7, T32N,R14W) downstream to mouth at Sekiu River (Sec. 15, same township).	Stream Name	Quadrangle Name and Size	Legal Description
(41) Sekiu River	<u>Clallam Bay</u> 15	From confluence of North and South Forks of Sekiu River (Sec.15,T32N,R14W) downstream to mouth on Strait of Juan de Fuca (Sec.8,T32N,R13W).	(1) Big Tree Creek	<u>Yacolt</u> 15 <u>Yacolt</u> 7 1/2	From the confluence of Big Tree Creek and Big Creek (Sec.6,T4N,R4E) downstream to mouth at East Fork Lewis River (Sec.13,T4N, R3E).
			(2) Boulder Creek	<u>Camas</u> 15	From the confluence of Boulder Creek and unnamed creek (Sec.9,T2N,R4E) downstream to confluence of Boulder Creek and East Fork Little Washougal River (Sec.8, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(3) Burnt Bridge Creek	<u>Orchards 7 1/2</u> <u>Vancouver 7 1/2</u>	From I-205 overcrossing (Sec.16,T2N,R2E) and Burnt Bridge Creek downstream to Vancouver Lake (Sec.9,T2N,R1E).	(15) Hagan Creek	<u>Camas 15</u> <u>Bridal Veil 15</u>	From the confluence of Hagan Creek and unnamed creek (Sec.36,T3N,R4E) downstream to Skamania County line (Sec.1,T2N,R4E).
(4) Canyon Creek	<u>Lookout Mt. 15</u> <u>Yacolt 15</u>	From the National Forest boundary line (Sec.12,T5N,R4E) downstream to mouth at Lewis River (Sec.31,T6N,R4E) excluding the portion which flows thru Gifford Pinchot National Forest.	(16) King Creek	<u>Yacolt 15</u>	From the confluence of King Creek and unnamed creek (Sec.26,T4N,R4E) downstream to mouth at Lewis River East Fork (Sec.21, same township).
(5) Cedar Creek	<u>Yacolt 15</u>	From the confluence of Cedar Creek and Cold Creek (Sec.8,T3N,R4E) downstream to mouth at Rock Creek (Sec.31,T4N,R4E).	(17) Lackamas Creek	<u>Camas 15</u> <u>Lackamas 7 1/2</u>	From the Military Reservation boundary (Sec.9,T2N,R3E) downstream through Lackamas Lake to Washougal River near Camas (Sec.12,T1N,R3E).
(6) Cedar Creek	<u>Amboy 7 1/2</u> <u>Yacolt 7 1/2</u> <u>Ariel 7 1/2</u>	From the confluence of Cedar Creek and unnamed creek (Sec.24,T5N,R3E) downstream to mouth at Lewis River (Sec.12,T5N,R1E).	(18) Lewis River (E. Fk.)*	<u>Lookout Mt. 15</u> <u>Yacolt 15</u> <u>Battle Ground 7 1/2</u> <u>Ridgefield* 7 1/2</u> <u>Yacolt 7 1/2</u>	From the Gifford Pinchot National Forest boundary (Sec.24,T4N,R4E) downstream to mouth at Lewis River (Sec.32,T5N,R1E). The 1,000 cfs MAF begins at the mouth of Mason Creek. (Sec.14,T4N,R1E.)
(7) Chelatchie Creek	<u>Amboy 7 1/2</u>	From an approximate point along the south section line (SE1/4 of NW1/4 of Sec.14,T5N,R3E) downstream to mouth at Cedar Creek (Sec.16, same township).	(19) Little Washougal River	<u>Camas 15</u>	From the confluence of Boulder Creek and East Fork Little Washougal River (Sec.8,T2N,R4E) downstream to mouth on Washougal River (Sec.32, same township).
(8) Columbia River (Cont.)*	<u>Bridal Veil 15</u> <u>Washougal 7 1/2</u> <u>Camas 7 1/2</u> <u>Mount Tabor 7 1/2</u> <u>Portland 7 1/2</u> <u>Vancouver 7 1/2</u> <u>Sauvie Island 7 1/2</u> <u>St. Helens 7 1/2</u>	From the Skamania County line on Columbia River (Sec.19,T1N,R5E) downstream along the Washington-Oregon boundary to Cowlitz County line at Lewis River (Sec.10,T4N,R1W). The flow exceeds 1,000 cfs MAF at Skamania-Clark County line.	(20) Little Washougal River (E. Fk.)	<u>Camas 15</u>	From the confluence of East Fork Little Washougal River and Jones Creek (Sec.9,T2N,R4E) downstream to mouth at confluence with Boulder Creek (Sec.8, T2N,R4E).
(9) Lewis River*	<u>Mt. St. Helens 15</u> <u>Cougar 15</u> <u>Yacolt 15</u> <u>Amboy 7 1/2</u> <u>Ariel 7 1/2</u> <u>Woodland 7 1/2</u> <u>Ridgefield 7 1/2</u> <u>St. Helens 7 1/2</u>	From the Skamania County line (Sec.36,T7N,R4E) left bank only downstream to mouth at Columbia River (Sec.2,T4N,R1W). The flow exceeds 1,000 cfs MAF at Skamania-Clark County line.	(21) Lockwood Creek	<u>Ridgefield 7 1/2</u>	From the confluence of Lockwood Creek and unnamed creek (Sec.1,T4N,R1E) downstream to mouth at East Fork Lewis River (Sec.11, same township).
(10) Copper Creek	<u>Lookout Mtn. 15</u> <u>Yacolt 15</u>	From the Gifford Pinchot National Forest boundary (Sec.25,T4N,R4E) downstream to mouth at Lewis River East Fork (Sec.24, same township).	(22) Mason Creek	<u>Battle Ground 7 1/2</u>	From the confluence of Mason Creek and unnamed creek (Sec.8,T4N,R2E) downstream to mouth at East Fork Lewis River (Sec.14,T4N,R1E).
(11) Fifth Plain Creek	<u>Lackamas 7 1/2</u>	From the confluence of Fifth Plain Creek and Shanghai Creek (Sec.6,T2N,R3E) downstream to mouth at Lackamas Creek (Sec.7, same township).	(23) Matney Creek	<u>Camas 15</u> <u>Lackamas 7 1/2</u>	From the confluence of Matney Creek and unnamed creek (Sec.15,T2N,R3E) downstream to mouth at Lackamas Creek (Sec.9, same township).
(12) Fly Creek	<u>Yacolt 15</u>	From the confluence of Fly Creek and unnamed creek (Sec.1,T4N,R4E) downstream to mouth at Canyon Creek (Sec.4,T5N,R4E).	(24) Mill Creek	<u>Battle Ground 7 1/2</u> <u>Orchards 7 1/2</u> <u>Vancouver 7 1/2</u>	From the confluence of Mill Creek and unnamed creek (SW1/4 Sec.7,T3N,R2E) downstream to mouth at Salmon Creek (Sec.24, T3N,R1E).
(13) Gee Creek	<u>Ridgefield 7 1/2</u>	From the confluence of Gee Creek and unnamed creek (Sec.19,T4N,R1E) downstream to mouth at Lewis River (Sec.11,T4N,R1W).	(25) Morgan Creek	<u>Yacolt 7 1/2</u> <u>Battle Ground 7 1/2</u>	From an approximate point (SE1/4 of Sec.12,T3N,R2E) downstream to mouth at Salmon Creek (Sec.12, same township).
(14) Glenwood Creek	<u>Orchards 7 1/2</u>	From the intersection of Glenwood Creek and NE 119th St. (Sec.29,T3N,R2E) downstream to Salmon Creek (Sec.20, same township).	(26) North Siouxon Creek	<u>Lookout Mt. 15</u> <u>Yacolt 15</u>	From the Skamania County line (Sec.25,T6N,R4E) downstream to mouth at Siouxon Creek (Sec.25, same township).

Stream Name	Quadrangle Name and Size	Legal Description
(27) Rock Creek	<u>Yacolt</u> 15	From an approximate point on the north section line (SE1/4 of NW1/4 of Sec.33, T4N,R3E) downstream to mouth on Salmon Creek (Sec.4,T3N,R3E).
(28) Rock Creek	<u>Battle Ground</u> 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.2,T4N,R2E) downstream to mouth on East Fork Lewis River (Sec.14, same township).
(29) Rock Creek	<u>Yacolt</u> 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.9,T3N,R4E) downstream to mouth at East Fork Lewis River (Sec.19,T4N,R4E).
(30) Salmon Creek	<u>Yacolt</u> 7 1/2 <u>LaCenter</u> 15 <u>Orchards</u> 7 1/2 <u>Vancouver</u> 7 1/2	From the confluence of Salmon Creek and unnamed creek (NW1/4 of Sec.10,T3N, R3E) downstream to mouth at Lake River (Sec.19,T3N, R1E).
(31) Siouxon Creek (Cont.)	<u>Lookout Mtn.</u> 15 <u>Yacolt</u> 15	From the Skamania County line (Sec.36,T6N,R4E) downstream to mouth in Yale Lake (Sec.26, same township).
(32) Unnamed Creek (Tributary to Chelatchie Creek)	<u>Amboy</u> 7 1/2	From intersection of Eaton Road and unnamed creek (Sec.15,T5N,R3E) downstream to mouth at Chelatchie Creek (Sec.16, same township).
(33) Washougal River (Cont.)*	<u>Bridal Veil</u> 15 <u>Washougal*</u> 7 1/2 <u>Camas</u> 7 1/2	From the Skamania County line (Sec.36,T2N,R4E) downstream to mouth at Columbia River near Camas (Sec.11,T1N,R3E). The 1,000 cfs MAF begins at mouth of Little Washougal River (Sec.32,T2N,R4E).
(34) Yacolt Creek	<u>Yacolt</u> 7 1/2	From an approximate point (near SE corner of the NE1/4 of NW1/4 Sec.11,T4N,R3E) downstream to mouth at Big Tree Creek (Sec.13, T4N,R3E).

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

**WAC 173-18-110 Columbia County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Pataha Creek (Cont.)	<u>Hay</u> 15	From the Garfield County line (Sec.12,T12N,R39E) downstream to mouth at Tucannon River (Sec.24, T12N,R38E).
(2) Tucannon River*	<u>Pomeroy</u> 30 <u>Hopkins Ridge</u> 7 1/2 <u>Zumwalt</u> 7 1/2 <u>Turner</u> 7 1/2 <u>Tucannon</u> 7 1/2 <u>Hay*</u> 15 <u>Starbuck</u> 15	From the Umatilla National Forest boundary line (Sec. 35,T10N,R41E) downstream to mouth at Snake River (Sec.3,T12N,R37E). This stream has over 300 square miles of drainage area ending at Pataha Creek (Sec.24,T12N,R38E).

Stream Name	Quadrangle Name and Size	Legal Description
(3) Touchet River (S. Fk.)	<u>Pomeroy</u> 30 <u>Robinette</u> Mtn. 7 1/2 Dayton 7 1/2	From a point of (SE1/4 of NE1/4 of Sec.5,T8N,R39E) downstream to mouth at Touchet River near Dayton (Sec.32,T10N,R39E).
(4) Touchet River (N. Fk.)	<u>Pomeroy</u> 30 <u>Eckler</u> Mtn. 7 1/2 <u>Cahill</u> Mtn. 7 1/2 Dayton 7 1/2	From the confluence of the North Fork Touchet River and unnamed creek (Sec.28, T8N,R40E) downstream to Touchet River near Dayton (Sec.32,T10N,R39E) (Note: called North Fork on Quad.) Excluding all federal lands.
(5) Touchet River	<u>Pomeroy</u> 30 <u>Walla Walla</u> 30 Dayton 7 1/2 Huntsville 7 1/2	From the confluence of North and South Forks of Touchet River (Sec.32, T10N,R39E) downstream to Walla Walla County line (Sec.7,T9N,R38E).
(6) Robinson Creek	<u>Dayton</u> 7 1/2	From north line (Sec.23, T9N,R39E) downstream to mouth at North Fork Touchet River (Sec.11, same township).

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

**WAC 173-18-120 Cowlitz County. Streams**

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

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(8) Campbell Creek	<u>Ryderwood</u> 15	From an approximate point near the north section line (SW1/4 of NE1/4 of Sec.10,T10N,R3W) downstream to mouth at Stillwater Creek (Sec.3, same township).	(20) Elk Creek	<u>Cougar</u> 15	From the confluence of Elk Creek and unnamed creek (Sec.12,T7N,R2E) downstream to mouth at Kalama River (Sec.24, same township).
(9) Castle Creek	<u>Elk Rock</u> 15	From the confluence of Castle Creek and the South Fork Castle Creek (Sec.14, T9N,R4E) downstream to mouth at North Fork Toutle River (Sec.10, same township).	(21) Elocho-man River (E. Fk.)	<u>Ryderwood</u> 15	From the confluence of East Fork Elochoman River and unnamed creek (Sec.8, T10N,R4W) downstream to Wahkiakum County line (same section).
(10) Chehalis River (S. Fk.)	<u>Ryderwood</u> 15	From the confluence of South Fork Chehalis River and unnamed creek (Sec.11, T10N,R4W) downstream to the Lewis County line (Sec.2, same township).	(22) Germany Creek	<u>Ryderwood</u> 15 <u>Clatskanie</u> 15	From the confluence of Germany Creek and unnamed creek (Sec.25,T10N,R4W) downstream to mouth at Columbia River (Sec.12, T8N,R4W).
(11) Coal Creek	<u>Clatskanie</u> 15	From the confluence of Coal Creek and unnamed creek (Sec.28,T9N,R3W) downstream to mouth at Coal Creek Slough (Sec. 14,T8N,R3W).	(23) Gobar Creek	<u>Pigeon Springs</u> 15	From the confluence of Gobar Creek and unnamed creek (Sec.8,T7N,R2E) downstream to mouth at Kalama River (Sec.36,T7N, R1E).
(12) Cold-water Creek (Cont.)	<u>Spirit Lake</u> 15	From the Gifford Pinchot National Forest boundary (also Skamania County line) (Sec.36,T10N,R4E) downstream to mouth at North Fork Toutle River (Sec.2,T9N,R4E).	(24) Goble Creek	<u>Pigeon Springs</u> 15 <u>Kalama</u> 7 1/2 <u>Mt. Brynion</u> 7 1/2	From the confluence of Goble Creek and unnamed creek (Sec.13,T7N,R1W) downstream to mouth of Coweeman River (Sec.34, T8N,R1W).
(13) Columbia River (Cont.)*	<u>St. Helens</u> 7 1/2 <u>Deer Island</u> 7 1/2 <u>Kalama</u> 7 1/2 <u>Rainier</u> 7 1/2 <u>Clatskanie</u> 15	From the Lewis River at the Clark County line (Sec.10,T4N,R1W) downstream along the Washington-Oregon line to Wahkiakum County line (Sec.20,T8N, R4W). The flow exceeds 1,000 cfs MAF at Cowlitz-Clark County line.	(25) Goble Creek (N. Fk.)	<u>Pigeon Springs</u> 15 <u>Kalama</u> 7 1/2	From the confluence of the North Fork Goble Creek and unnamed creek (Sec.31, T8N,R1E) downstream to mouth at Goble Creek (Sec.2,T7N,R1W).
(14) Cougar Creek	<u>Cougar</u> 15	From the Gifford Pinchot National Forest boundary (Sec.23,T7N,R4E) downstream to mouth at Yale Lake (Sec.27,T7N,R4E).	(26) Green River (Cont.)	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15 <u>Toutle</u> 15	From the Skamania-Cowlitz County line (Sec.1,T10N,R4E) downstream to mouth at North Fork Toutle River (Sec.8,T10N,R2E) excluding those reaches within Lewis County.
(15) Coweeman River	<u>Cougar</u> 15 <u>Pigeon Springs</u> 15 <u>Mt. Brynion</u> 7 1/2 <u>Kelso</u> 7 1/2 <u>Rainier</u> 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.19,T8N,R3E) downstream to mouth at Cowlitz River (Sec.11,T7N,R2W).	(27) Hemlock Creek	<u>Toutle</u> 15	From the confluence of Hemlock Creek and unnamed creek (Sec.18,T9N,R1E) downstream to mouth at Silver Lake (Sec.1,T9N, R1W).
(16) Cowlitz River (Cont.)*	<u>Castle Rock</u> 15 <u>Kelso</u> 7 1/2 <u>Rainier</u> 7 1/2	From Cowlitz-Lewis County line (Sec.4,T10N,R2W) downstream to mouth on Columbia River (Sec.10,T7N, R2W). The flow exceeds 1,000 cfs MAF at Cowlitz-Lewis County line (Sec.3, T10N,R2W).	(28) Hoffstadt Creek	<u>Elk Rock</u> 15 <u>Toutle</u> 15	From the confluence of Hoffstadt Creek and unnamed creek (Sec.24, T10N,R3E) downstream to mouth at North Fork Toutle River (Sec.23,T10N,R2E).
(17) Deer Creek	<u>Elk Rock</u> 15	From the confluence of Deer Creek and unnamed creek (Sec.31,T10N,R3E) downstream to mouth at North Fork Toutle River (Sec.36,T10N,R2E).	(29) Jackson Creek	<u>Elk Rock</u> 15	From the approximate point near the north section line (SW1/4 of SW1/4 of Sec. 8,T9N,R4E) downstream to mouth at North Fork Toutle River (Sec.12,T9N,R3E).
(18) Delameter Creek	<u>Castle Rock</u> 15 <u>Kelso</u> 7 1/2	From the confluence of Delameter Creek and unnamed creek (Sec.24,T9N, R3W) downstream to mouth at Arkansas Creek (Sec.16, T9N,R2W).	(30) Johnson Creek	<u>Toutle</u> 15	From the confluence of Johnson Creek and unnamed creek (Sec.36,T10N,R1E) downstream to South Fork Toutle River (Sec.34, same township).
(19) Devils Creek	<u>Toutle</u> 15	From the Lewis County line (Sec.2,T10N,R2E) downstream to mouth at the Green River (same section).	(31) Kalama River*	<u>Cougar</u> 15 <u>Pigeon Springs*</u> 15 <u>Kalama</u> 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.5,T7N,R4E) downstream to mouth at Columbia River (Sec.1,T6N,R2W) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Little Kalama River (Sec.17,T6N,R1E).

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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(56) Wild Horse Creek	<u>Pigeon Springs</u> 15	From the confluence of Wild Horse Creek and unnamed creek (Sec.23, T7N,R1E) downstream to mouth at Kalama River (Sec.36,T7N,R1E).
(57) Wolf Creek	<u>Cougar</u> 15	From the confluence of Wolf Creek and unnamed creek (Sec.28,T7N,R3E) downstream to mouth at Kalama River (Sec.21, same township).
(58) Wyant Creek	<u>Toutle</u> 15	From the confluence of Wyant Creek and unnamed creek (Sec.13,T10N,R1E) downstream to mouth at North Fork Toutle River (Sec.20, same township).
(59) Unnamed Tributary to Toutle River (S. Fk.)	<u>Cougar</u> 15	From north end of Goat Marsh (SW1/4, NW1/4 Sec.23, T8N,R4E) downstream to mouth at Toutle River S. Fk. excluding federal lands.
(60) Fossil Creek	<u>Cougar</u> 15	From Gifford Pinchot National Forest boundary (Sec.31,T8N,R4E) downstream to mouth at Kalama River (Sec.6,T7N,R4E).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-120, filed 6/30/80; Order DE 76-14, § 173-18-120, filed 5/3/76; Order 73-14, § 173-18-120, filed 8/27/73; Order DE 72-13, § 173-18-120, filed 6/30/72.]

### WAC 173-18-130 Douglas County. Streams

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

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

[Title 173 WAC—p 64]

### WAC 173-18-140 Ferry County. Streams

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

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

### WAC 173-18-150 Franklin County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*	<u>Hanford</u> 15 <u>Richland</u> 15 <u>Kennewick</u> 7 1/2 <u>Pasco</u> 7 1/2	From Hanford Works boundary (Sec.23,T12N,R28E) downstream left bank only to (Sec.13,T9N,R28E) questionable. The flow exceeds 200 cfs MAF at Hanford Works boundary.
(2) Esquatzel Coulee*	<u>Mesa</u> * 15 <u>Eltopia</u> 15	From mouth of Old Maid Coulee (Sec.11,T12N,R30E) downstream to a sump (Sec. 12,T9N,R29E) (Esquatzel River gradually sinking into ground). This stream has over 300 sq. miles of drainage area ending at mouth of Old Maid Coulee.



Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(3) Palouse River (Cont.)*	Starbuck 15	From Adams County line (Sec.5,T14N,R37E) downstream right bank only to mouth on Snake River (Sec.19, T13N,R37E). This stream has over 300 sq. miles of drainage area and over 200 cfs MAF flow at Adams County line.	(4) Lower Crab Creek	Corfu 15 Smyrna 15 Beverly S.E. 7 1/2 Beverly 7 1/2	From CNW Refuge Bdy. (Sec. 36,T16N,R26E) downstream, excluding all federal lands to mouth at Columbia River (Sec.3,T15N,R23E).
(4) Snake River (Cont.)*		All of Snake River within Franklin County is under federal jurisdiction. The flow exceeds 200 cfs MAF at Whitman County line.	(5) Rocky Ford Creek	Grant Orchards 7 1/2 Moses Lake N.W. 7 1/2	From the confluence of Rocky Ford Creek and several springs (Sec.16, T21N,R27E) downstream to mouth at Moses Lake (Sec. 8,T20N,R27E).
			(6) Wilson Creek (Cont.)*	Almira S.W. 7 1/2 Hartline S.E. 7 1/2 Wilson Creek 15	From Lincoln County line (Sec.1,T24N,R30E) downstream to mouth at Crab Creek (Sec.12,T22N,R29E). This stream has over 300 sq. miles of drainage area.

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

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

### WAC 173-18-160 Garfield County. Streams

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

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

### WAC 173-18-170 Grant County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	Grand Coulee Dam 15 West Bar 7 1/2 Babcock Ridge 7 1/2 Cape Horn S.E. 7 1/2 Vantage 7 1/2 Beverly 7 1/2 Evergreen Ridge 7 1/2 Priest Rapids 15	From the Douglas County line on the Columbia River (Sec.18,T20N,R23E) downstream left bank only to Hanford Works boundary (Sec.10,T13N,R24E). The flow exceeds 200 cfs MAF at Douglas County line.
(2) Crab Creek*	Marlin 7 1/2 Wilson Creek 15 Wilson Creek N.W. 7 1/2 Stratford 7 1/2 Soap Lake 7 1/2 Grant Orchards 7 1/2 Gloyd 7 1/2 Moses Lake North 7 1/2	From the Lincoln County line (Sec.13,T22N,R30E) downstream through Brook Lake to mouth at Parker Horn of Moses Lake (Sec. 14,T19N,R28E). This stream has over 300 sq. miles drainage area.
(3) Lind Coulee*	Basset Junction * 7 1/2 Sieler 7 1/2 Soda Lake 7 1/2 Corfu 15	From south section line (Sec. 18,T18N,R30E) downstream to mouth of Potholes Reservoir (Sec.1 and 12,T17N,R28E). This stream has over 300 sq. miles of drainage area ending at Lind Coulee in (Sec.18,T18N,R30E).

### WAC 173-18-180 Grays Harbor County. Streams

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

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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(33) Joe Creek	<u>Carlisle</u> 7 1/2 <u>Moclips</u> 7 1/2	From the confluence of Joe Creek and unnamed creek (Sec.18,T20N,R11W) downstream to mouth at Pacific Beach (Sec.20, T20N,R12W).	(44) North River* (Cont.)	<u>Montesano</u> 15 <u>Aberdeen S.E.</u> 7 1/2	From the Pacific Co. line (Sec.10,T15N,R7W) downstream to Pacific Co. line again (Sec.7,T15N,R9W). The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7,T15N,R9W).
(34) Johns River (S. Fk.)	<u>Western</u> 7 1/2	From the confluence of South Fork Johns River and Hall Creek (Sec.22, T16N,R10W) downstream to mouth at North Fork Johns River (same section).	(45) Pioneer Creek	<u>Malone</u> 15	From the confluence of Pioneer Creek and unnamed creek (Sec.25,T16N,R7W) downstream to mouth at the North River (Sec.4,T15N, R7W).
(35) Johns River (N. Fk.)	<u>Hoquiam</u> 7 1/2	From the confluence of North Fork Johns River and unnamed creek (Sec.15, T16N,R10W) downstream to mouth at Johns River (Sec. 22,T16N,R10W).	(46) Porter Creek	<u>Rochester</u> 15 <u>Malone</u> 15	From the confluence of the North Fork Porter Creek and the South Fork Porter Creek (Sec.1,T17N, R5W) downstream to mouth at Chehalis River (Sec.28, T17N,R5W).
(36) Little River	<u>Grisdale</u> 15	From an approximate point in (SW1/4 of NE1/4 of SE1/4 Sec.22,T21N,R7W) downstream to mouth at West Fork Satsop River (Sec.27,T21N, R7W).	(47) Porter Creek (N. Fk.)	<u>Rochester</u> 15	From an approximate point near the SW corner of (SE1/4 on NW1/4 of NW1/4 of Sec.3, T17N,R4W) downstream to mouth at Porter Creek (Sec.1,T17N,R5W).
(37) Little Hoquiam River	<u>Hoquiam</u> 7 1/2	From the confluence of Little Hoquiam River and the North Fork Little Hoquiam River (Sec.3, T17N,R10W) downstream to mouth at Hoquiam River (Sec.2,T17N,R10W).	(48) Porter Creek (S. Fk.)	<u>Rochester</u> 15	From the confluence of Hell Creek and the S. Fork Porter Creek (Sec.7, T17N,R4W) downstream to mouth at Porter Creek (Sec.1,T17N,R5W).
(38) Little North River	<u>Montesano</u> 15	From an approximate point near the center of (NW1/4 of SW1/4 of NW1/4 Sec.1,T16N,R8W) downstream to mouth at North River (Sec.8, T16N,R8W).	(49) Porter Creek (W. Fk.)	<u>Rochester</u> 15	From the confluence of the West Fork Porter Creek and Bozy Creek (Sec.31, T18N,R4W) downstream to mouth at Porter Creek (Sec. 11,T17N,R5W).
(39) Lower Salmon Creek	<u>Montesano</u> 15 <u>Aberdeen S.E.</u> 7 1/2	From the confluence of Lower Salmon Creek and unnamed creek (Sec.5, T15N,R8W) downstream to mouth at North River (Sec. 7,T15N,R9W) except where it passes thru Pacific County in (Sec.14 and 15, T15N,R9W).	(50) Rainie Creek (Rt. Fk.)	<u>Malone</u> 15	From an approximate point near the center of the (SW1/4 of the NE1/4 Sec.3, T15N,R6W) downstream to Pacific County line (Sec.9,T15N,R6W).
(40) Moclips River	<u>Moclips</u> 7 1/2	From the Quinault Indian Reservation boundary (Sec. 9, T20N,R12W) downstream across said boundary and back, downstream to mouth at Pacific Ocean near the Town of Moclips (Sec.8, T20N,R12W).	(51) Raney Creek	<u>Humptulips</u> 15	From confluence of Raney Creek and unnamed creek (SE1/4 NE1/4 Sec.22,T20N,R9W) downstream to mouth at West Fork Wishkah River (Sec.26,T20N,R9W).
(41) Mox Chehalis Creek	<u>Elma</u> 15 <u>Malone</u> 15	From the intersection of Mox Chehalis Creek and McCleary and Malone Road (Sec.24,T18N,R5W) downstream to mouth at Chehalis River (Sec.18, T17N,R5W).	(52) Rock Creek	<u>Malone</u> 15	From the confluence of Rock Creek and unnamed creek (Sec.11,T16N,R6W) downstream to mouth at Chehalis River (Sec.15, T16N,R5W).
(42) Newman Creek	<u>Elma</u> 15 <u>Malone</u> 15	From the intersection of Newman Creek and Newman Creek Road (Sec.29,T18N, R6W) downstream to mouth at Chehalis River (Sec.6, T17N,R6W).	(53) Salmon Creek	<u>Montesano</u> 15	From the confluence of Salmon Creek and unnamed creek (Sec.13,T16N,R8W) downstream to mouth at North River (Sec.9,T16N, R8W).
(43) Newskah Creek	<u>Aberdeen</u> 7 1/2	From a point approximately 200' west of confluence of Newskah Creek and unnamed creek (NW1/4 of SE1/4 Sec.4, T16N,R9W) downstream to mouth at South Channel of Grays Harbor (Sec.18,T16N, R9W).	(54) Sand Creek	<u>Malone</u> 15	From an approximate point near the center of (SE1/4 of NE1/4 Sec.5,T17N,R5W) downstream to mouth at Mox Chehalis Creek (same section).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(55) Satsop River*	<u>Wynoochee Valley</u> * 15 Elma 15 Malone 15	From the confluence of East and West Forks of Satsop River (Sec.23,T18N,R7W) downstream to mouth at Chehalis River (Sec.7, T17N,R6W). The flow is more than 1,000 cfs MAF at mouth of East Fork Satsop River (Sec.23,T18N,R7W).	(66) Vesta Creek (W. Fk.)	<u>Montesano</u> 15	From the confluence of Vesta Creek West Fork and unnamed creek from the east (Sec.3,T16N,R7W) downstream to mouth at Vesta Creek (Sec.14,T16N,R7W).
(56) Satsop River (E. Fk.)* (Cont.)	<u>Elma</u> * 15 <u>Wynoochee Valley</u> 15	From Mason Co. and Grays Harbor Co. line (Sec.6, T18N,R6W) downstream to mouth at Satsop River (Sec.23,T18N,R7W). The 1,000 cfs MAF point begins at mouth of Middle Fork Satsop River, (Sec.3,T19W,R6W).	(67) Wedekind Creek	<u>Wynoochee Valley</u> 15	From the confluence of Wedekind Creek and unnamed creek (Sec.19, T18N,R8W) downstream to mouth at Wynoochee River (Sec.28,T18N,R8W).
(57) Satsop River (M. Fk.) (Cont.)	<u>Mt. Tebo</u> 15 <u>Wynoochee Valley</u> 15 Elma 15	From Mason Co. and Grays Harbor Co. line (Sec.1, T20N,R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.36, T19N,R7W).	(68) Wildcat Creek	<u>Elma</u> 15	From the confluence of East and West Forks of Wildcat Creek (Sec.16, T18N,R5W) downstream to mouth at Cloquallum Creek (Sec.30,T18N,R5W).
(58) Satsop River (W. Fk.)	<u>Grisdale</u> 15 <u>Wynoochee Valley</u> 15	From the Olympic National Forest boundary (Sec.10, T21N,R7W) downstream to mouth at confluence of West Fork Satsop River and East Fork Satsop River (Sec.23,T18N,R7W).	(69) Wildcat Creek (W. Fk.)	<u>Elma</u> 15	From the confluence of West Fork Wildcat Creek and unnamed creek (Sec.16, T18N,R5W) downstream to confluence with East Fork Wildcat Creek (same section).
(59) Schafer Creek	<u>Wynoochee Valley</u> 15	From an approximate point on the west line of (SE1/4 of SE1/4 Sec.1,T20N,R8W) downstream to mouth at the Wynoochee River (Sec.25, T20N,R8W).	(70) Wildcat Creek (E. Fk.)	<u>Elma</u> 15	From the confluence of East Fork Wildcat Creek and unnamed creek (Sec.15, T18N,R5W) downstream to confluence of East Fork Wildcat Creek and West Fork Wildcat Creek (Sec.16,T18N,R5W).
(60) Stevens Creek	<u>Quinault Lake</u> 15	From the confluence of Stevens Creek and unnamed creek (Sec.12,T21N,R10W) downstream to mouth at Humptulips River (Sec.12, T20N,R11W).	(71) Williams Creek	<u>Malone</u> 15	From the confluence of Williams Creek and unnamed creek (SE1/4 Sec.20,T16N,R5W) downstream to Rock Creek (Sec.16,T16N,R5W).
(61) Sylvia Creek	<u>Montesano</u> 15	From the confluence of Sylvia Creek and unnamed creek (Sec.1,T17N,R8W) downstream to mouth at Wynoochee River (Sec.7, T17N,R7W).	(72) Wishkah River (W. Fk.)	<u>Humptulips</u> 15	From the confluence of West Fork Wishkah River and unnamed creek (Sec.15, T20N,R9W) downstream to mouth at Wishkah River (Sec.22,T19N,R9W).
(62) Unnamed Tributary to Humptulips River	<u>Humptulips</u> 15	From the confluence of two unnamed creeks (Sec.14,T20N,R10W) downstream to mouth at Humptulips River (Sec.9,T20N,R10W).	(73) Wishkah River (E. Fk.)	<u>Wynoochee Valley</u> 15 <u>Humptulips</u> 15	From the confluence of the East Fork Wishkah River and unnamed creek (Sec.28, T20N,R8W) downstream to mouth at Wishkah River (Sec.2,T18N,R9W).
(63) Vance Creek	<u>Malone</u> 15	From the intersection of Vance Creek and light duty road (Sec.3,T17N,R6W) downstream to mouth at Chehalis River (Sec.6, T17N,R6W).	(74) Wishkah River	<u>Grisdale</u> 15 <u>Wynoochee Valley</u> 15 <u>Humptulips</u> 15 Aberdeen 7 1/2	From the confluence of Wishkah River and unnamed creek inside the state game reserve (Sec.20,T21N,R8W) downstream to mouth at the Chehalis River at Aberdeen (Sec.9,T17N,R9W).
(64) Vesta Creek (E. Fk.)	<u>Malone</u> 15 <u>Montesano</u> 15	From the confluence of the East Fork Vesta Creek and unnamed creek (Sec.13, T16N,R7W) downstream to mouth at Vesta Creek (Sec.14,T16N,R7W).	(75) Workman Creek	<u>Malone</u> 15	From the confluence of Workman Creek and unnamed creek (NW1/4 SE1/4 Sec.20, T17N,R6W) downstream to mouth at Chehalis River (Sec.9,T17N,R6W).
(65) Vesta Creek	<u>Montesano</u> 15	From confluence of East and West Forks of Vesta Creek (Sec.14,T16N,R7W) downstream to mouth on North River (Sec.32,T16N,R7W).	(76) Wynoochee River*	<u>Grisdale</u> 15 <u>Wynoochee Valley</u> * 15 Montesano 7 1/2	From the Olympic National Forest boundary (Sec.1, T21N,R8W) downstream to mouth at Chehalis River (Sec.18,T17N,R7W). The 1,000 cfs MAF point begins at mouth of Carter Creek (Sec.14,T19N,R8W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(77) Johns River	<u>Western</u> 7 1/2 <u>Hoquiam</u> 7 1/2	From confluence of North Fork and South Fork Johns River (Sec.22,T16N,R10W) downstream to its mouth at Grays Harbor (Sec.36,T17N,R11W).	(7) Dose-wallips River	<u>Brinnon</u> 7 1/2	From the Olympic National Forest boundary between (Sec.25,T26N,R3W) and (Sec.30,T26N,R2W) downstream to mouth at Dabob Bay near Brinnon (Sec.2,T25N,R2W).
(78) Quinault River* (Cont.)	<u>Kloochman Rock</u> 15 <u>Quinault Lk.</u>	From Jefferson/Grays Harbor County line (Sec.1, T23W,R9W) downstream to mouth at Quinault Lake (Sec.16,T23W,R9W). Exclude federal lands. The flow is over 1,000 cfs MAF at Jefferson/Grays Harbor County line.	(8) Duckabush River	<u>Brinnon</u> 7 1/2	From the Olympic National Forest boundary between (Sec.17 & 18,T25N,R2W) downstream to mouth at Hood Canal (Sec.21,T25N, R2W).
			(9) Fulton Creek	<u>Brinnon</u> 7 1/2 <u>Holly</u> 7 1/2	From the confluence of Fulton Creek and the South Fork of Fulton Creek (Sec. 30,T25N,R2W) downstream to mouth at Hood Canal (Sec.31,T25N,R2W).

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

**WAC 173-18-190 Island County. Streams**

Island County has no 20 cfs streams but has shorelines. Island County has no 1,000 cfs MAF rivers of state-wide significance.

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

**WAC 173-18-200 Jefferson County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Quilcene River	<u>Mt. Walker</u> 7 1/2 <u>Quilcene</u> 7 1/2	From the Olympic National Forest boundary (Sec.27, T27N,R2W) downstream to mouth at Quilcene Bay (Sec.19,T27N,R1W).	(12) Hoh River (S. Fk.)	<u>Mt. Tom</u> 15	From the Olympic National Park boundary (Sec.2,T26N, R10W) downstream to the Olympic National Forest boundary (Sec.29,T27N, R10W).
(2) Bogachiel River	<u>Spruce Mt.</u> 15 <u>Forks</u> 15	From the Olympic National Forest boundary (Sec.4, T27N,R12W) downstream to the Clallam County line (Sec.2,T27N,R13W).	(13) Hurst Creek	<u>Destruction</u> <u>Island</u> 15	From an approximate point near the north line of (SE1/4 of NW1/4 of NE1/4 of Sec.17,T24N,R12W) downstream to mouth at the Clearwater River (Sec.19,T24N,R12W).
(3) Cedar Creek	<u>Destruction</u> <u>Island</u> 15	From the confluence of Cedar Creek and the South Fork of Cedar Creek (Sec. 34,T26N,R13W) downstream to the Olympic National Park boundary (Sec.33, T26N,R13W).	(14) Kalaloch Creek	<u>Destruction</u> <u>Island</u> 15	From the confluence of Kalaloch Creek and West Fork Kalaloch Creek (Sec.17, T25N,R13W) downstream to the Olympic National Park boundary (Sec.3,T24N, R13W).
(4) Chimacum Creek	<u>Port Townsend</u> <u>S.</u> 7 1/2	From the confluence of Chimacum Creek and unnamed creek in Chimacum Valley (Sec.11,T29N,R1W) downstream to mouth at Bay of Port Townsend (Sec. 35,T30N,R1W) near Irondale.	(15) Little Quilcene River	<u>Mt. Walker</u> 7 1/2 <u>Quilcene</u> 7 1/2	From the Olympic National Forest boundary (Sec.33, T28N,R2W) downstream to mouth at Quilcene Bay (Sec.18,T27N,R1W).
(5) Christmas Creek	<u>Salmon River</u> 15	From an approximate point near the center of (NE1/4 of Sec.2,T25N,R12W) downstream to mouth at Clearwater River (Sec.22, T25N,R12W).	(16) Maple Creek	<u>Spruce Mt.</u> 15	From the confluence of Maple Creek and Dry Creek (Sec.3,T26N,R11W) downstream to Hoh River (Sec.35,T27N,R11W).
(6) Clearwater River*	<u>Kloochman Rock</u> 15 <u>Salmon River*</u> 15 <u>Destruction</u> <u>Island</u> 15	From the confluence of Clearwater River and unnamed creek (Sec.25, T26N,R10W) downstream (excluding federal lands) to Quinault Indian Reservation (Sec.29,T24N,R12W). The 1,000 cfs MAF point begins at mouth of Miller Creek (Sec.27,T25N,R12W).	(17) Matheny Creek	<u>Salmon River</u> 15	From the Olympic National Forest boundary (Sec.24, T24N,R11W) downstream to the Olympic National Park boundary (Sec.22,T24N, R11W).
			(18) Miller Creek	<u>Destruction</u> <u>Island</u> 15 <u>Salmon River</u> 15	From the confluence of Miller Creek and unnamed creek (Sec.17,T25N,R12W) downstream to mouth at Clearwater River (Sec.27, T25N,R12W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(19) Miller Creek (E. Fk.)	<u>Salmon River</u> 15	From the confluence of the East Fork Miller Creek and unnamed creek (Sec. 15, T25N, R12W) downstream to mouth at Miller Creek (Sec. 27, T25N, R12W).	(30) Winfield Creek	<u>Spruce Mt. 15</u>	From the confluence of Winfield Creek and unnamed creek (Sec. 1, T26N, R12W) downstream to mouth at the Hoh River (Sec. 27, T27N, R12W).
(20) Minter Creek	<u>Forks</u> 15	From the intersection of the north line of (Sec. 30, T27N, R13W) and Minter Creek, downstream to Goodman Creek (Sec. 24, T27N, R14W).	(31) Quinault River*	<u>Mt. Christie * 15</u> <u>Kloochman Rock 15</u>	From east section line (Sec. 33, T24N, R8W) downstream to Jefferson/Grays Harbor County line (Sec. 1, T23N, R9W). Exclude federal land. The flow is over 1000 cfs MAF at east section line (Sec. 33, T24N, R8W).
(21) Mosquito Creek	<u>Forks</u> 15	From the intersection of north line of (Sec. 5, T26N, R13W) and Mosquito Creek, downstream to Olympic National Park boundary (Sec. 36, T27N, R14W).	[Order DE 76-14, § 173-18-200, filed 5/3/76; Order 73-14, § 173-18-200, filed 8/27/73; Order DE 72-13, § 173-18-200, filed 6/30/72.]		
(22) Nolan Creek	<u>Destruction Island</u> 15 <u>Forks</u> 15	From an approximate point on the north line of (NE1/4 of SW1/4 of Sec. 21, T26N, R12W) downstream to mouth at Hoh River (Sec. 23, T26N, R13W).	<b>WAC 173-18-210 King County. Streams</b>		
(23) Owl Creek	<u>Spruce Mt.</u> 15	From an approximate point near the center of the north line of (SW1/4 of NE1/4 of Sec. 8, T26N, R10W) downstream to mouth at Hoh River (Sec. 35, T27N, R11W).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(24) Salmon River	<u>Salmon River</u> 15	From the Olympic National Forest boundary (Sec. 36, T24N, R11W) downstream back to said boundary (Sec. 35) coming out of Indian Reservation (Sec. 36, T24N, R12W) returning to Indian Reservation and coming out again (Sec. 35, T24N, R12W) downstream to Olympic National Forest boundary (same section).	(1) Bear Creek	<u>Eagle Gorge</u> 7 1/2	From an approximate point (NE corner of SE1/4 of SW1/4 of NW1/4 of Sec. 28, T21N, R8E) downstream to mouth at Green River (Sec. 20, same township).
(25) Shale Creek	<u>Salmon River</u> 15 <u>Destruction Island</u> 15	From an approximate point near the NE corner of the (SE1/4 of SW1/4 of Sec. 26, T25N, R12W) downstream to mouth at Clearwater River (Sec. 28, T25N, R12W).	(2) Bear Creek	<u>Everett</u> 15 <u>Bothell</u> 7 1/2	From the intersection of Bear Creek and the east section line (Sec. 9, T26N, R5E) downstream to mouth at Sammamish River (same section).
(26) Snahapish River	<u>Salmon River</u> 15	From the intersection of Snahapish River and unimproved road (Sec. 21, T26N, R11W) downstream to mouth at Clearwater River (Sec. 19, T25N, R11W).	(3) Bear	<u>Redmond</u> 7 1/2	From the confluence with Seidel Creek (Sec. 20, T26N, R6E) downstream to mouth (Sec. 6, T25N, R6E).
(27) Snow Creek	<u>Uncas</u> 7 1/2	From the confluence of Snow Creek and unnamed creek from Crocker Lake (Sec. 2, T28N, R2W) downstream to mouth at Port Discovery (Sec. 24, T29N, R2W).	(4) Beckler River (Cont.)	<u>Skykomish</u> 7 1/2	From the Snohomish County line (Sec. 5, T26N, R12E) downstream to Skykomish River (South Fork) (Sec. 25, T26N, R11E).
(28) Solleks River	<u>Kloochman Rock</u> 15 <u>Salmon River</u> 15	From the confluence of Solleks River and unnamed creek (Sec. 2, T25N, R10W) downstream to mouth at Clearwater River (Sec. 10, T25N, R11W).	(5) Big Soos Creek	<u>Auburn</u> 7 1/2	From the confluence of the Big Soos Creek and the Little Soos Creek (Sec. 35, T22N, R5E) downstream to mouth at Green River (Sec. 16, T21N, R5E).
(29) Stequaleho Creek	<u>Salmon River</u> 15	From the confluence of the Stequaleho Creek and unnamed creek (Sec. 19, T25N, R10W) downstream to mouth at Clearwater River (Sec. 16, T25N, R11W).	(6) Black River	<u>Renton</u> 7 1/2 <u>Des Moines</u> 7 1/2	From confluence of Spring Brook Creek and Black River (Sec. 13, T23N, R4E) downstream to mouth of Duwamish River (Sec. 14, same township).
			(7) Boise Creek	<u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Buckley</u> 7 1/2	From an approximate point (NW corner of the SE1/4 of SE1/4 of NE 1/4 of Sec. 28, T20N, R7E) downstream to mouth at White River (Sec. 34, T20N, R6E).
			(8) Boxley Creek	<u>Bandera</u> 15	From an approximate point (NW1/4 of SW1/4 of Sec. 25, T23N, R8E) downstream to mouth at South Fork Snoqualmie River (Sec. 24, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(9) Calligan Creek	<u>Mount Si</u> 15	From an approximate point (SE1/4 of NE1/4 of Sec.3, T24N,R9E) downstream through Calligan Lake to mouth at Snoqualmie River (North Fork) (Sec.31,T25N, R9E).	(21) Granite Creek	<u>Bandera</u> 15	From an approximate point (SE1/4 of SE1/4 of SW1/4 of Sec.11,T23N,R9E) downstream to mouth at the Middle Fork Snoqualmie River (Sec.10, same township).
(10) Carroll Creek	<u>Scenic</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.35,T26N,R12E) downstream to mouth at Tye River (Sec.26, same township).	(22) Green River*	<u>Lester</u> 15 <u>Greenwater</u> 15 <u>Bandera</u> 15 <u>Eagle Gorge*</u> 7 1/2 <u>Cumberland</u> 7 1/2 <u>Black Diamond</u> 7 1/2 <u>Auburn</u> 7 1/2 <u>Renton</u> 7 1/2 <u>Des Moines</u> 7 1/2 <u>Seattle South</u> 7 1/2	From confluence of Green River and Tacoma Creek (Sec.35,T20N,R11E) downstream thru Duwamish River to mouth on Elliott Bay (Sec.18,T24N,R4E) (thru Howard Hanson Reservoir also). The 1,000 cfs MAF point begins at the toe of Howard A. Hanson Dam (Sec.28,T21N,R8E).
(11) Cedar River	<u>North Bend</u> 7 1/2 <u>Hobart</u> 7 1/2 <u>Maple Valley</u> 7 1/2 <u>Renton</u> 7 1/2 <u>Mercer Island</u> 7 1/2 <u>Cumberland</u> 7 1/2	From east section line (Sec.9,T21N,R10E) downstream to mouth at Lake Washington in Renton (Sec.7,T23N,R5E), excluding all federal lands.	(23) Green River (N. Fk.)	<u>Bandera</u> 15 <u>Eagle Gorge</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.18,T21N,R9E) downstream to mouth at Howard Hanson Reservoir (Sec.22,T21N,R8E).
(12) Champion Creek	<u>Greenwater</u> 15	From the confluence of Champion Creek and unnamed creek (Sec.28,T20N,R10E) downstream to mouth at Green River (Sec.20, same township).	(24) Green-water River	<u>Lester</u> 15 <u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.31,T19N,R11E) downstream to White River (along the northerly shore only) (Sec.4,T19N,R9E). Exclude federal lands.
(13) Charley Creek	<u>Eagle Gorge</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.3,T20N,R8E) downstream to mouth at Howard Hansen Reservoir (Sec.34,T21N,R8E).	(25) Griffin Creek	<u>Lake Joy</u> 7 1/2 <u>Snoqualmie</u> 7 1/2 <u>Fall City</u> 7 1/2	From the confluence of Griffin Creek and East Fork Griffin Creek (Sec. 19,T25N,R8E) downstream to mouth at the Snoqualmie River (Sec.28,T25N,R7E).
(14) Cherry Creek	<u>Monroe</u> 15 <u>Monroe</u> 7 1/2 <u>Carnation</u> 7 1/2	From the confluence of Cherry Creek and Hannen Creek (Sec.2,T26N,R7E) downstream to mouth at Snoqualmie River (Sec.6, same township).	(26) Hancock Creek	<u>Mount Si</u> 15	From an approximate point (NE1/4 of NW1/4 of Sec.15, T24N, R9E) downstream to mouth at Lake Hancock thence downstream to North Fork Snoqualmie River (Sec.7, same township).
(15) Coal Creek	<u>Cumberland</u> 7 1/2	From the confluence of Coal Creek and unnamed creek (Sec.27,T21N,R7E) downstream to mouth at Fish Lake (Sec.31, same township).	(27) Harris Creek	<u>Carnation</u> 7 1/2	From the intersection of Harris Creek and Swan Mill Road (Sec.34,T26N,R7E) downstream to mouth at Snoqualmie River (Sec.5, T25N,R7E).
(16) Covington Creek	<u>Black Diamond</u> 7 1/2 <u>Auburn</u> 7 1/2	From the confluence of waters from Lake Sawyer (Sec.4,T21N,R6E) downstream to mouth at Big Soos Creek (Sec.11, T21N,R5E).	(28) Index Creek	<u>Index</u> 15 <u>Baring</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.10,T26N,R10E) downstream to mouth at South Fork Skykomish River (Sec.2, same township).
(17) Evans Creek	<u>Redmond</u> 7 1/2	From the confluence of Evans Creek and unnamed creek (Sec.8,T25N, R6E) downstream to mouth at Sammamish River (Sec.11,T25N,R5E).	(29) Issaquah Creek	<u>Hobart</u> 7 1/2 <u>Maple Valley</u> 7 1/2 <u>Issaquah</u> 7 1/2	From the confluence of Holder Creek and Carey Creek (Sec.25,T23N,R6E) downstream to mouth at Sammamish Lake (Sec.17, T24N,R6E).
(18) Foss River	<u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.32,T26N,R12E) downstream (excluding portion of federal lands) to mouth at Skykomish River (Sec.31, same township).	(30) Jenkins Creek	<u>Black Diamond</u> 7 1/2 <u>Auburn</u> 7 1/2	From the intersection of Jenkins Creek and light-duty county road (Sec.36,T22N,R5E) downstream to mouth at Big Soos Creek (Sec.2,T21N,R5E).
(19) Friday Creek	<u>Lester</u> 15	From the confluence of Friday Creek and unnamed creek (Sec.18,T20N,R11E) downstream to mouth at the Green River (same section).	(31) Kimball Creek	<u>Snoqualmie</u> 7 1/2	From the confluence of Coal Creek and Kimball Creek (Sec.31,T24N,R8E) downstream to mouth at Snoqualmie River (Sec.30, same township).
(20) Gale Creek	<u>Bandera</u> 15	From the confluence of Gale Creek and unnamed creek (Sec.36,T21N,R8E) downstream to mouth at Howard Hanson Reservoir (same section).			

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(32) Maloney Creek	<u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.35,T26N,R11E) downstream to mouth at South Fork Skykomish River (Sec.26, same township).	(44) Raging River	<u>North Bend</u> 7 1/2 <u>Hobart</u> 7 1/2 <u>Fall City</u> 7 1/2	From the confluence of Raging River and unnamed stream (SE1/4 of NW1/4 Sec.25,T23N,R7E) downstream to mouth at Snoqualmie River (Sec.14,T24N,R7E) near Fall City.
(33) Martin Creek	<u>Scenic</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.13, T26N,R12E) downstream to federal boundary (Sec.25, same township).	(45) Rock Creek	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.34,T20N,R10E) downstream to mouth at Green River (Sec.21, same township).
(34) May Creek	<u>Mercer Island</u> 7 1/2	From the intersection of May Creek and light-duty road (SE1/4, SE1/4 Sec.32,T24N,R5E) downstream to mouth at Lake Washington (same section).	(46) Rock Creek	<u>Hobart</u> 7 1/2	From the confluence of Rock Creek and waters from the diversion ditch (Sec. 16,T22N,R7E) downstream to mouth at the Cedar River (Sec.17, same township).
(35) Mercer Slough	<u>Mercer Island</u> 7 1/2	From the east section line (Sec.5,T24N,R5E) downstream through Mercer Slough to mouth at East Channel (Sec.8, same township).	(47) Rock Creek	<u>Maple Valley</u> 7 1/2	From the intersection of county road, railroad and Rock Creek (Sec.22,T22N, R6E) downstream to Cedar River (Sec.23, same township).
(36) Miller River	<u>Grotto</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.33,T26N,R11E) downstream, excluding those reaches within Snoqualmie National Forest, to mouth at Skykomish River (Sec.28, same township).	(48) Sammamish River	<u>Redmond</u> 7 1/2 <u>Kirkland</u> 7 1/2 <u>Bothell</u> 7 1/2 <u>Edmonds East</u> 7 1/2	From Sammamish Lake (Sec.13,T25N,R5E) downstream to mouth at Lake Washington (Sec.11,T26N,R4E).
(37) Money Creek	<u>Grotto</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.28,T26N,R11E) downstream back to the Snoqualmie National Forest boundary (same section).	(49) Sawmill Creek	<u>Lester</u> 15	From the Snoqualmie National Forest boundary (Sec.30,T20N,R11E) downstream, excluding all federal lands to mouth at Green River (Sec.24,T20N, R10E).
(38) Newaukum Creek	<u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Buckley</u> 7 1/2 <u>Black Diamond</u> 7 1/2	From the confluence of Newaukum Creek and unnamed creek (Sec.7,T20N,R7E) downstream to mouth at the Green River (Sec.29,T21N, R6E).	(50) Scatter Creek	<u>Enumclaw</u> 15	From the confluence of Scatter Creek and unnamed creek (Sec.2,T19N,R7E) downstream to mouth at the White River (Sec.11, same township).
(39) North Creek (Cont.)	<u>Everett</u> 15 <u>Bothell</u> 7 1/2	From King County and Snohomish County line (Sec.5,T26N,R5E) downstream to mouth at Sammamish River (Sec.8, same township).	(51) Skykomish River*	<u>Skykomish</u> * 7 1/2 <u>Grotto</u> 7 1/2 <u>Baring</u> 7 1/2 (S. Fk.)	From confluence of Tye River and Foss River (Sec. 31,T26N,R12E) downstream to Snohomish County line (Sec.3,T26N,R10E) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Beckler Creek (Sec.25, T26N,R11E).
(40) North Fork Creek	<u>Lake Joy</u> 7 1/2	From the beginning of creek at swamp (Sec.18, T26N,R8E) downstream to mouth at North Fork Tolt River (Sec.29, same township).	(52) Smay Creek	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.7,T20N,R10E) downstream to mouth at Green River (Sec.13,T20N,R9E).
(41) Patterson Creek	<u>Fall City</u> 7 1/2	From the confluence of Patterson Creek and Canyon Creek (Sec.8,T24N,R7E) downstream to mouth at the Snoqualmie River (Sec.4, same township).	(53) Snoqualmie River*	<u>Snoqualmie</u> * 7 1/2 <u>Fall City</u> 7 1/2 <u>Carnation</u> 7 1/2 <u>Redmond</u> 7 1/2 <u>Monroe</u> 7 1/2	From the confluence of Middle Fork and South Fork of Snoqualmie River (Sec. 33,T24N,R8E) downstream to Snohomish County line (Sec.6,T26N,R7E). The 1,000 cfs MAF point begins at confluence of Middle Fork and South Fork Snoqualmie River.
(42) Philippa Creek	<u>Mount Si</u> 15	From an approximate point (SE1/4 of Sec.22,T25N,R9E) downstream to mouth at Snoqualmie River (Sec.15, same township).			
(43) Pratt River	<u>Snoqualmie Pass</u> 15 <u>Bandera</u> 15 <u>Mount Si</u> 15	From east section line (Sec. 27,T23N,R10E) downstream to mouth on Middle Fk. Snoqualmie R. (Sec.31, T24N,R10E) excluding federal lands.			



<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(54) Sno-qualmie River (M. Fk.)*	<u>Mount Si</u> * 15 Bandera 15 North Bend 7 1/2 Snoqualmie 7 1/2	From Snoqualmie National Forest boundary (Sec.26, T24N,R10E) downstream to confluence with South Fork of Snoqualmie River (Sec. 33,T24N,R8E), excluding all federal lands. The 1,000 cfs MAF point begins at Snoqualmie National Forest boundary.	(65) Tolt River (N. Fk.)	<u>Mount Si</u> 15 Lake Joy 7 1/2	From confluence with Titicaed Creek (Sec.12, T26N,R9E) downstream to mouth at Tolt River (Sec. 31,T26N,R8E).
(55) Sno-qualmie River (N. Fk.)	<u>Mount Si</u> 15 Snoqualmie 7 1/2 North Bend 7 1/2	From the Snoqualmie National Forest boundary (Sec.12,T25N,R9E) downstream to mouth at Snoqualmie River (Main Fork) (Sec.34,T24N,R8E).	(66) Tolt River (S. Fk.)	<u>Mount Si</u> 15 Lake Joy 7 1/2	From the Snoqualmie National Forest boundary (Sec.31,T26N,R10E) downstream to mouth at Tolt River (Sec.31,T26N,R8E).
(56) Sno-qualmie River (S. Fk.)	<u>Bandera</u> 15 North Bend 7 1/2 Snoqualmie 7 1/2	From the Snoqualmie National Forest boundary (Sec.33,T23N,R11E) downstream to confluence with Snoqualmie River (Main Fork) (Sec.33,T24N,R8E) excluding all federal lands.	(67) Tye River	<u>Scenic</u> 7 1/2 Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.26,T26N,R12E) downstream to mouth at Skykomish River (Sec.31, same township) excluding all federal lands.
(57) Spring Brook Creek	<u>Renton</u> 7 1/2	From the intersection of Spring Brook Creek and medium-duty road (SW1/4 of NE1/4 of Sec.24,T23N,R4E) downstream to mouth at Black River (Sec.13, same township).	(68) Unnamed Tributary to Index Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.10,T26N,R10E) downstream to mouth at Index Creek (same section).
(58) Sunday Creek	<u>Lester</u> 15	From the Snoqualmie National Forest boundary (Sec.3,T20N,R11E) downstream to mouth at the Green River (Sec.18, T20N,R11E). Exclude federal lands.	(69) Unnamed Tributary to Snoqualmie River (N. Fk.)	<u>Mount Si</u> 15	From the confluence of unnamed tributary to Snoqualmie River (North Fork) and another unnamed creek (Sec.29,T24N,R9E) downstream to mouth at North Fork Snoqualmie River (Sec.19, same township).
(59) Sunday Creek	<u>Mount Si</u> 15	From the Snoqualmie National Forest boundary (Sec.13,T25N,R9E) downstream to mouth at the North Fork Snoqualmie River (Sec.15, same township).	(70) Unnamed Tributary to Tolt River (S. Fk.)	<u>Mount Si</u> 15	From the confluence of unnamed tributary to Tolt River South Fork and another unnamed stream (Sec.35,T26N,R8E) downstream to South Fork Tolt River (same section).
(60) Swamp Creek (Cont.)	<u>Bothell</u> 7 1/2	From Snohomish County line (Sec.2,T26N,R4E) downstream to mouth at Sammamish River (Sec.12, same township).	(71) White River*	<u>Greenwater</u> * 15 Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Auburn 7 1/2	From confluence of White River and Greenwater River (Sec.4,T19N,R9E) downstream following King-Pierce County line to Pierce County line (Sec.36,T21N,R4E) excluding Indian Reservation lands. The 1,000 cfs MAF point begins at mouth of Greenwater River.
(61) Taylor Creek	<u>Eagle Gorge</u> 7 1/2 North Bend 7 1/2	From confluence of Middle Fork and South Fork Taylor Creek (Sec.32,T22N,R8E) downstream to mouth at Cedar River (Sec.13,T22N,R7E).	(72) Issaquah Creek (E. Fk.)	<u>Issaquah</u> 7 1/2	From railroad bridge (SE1/4 Sec.27,T24N,R6E) downstream to mouth at Issaquah Creek (Sec.28, same township).
(62) Ten Creek	<u>Snoqualmie</u> 7 1/2	From the intersection of light-duty road and Ten Creek (Sec.11,T24N,R8E) downstream to mouth at Tokul Creek (Sec.9, same township).	(73) Cedar River (N. Fk.)	<u>Snoqualmie Pass</u> 15	From confluence of Cedar River North Fk. and unnamed creek (Sec.7,T21N,R11E) downstream to mouth at Cedar River (Sec.10, T21N,R10E) excluding federal lands.
(63) Tokul Creek	<u>Lake Joy</u> 7 1/2 Snoqualmie 7 1/2	From the confluence of Tokul Creek and Beaver Creek (Sec.21,T25N,R8E) downstream to mouth at Snoqualmie River (Sec.24, T24N,R7E).	(74) Cedar River (S. Fk.)	<u>Snoqualmie Pass</u> 15	From Snoqualmie National Forest boundary, east line of (Sec.23,T21N,R10E) downstream to mouth at Cedar River (Sec.10,T21N,R10E) excluding federal lands.
(64) Tolt River	<u>Lake Joy</u> 7 1/2	From the confluence of North Fork Tolt River and South Fork Tolt River (Sec.31,T26N,R8E) downstream to mouth at Snoqualmie River (Sec.21, T25N,R7E).	(75) Rex River	<u>Bandera</u> 15	From Snoqualmie National Forest south boundary (Sec.11,T21N,R9E). downstream to mouth at Chester Morse Lake (Sec.19,T22N,R9E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(76) Taylor Creek (M. Fk.)	<u>Eagle Gorge 7 1/2</u>	From confluence of unnamed tributary (NE1/4 of NE1/4 Sec.34, T22N,R8E) downstream to mouth at Taylor Creek (Sec.32, T22N,R8E).
(77) Taylor Creek (N. Fk.)	<u>Eagle Gorge 7 1/2</u>	From the bridge crossing in (NW1/4, NW1/4 Sec.29,T22N,R8E) downstream to mouth at Taylor Creek (Sec.29,T22N,R8E).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-210, filed 6/30/80; Order DE 77-15, § 173-18-210, filed 9/1/77; Order DE 76-14, § 173-18-210, filed 5/3/76; Order 73-14, § 173-18-210, filed 8/27/73; Order DE 72-13, § 173-18-210, filed 6/30/72.]

### WAC 173-18-220 Kitsap County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Beef Creek	<u>Wildcat Lake 7 1/2 Seabeck 7 1/2</u>	From the confluence of Big Beef Creek and unnamed creek (Sec.34,T25N,R1W) downstream to mouth at Big Beef Harbor (Sec.15, same township).
(2) Black Jack Creek	<u>Bremerton West 7 1/2</u>	From the confluence of Black Jack Creek and unnamed creek (Sec.11, T23N,R1E) downstream to mouth at Sinclair Inlet (Sec.25,T24N,R1E).
(3) Burley Creek	<u>Burley 7 1/2</u>	From the confluence of Burley Creek and unnamed creek (Sec.12,T22N,R1E) downstream to mouth at Burley Lagoon (same section).
(4) Chico Creek	<u>Bremerton West 7 1/2</u>	From the confluence of Chico Creek and Dickerson Creek (Sec.8,T24N,R1E) downstream to mouth in Chico Bay on Dyes Inlet (Sec.5, same township).
(5) Curley Creek	<u>Bremerton East 7 1/2</u>	From an approximate point (NE1/4 of NE1/4 of Sec.8, T23N,R2E) downstream to mouth at Yukon Harbor (Sec.33,T24N,R2E).
(6) Tahuya River	<u>Wildcat Lake 7 1/2</u>	From the confluence of the Tahuya River and unnamed creek (Sec.25, T24N,R2W) downstream to Mason County line (Sec.1, T23N,R2W).
(7) Union River	<u>Wildcat Lake 7 1/2 Belfair 7 1/2</u>	From the confluence of Union River and East Fork Union River (Sec.10,T23N, R1W) downstream to Mason Co. line (Sec.9,T23N,R1W).

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

### WAC 173-18-230 Kittitas County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Creek	<u>Easton 15</u>	From the Wenatchee National Forest boundary (Sec.35, T20N,R13E) downstream (excluding federal lands) to mouth at Yakima River (Sec.21,T20N,R14E).
(2) Cabin Creek	<u>Lester 15 Easton 15</u>	From Wenatchee National Forest boundary (Sec.19, T20N,R13E) downstream to mouth on Yakima River (Sec.9,T20N,R13E).
(3) Cle Elum River*	<u>Kachess Lake * 15 Easton 15 Cle Elum 15</u>	From the Wenatchee National Forest boundary crossing Cle Elum Lake (Sec.33, 34 & 35,T21N, R14E) downstream to mouth at Yakima River (Sec.32, T20N,R15E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(5) Columbia River (Cont.)*	<u>Rock Island Dam * 7 1/2 West Bar 7 1/2 Babcock Ridge 7 1/2 Cape Horn S.E. 7 1/2 Evergreen 7 1/2 Vantage 7 1/2 Beverly 7 1/2 Priest Rapids 7 1/2</u>	From the Chelan Co. line on the Columbia River (Sec. 5,T20N,R22E) downstream along the Douglas and Kittitas Co. line to Yakima Co. (Sec.32, T15N,R23E). The stream flow exceeds 200 cfs MAF at Chelan Co. line.
(6) Kachess River*	<u>Kachess Lake * 15</u>	From the Wenatchee National Forest (Sec.3, T20N,R13E) downstream through Lake Easton State Park and to mouth at Yakima River (same section). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.
(7) Little Creek	<u>Easton 15</u>	From the Wenatchee National Forest boundary (Sec.33,T20N,R14E) (excluding all federal lands) downstream to mouth at Yakima River (Sec.22,T20N,R14E).
(8) Log Creek	<u>Lester 15</u>	From confluence of Log Creek and unnamed creek (NW1/4, SW1/4 Sec.31,T20N, R13E) downstream to mouth on Cabin Creek (Sec.19, T20N,R13E).
(9) Manastash Creek	<u>Yakima (AMS) Ellensburg 15 Ellensburg S. 7 1/2</u>	From confluence of North and South Forks Manastash Creek (Sec.17,T17N,R17E) downstream to mouth on Yakima River (Sec.4,T17N, R18E).
(10) Manastash Creek (South Fork)	<u>Cle Elum 15 Ellensburg 15 Manastash Lake 7 1/2</u>	From the Wenatchee National Forest boundary (Sec.31,T18N,R16E) downstream to mouth at Manastash Creek (Sec.17, T17N,R17E).
(11) Swauk Creek	<u>Thorp 15</u>	From the Wenatchee National Forest boundary (Sec.10,T20N,R17E) downstream (excluding all federal lands) to mouth at Yakima River (Sec.20,T19N,R17E).

			WAC 173-18-240 Klickitat County. Streams		
Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(12) Taneum Creek	<u>Cle Elum</u> 15 Thorp 7 1/2	From Wenatchee National Forest boundary (Sec.30, T19N,R16E) downstream (excluding all federal lands) to mouth on Yakima River (Sec.33,T19N,R17E).	(1) Bowman Creek	<u>Klickitat</u> 15	From the confluence of Bowman Creek and unnamed creek (Sec.35,T5N,R14E) downstream to mouth at Little Klickitat River (Sec.10,T4N,R14E).
(13) Teanaway River*	<u>Mt. Stuart</u> * 15 <u>Cle Elum</u> 15	From the confluence of the Middle Fork and the West Fork Teanaway River (Sec. 6,T20N,R16E) downstream to Yakima River (Sec.3, T19N,R16E). The 200 cfs MAF point begins at confluence of West Fork & North Fork Teanaway River (Sec.6,T20N,R16E).	(2) Buck Creek	<u>Willard</u> 15	From the confluence of Buck Creek and unnamed creek (Sec.16,T4N,R10E) downstream to Skamania County line (Sec.35, same township).
(14) Teanaway River (M. Fk.)	<u>Mt. Stuart</u> 15	From the Wenatchee National Forest boundary (Sec.15,T21N,R15E) downstream to mouth at Teanaway River (Sec.6, T20N,R16E).	(3) Columbia River (cont.)*		All Columbia River within Klickitat County is under federal jurisdiction. Stream flow exceeds 200 cfs MAF.
(15) Teanaway River (N. Fk.)	<u>Mt. Stuart</u> 15	From the Wenatchee National Forest boundary (Sec.4,T21N,R16E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N,R16E).	(4) Dead Canyon Creek	<u>Klickitat</u> 15	From the confluence of Dead Canyon Creek and unnamed creek (Sec.2,T5N, R13E) downstream to mouth at Klickitat River (Sec.12, same township).
(16) Teanaway River (W. Fk.)	<u>Kachess Lake</u> 15 <u>Mt. Stuart</u> 15	From the Wenatchee National Forest boundary (Sec.30,T21N,R15E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N,R16E).	(5) Gilmer Creek	<u>Husum</u> 15 <u>Willard</u> 15	From the confluence of Gilmer Creek and Hangman Creek (Sec.1,T4N,R10E) downstream to mouth at White Salmon River (Sec. 2,T4N,R10E).
(17) Wilson Creek*	<u>Ellensburg So.</u> * 7 1/2 Kittitas 7 1/2	From mouth at Naneum Creek (Sec.30,T17N,R19E) downstream to mouth on Yakima River (Sec.31,T17N, R19E). This stream has over 300 sq. miles of drainage area ending at mouth of Cherry Creek (Sec.31,T17N,R19E).	(6) Klickitat River*	<u>Mt. Adams</u> 30 <u>Klickitat</u> * 15 The Dalles 15 White Salmon 15	From Yakima Indian Reservation (Sec.24,T6N,R13E) downstream to mouth on Columbia River (Sec.34, T3N,R12E). The stream flow exceeds 200 cfs MAF at Yakima Co. line.
(18) Yakima River*	<u>Snoqualmie Pass</u> * 15 Kachess 15 Easton 15 Cle Elum 15 Thorp 7 1/2 Ellensburg North 7 1/2 Ellensburg South 7 1/2 Wymer 7 1/2 Pamona 7 1/2 Kittitas 7 1/2	From the Wenatchee National Forest boundary (Sec.15,T21N,R12E) downstream (excluding all federal lands) to the Yakima Co. line (Sec.33, T15N,R19E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.	(7) Little Klickitat River (E. Prong)	<u>Satus Pass</u> 15 <u>Goldendale</u> 15 <u>Klickitat</u> 15	From the confluence of Little Klickitat River, E. Prong and Dry Creek (Sec. 10,T5N,R17E) downstream to mouth at Klickitat River (Sec.9,T4N,R14E).
(19) Little Naches River*	<u>Lester</u> 15 <u>Easton</u> 15* <u>Cliffdell</u> 7 1/2	From confluence of North Fork & Middle Fork of Little Naches River (Sec.31,T19N,R12E) downstream left bank to mouth of Naches River (Sec.4,T17N,R14E). Exclude federal lands. The 200 cfs MAF point begins at confluence with Crow Creek (Sec.30, T18N,R14E).	(8) Major Creek	<u>Husum</u> 15 <u>White Salmon</u> 15	From the confluence of Major Creek, East Fork and West Fork (Sec.12,T3N, R11E) downstream to mouth at Columbia River (Sec.31, T3N,R12E).
			(9) Mill Creek	<u>Goldendale</u> 15 <u>Klickitat</u> 15	From the confluence of Mill Creek and unnamed creek (Sec.13,T4N,R14E) downstream to mouth at Little Klickitat River (Sec.14, same township).
			(10) Rattlesnake Creek	<u>Husum</u> 15	From the confluence of Rattlesnake Creek and unnamed creek (Sec.29,T5N, R12E) downstream to mouth at White Salmon River (Sec.30,T4N,R11E).
			(11) Rock Creek	<u>Satus Pass</u> 15 <u>Goodnoe Hills</u> 7 1/2 The Dalles AMS (1:250,000)	From the confluence of Rock Creek and Luna Gulch (Sec.23,T4N,R18E) downstream to mouth at Columbia River (Sec.32, T3N,R19E).
			(12) Snyder Canyon Creek	<u>Klickitat</u> 15	From an approximate point (NW1/4 of NE1/4 Sec.16,T4N, R13E) downstream to mouth at Klickitat River (Sec. 23,T4N,R13E).

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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(13) Swale Creek	<u>Wishram 15</u> <u>The Dalles 15</u> <u>Klickitat 15</u>	From the north section line (Sec.30,T3N,R15E) downstream to the mouth at Klickitat River (Sec. 18,T4N,R14E).	(7) Chehalis River*	<u>Skamokawa 15</u> <u>Pe Ell 15</u> <u>Adna* 15</u> <u>Centralia 15</u> <u>Rochester 15</u>	From confluence of East Fork, West Fork and Chehalis River at (Sec. 10,T11N,R5W) downstream to Lewis Co. and Thurston Co. line (Sec.26,T15N, R3W). The 1,000 cfs MAF point begins at mouth of South Fork Chehalis River (Sec.13,T13N,R4W).
(14) Trout Lake Creek*	<u>Steamboat Mt. 30</u> <u>Willard* 15</u>	From the Skamania County line (Sec.6,T6N,R10E) downstream through Trout Lake to mouth at White Salmon River (Sec.24, same township). The flow at the Skamania County-Gifford Pinchot National Forest boundary exceeds 200 cfs MAF.	(8) Chehalis River (E. Fk.)	<u>Skamokawa 15</u>	From confluence of Chehalis River East Fork and unnamed creek (Sec.27, T11N,R5W) downstream to mouth at confluence of West Fork Chehalis River and Chehalis River (Sec. 10,T11N,R5W).
(15) White Salmon River*	<u>Steamboat Mt. 30</u> <u>Willard* 15</u> <u>Husum 15</u>	Beginning at National Forest boundary (Sec.3, T6N,R10E) downstream to mouth at Columbia River (Sec.23,T3N,R10E) excluding that part of west bank within Skamania County. The flow at Gifford Pinchot National Forest boundary exceeds 200 cfs MAF.	(9) Chehalis River (W. Fk.)	<u>Skamokawa 15</u>	From confluence of Chehalis River West Fork and unnamed creek (Sec.20, T11N,R5W) downstream to mouth at confluence of East Fork and Chehalis River (Sec.10,T11N,R5W).
			(10) Chehalis River (S. Fk.) (Cont.)	<u>Ryderwood 15</u> <u>Adna 15</u>	Beginning where the Chehalis River South Fork crosses the Lewis Co. and Cowlitz Co. line (Sec.2, T10N,R4W) downstream to mouth at Chehalis River (Sec.13,T13N,R4W).

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

#### WAC 173-18-250 Lewis County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Creek	<u>Randle 15</u> <u>Mineral 15</u>	From confluence of Big Creek and Tealey Creek (Sec.4,T14N,R7E) downstream to mouth at Nisqually River (Sec.34,T15N,R6E).	(11) Cinnabar Creek	<u>Onalaska 15</u>	Beginning at (NW1/4 of SW1/4 Sec.13,T13N,R2E) downstream to mouth at Tilton River (Sec.26,T13N,R2E).
(2) Brim Creek	<u>Ryderwood 15</u> <u>Castle Rock 15</u>	From confluence of Brim Creek and North Fork at (Sec.24,T11N,R3W) downstream to mouth at Stillwater Creek (Sec.25,T11N,R3W).	(12) Cispus River*	<u>Steamboat Mt. 30</u> <u>Spirit Lake 15</u> <u>Greenhorn Buttes 7 1/2</u> <u>Tower Rock* 7 1/2</u>	Beginning in the Gifford Pinchot National Forest (Sec.18,T11N,R8E) downstream to the mouth at Cowlitz River (Sec.31,T12N,R6E). The 1,000 cfs MAF point is at Gifford Pinchot National Forest boundary. Exclude federal lands.
(3) Bunker Creek	<u>Adna 15</u>	Beginning in the (SE1/4 of NE1/4 Sec.17,T14N,R4W) downstream to mouth at Chehalis River (Sec.6,T13N, R3W).	(13) Coal Creek	<u>Mt. Rainier 30</u> <u>Packwood 15</u>	Beginning at Gifford Pinchot National Forest boundary at east section line (Sec.1,T13N,R9E) downstream to mouth at Cowlitz River (same section).
(4) Butter Creek	<u>Mt. Rainier 30</u> <u>Packwood 15</u>	Beginning at Gifford Pinchot National Forest boundary at (Sec.3,T13N, R9E) downstream to mouth at Cowlitz River (Sec.10 of same township).	(14) Connelly Creek	<u>Morton 15</u>	Beginning at confluence with Heller Creek (Sec.23,T13N,R4E) downstream to mouth at Tilton River (Sec.35, of same township).
(5) Catt Creek	<u>Mt. Rainier 30</u> <u>Mineral 15</u> <u>Randle 15</u>	Beginning at Snoqualmie National Forest boundary (Sec.13,T14N,R6E) downstream to mouth at Big Creek (Sec.2,T14N,R6E).	(15) Cowlitz River*	<u>Mt. Rainier 30</u> <u>Randle 15</u> <u>Mineral 15</u> <u>Spirit Lake 15</u> <u>Packwood* 15</u> <u>Greenhorn Butte 7 1/2</u> <u>Elk Rock 15</u> <u>Morton 15</u> <u>Onalaska 15</u> <u>Toutle 15</u> <u>Castle Rock 15</u>	Starting at the Gifford Pinchot National Forest boundary (Sec.1,T13N,R9E) downstream to Cowlitz Co. line (Sec.33,T11N, R2W). The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.
(6) Cedar Creek	<u>Toutle 15</u>	From confluence of Cedar Creek and unnamed Creek (Sec.11,T11N,R1E) downstream to Salmon Creek (Sec.36,T11N,R1W).	(16) Crim Creek	<u>Pe Ell 15</u>	From confluence of Crim Creek and unnamed creek (Sec.19,T12N,R5W) downstream to mouth at Chehalis River (Sec.10, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(17) Davis Creek	<u>Mt. Rainier</u> 30	Beginning at Gifford Pinchot National Forest boundary north section line (Sec.16,T12N,R8E) downstream to mouth at Cowlitz River (Sec.17, of same township).	(29) Halfway Creek	<u>Adna</u> 15	From confluence of Halfway Creek and unnamed creek (Sec.9,T12N,R4W) downstream to mouth at Stillman Creek (Sec.14, same township).
(18) Deep Creek	<u>Adna</u> 15	From confluence of Deep Creek and Tapp Creek (Sec.24,T14N,R4W) downstream to mouth at Bunker Creek (Sec.6,T13N,R3W).	(30) Hall Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	From the North Sec. line (Sec.27,T13N,R9E) downstream to mouth at Cowlitz River (Sec.33, same township) (exclude all federal land).
(19) Deschutes River	<u>Morton</u> 15 <u>Ohop Valley</u> 15	From confluence of West Fork and Deschutes River (Sec.1,T14N,R3E) downstream to Lewis Co. and Thurston Co. line (Sec.24,T15N,R3E).	(31) Hanaford Creek	<u>Onalaska</u> 15 <u>Tenino SW 7 1/2</u> <u>Centralia</u> 15 <u>Bucoda 7 1/2</u>	Beginning at (NE1/4 of NW1/4 Sec.5,T14N,R1E) downstream to mouth at Skookumchuck River (Sec.33,T15N,R2W).
(20) Devils Creek	<u>Elk Rock</u> 15 <u>Toutle</u> 15	Starting at (NW1/4 of NW1/4 Sec.31,T11N,R3E) downstream to Lewis Co. and Cowlitz Co. line at SW corner (Sec.36,T11N,R2E).	(32) Hanlan Creek	<u>Ryderwood</u> 15	From confluence of Hanlan Creek and unnamed creek (Sec.34,T11N,R4W) downstream to mouth at Chehalis River (Sec.35, of same township).
(21) Dillenbaugh Creek	<u>Centralia</u> 15	From confluence of Dillenbaugh Creek and Berwick Creek (Sec.9, T13N,R2W) downstream to mouth at Chehalis River (Sec.31,T14N,R2W).	(33) Independence Creek	<u>Rochester</u> 15	From confluence of Independence Creek and unnamed creek (Sec.29, T15N,R4W) downstream to Grays Harbor Co. line (Sec.15,T15N,R4W).
(22) East Creek	<u>Mineral</u> 15 <u>Kapowsin</u> 15	Beginning at approximately the 1/4 corner on west section line (Sec.6,T14N, R5E) the Snoqualmie National Forest boundary, downstream to mouth at Alder Reservoir (Sec.29, T15N,R5E).	(34) Johnson Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	Beginning where Johnson Creek crosses Gifford Pinchot National Forest boundary (Sec.32,T13N, R9E) downstream to mouth at Cowlitz River (same section).
(23) Eight Creek (Cont.)	<u>Pe Ell</u> 15	Beginning at a point on Pacific Co. and Lewis Co. line (Sec.7,T13N,R5W) downstream to mouth at Elk Creek (Sec.8,T13N, R5W).	(35) Jones Creek	<u>Pe Ell</u> 15	From confluence of Jones Creek and Katula Creek (Sec.23,T13N,R5W) downstream to mouth at Chehalis River (same section).
(24) Elk Creek (Cont.)	<u>Pe Ell</u> 15	Beginning at a point on Lewis Co. and Pacific Co. line SW corner (Sec.6, T13N,R5W) downstream to mouth at Chehalis River (Sec.3 of same township).	(36) Kearney Creek	<u>Onalaska</u> 15	From confluence of Kearney Creek and Door Creek (Sec.18,T13N,R2E) downstream to mouth at Newaukum River South Fork (Sec.13,T13N, R1E).
(25) Elk Creek	<u>Elk Rock</u> 15	From confluence of Elk Creek and unnamed creek (Sec.27,T11N,R4E) downstream to mouth at Green River (Sec.32,T11N,R4E).	(37) King Creek	<u>Centralia</u> 15 <u>Castle Rock</u> 15	From confluence of King Creek and unnamed creek (Sec.29,T12N,R2W) downstream to mouth at Olequa Creek (Sec.28, same township).
(26) Gallup Creek	<u>Mineral</u> 15	From confluence of Gallup Creek and unnamed creek (Sec.1,T13N,R5E) downstream to mouth at Mineral Creek (Sec.25,T14N,R5E).	(38) Kiona Creek	<u>Mineral</u> 15 <u>Randle</u> 15	Beginning at Gifford Pinchot National Forest boundary (Sec.4,T12N,R6E) downstream to mouth at Cowlitz River (Sec.20, T12N,R7E).
(27) Garrard Creek (South Fork)	<u>Malone</u> 15	From confluence of Garrard Creek South Fork and unnamed Creek (Sec.16, T15N,R5W) downstream to Grays Harbor Co. line (Sec.9, same township).	(39) Klickitat Creek	<u>Onalaska</u> 15	From confluence of Klickitat Creek and unnamed creek (Sec.14, T12N,R2E) downstream to mouth at Mayfield Lake (Sec.10, same township).
(28) Green River (Cont.)	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15	From south line (Sec.33,T11N,R4E) Lewis-Skamania County line downstream to Lewis-Skamania County line (Sec.31, same township) downstream to Lewis-Cowlitz County line (Sec.31,T11N,R4E).	(40) Lacamas Creek	<u>Centralia</u> 15 <u>Castle Rock</u> 15	From confluence of Lacamas Creek and Baker Creek (Sec.15,T12N,R1W) downstream to mouth at Cowlitz River (Sec.27,T11N,R2W).
			(41) Lake Creek	<u>Adna</u> 15	Beginning at (SE1/4 of NW1/4 Sec.21,T12N,R3W) downstream to mouth at Chehalis River South Fork (Sec.30,T13N,R3W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(42) Lake Creek	<u>Mineral</u> 15	Beginning at outlet on Anderson Lake (Sec.15, T14N,R6E) downstream to mouth at Catt Creek (Sec. 2,T14N,R6E).	(54) Newaukum River (N. Fk.)	<u>Onalaska</u> 15	From confluence of Newaukum River North Fork and unnamed creek (Sec. 13,T14N,R1E) downstream to mouth at Newaukum River (Sec.18,T13N,R1W).
(43) Lake Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	Beginning at Gifford Pinchot National Forest boundary at west section line (Sec.12,T13N,R9E) downstream to mouth at Cowlitz River (Sec.11, same township).	(55) Newaukum River (S. Fk.)	<u>Onalaska</u> 15	Beginning at the (NE1/4 of SE1/4 Sec.27,T14N,R2E) downstream to mouth at Newaukum River (Sec.19, T13N,R1W) downstream through Newaukum River to mouth at Chehalis River (Sec.31,T14N,R2W).
(44) Landers Creek	<u>Spirit Lake</u> 15	From an approximate point in center of (SE1/4 Sec.7, T11N,R5E) downstream to mouth on Davison Lake (Sec.7,T11N,R5E).	(56) Nisqually River*	<u>Randle</u> 15 <u>Kapowsin*</u> 15 <u>Mount Wow</u> 7 1/2 <u>Mineral</u> 15	Beginning at the Snoqualmie National Forest boundary left (south) bank only (Sec.33,T15N,R7E) downstream through Alder Reservoir to Lewis Co., Pierce Co., and Thurston Co. lines in the Reservoir (Sec.29,T15N,R5E). The 1,000 cfs MAF point begins at mouth of Mineral Creek (Sec.26,T15N,R5E).
(45) Lincoln Creek	<u>Adna</u> 15 <u>Rochester</u> 15	From confluence of North Fork, South Fork of Lincoln Creek and Lincoln Creek (Sec.5,T14N,R4W) downstream to mouth at Chehalis River (Sec.35, T15N,R3W).	(57) Olequa Creek	<u>Centralia</u> 15 <u>Castle Rock</u> 15	From confluence of Olequa Creek and unnamed creek closest to GN, NP, UP Railroad track (Sec.21, T12N,R2W) downstream to Lewis Co. and Cowlitz Co. line (Sec.32,T11N,R2W).
(46) Lincoln Creek (N. Fork)	<u>Adna</u> 15	Beginning at the (NW1/4 of NE1/4 Sec.6,T14N,R4W) downstream to mouth Lincoln Creek (Sec.5, same township).	(58) Quartz Creek	<u>Spirit Lake</u> 15	From the National Forest boundary (Sec.10,T11N, R6E) downstream to mouth on Cispus River (same section).
(47) Lincoln Creek (S. Fork)	<u>Adna</u> 15	From confluence of Lincoln Creek South Fork and Wildcat Creek (Sec.7, T14N,R4W) downstream to mouth at Lincoln Creek (Sec.5, same township).	(59) Rainy Creek	<u>Mineral</u> 15 <u>Spirit Lake</u> 15	From confluence of Rainy Creek and unnamed creek (Sec.8,T12N,R6E) downstream to mouth at Davison Lake (Sec.27,T12N,R5E).
(48) Lost Creek	<u>Adna</u> 15	From confluence of Lost Creek and unnamed creek north section line (Sec. 10,T12N,R4W) downstream to mouth at Stillman Creek (Sec.2 of same township).	(60) Rock Creek	<u>Pe Ell</u> 15	Beginning at a point approximately at the 1/4 corner (Sec.1,T12N,R6W) on Pacific Co. and Lewis Co. line downstream to mouth at Chehalis River (Sec.33,T13N,R5W).
(49) Lucas Creek	<u>Onalaska</u> 15 <u>Centralia</u> 15	From confluence of Lucas Creek and unnamed creek (Sec.5,T13N,R1E) downstream to mouth at Newaukum River North Fork (Sec.2,T13N,R1W).	(61) Roger Creek	<u>Skamokawa</u> 15 <u>Pe Ell</u> 15	From confluence of Little Roger Creek, Big Roger Creek and Roger Creek (Sec. 27,T12N,R5W) downstream to mouth at Chehalis River (Sec.22,T12N,R5W).
(50) Mill Creek	<u>Onalaska</u> 15	Beginning at the (NW1/4 of SW1/4 Sec.28,T13N,R2E) downstream to mouth at Cowlitz River (Sec.23, T12N,R1E).	(62) Roundtop Creek	<u>Mineral</u> 15	From confluence of Roundtop Creek and unnamed creek (Sec.20, T14N,R5E) downstream to mouth at Mineral Creek (Sec.3, same township).
(51) Mineral Creek	<u>Mineral</u> 15	From confluence of Mineral Creek and unnamed creek (Sec.9,T13N,R6E) downstream to mouth at Nisqually River (Sec.26, T15N,R5E).	(63) Salmon Creek	<u>Toutle</u> 15 <u>Castle Rock</u> 15	From confluence of Salmon Creek and Rapid Creek (Sec. 17,T11N,R2E) downstream to Lewis Co. and Cowlitz Co. line, excluding Salmon Creek on Cowlitz Co. side (Sec.34,T11N,R1W) downstream to mouth at Cowlitz River (Sec.19,T11N,R1W).
(52) Mineral Creek (N. Fk.)	<u>Mineral</u> 15	Beginning at the (NW1/4 of SW1/4 Sec.35,T14N,R6E) downstream to mouth at Mineral Creek (Sec.10, T14N,R5E).			
(53) Newaukum River (M. Fk.)	<u>Centralia</u> 15	From confluence of Newaukum River Middle Fork and unnamed creek (NE of other unnamed creek) (Sec. 22,T13N,R1W) downstream to mouth at North Fork Newaukum River (Sec.20 of same township).			

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(64) Salzer Creek	<u>Centralia</u> 15	From the confluence of Salzer Creek and unnamed creek (Sec.23,T14N,R2W) downstream to Chehalis River (Sec.18,T14N,R2W).	(76) Thrash Creek	<u>Skamokawa</u> 15	Beginning at (SE1/4 of NE1/4 Sec.31,T12N,R5W) downstream to mouth at Chehalis River (Sec.33, same township).
(65) Shelton Creek	<u>Morton</u> 15 <u>Elk Rock</u> 15	From confluence of Shelton Creek and unnamed creek (Sec.27,T12N,R4E) downstream to mouth at Davisson Lake (Sec.27, same township).	(77) Tilton River	<u>Mineral</u> 15 <u>Onalaska</u> 15 <u>Morton</u> 15	Beginning at the closest point on Tilton River to center of (Sec.5,T13N,R5E) downstream to mouth at Mayfield Lake (Sec.26, T13N,R2E).
(66) Siler Creek	<u>Mt. Rainier</u> 30 <u>Randle</u> 15	From confluence of Siler Creek and unnamed creek (Sec.27,T12N,R7E) downstream to mouth at Cowlitz River (Sec.20, same township) exclude federal land.	(78) Tilton River (E. Fk.)	<u>Mineral</u> 15	From confluence of Tilton River East Fork and unnamed creek (NW1/4 Sec.19, T13N,R6E) downstream to mouth at Tilton River South Fork, on downstream to Tilton River (Sec.25, T13N,R4E).
(67) Silver Creek	<u>Randle</u> 15	From confluence of Silver Creek and Lynx Creek (Sec.22,T13N,R7E) downstream to Cowlitz River (Sec.15,T12N,R7E). Exclude federal lands.	(79) Tilton River (N. Fk.)	<u>Morton</u> 15	From north section line Forest boundary (Sec.3, T13N,R3E) downstream to mouth at Tilton River (Sec.30,T13N,R4E). Exclude federal lands.
(68) Skate Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	From the Gifford Pinchot National Forest boundary at SE corner (Sec.8,T13N,R9E) downstream to mouth at Cowlitz River (Sec.21, same township).	(80) Tilton River (S. Fk.)	<u>Mineral</u> 15	Beginning in (NE1/4 of NE1/4 Sec.32,T13N,R5E) downstream to confluence point with East Fork Tilton River, on downstream to mouth at Tilton River (Sec.25,T13N,R4E).
(69) Skookum-chuck River	<u>Morton</u> 15 <u>Onalaska</u> 15 Lake Lawrence 7 1/2 Tenino SW 7 1/2 <u>Centralia</u> 15	From confluence of Bigwater Creek and Skookumchuck River (Sec.7,T14N,R3E) downstream excluding federal lands to Lewis Co. and Thurston Co. thence downstream (Sec.28,T15N,R2W) to mouth (Sec.7,T14N,R2W).	(81) Tilton River (W. Fk.)	<u>Mineral</u> 15	From confluence of Trout Creek and Tilton River (W. Fk.) (Sec.2, T13N,R4E) downstream to mouth at Tilton River (Sec.19,T13N,R5E).
(70) Smith Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	From the Gifford Pinchot National Forest boundary (Sec.5,T12N,R9E) downstream to Cowlitz River (Sec.32,T13N,R9E).	(82) Unnamed Trib. to Newaukum River (S. Fk.)	<u>Onalaska</u> 15	From confluence of unnamed creek and unnamed creek (Sec.27,T14N,R2E) downstream to mouth at Newaukum River South Fork (same section).
(71) South Hanaford Creek	<u>Centralia</u> 15 <u>Tenino S.W.</u> 7 1/2	Beginning at the (NE1/4 of NE1/4 Sec.12,T14N,R2W) downstream to mouth at Hanaford Creek (Sec.26, T15N,R2W).	(83) Unnamed Trib. to Stillman Creek	<u>Ryderwood</u> 15	From confluence of unnamed creek and unnamed creek (Sec.9,T11N,R4W) downstream to mouth at Stillman Creek (Sec.34,T12N,R4W).
(72) Stearns Creek	<u>Centralia</u> 15 <u>Adna</u> 15	From confluence of Stearns Creek and unnamed creek (Sec.32,T13N,R2W) downstream to mouth at Chehalis River (Sec.2, T13N,R3W).	(84) Willame Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	From Gifford Pinchot National Forest boundary (Sec.31,T13N,R9E) downstream to Cowlitz River (Sec.6,T12N,R9E).
(73) Stillman Creek	<u>Ryderwood</u> 15 <u>Adna</u> 15	From confluence of Stillman Creek and unnamed creek (Sec.14,T11N,R4W) downstream to mouth at Chehalis River South Fork (Sec.2,T12N,R4W).	(85) Winston Creek	<u>Elk Rock</u> 15 <u>Onalaska</u> 15 <u>Toutle</u> 15	From confluence of Winston Creek and Thurston Creek (Sec.11,T11N,R3E) downstream to mouth at Mayfield Lake (Sec.20, T12N,R2E).
(74) Still-water Creek (Cont.)	<u>Ryderwood</u> 15 <u>Castle Rock</u> 15	From Lewis Co. and Cowlitz Co. line south section line (Sec.34,T11N,R3W) downstream to mouth at Olegua Creek (Sec.32,T11N,R2W).	(86) Winston Creek (S. Fk.)	<u>Elk Rock</u> 15	From confluence of Winston Creek South Fork and unnamed creek (Sec.9,T11N,R3E) downstream to mouth at Winston Creek (Sec.36, T12N,R2E).
(75) Stowe Creek	<u>Pe Ell</u> 15	From confluence of Stowe Creek and Sand Creek (Sec. 35,T13N,R5W) downstream to mouth at Chehalis River (Sec.34, same township).	(87) Little Nisqually River	<u>Morton</u> 15	From confluence of Hiawatha Creek and Little Nisqually River (Sec.9,T14N,R4E) downstream to Lewis-Thurston County line (Sec.28,T15N,R4E). Exclude federal lands.

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

**WAC 173-18-260 Lincoln County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*		All of Columbia River within Lincoln County (Franklin D. Roosevelt Lake) is under federal jurisdiction. The stream flow is over 200 cfs MAF.
(2) Crab Creek*	<u>Sprague Lake NE 7 1/2</u> <u>Sprague Lake 7 1/2</u> <u>Sprague Lake SW 7 1/2</u> <u>Harrington SE 7 1/2</u> <u>Lamona WA 7 1/2</u> <u>U.S.G.S. Blue Line Advance</u> <u>Sylvan Lake 7 1/2</u> <u>Odessa 7 1/2</u> <u>Irby 7 1/2</u> <u>Marlin SW 7 1/2</u> <u>Marlin 7 1/2</u>	From the confluence of Rock Creek and Crab Creek (Sec.18,T22N,R38E) downstream through Sylvan Lake to Grant County line (Sec.18, T22N,R31E). This stream has over 300 sq. miles of drainage area down to mouth (right bank only) at unnamed tributary (Sec.34,T22N,R37E).
(3) Negro Creek	<u>Sprague 15</u>	From the confluence of Negro Creek and unnamed creek in the town of Sprague (Sec.23,T21N, R38E) downstream to mouth at Sprague Lake (Sec.21, same township).
(4) Spokane River*	<u>Wellpinit * 15</u> <u>Turtle Lake 15</u> <u>Lincoln 15</u>	From the Spokane County line (Sec.24,T27N,R39E) starting on left bank of Long Lake (SE corner of same section) thence downstream along left bank of Long Lake to Spokane River, thence downstream on left bank to (Sec.27,T27N,R38E). This stream has both over 200 cfs MAF flow and over 300 sq. miles of drainage area at Spokane County line.
(5) Wilson Creek*	<u>Almira * 7 1/2</u> <u>Almira SW 7 1/2</u>	From mouth of Corbett Draw (Sec.16,T25N,R31E) downstream to Grant County line (Sec.6,T24N, R31E). This stream has over 300 sq. miles of drainage area ending at mouth of Corbett Draw.

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

**WAC 173-18-270 Mason County. Streams**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Baker Creek	<u>Mt. Tebo 15</u>	Beginning at Olympic National Forest boundary, at center of (Sec.10,T21N,R6W) downstream to mouth at Satsop River Middle Fork (Sec.16, same township). Exclude federal land.

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(2) Bingham Creek	<u>Mt. Tebo 15</u> <u>Elma 15</u>	Beginning at (SW1/4 of NE1/4 Sec.31,T21N,R5W) downstream to mouth at East Fork Satsop River (Sec.11,T19N,R6W).
(3) Canyon River	<u>Mt. Tebo 15</u> <u>Grisdale 15</u>	Beginning at Olympic National Forest boundary at north section line (Sec.18, T21N,R6W) downstream to Mason County, Grays Harbor County line (same section).
(4) Clo-quallum Creek	<u>Elma 15</u>	From a point near intersection of a road and Cloquallum Creek (Sec.14,T19N,R5W) downstream to Grays Harbor County line (Sec.36,T19N,R6W).
(5) Coulter Creek	<u>Belfair 7 1/2</u>	From the confluence of Coulter Creek and unnamed creek (Sec.9, T22N,R1W) downstream to mouth of North Bay (same section).
(6) Cranberry Creek	<u>Potlatch 15</u>	Beginning at NE point of Cranberry Lake (Sec. 28,T21N,R3W) downstream to mouth at Oakland Bay (Sec.35 of same township).
(7) Decker Creek	<u>Elma 15</u>	Beginning at (NW1/4 of SE1/4 Sec.18,T20N,R6W) downstream to (Sec.19, T20N,R6W) and Grays Harbor County, Mason County line returning to Mason County line at (Sec.30,T20N,R6W) on downstream to mouth at Satsop River East Fork (Sec.31,T19N,R6W).
(8) Deer Creek	<u>Mason Lake 7 1/2</u> <u>Potlatch 15</u>	From confluence of Deer Creek and unnamed creek (SW1/4 of SE1/4 Sec.19, T21N,R2W) downstream to mouth on Oakland Bay (Sec.36,T21N,R3W).
(9) Dewatto River	<u>Holly 7 1/2</u> <u>Lake Wooten 7 1/2</u> <u>Potlatch 15</u>	From a point approximately 1000' north of section line in (SE1/4 of Sec.6,T23N,R2W) downstream to mouth at Dewatto Bay on Hood Canal (Sec.28,T23N, R3W).
(10) Dry Bed Creek	<u>Mt. Tebo 15</u> <u>Elma 15</u>	Beginning where Dry Bed Creek crosses the Beeville Loop Road at (Sec.27,T21N,R6W) downstream to mouth at Decker Creek (Sec.5, T19N,R6W).
(11) Dry Creek	<u>Mt. Tebo 15</u>	Beginning where Dry Creek crosses unimproved road at center of (Sec. 35,T21N,R6W) downstream to mouth at Dry Bed Creek (Sec.3,T20N,R6W).
(12) Dry Run Creek	<u>Elma 15</u>	Beginning at (NE1/4 of NW1/4) at South Bend Creek (Sec.27,T19N,R6W) downstream to mouth at Satsop River East Fork (Sec.28 of same township).



<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(13) Golsborough Creek (S. Fork)	<u>Elma 15</u> <u>Shelton 15</u>	From confluence of Golsborough Creek South Fork and unnamed creek (Sec.25,T20N,R5W) downstream to mouth at Oakland Bay (Sec.20, T20N,R3W).	(24) Satsop River (M. Fork)	<u>Mt. Tebo 15</u> <u>Elma 15</u>	From the Olympic National Forest boundary (Sec.16,T21N,R6W) downstream to Mason Co., Grays Harbor Co. line (Sec.6,T20N,R6W) reentering Mason Co. at (Sec.31,T19N,R6W) to mouth at Satsop River East Fork.
(14) Gosnell Creek	<u>Shelton 15</u> <u>Olympia 15</u> <u>Squaxin Island 7 1/2</u>	From confluence of Gosnell Creek and unnamed creek (Sec.10, T19N,R4W) downstream through Isabella Lake to mouth at Hammersley Inlet of Puget Sound (Sec.25,T20N,R3W).	(25) Shumocher Creek	<u>Potlatch 15</u> <u>Mason Lake 7 1/2</u>	From confluence of Shumocher Creek and unnamed creek (Sec.13, T21N,R3W) downstream to mouth at Mason Lake (Sec.7,T21N,R2W).
(15) Hamma Hamma River	<u>The Brothers 15</u>	Beginning where the Hamma Hamma River crosses the Olympic National Forest boundary (Sec.7, T24N,R3W) downstream to mouth at Hood Canal of Puget Sound (Sec.27 of same township).	(26) Skokomish River*	<u>Potlatch * 15</u>	From confluence of North Fork of Skokomish River and South Fork Skokomish River (Sec.18,T21N,R4W) downstream to mouth in Great Bend on Hood Canal (Sec.6,T21N,R3W) excluding portion on left bank within Skokomish Indian Reservation. The 1,000 cfs MAF flow begins at confluence of N. Fork and S. Fork.
(16) Jefferson Creek	<u>The Brothers 15</u>	Beginning where Jefferson Creek crosses the Olympic National Forest boundary at NW corner (Sec.18,T24N,R3W) downstream to mouth at Hamma Hamma River (Sec.8 of same township) (excluding federal Lands).	(27) Skokomish River (N. Fork)	<u>Potlatch 15</u>	From confluence of Skokomish R. N. Fork and Frigid Cr. (Sec.30,T22N, R4W) downstream to confluence with South Fork Skokomish R. (Sec.18,T21N,R4W).
(17) Johns Creek	<u>Potlatch 15</u> <u>Shelton 15</u>	Beginning where Johns Creek crosses light-duty road (Sec.30,T21N,R3W) downstream to mouth at Oakland Bay (Sec.3,T20N, R3W).	(28) Skokomish River (S. Fork)	<u>Mt. Tebo 15</u> <u>Potlatch 15</u>	From the Olympic National Forest boundary (Sec.15,T22N,R5W) downstream to confluence with North Fork Skokomish River (Sec. 18,T21N,R4W). Exclude federal lands.
(18) Kennedy Creek (Cont.)	<u>Shelton 15</u>	From the Thurston County line (Sec.31,T19N,R3W) downstream to mouth at Oyster Bay (Sec.32,T19N, R3W).	(29) Skookum Creek	<u>Shelton 15</u>	From confluence of Skookum Creek and unnamed creek (Sec.27, T19N,R4W) downstream to mouth at Skookum Inlet in Puget Sound (Sec.17, T19N,R3W).
(19) Lilliwaup Creek	<u>Potlatch 15</u>	Beginning in the Lilliwaup Swamp (Sec.11, T23N,R4W) downstream to mouth at Lilliwaup Bay in Hood Canal at (Sec. 30,T23N,R3W).	(30) Tahuya River (cont.)	<u>Wildcat Lake 7 1/2</u> <u>Holly 7 1/2</u> <u>Lake Wooten 7 1/2</u> <u>Potlatch 15</u>	From the Kitsap Co. line (Sec.36,T24N,R2W) downstream to mouth at Hood Canal near Tahuya (Sec.27,T22N,R3W).
(20) McTaggart Creek	<u>Potlatch 15</u>	From confluence of McTaggart Creek and Frigid Creek at (Sec.30, T22N,R4W) downstream to Skokomish River North Fork (same section).	(31) Union River (cont.)	<u>Belfair 7 1/2</u>	From the Kitsap Co. line (Sec.10,T23N,R1W) downstream to mouth of Lynch Cove near Belfair (Sec.31,T23N,R1W).
(21) Mission Creek	<u>Lake Wooten 7 1/2</u> <u>Belfair 7 1/2</u>	From confluence of Mission Creek and unnamed creek (Sec.24, T23N,R2W) downstream to mouth at Hood Canal (Sec.1,T22N,R2W).	(32) Unnamed Creek	<u>Mt. Tebo 15</u> <u>Elma 15</u>	Beginning where logging railroad crosses unnamed creek (Sec.4,T20N,R5W) downstream to mouth at Nahwatzel Lake (Sec.5 same township).
(22) Rendsland Creek	<u>Potlatch 15</u>	Beginning where Rendsland Creek crosses the north section line of (NW1/4 of SE1/4 Sec. 17,T22N,R3W) downstream to mouth at Hood Canal (Sec.19 same township).	(33) Vance Creek	<u>Mt. Tebo 15</u>	From the Olympic National Forest boundary NW corner of (Sec.4, T21N,R5W) downstream to mouth on Skokomish River (Sec.18,T21N,R4W).
(23) Satsop River (E. Fork)	<u>Elma 15</u>	From the confluence of Satsop River East Fork, Phillips Creek and Stillwater Creek (Sec. 22,T20N,R5W) downstream to Mason Co., Grays Harbor Co. line (Sec.31, T19N,R6W).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(34) Goldsborough Creek (N. Fork)	Shelton 15	From confluence of Winter Creek and Goldsborough Cr. N. Fk. (Sec.9,T20N,R4W) downstream to mouth at Goldsborough Cr. S. Fk. (Sec.19 same township).	(8) Okanogan River*	Oroville* 15 Tonasket 15 Omak Lake 15 Okanogan 15 Bridgeport 15 Conconully 15	From the United States-Canadian Border crossing Osoyoos Lake (Sec. 4&5,T40N,R27E) downstream on both shores to Colville Indian Reservation (Sec.6,T34N,R27E) the west shore only to mouth at Columbia River (Sec.18,T30N,R25E), excluding all federal lands. This stream has over 200 cfs MAF and over 300 sq. miles of drainage area at United States-Canadian Border.
(35) Sherwood Creek	Mason Lake 7 1/2 Vaughn 7 1/2 Belfair 7 1/2	From its start in Mason Lake (Sec.34,T22N,R2W) downstream to mouth at North Bay on Case Inlet (Sec.20,T22N,R1W).			

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

**WAC 173-18-280 Okanogan County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	Blue Buck Mt. 7 1/2 Twisp East 7 1/2	From the confluence of Beaver Creek and unnamed creek (NE1/4 of NE1/4 Sec. 26,T34N,R22E) downstream to mouth at Methow River (Sec.27,T33N,R22E).	(9) Sanpoil River (W. Fk.)	Aeneas Valley 15 Aeneas 15	From the confluence of West Fork Sanpoil River and Frosty Creek (Sec. 12,T35N,R30E) to the Okanogan National Forest boundary (Sec.22,T35N,R31E).
(2) Bonaparte Creek	Tonasket 15	From the confluence of Bonaparte Creek and Bannon Creek (Sec.32, T37N,R28E) downstream to mouth on Okanogan River near Tonasket (Sec.16, T37N,R27E).	(10) Similkameen River*	Loomis* 15 Oroville 15	From the Canadian Border (Sec.4,T40N,R25E) downstream to mouth at Okanogan River (Sec.9, T39N,R27E) excluding all federal lands. This stream has over 200 cfs MAF and over 300 sq. miles of drainage at Canadian Border.
(3) Chewack* River	Doe Mt.* 15 Winthrop 7 1/2	From the Okanogan National Forest boundary (Sec.2,T35N,R21E) downstream to mouth at Methow River (Sec.2, T34N,R21E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary.	(11) Sinlahekin River (Creek)	Conconully 15 Loomis 15	From the confluence on the Sarsapkin Creek and Sinlahekin Creek (Sec. 10,T37N,R25E) downstream to mouth at Palmer Lake (Sec.13,T39N,R25E).
(4) Columbia River (cont.)*	Grand Coulee Dam 15 Bridgeport 15 Brewster 15 Wells Dam 7 1/2 Azwell 7 1/2	From the intersection of the Okanogan County line and the Colville Indian Reservation boundary (Sec. 18,T30N,R25E) downstream right bank only to Chelan County line (Sec.31,T29N,R24E). The flow exceeds 200 cfs MAF at the Colville Indian Reservation boundary.	(12) Toats Coulee Creek	Horseshoe Basin 15 Loomis 15	From the confluence of South and Middle Fork Toats Coulee Creek (Sec.35,T39N,R24E) downstream to mouth at Sinlahekin Creek (Sec. 35,T39N,R25E).
(5) Gold Creek	Concrete AMS Methow 7 1/2	From the confluence of Gold Creek and South Fork Gold Creek (Sec.17, T31N,R22E) downstream to mouth at Methow River (Sec.16, same township).	(13) Toroda Creek	Bodie Mt. 15	From the confluence of Beaver Creek and Toroda Creek (Sec.22,T39N,R31E) downstream to the Ferry County line (Sec.25, T40N,R31E) excluding federal lands.
(6) Methow River*	Mazama 15* Brewster 15 Doe Mtn. 15 Thompson Ridge 15 7 1/2 Winthrop 7 1/2 Blue Buck Mtn. 7 1/2 Twisp East 7 1/2 Methow 7 1/2 Cooper Mtn. 7 1/2	From the Okanogan National Forest boundary (Sec.6,T36N,R19E) downstream to mouth at the Columbia River (Sec. 36,T30N,R23E) excluding all federal lands. The stream flow is 200 cfs MAF at confluence of Methow River and Lost River (Sec.5,T37N,R19E).	(14) Twisp River*	Concrete AMS Winthrop* 7 1/2 Twisp West 7 1/2 Twisp East 7 1/2	From the Okanogan National Forest boundary (Sec.10,T33N,R21E) downstream to mouth at Methow River (Sec.8, T33N,R22E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary.
(7) Myers Creek	Mt. Bonaparte 15	From the confluence of Myers Creek and Mary Ann Creek (Sec.28,T40N,R30E) downstream to the Canadian Border (Sec.3, same township).			

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

**WAC 173-18-290 Pacific County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Alder Creek	Grays River 15 Upper Naselle River 7 1/2	From the confluence of Alder Creek and unnamed creek (NW1/4 Sec.35,T12N, R8W) downstream to the mouth at Naselle River (Sec.16,T11N,R8W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(2) Bear River	<u>Knappton</u> 7 1/2 <u>Chinook</u> 7 1/2	From confluence of Bear Branch and unnamed creek (S1/2 of Sec.36,T10N,R10W) downstream to mouth in Shoalwater Bay (Sec.7, same township).	(13) Dell Creek	<u>Knappton</u> 7 1/2	From the confluence of Dell Creek and unnamed creek (Sec.7,T10N,R9W) downstream to mouth on Naselle River (Sec.8, same township).
(3) Blaney Creek	<u>Skamokawa</u> 15	From the confluence of Blaney Creek and unnamed creek (Sec.32,T11N,R6W) downstream to mouth at Grays River (Sec.31, same township).	(14) Eight Creek	<u>Pe Ell</u> 15	From confluence of Eight Creek and unnamed creek (Sec.11,T13N,R6W) downstream to Lewis County line (Sec.12, same township).
(4) Bone River	<u>South Bend</u> 7 1/2 <u>Bay Center</u> 7 1/2	Beginning at a point (SW1/4 of NW1/4 Sec.36,T14N,R10W) downstream to mouth at Willapa Bay (Sec.4,T13N,R10W).	(15) Elk Creek	<u>Pe Ell</u> 15	From confluence of Elk Creek and unnamed creek (Sec.29,T14N,R6W) downstream to Lewis County line (Sec.1,T13N,R6W).
(5) Butte Creek	<u>Raymond</u> 15	From the confluence of Butte Creek and unnamed creek (Sec.32,T15N,R8W) downstream to mouth at Smith Creek (Sec.31, same township).	(16) Elk Creek	<u>Raymond</u> 15	From confluence of Elk Creek and unnamed creek (Sec.17,T14N,R8W) downstream to mouth at Willapa River (Sec.19, same township).
(6) Canon River	<u>South Bend</u> 15 <u>North Nemah</u> 7 1/2 <u>Nemah</u> 7 1/2	From confluence of Canon River and unnamed creek (Sec.5,T12N,R9W) downstream to mouth at Middle Fork of Palix River (Sec.24,T13N,R10W).	(17) Elkhorn Creek (cont.)	<u>Montesano</u> 15 <u>Aberdeen SE</u> 7 1/2	From Grays Harbor County line (Sec.15,T15N,R8W) downstream to mouth at Smith Creek (Sec.26, T15N,R9W).
(7) Canyon Creek	<u>South Bend</u> 15 <u>North Nemah</u> 7 1/2	From the confluence of Canyon Creek and unnamed creek (Sec.29,T13N,R9W) downstream to mouth at Canon River (Sec.32, same township).	(18) Ellis Creek	<u>Grays River</u> 15 <u>Raymond</u> 15	Beginning at a point (SW1/4 of NE1/4 Sec.28, T12N,R7W) downstream to mouth at Fork Creek (Sec.16, same township).
(8) Cedar River	<u>Western</u> 7 1/2 <u>Bay Center</u> 7 1/2	From confluence of North Fork Cedar River and Cedar River (Sec.25, T15N,R11W) downstream to mouth at Willapa Bay (Sec.6,T14N,R10W).	(19) Fairchild Creek	<u>Raymond</u> 15	From mouth of North Fork Fairchild Creek (Sec.24, T14N,R8W) downstream to mouth at Ward Creek (Sec.14, same township).
(9) Cedar River (N. Fork)	<u>Grayland</u> 7 1/2 <u>Western</u> 7 1/2	From confluence of North Fork Cedar River and unnamed creek (NW1/4,NE1/4 Sec.26,T15N,R11W) downstream to mouth at Cedar River (Sec.25, same township).	(20) Fairchild Creek (North Fork)	<u>Raymond</u> 15	From confluence of Fairchild Creek N.Fk. and unnamed creek (Sec. 8,T14N,R7W) downstream to mouth at Fairchild Creek (Sec.24,T14N,R8W).
(10) Chinook River	<u>Chinook</u> 7 1/2	From a point approximately 1000' south of northern section line (Sec.8,T9N,R10W) downstream to mouth in Baker Bay of Columbia River (Sec.31,T10N,R10W).	(21) Ellsworth Creek	<u>Long Island</u> 7 1/2	From confluence of Ellsworth Cr. and unnamed creek (SE1/4 of SW1/4 Sec.35,T11N,R10W) downstream to mouth on Naselle River (Sec.22 same township).
(11) Clearwater Creek	<u>South Bend</u> 15 <u>South Bend</u> 7 1/2 <u>Aberdeen S.E.</u> 7 1/2	Beginning at a point where Clearwater Creek crosses the unimproved dirt road near north section line (Sec.35, T15N,R9W) downstream to mouth at Smith Creek (Sec.26, same township).	(22) Fall River	<u>Pe Ell</u> 15 <u>Raymond</u> 15 <u>Montesano</u> 15	From confluence of Fall River and unnamed creek (Sec.2,T14N,R6W) downstream to mouth at (Sec.24,T15N,R7W).
(12) Columbia River (cont.)*	<u>Grays River</u> 15 <u>Roseburg</u> 7 1/2 <u>Knappton</u> 7 1/2 <u>Astoria</u> 7 1/2 <u>Warrenton</u> 7 1/2 <u>Chinook</u> 7 1/2 <u>Cape Disappointment</u> 7 1/2	From the Wahkiakum County line on the Columbia River (Sec.1, T9N,R9W) downstream along the Washington-Oregon boundary to mouth on Pacific Ocean (Sec.18,T9N, R11W). This stream exceeds 1,000 cfs MAF at Wahkiakum Co. line.	(23) Falls Creek	<u>Pe Ell</u> 15 <u>Raymond</u> 15	From confluence of Falls Creek and unnamed creek (Sec.24,T12N,R7W) downstream to mouth at Willapa River (Sec.11, same township).
			(24) Fern Creek	<u>Pe Ell</u> 15 <u>Raymond</u> 15	Beginning at a point (NW1/4 of SW1/4 Sec.6,T12N, R6W) downstream to mouth at Willapa River (Sec. 3,T12N,R7W).
			(25) Finn Creek	<u>Oman Ranch</u> 7 1/2	From confluence of Finn Creek and unnamed creek (NE1/4 Sec.29,T12N,R9W) downstream to mouth on North Nemah River (Sec.30, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(26) Fork Creek	<u>Raymond</u> 15	Beginning at a point (SW1/4 of SE1/4 Sec.15, T12N,R7W) downstream to mouth at Willapa River (Sec.6,T12N,R7W).	(38) Naselle River (South Fork)	<u>Knappton</u> 7 1/2	From confluence of Naselle River S. Fork and Bean Creek (Sec.33, T10N,R9W) downstream to mouth at Naselle River (Sec.9, same township).
(27) Grays River (East Fork)	<u>Skamokawa</u> 15	From confluence of Grays River East Fork and unnamed creek (Sec.14, T11N,R6W) downstream to mouth at Grays River (Sec.17, same township).	(39) Nia-wiakum River	<u>South Bend</u> 15 Bay Center 7 1/2 Nemah 7 1/2	Beginning at a point near the section center (Sec.14,T13N,R10W) downstream to mouth at Palix River (Sec.9, same township).
(28) Grays River (S.Frk.) (cont.)	<u>Skamokawa</u> 15	From Wahkiakum Co. line (Sec.32,T11N,R6W) downstream to mouth on Grays River East Fork (Sec.31, same township).	(40) North River*	<u>Malone</u> 15 Montesano 15 Aberdeen S.E.*  7 1/2 Western 7 1/2 Bay Center 7 1/2	From confluence of Redfield Creek and Wheeler Creek (Sec.22,T15N, R6W) downstream to mouth on Willapa Bay (Sec.35, T15N,R10W) excluding those reaches within Grays Harbor County. The 1,000 cfs MAF point begins at mouth of Lower Salmon Creek (Sec.7, T15N,R9W).
(29) Hull Creek	<u>Grays River</u> 15	From confluence of Hull Creek and unnamed tributary (Sec.30, T11N,R7W) downstream to Wahkiakum County line (Sec.32, same township).	(41) North Fork Naselle River	<u>Raymond</u> 15 Upper Naselle Riv. 7 1/2	From confluence of North Naselle River and unnamed creek (Sec.19, T12N,R8W) downstream to mouth at Naselle River (Sec.17,T11N,R8W).
(30) Half Moon Creek	<u>Raymond</u> 15	Beginning at a point (SW1/4 of SE1/4 Sec.26, T13N,R7W) downstream to mouth at Willapa River (Sec.4,T12N,R7W).	(42) North Nemah River	<u>Grays River</u> 15 North Nemah 7 1/2 Up. Naselle River 7 1/2 Nemah 7 1/2 Oman Ranch 7 1/2	From the confluence of North Nemah River and unnamed creek (Sec.11, T11N,R9W) downstream to mouth at Willapa Bay (Sec.22,T12N,R10W).
(31) Johnson Creek	<u>Skamokawa</u> 15	From the confluence of Johnson Creek and unnamed creek (Sec.6, T11N,R6W) downstream to mouth at Grays River (Sec.7, same township).	(43) Palix River	<u>Nemah</u> 7 1/2 Bay Center 7 1/2	From confluence of South and North Forks of Palix River (Sec.22,T13N,R10W) downstream to mouth on Willapa Bay (Sec.5, same township).
(32) Little Elk Creek	<u>Pe Ell</u> 15	Beginning at a point (SE1/4 of Sec.5,T13N,R6W) downstream to mouth at Elk Creek (Sec.33,T14N, R6W).	(44) Palix River (North Fork)	<u>South Bend</u> 15 South Bend 7 1/2 North Nemah 7 1/2 Nemah 7 1/2	Beginning at a point (SE1/4 of NW1/4 Sec.7,T13N, R9W) downstream to mouth on Palix River (Sec.22, T13N,R10W).
(33) Lower Salmon Creek (cont.)	<u>Aberdeen S.E.</u> 7 1/2	From Grays Harbor County line (Sec.14,T15N,R9W) downstream back to said county line (Sec.15 same township).	(45) Palix River (South Fork)	<u>South Bend</u> 15 Nemah 7 1/2	Beginning at a point (NE1/4 of NW1/4 Sec.35, T13N,R10W) downstream to mouth on Palix River (Sec.20, same township).
(34) Middle Nemah River	<u>Oman Ranch</u> 7 1/2 <u>Long Island</u> 7 1/2 Nemah 7 1/2	From confluence of Middle Nemah River and unnamed creek (SW1/4,NE1/4 Sec.9,T11N,R9W) downstream to mouth at South Nemah River (Sec. 27,T12N,R10W).	(46) Rainie Creek (cont.)	<u>Malone</u> 15	From Grays Harbor County line (Sec.16,T15N,R6W) downstream to mouth on North River (Sec.20, same township).
(35) Mill Creek	<u>Raymond</u> 15	From confluence of Mill Creek and unnamed creek (Sec.11,T13N,R7W) downstream to mouth at Willapa River (Sec.2, T13N,R8W).	(47) Redfield Creek	<u>Malone</u> 15	From confluence of Redfield Creek and Wheeler Creek (Sec.22, T15N,R6W) downstream to mouth at confluence of Redfield Creek and North River (Sec.21, same township).
(36) Mitchell Creek	<u>Skamokawa</u> 15	From the confluence of Mitchell Creek and unnamed creek (Sec.8, T11N,R6W) downstream to mouth at Grays River East Fork (Sec.17, same township).	(48) Rock Creek	<u>Pe Ell</u> 15	From confluence of Rock Creek and unnamed right bank tributary (Sec.2,T12N,R6W) downstream to Lewis County line (Sec.1, same township).
(37) Naselle River	<u>Grays River</u> 15 Up. Naselle River 7 1/2 Roseburg 7 1/2 Knappton 7 1/2 Oman Ranch 7 1/2 Long Island 7 1/2	From a point on east section line (Sec.36, T12N,R8W) downstream thru Chetlo Harbor and Stanley Channel to Willapa Bay (Sec.31, T12N,R10W) excluding those reaches within Wahkiakum County.			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(49) Rue Creek	<u>Raymond</u> 15	From confluence of Rue Creek with the Middle and West Forks of Rue Creek (Sec.15,T13N,R8W) downstream to mouth at So. Fork Willapa River (Sec.8, same township).	(61) Wallacut River	<u>Cape Disap- pointment</u> 7 1/2	From the confluence of Wallacut River and unnamed creek (SW1/4 Sec.26, T10N,R11W) downstream to mouth at Baker Bay (Sec.34, same township).
(50) Salmon Creek	<u>Grays River</u> 15 Up. Naselle River 7 1/2 Roseburg 7 1/2 Knappton 7 1/2	From the confluence of Salmon Creek and unnamed creek (Sec.26,T11N,R8W) downstream to mouth at Naselle River (Sec.10, T10N,R9W) excluding those reaches within Wahkiakum County.	(62) Ward Creek	<u>Raymond</u> 15	From a point (NW1/4 of SE1/4 Sec.2,T14N,R8W) downstream to mouth at Willapa River (Sec.27, same township).
(51) Smith Creek	<u>Montesano</u> 15 <u>Raymond</u> 15 Aberdeen S.E. 7 1/2 Bay Center 7 1/2	From the east section (Sec.18,T15N,R7W) downstream to mouth at North River (Sec.35, T15N,R10W).	(63) W.F. Grays River	<u>Grays River</u> 15	From confluence of West Fork Grays River and unnamed creek (Sec.16, T11N,R7W) downstream to Wahkiakum County line (Sec.33, same township).
(52) Smith Creek	<u>Oman Ranch</u> 7 1/2	From confluence of Smith Creek and unnamed creek (SE1/4,SE1/4 Sec.26, T11N,R10W) downstream to mouth on Naselle River (Sec.24, same township).	(64) Whitcomb Creek	<u>Raymond</u> 15	From a point (SW1/4 of NE1/4 Sec.35,T14N,R8W) downstream to mouth at Ward Creek (Sec.27, same township).
(53) S. Nemah River	<u>Long Island</u> 7 1/2 Nemah 7 1/2	From confluence of South Nemah River and unnamed creek (NW1/4 Sec.2,T11N, R10W) downstream to mouth in Willapa Bay (Sec.22,T12N,R10W).	(65) Willapa River*	<u>Pe Ell</u> 15 <u>Raymond*</u> 15 South Bend 7 1/2	From confluence of Willapa River and unnamed creek (Sec.8, T12N,R6W) downstream to mouth at Willapa Bay (Sec.18,T14N,R9W). The streamflow is 1,000 cfs MAF at mouth of South Frk. Willapa River (Sec. 24,T14N,R9W).
(54) Swem Creek	<u>Pe Ell</u> 15	Beginning at a point (SW1/4 of NE1/4 Sec.26,T14N, R6W) downstream to mouth at Elk Creek (Sec.34, same township).	(66) Willapa River (S. Fork)	<u>South Bend</u> 15 North Nemah 7 1/2	From an approximate point (NW1/4 Sec.2,T12N, R9W) downstream to mouth at Willapa River (Sec.24, T14N,R9W).
(55) Trap Creek	<u>Raymond</u> 15	From confluence of Trap Creek and unnamed creek (Sec.9,T12N,R8W) downstream to Willapa River (Sec.1, same township).	(67) Williams Creek	<u>South Bend</u> 15 Nemah 7 1/2 North Nemah 7 1/2	From an approximate point (SW1/4 of Sec.15, T12N,R9W) downstream to mouth at North Nemah River (Sec.14,T12N,R10W).
(56) Unnamed Tributary to Canon River	<u>South Bend</u> 15 North Nemah 7 1/2	From a point (NW1/4 of NW1/4 Sec.33,T13N,R9W) downstream to mouth at Canon River (Sec.32, same township).	(68) Wilson Creek	<u>Raymond</u> 15	From the east section line (Sec.27,T14N,R7W) downstream to mouth at Ward Creek (Sec.22,T14N, R8W).
(57) Unnamed Tributary to Grays River	<u>Skamokawa</u> 15	From confluence of the unnamed tributary and unnamed creek (Sec.32, T12N,R6W) downstream to mouth at Grays River (Sec.5,T11N,R6W).	(69) Wilson Creek (North Fork)	<u>Raymond</u> 15	From confluence of Wilson Creek North Fork and unnamed creek (Sec. 20,T14N,R7W) downstream to mouth at Wilson Creek (Sec.30, same township).
(58) Unnamed Tributary to Hull Creek	<u>Grays River</u> 15	From a point (SE1/4 of SW1/4 Sec.30,T11N,R7W) downstream to mouth on Hull Creek (Sec.32, same township).	[Order DE 77-15, § 173-18-290, filed 9/1/77; Order DE 76-14, § 173-18-290, filed 5/3/76; Order 73-14, § 173-18-290, filed 8/27/73; Order DE 72-13, § 173-18-290, filed 6/30/72.]		
(59) Unnamed Tributary to Palix River (N. Fork)	<u>South Bend</u> 15 North Nemah 7 1/2	From confluence of the unnamed tributary and other unnamed tributary (Sec.8,T13N,R9W) downstream to mouth at Palix River North Fork (Sec.18, same township).	<b>WAC 173-18-300 Pend Oreille County. Streams</b>		
(60) Unnamed Tributary to Smith Creek	<u>Montesano</u> 15	From confluence of unnamed tributary and another unnamed tributary (Sec.25, T15N,R8W) downstream to mouth at Smith Creek (Sec.26, same township).	(1) Calispell Creek	<u>Newport</u> 30 <u>Cusick</u> 7 1/2	From the confluence of North and South Forks of Calispell Creek (Sec.34,T32N,R43E) downstream thru Calispell Lake to mouth on Pend Oreille River (Sec.19,T33N,R44E).

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

Stream Name	Quadrangle Name and Size	Legal Description
(2) Calispell Creek (N.Frk.)	Newport 30 Sacheen Lake 7 1/2 Cusick 7 1/2	From the north section line (Sec.28,T32N,R43E) downstream thru Power Lake to mouth on Calispell Creek (Sec.34, same township).
(3) Le Clerc Creek	Metaline 30 Ruby 7 1/2	From the confluence of West Branch of Le Clerc Creek and the East Branch of Le Clerc Creek (Sec.17,T35N,R44E) downstream to mouth at Pend Oreille River (Sec.20, same township).
(4) Le Clerc Creek (W.Branch)	Metaline 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.6,T35N,R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(5) Le Clerc Creek (E.Branch)	Metaline 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.5,T35N,R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(6) Pend Oreille River*	Newport 30 Newport, Wash. —Idaho* 7 1/2 Diamond Lake 7 1/2 Skookum Creek 7 1/2 Cusick 7 1/2 Metaline 7 1/2 Metaline Falls 7 1/2 Jared 7 1/2 Ruby 7 1/2 Scotchman Lake 7 1/2 Ione 7 1/2	From the Washington-Idaho border (Sec.7,T31N,R46E) downstream (excluding all federal lands) to United States-Canadian border (Sec.3,T40N,R43E). The flow exceeds 200 cfs MAF at Washington-Idaho border and has 300 square miles of drainage area.
(7) Little Spokane River	Newport 7 1/2 Diamond Lake 7 1/2 Camden 7 1/2	From an approximate point (NE1/4 of SW1/4 of NW1/4 of NW1/4 of Sec.34,T31N,R45E) downstream thru Chain Lake and to the Spokane County line (Sec.34,T30N,R44E).
(8) Little Spokane River (W.Branch)	Newport 30	Flowing from Sacheen Lake (Sec.35,T31N,R43E) downstream thru Trout Lake, downstream thru Horseshoe Lake, downstream to Spokane County line.
(9) Skookum Creek	Newport 30 Skookum Creek 7 1/2	From the confluence of Skookum Creek and N. Fork Skookum Creek (Sec.34, T33N,R44E) downstream to mouth at Pend Oreille River (Sec.4, T32N,R44E).
(10) Sullivan Creek*	Metaline * 30	From the Colville National Forest boundary (Sec.22,T39N,R43E) downstream to mouth at Pend Oreille River (Sec. 23, same township). The flow exceeds 200 cfs MAF at Colville National Forest boundary.
(11) Tacoma Creek	Newport 30 Jared 7 1/2	From an approximate point (NW1/4 of NW1/4 of Sec. 27,T34N,R43E) downstream (excluding all federal lands) to mouth at Pend Oreille River (Sec.30,T34N,R44E).

### WAC 173-18-310 Pierce County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	Kapowsin 15	From an approximate point near the center of (Sec. 35,T16N,R5E) downstream to the mouth at Mashel River (Sec.21, T16N,R5E).
(2) Busy Wild Creek	Kapowsin 15	From the confluence of Busy Wild Creek and unnamed creek (Sec.10, T15N,R6E) downstream to mouth at Mashel River (Sec.25,T16N,R5E).
(3) Carbon River	Mowich Lake 7 1/2 Enumclaw 15 Golden Lakes 7 1/2 Wilkeson 7 1/2 Orting 7 1/2 Sumner 7 1/2	From the Mount Rainier National Park boundary (Sec.35,T18N,R7E) downstream to mouth at the Puyallup River. (Sec.13,T19N,R4E).
(4) Chambers Creek	Steilacoom 7 1/2	From outflow of Steilacoom Lake (Sec.34, T20N,R2E) downstream to mouth at Chambers Bay and Puget Sound (Sec.29, T20N,R2E).
(5) Clarks Creek	Puyallup 7 1/2	Beginning in the (NE1/4 of the SE1/4 Sec.32,T20N, R4E), downstream to mouth at Puyallup River (Sec.15, same township).
(6) Clear-water River	Enumclaw 15	From the Snoqualmie National Forest boundary (Sec.34,T19N,R8E) downstream to mouth at the White River (Sec.7,T19N,R8E).
(7) Clover Creek	Tacoma South 15 Spanaway 7 1/2 Tacoma South 7 1/2 Steilacoom 7 1/2 Frederickson 7 1/2	From the intersection of Clover Creek and railroad (Sec.25,T19N,R3E) downstream to Steilacoom Lake (Sec.3,T19N,R2E). Delete federal lands.
(8) Evans Creek	Kapowsin 15	From the east line of (Sec.11,T17N,R6E) downstream to mouth at Carbon River (Sec.35, T18N,R6E).
(9) Gale Creek	Enumclaw 15 Wilkeson 7 1/2	From an approximate point near the center of the (NE1/4 of SW1/4 of NE1/4 of NW1/4 of Sec.13, T18N,R6E) downstream to mouth at Wilkeson Creek (Sec.34,T19N,R6E).
(10) Green-water River	Lester 15 Greenwater 15	From the Snoqualmie National Forest boundary (Sec.31,T19N,R11E) downstream on the left shore only to the mouth at White River (Sec.4,T19N,R9E). Exclude federal lands.
(11) Little Mashel River	Kapowsin 15 Eatonville 7 1/2	From the confluence of the Little Mashel River and unnamed creek (Sec. 30,T16N,R5E) downstream to Mashel River (Sec.22, T16N,R4E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(12) Lynch Creek	<u>Kapowsin</u> 15 <u>Tanwax Lake</u> 7 1/2	From an approximate point on the west line of (SE1/4 of NE1/4 of NW1/4 of Sec.17,T16N,R5E) downstream to mouth at Ohop Creek (Sec.10,T16N,R4E).	(22) Puyallup River*	<u>Mt. Rainier</u> 30 <u>Kapowsin</u> 15 <u>Orting</u> 7 1/2 <u>Sumner</u> * 7 1/2 <u>Puyallup</u> 7 1/2 <u>Tacoma South</u> 7 1/2 <u>Tacoma North</u> 7 1/2	From the confluence of North and South Forks Puyallup River (Sec.20,T16N,R7E) downstream (excluding all federal lands) to Commencement Bay at Tacoma (Sec.33,T21N,R3E). The 1,000 cfs MAF point begins at mouth of Carbon River (Sec.13, T19N,R4E).
(13) Mashel River	<u>Kapowsin</u> 15 <u>Eatonville</u> 7 1/2	From the confluence of Mashel River and unnamed creek (Sec.18,T16N,R6E) downstream to mouth at Nisqually River (Sec.29, T16N,R4E).	(23) Rocky Creek	<u>Vaughn</u> 7 1/2	From the confluence of Rocky Creek and the unnamed creek (Sec.27, T22N,R1W) downstream to mouth at Rocky Bay (same section).
(14) Milky Creek	<u>Enumclaw</u> 15	From an approximate point near the NW corner of the (NE1/4 of SE1/4 of NW1/4 of Sec.34, T19N,R8E) downstream to the mouth at the Clearwater River (same section).	(24) Rushingwater Creek	<u>Golden Lakes</u> 7 1/2 <u>Kapowsin</u> 15	From the Snoqualmie National Forest boundary (Sec.1,T16N,R6E) downstream to mouth at Mowich River (Sec.2, same township).
(15) Minter Creek	<u>Burley</u> 7 1/2 <u>Fox Island</u> 7 1/2	From the confluence of Minter Creek and Huge Creek (Sec.20,T22N,R1E) downstream to mouth at Carr Inlet (Sec.29, same township).	(25) Sequatchew Creek	<u>Anderson Island</u> 15 <u>Fort Lewis</u> 7 1/2 <u>Nisqually</u> 7 1/2	From the Fort Lewis Military Reservation (Sec.25,T19N,R1E) downstream to mouth at Nisqually Reach (Sec.22, same township).
(16) Mowick River	<u>Golden Lakes</u> 7 1/2 <u>Kapowsin</u> 15	From the Mount Rainier National Park boundary (Sec.33,T17N,R7E) downstream to mouth at Puyallup River (Sec.3, T16N,R6E).	(26) South Creek	<u>Ohop Valley</u> 15 <u>Harts Lake</u> 7 1/2 <u>Spanaway</u> 7 1/2 <u>Tanwax Lake</u> 7 1/2	From the confluence of South Creek and unnamed creek (Sec.8,T17N,R4E) downstream to Fort Lewis Military Reservation boundary (Sec.34,T18N, R3E).
(17) Muck Creek	<u>Fort Lewis</u> 7 1/2	From Fort Lewis Military Reservation boundary (Sec. 27,T18N,R2E) downstream through Muck Lake to same boundary (Sec.34, same township).	(27) South Prairie Creek	<u>Enumclaw</u> 15 <u>Wilkeson</u> 7 1/2 <u>Buckley</u> 7 1/2 <u>Sumner</u> 7 1/2 <u>Orting</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.32,T19N,R7E) downstream to mouth at Carbon River (Sec.27, T19N,R5E).
(18) Niesson Creek	<u>Kapowsin</u> 15	From an approximate point near the NW corner of the (NE1/4 of NE1/4 of Sec.4,T16N,R6E) downstream to the Puyallup River (Sec.33,T17N,R6E).	(28) Spanaway Creek	<u>Tacoma South</u> 15 <u>Tacoma South</u> 7 1/2 <u>Spanaway</u> 7 1/2	From the confluence of waters from Spanaway Lake (Sec.20,T19N,R3E) downstream to mouth at Clover Creek (Sec.8, same township).
(19) Nisqually River*	<u>Randle</u> 15 <u>Mount Wow</u> 7 1/2 <u>Mineral</u> 15 <u>Kapowsin</u> * 15 <u>Eatonville</u> 7 1/2 <u>Bald Hill</u> 7 1/2 <u>Harts Lake</u> 7 1/2 <u>McKenna</u> 7 1/2 <u>Nisqually</u> 7 1/2	From Snoqualmie National Forest boundary (Sec.33, T15N,R7E) downstream along the north and east shores only, excluding all federal lands to the Fort Lewis Military Reservation (Sec.16, T17N,R2E), from Military Reservation (Sec.5, T18N,R1E) to mouth on Nisqually Reach (Sec.28, T19N,R1E). *Note: The 1,000 cfs MAF point starts at mouth of Mineral Creek (Sec.26, T15N,R5E).	(29) Tanwax Creek	<u>Tanwax Lake</u> 7 1/2 <u>Harts Lake</u> 7 1/2 <u>Bald Hill</u> 7 1/2	From the confluence of Tanwax Creek and unnamed creek (Sec.31,T17N,R4E) downstream to mouth at the Nisqually River (Sec.20,T16N,R3E).
(20) Ohop Creek	<u>Kapowsin</u> 15 <u>Orting</u> 7 1/2	From the confluence of Ohop Creek and unnamed creek (Sec.21,T17N,R5E) downstream through Lake Kapowsin to mouth at Puyallup River (Sec.20, T18N,R5E).	(30) Twenty Five Mile Creek	<u>Kapowsin</u> 15 <u>Tanwax Lake</u> 7 1/2	From an approximate point near the west line of the (NE1/4 of NW1/4 of SE1/4 of Sec.25,T17N,R4E) downstream to mouth at Ohop Creek (Sec.26, same township).
(21) Ohop Creek	<u>Tanwax Lake</u> 7 1/2 <u>Eatonville</u> 7 1/2	From confluence of Twenty Five Mile Creek and Ohop Creek (Sec.26, T17N,R4E) downstream through Ohop Lake to Kapowsin Creek, thence downstream to mouth at Nisqually River (Sec.25, T16N,R3E).	(31) Unnamed Tributary to Mashel River	<u>Kapowsin</u> 15	From an approximate point near the SW corner of (NE1/4 of Sec.29, T16N,R6E) downstream to mouth at Mashel River (Sec.19, same township).
*NOTE: (Exclude area from La Grande Dam downstream to power house due to use of aqueduct.)			(32) Voight Creek	<u>Kapowsin</u> 15 <u>Wilkeson</u> 7 1/2 <u>Orting</u> 7 1/2	From the intersection of the west line of (Sec.3, T17N,R6E) and Voight Creek, downstream to mouth at Carbon River (Sec.33,T19N,R5E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(33) White River*	<u>Greenwater</u> * 15 Enumclaw 15 Auburn 7 1/2 Sumner 7 1/2 Puyallup 7 1/2 Buckley 7 1/2	From the Snoqualmie National Forest boundary (Sec.36,T19N,R9E) downstream to the King-Pierce County line along County line on southerly shore only to the Muckleshoot Indian Reservation (Sec.2,T20N,R5E) returning from the reservation (Sec.1,T20N,R4E) downstream to mouth at Puyallup River (Sec.26, same township). The 1,000 cfs MAF point begins at mouth of Greenwater River (Sec.4, T19N,R9E).	(3) Bear Creek	<u>Clear Lake</u> 15	From confluence of Bear Creek and unnamed creek (Sec.18,T33N,R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).
(34) White River (West Fork)	<u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.33,T19N,R9E) downstream to mouth at the White River (Sec.23, same township).	(4) Bear Creek	<u>Hamilton</u> 15	From confluence of Bear Creek and unnamed creek (Sec.10,T36N,R8E) downstream to mouth at Lake Shannon (Sec.14, same township).
(35) Wilkeson Creek	<u>Wilkeson</u> 7 1/2 Buckley 7 1/2	From confluence of Wilkeson Creek and Gale Creek (Sec.34,T19N,R6E) downstream to mouth at South Prairie Creek (Sec.17, same township).	(5) Big Creek	<u>Prairie Mt.</u> 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.18,T33N,R11E) downstream to mouth at Suiattle River (Sec.13, same township).
(36) North Puyallup River	<u>Mount Wow</u> 7 1/2	From Mount Rainer National Park boundary (Sec.21,T16N,R7E) downstream to mouth at Puyallup River (Sec.20,T16N,R7E).	(6) Boulder Creek	<u>Snowking Mt.</u> 7 1/2 <u>Marblemount</u> 15	From an approximate point (NW1/4 of NW1/4 of SW1/4 Sec.26,T35N,R11E) downstream to mouth at Cascade River (Sec.15, same township).
(37) South Puyallup River	<u>Mount Wow</u> 7 1/2	From Mount Rainer National Park boundary (Sec.33,T16N,R7E) downstream to mouth at Puyallup River (Sec.20,T16N,R7E).	(7) Carpenter Creek	<u>Mt. Vernon</u> 15 Conway 7 1/2	From confluence of Carpenter Creek and unnamed creek (Sec.17, T33N,R4E) downstream to mouth at Tom Moore Slough (Sec.30, same township).
			(8) Cascade River*	<u>Marblemount</u> * 15	From Mt. Baker National Forest boundary (Sec.12, T35N,R11E) downstream to mouth at Skagit River (Sec. 18, same township). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.15, T35N,R11E).
			(9) Cavanaugh Creek	<u>Wickersham</u> 15	From an approximate point (NW1/4 of NE1/4 of SE1/4 Sec.5,T36N,R6E) downstream to mouth at Nooksack River (Sec.2,T36N,R5E).
			(10) Corkindale Creek	<u>Marblemount</u> 15	From confluence of Corkindale Creek and unnamed creek near west section line (Sec.14, T35N,R10E) downstream to mouth at Skagit River (Sec.22, same township).
			(11) Cumberland Creek	<u>Oso</u> 15 <u>Hamilton</u> 15	From confluence of Cumberland Creek and unnamed creek (Sec.25, T35N,R6E) downstream to mouth at Skagit River (Sec.14, same township).
			(12) Day Creek	<u>Oso</u> 15 <u>Clear Lake</u> 7 1/2	Beginning at outlet of Day Lake (Sec.25,T34N,R6E) downstream to mouth at Skagit River (Sec.20, T35N,R6E).
			(13) Deer Creek	<u>Oso</u> 15	From the Mt. Baker National Forest boundary (Sec.1,T33N,R7E) downstream to Snohomish County line (Sec.32, same township).
			(14) Finney Creek	<u>Finney Peak</u> 7 1/2 <u>Lake Shannon</u> 15 <u>Hamilton</u> 15	From the Mt. Baker National Forest boundary (Sec.1,T34N,R8E) downstream to mouth at Skagit River (Sec. 13,T35N,R7E).

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

**WAC 173-18-320 San Juan County. Streams. San Juan County has no 20 cfs streams but has shorelines. No rivers of state-wide significance.**

[Order 73-14, § 173-18-320, filed 8/27/73; Order DE 72-13, § 173-18-320, filed 6/30/72.]

### WAC 173-18-330 Skagit County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Alder Creek	<u>Hamilton</u> 15	From confluence of Alder Creek and unnamed creek (Sec.6,T35N,R7E) downstream to mouth at Skagit River (Sec.18, same township).
(2) Baker River*	<u>Lake Shannon</u> * 15	Beginning at Mt. Baker National Forest boundary in Lake Shannon (Sec.1, T36N,R8E) down through Lake Shannon and Baker Dam to mouth at Skagit River (Sec.11,T35N,R8E). The 1,000 cfs MAF begins at Mt. Baker National Forest boundary.



Shoreline Management Act—Streams & Rivers

173-18-330

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(15) Friday Creek (cont.)	<u>Samish Lake 15</u> Alger 7 1/2 Lake Whatcom 7 1/2	From Whatcom County line (Sec.1,T36N,R3E) downstream to mouth at Samish River (Sec.5,T35N,R4E).	(28) Little Deer Creek	<u>Oso 15</u>	From Mt. Baker National Forest boundary (Sec.35, T34N,R7E) downstream to mouth at Deer Creek (same section).
(16) Gilligan Creek	<u>Clear Lake 15</u>	From confluence of Gilligan Creek and unnamed creek (Sec.11, T34N,R5E) downstream to mouth at Skagit River (Sec.35,T35N,R5E).	(29) Mill Creek	<u>Hamilton 15</u>	From an approximate point (SW1/4 of SW1/4 of SW1/4 Sec.23,T35N,R7E) downstream to mouth at Skagit River (Sec.22, same township).
(17) Grandy Creek	<u>Hamilton 15</u>	From outlet of Grandy Lake (Sec.31,T36N,R8E) downstream to mouth at Skagit River (Sec.15, T35N,R7E).	(30) Nooka-champs Creek (E.Fk.)	<u>Clear Lake 15</u> Mt. Vernon 7 1/2	From confluence of Nookachamps Creek East Fork and unnamed creek (Sec.28,T34N,R5E) downstream to mouth at Nookachamps Creek (Sec.10,T34N,R4E).
(18) Hansen Creek	<u>Wickersham 15</u>	From an approximate point (SW1/4 of SW1/4 Sec.17,T35N,R5E) downstream to mouth at Skagit River (Sec.20, same township).	(31) Nooksack River (S. Fk.)	<u>Hamilton 15</u> <u>Wickersham 15</u>	Beginning at Mt. Baker National Forest boundary (Sec.10,T36N,R7E) downstream to Skagit County line (Sec.2, T36N,R5E).
(19) Howard Creek (cont.)	<u>Hamilton 15</u>	From Whatcom County line (Sec.2,T36N,R6E) downstream to mouth at Nooksack River South Fork (Sec.13, same township).	(32) O'Toole Creek	<u>Oso 15</u>	Beginning at Mt. Baker National Forest boundary (Sec.28,T35N,R7E) downstream to mouth at Skagit River (Sec.21, same township).
(20) Illabot Creek	<u>Illabot Peaks 7 1/2</u> <u>Rockport 7 1/2</u>	From Mt. Baker National Forest boundary (Sec.1, T34N,R10E) downstream to mouth at Skagit River (Sec.29,T35N,R10E).	(33) Pilchuck Creek	<u>Clear Lake 15</u>	From confluence of Pilchuck Creek and unnamed creek (Sec.10, T33N,R6E) downstream to Skagit County and Snohomish County line (Sec.33,T33N,R5E).
(21) Irene Creek	<u>Marblemount 15</u>	From Mt. Baker National Forest boundary (Sec.13, T35N,R11E) downstream to mouth at Cascade River (Sec.12, same township).	(34) Pres-sentin Creek	<u>Oso 15</u> <u>Hamilton 15</u>	Beginning at Mt. Baker National Forest boundary (Sec.36,T35N,R7E) downstream to mouth at Skagit River (Sec.13, same township).
(22) Jackman Creek	<u>Lake Shannon 15</u>	From Mt. Baker National Forest boundary (Sec.3, T35N,R9E) downstream to mouth at Skagit River (Sec.13,T35N,R8E).	(35) Rocky Creek	<u>Clear Lake 15</u>	From confluence of Rocky Creek and unnamed creek (Sec.17,T34N,R6E) downstream to mouth at Day Creek (Sec.10, same township).
(23) Joe Leary Creek	<u>Samish Lake 15</u> Bow 7 1/2	From confluence of Joe Leary Creek and unnamed Creek (Sec.20,T35N,R3E) downstream to mouth at Padilla Bay (Sec.18, same township).	(36) Rocky Creek	<u>Lake Shannon 15</u>	From Whatcom County line (Sec.1,T36N,R8E) downstream to Skagit County line (same section).
(24) Jones Creek	<u>Wickersham 15</u>	From an approximate point (SE1/4 of SE1/4 of NE1/4 Sec.32,T36N,R6E) downstream to mouth at Skagit River (Sec.17,T35N,R6E).	(37) Rocky Creek	<u>Marblemount 15</u>	Beginning at Mt. Baker National Forest boundary (Sec.22,T35N,R10E) downstream to mouth at Skagit River (same section).
(25) Jordan Creek	<u>Illabot Peaks 7 1/2</u>	Beginning at Mt. Baker National Forest boundary (Sec.33,T35N,R11E) downstream to mouth at Cascade River (Sec.18, same township).	(38) Samish River (cont.)	<u>Wickersham 15</u>	From Whatcom County line (Sec.6,T36N,R5E) downstream to mouth at Samish Bay (Sec.5,T35N, R3E).
(26) Lake Creek	<u>Clear Lake 15</u> Mt. Vernon 7 1/2	From confluence of Lake Creek and unnamed creek (Sec.17,T33N,R5E) downstream through Big Lake and Nookachamps Creek to the mouth at Nookachamps Creek in Skagit River (Sec.4,T34N,R4E).	(39) Sauk River (cont.)*	<u>Darrington * 7 1/2</u> <u>Rockport 7 1/2</u>	From Snohomish County line (Sec.32,T33N,R10E) downstream to mouth at Skagit River (Sec.35, T35N,R9E). The flow exceeds 1,000 cfs MAF at Snohomish County line.
(27) Lake Creek	<u>Clear Lake 15</u>	From outlet of Lake Cavanaugh (Sec.22,T33N, R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(40) Silver Creek	<u>Samish Lake</u> 15 Alger 7 1/2	Beginning where heavy duty highway crosses Silver Creek (Sec.7, T36N,R4E) downstream to mouth at Friday Creek (Sec.18, same township).	(51) Bacon Creek	<u>Marblemount</u> 15	From west section line (Sec.8,T36N,R11E) downstream to mouth at Skagit River (Sec.20,T36N,R11E). Exclude federal lands.
(41) Skagit River*	<u>Marblemount</u> * 15 Lake Shannon 15 Hamilton 15 Wickersham 15 Clear Lake 15 Illabot Peaks 7 1/2 Rockport 7 1/2 Finney Peak 7 1/2 Mount Vernon 7 1/2 Utsalady 7 1/2 Conway 7 1/2	Beginning at Mt. Baker National Forest boundary (Sec.1,T36N,R11E) downstream splitting into the North Fork and the South Fork, on down to mouth at Skagit Bay (Sec.7,T33N,R2E) and (Sec.36,T33N,R3E). The 1,000 cfs MAF point begins at Mt. Baker N.F. boundary.	(52) Diobsud Creek	<u>Marblemount</u> 15	From west section line (Sec.30,T36N,R11E) downstream to mouth at Skagit River (Sec.32,T36N,R11E). Exclude federal lands.
(42) Stillaguamish River (N. Fork)	<u>Fortson</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.27, T33N,R9E) downstream to Skagit County and Snohomish County line (Sec.34, same township).	[Order DE 76-14, § 173-18-330, filed 5/3/76; Order 73-14, § 173-18-330, filed 8/27/73; Order DE 72-13, § 173-18-330, filed 6/30/72.]		
(43) Suiattle River* (cont.)	<u>Prairie Mt.</u> * 7 1/2 Darrington 7 1/2	From Skagit-Snohomish County line (Sec.32,T33N,R11E) downstream to mouth at Sauk River (Sec.20,T33N,R10E). This river has over 1,000 cfs MAF at Skagit-Snohomish County line.	<b>WAC 173-18-340 Skamania County. Streams</b>		
(44) Tenas Creek	<u>Prairie Mt.</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T33N,R11E) downstream to mouth at Suiattle River (Sec.30, same township).	Stream Name	Quadrangle Name and Size	Legal Description
(45) Thunder Creek	<u>Lake Shannon</u> 15	Beginning at Mt. Baker National Forest boundary (Sec.17,T36N,R9E) downstream to mouth at Lake Shannon (Sec.24, T36N,R8E).	(1) Bear Creek	<u>Wind River</u> 15	From the Gifford Pinchot National Forest boundary (Sec.5,T3N,R8E) downstream to mouth at Wind River (Sec.8, same township).
(46) Thunder Creek (S. Fk.)	<u>Lake Shannon</u> 15	From an approximate point (NW1/4 of SE1/4 of NE1/4 Sec.20,T36N,R9E) downstream to mouth at Thunder Creek (Sec.18, same township).	(2) Buck Creek (cont.)	<u>Willard</u> 7 1/2	From Klickitat County line (Sec.2,T3N,R10E) downstream to mouth at White Salmon River (same section).
(47) Unnamed Tributary to Bear Creek	<u>Lake Shannon</u> 15	From confluence of unnamed tributary to Bear Creek and unnamed creek (Sec.10,T36N,R8E) downstream to mouth at Bear Creek (same section).	(3) Canyon Creek	<u>Bridal Veil</u> 15	Beginning in (NW1/4 of SE1/4 Sec.4,T1N,R5E) downstream to Washougal River (Sec.6, same township).
(48) Walker Creek	<u>Clear Lake</u> 15	From an approximate point (SW1/4 of SW1/4 of NE1/4 Sec.5,T33N,R5E) downstream to mouth at Nookachamps Creek East Fork (Sec.30,T34N,R5E).	(4) Columbia River (cont.)*	<u>Hood River</u> 15 <u>Bonneville Dam</u> 15 <u>Bridal Veil</u> 15	From Klickitat County line (Sec.23,T3N,R10E) downstream along Washington shoreline to Clark County line (Sec. 19,T1N,R5E) excluding any federal lands. The flow exceeds 200 cfs MAF at Klickitat County line.
(49) White Creek	<u>Rockport</u> 7 1/2	From confluence of White Creek and unnamed creek (Sec.20,T34N,R10E) downstream to mouth at Sauk River (Sec.31, same township).	(5) Deer Creek	<u>Bridal Veil</u> 15	From an approximate point (NE1/4 of Sec.17, T3N,R6E) downstream to mouth at Prospector Creek (Sec.18, same township).
(50) Youngs Slough	<u>Wickersham</u> 15	From confluence of Youngs Slough and unnamed tributary (Sec. 14,T35N,R5E) downstream to mouth at Skagit River (Sec.27, same township).	(6) Dougan Creek	<u>Bridal Veil</u> 15	From the confluence of Dougan Creek and unnamed creek (Sec.2,T2N,R5E) downstream to Washougal River (Sec.11, same township).
			(7) Duncan Creek	<u>Bridal Veil</u> 15	Beginning in (NW1/4 of SE1/4 of NE1/4 of Sec.17,T2N, R6E) downstream to Columbia River (Sec.34, same township).
			(8) Forest Creek	<u>Wind River</u> 15 <u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.17,T3N,R7E) downstream to mouth at Rock Creek (same section).
			(9) Greenleaf Creek	<u>Bonneville Dam</u> 15	From an approximate point (NW1/4 of Sec.16, T2N,R7E) downstream through Greenleaf Slough to mouth at Hamilton Creek (Sec.20, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(10) Hagen Creek (cont.)	<u>Bridal Veil</u> 15	From the Clark County line (Sec.6,T2N,R5E) downstream to mouth at the West Fork Washougal River (same section).	(21) Panther Creek	<u>Wind River</u> 15	Beginning in (NW1/4 of SE1/4 of SE1/4 of Sec.25,T4N,R71/2E) downstream to mouth at Wind River (Sec.8,T3N,R8E).
(11) Hamilton Creek	<u>Bridal Veil</u> 15	From the confluence of Hamilton Creek and unnamed creek (Sec.36, T3N,R6E) downstream to Columbia River (Sec.30, T2N,R7E).	(22) Prospector Creek	<u>Bridal Veil</u> 15	From the confluence of Prospector Creek and Deer Creek (Sec.18,T3N, R6E) downstream to mouth at Washougal River (Sec.13,T3N,R5E).
(12) Lava Creek	<u>Willard</u> 15	From Gifford Pinchot National Forest boundary (Sec.33,T4N,R9E) downstream to mouth on Little White Salmon River (Sec.1,T3N,R9E).	(23) Range Creek	<u>Mt. St. Helens</u> 15	From south section line of (Sec.12,T6N,R5E) downstream to Swift Reservoir (Sec.6,T6N, R6E).
(13) Lewis River*	<u>Burnt Peak</u> * 7 1/2 <u>Mt. St. Helens</u> 15	From Gifford Pinchot National Forest boundary (Sec.24,T7N,R6E) downstream through Swift Reservoir to Cowlitz County line (Sec. 31,T7N,R5E) except those reaches within the National Forest. The 1,000 cfs MAF point is at Gifford Pinchot N.F. boundary.	(24) Rock Creek	<u>Lookout Mt.</u> 15 <u>Wind River</u> 15 <u>Bonneville Dam</u> 15	From west section line (Sec.2,T3N,R6E) downstream to Columbia River (Sec.1,T2N,R7E).
(14) Little White Salmon River*	<u>Willard</u> * 15 <u>Hood River</u> 15	Beginning in (NE1/4 of NE1/4 of NE1/4 Sec.2,T4N,R9E) downstream to Drano Lake (Sec.26,T3N,R9E), excluding all federal lands. The 200 cfs MAF begins at confluence with Lava Creek (Sec.1, T3N,R9E).	(25) Siouxon Creek	<u>Lookout Mt.</u> 15	From the Gifford Pinchot National Forest boundary (Sec.31,T6N,R5E) downstream to Clark County line (same section) excluding federal lands.
(15) Little Wind River	<u>Wind River</u> 15 <u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.14,T3N,R8E) downstream to mouth at Wind River (Sec.22, same township).	(26) Spring Creek	<u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.22,T3N,R7E) downstream to mouth at Rock Creek (Sec.27, same township).
(16) Lookout Creek	<u>Lookout Mt.</u> 15	From an approximate point (NW1/4 of Sec.6,T3N, R6E) downstream to mouth at Washougal River (Sec.1,T3N,R5E).	(27) Stebbins Creek	<u>Bridal Veil</u> 15	From the confluence of Stebbins Creek and unnamed creek (Sec.28, T3N,R6E) downstream to mouth at Washougal River (Sec.6,T2N,R6E).
(17) Muddy River	<u>Mt. St. Helens</u> 15	From the west section line (Sec.16,T8N,R6E) downstream to mouth at Lewis River (Sec.24,T7N,R6E). Exclude federal lands.	(28) Swift Creek	<u>Mt. St. Helens</u> 15	From the Gifford Pinchot National Forest boundary (Sec.4,T7N,R5E) downstream to mouth at Swift Reservoir (Sec.16, same township) except those reaches within the National Forest.
(18) North Fork Toutle River	<u>Spirit Lake</u> 15	From Spirit Lake (Sec. 15,T9N,R5E) downstream to Skamania County line (Sec.18, same township), excluding all federal lands.	(29) Trout Creek	<u>Wind River</u> 15	Beginning in (SE1/4 of SE1/4 of NE1/4 of Sec.27,T4N,R7E) downstream to mouth at Wind River (Sec.26, same township).
(19) North Siouxon Creek	<u>Mt. St. Helens</u> 15 <u>Lookout Mt.</u> 15	From the Gifford Pinchot National Forest boundary (Sec.16,T6N,R5E) downstream to the Clark County line (Sec. 30, same township).	(30) Unnamed Tributary to Swift Creek	<u>Mt. St. Helens</u> 15	From the Gifford Pinchot National Forest boundary (Sec.10,T7N,R5E) downstream to mouth at Swift Creek (Sec.9, same township).
(20) Ole Creek	<u>Mt. St. Helens</u> 15	From the confluence of Ole Creek and an unnamed creek (Sec.31,T7N,R5E) downstream to Lewis River (same section).	(31) Washougal River	<u>Lookout Mt.</u> 15	From Gifford Pinchot National Forest boundary (Sec.1,T3N,R5E) downstream to mouth at Clark County line (Sec. 31,T2N,R5E).
			(32) Washougal River (W. Fork)	<u>Bridal Veil</u> 15	From an approximate point (NW1/4 of SW1/4 of Sec.29,T3N,R5E) downstream to mouth at Washougal River (Sec.32,T2N,R5E).
			(33) West Fork Swift Creek	<u>Mt. St. Helens</u> 15	Beginning in (SE1/4 of NW1/4 of SW1/4 of Sec.4,T7N,R5E) downstream to Swift Creek (Sec.16, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(34) White Salmon River (cont.)*	<u>Willard 15 Hood River 15</u>	From Klickitat County line (Sec.2,T3N,R10E) downstream right bank only to mouth on Columbia River (Sec.23, same township). The flow exceeds 200 cfs MAF at Skamania-Klickitat County line.	(45) Moss Creek	<u>Willard 15</u>	From the west section line of (Sec.27,T4N,R9E) downstream to confluence with Little White Salmon River (Sec.26, same township). Exclude federal lands.
(35) Wildboy Creek	<u>Bridal Veil 15</u>	From the confluence of Wildboy Creek and Texas Creek (Sec.17,T2N,R5E) downstream to West Fork Washougal River (Sec.20, same township).	[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-340, filed 6/30/80; Order DE 76-14, § 173-18-340, filed 5/3/76; Order 73-14, § 173-18-340, filed 8/27/73; Order DE 72-13, § 173-18-340, filed 6/30/72.]		
(36) Wind River*	<u>Wind River * 15 Bonneville Dam 15</u>	Beginning at the north section line of (Sec.9, T4N,R7E) downstream to mouth at Columbia River (Sec.27,T3N,R8E). The 200 cfs MAF point begins at Gifford Pinchot N.F. boundary (Sec.1,T3N, R71/2E).	<b>WAC 173-18-350 Snohomish County. Streams</b>		
(37) Woodward Creek	<u>Bridal Veil 15</u>	From the confluence of Woodward Creek and unnamed creek (Sec.27, T2N,R6E) downstream to mouth at Columbia River (Sec.36, same township).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(38) Unnamed Tributary to Swift Reservoir	<u>Mt. St. Helens 15</u>	From the east section line (Sec.2,T6N,R6E) downstream to mouth at Swift Reservoir (Sec.35, T7N,R6E).	(1) Anderson Creek	<u>Index 15</u>	From the Snoqualmie National Forest boundary (Sec.24,T27N,R9E) downstream to mouth at Skykomish River (same section).
(39) Green River	<u>Spirit Lake 15</u>	From the Gifford Pinchot National Forest boundary (Sec.18,T10N,R6E) downstream to the Cowlitz-Skamania County line (Sec.6, same township). Exclude federal lands.	(2) Ashton Creek	<u>Fortson 7 1/2</u>	From confluence of Ashton Creek and unnamed creek (Sec.20,T32N,R9E) downstream to mouth at Squire Creek (Sec.8, same township).
(40) Drift Creek	<u>Mt. St. Helens 15</u>	From south section line (Sec.8,T6N,R6E) downstream to Swift Reservoir (Sec.5, same township). Exclude federal lands.	(3) Barclay Creek	<u>Baring 7 1/2</u>	From the Snoqualmie National Forest boundary (Sec.25,T27N,R10E) downstream to mouth at Skykomish River South Fork (Sec.34, same township), excluding the part within Snoqualmie National Forest.
(41) Cold-water Creek	<u>Spirit Lake 15</u>	From east section line (Sec.29,T10N,R5E) downstream to Cowlitz-Skamania County line (Sec.31, same township). Exclude federal lands.	(4) Boulder River	<u>Granite Falls 15 Oso 15</u>	From the Mt. Baker National Forest boundary (Sec.19,T32N,R8E) downstream to mouth at Stillaguamish River (Sec.9,T32N,R8E), excluding the part within Mt. Baker National Forest.
(42) Miners Creek	<u>Spirit Lake 15</u>	From confluence of Miners Creek and unnamed creek (SE1/4 Sec.8,T10N,R5E) downstream to Lewis-Skamania County line same section.	(5) Brooks Creek	<u>Oso 15</u>	Beginning where Brooks Creek is crossed by unimproved dirt road (Sec.9,T32N,R7E) downstream to mouth at Stillaguamish River North Fork (same section).
(43) Smith Creek	<u>Mt. St. Helens 15</u>	From east section line of (Sec.30,T9N,R6E) downstream to mouth at Muddy River. (Sec.15,T8N,R6E) Exclude federal lands.	(6) Canyon Creek	<u>Granite Falls 15</u>	From the Mt. Baker National Forest boundary (Sec.25,T31N,R7E) downstream to mouth at Stillaguamish River South Fork (Sec.12,T30N, R6E).
(44) Cold Creek	<u>Wind River 15</u>	From NW1/4 of NE 1/4 (Sec.16,T4N,R7E) downstream to mouth at Wind River (Sec.9, same township).	(7) Dan Creek	<u>Darrington 7 1/2</u>	From Mt. Baker National Forest boundary (Sec.8, T32N,R10E) downstream to mouth at Sauk River (same section).
			(8) Deer Creek (cont.)	<u>Oso 15</u>	From the Skagit County line (Sec.5,T32N,R7E) downstream to mouth at Stillaguamish River North Fork (Sec.17,T32N, R7E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(9) Dubuque Creek	<u>Everett</u> 15 Snohomish 7 1/2	From confluence of Dubuque Creek and Panther Creek (Sec.22, T29N,R6E) downstream to mouth at Pilchuck River (Sec.21, same township).	(21) Olney Creek	<u>Index</u> 15	From Snoqualmie National Forest boundary (Sec.6, T28N,R9E) downstream to mouth at Wallace River (Sec.36,T28N,R8E).
(10) Elk Creek	<u>Index</u> 15	Beginning at Snoqualmie National Forest boundary (Sec.3,T28N,R10E) downstream, to mouth at Sultan River (Sec.30, T29N,R10E), excluding Snoqualmie National Forest land.	(22) Pilchuck Creek (cont.)	<u>Clear Lake</u> 15 Arlington West 7 1/2	From Skagit County line (Sec.4,T32N,R5E) downstream to mouth at Stillaguamish River (Sec.6,T31N,R5E).
(11) Elwell Creek	<u>Sultan</u> 7 1/2	From confluence of Elwell Creek and Youngs Creek (Sec.24,T27N,R7E) downstream to mouth at Skykomish River (Sec.12, same township).	(23) Pilchuck River	<u>Index</u> 15 <u>Lake Stevens</u> 7 1/2 Snohomish 7 1/2 Monroe 15 Granite Falls 15	From the Snoqualmie National Forest boundary (Sec.23,T29N,R8E) downstream to mouth at Snohomish River (Sec.19, T28N,R6E).
(12) French Creek	<u>Everett</u> 15 Snohomish 7 1/2	From confluence of French Creek and unnamed creek (Sec.27,T28N,R6E) downstream to mouth at Snohomish River (Sec.30, same township).	(24) Portage Creek	<u>Arlington West</u> 7 1/2	From confluence of Portage Creek and unnamed creek (Sec.7, T31N,R5E) downstream to mouth at South Slough of the Stillaguamish River (Sec.12,T31N,R4E).
(13) French Creek	<u>Oso</u> 15	From Mt. Baker National Forest boundary (Sec.16, T32N,R8E) downstream to mouth at Stillaguamish River (Sec.10, same township) excluding Mt. Baker National Forest land.	(25) Proctor Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.15,T27N,R9E) downstream to mouth at Skykomish River (Sec.10, same township).
(14) Jim Creek	<u>Granite Falls</u> 15 Arlington East 7 1/2	From U.S. Naval Reservation boundary (Sec.31,T32N,R7E) downstream to mouth at Stillaguamish River South Fork (Sec.7,T31N,R6E).	(26) Quilceda Creek	<u>Marysville</u> 7 1/2	From confluence of Quilceda Cr. and Middle Fork (Sec.9,T30N,R5E) downstream to mouth at Ebbey Slough of Possession Sound (Sec. 31,T30N,R5E) excluding federal lands.
(15) Little Pilchuck Creek	<u>Lake Stevens</u> 7 1/2 Snohomish 7 1/2	From confluence of Little Pilchuck Creek and unnamed creek (Sec. 22,T30N,R6E) downstream to mouth (Sec.21,T29N, R6E) at Pilchuck River.	(27) Rollins Creek	<u>Oso</u> 15	From confluence of Rollins Creek and unnamed creek (Sec.1, T32N,R7E) downstream to mouth at Stillaguamish River North Fork (Sec. 12, same township).
(16) May Creek	<u>Index</u> 15	From the Snoqualmie National Forest boundary (Sec.3,T27N,R9E) downstream to mouth at Wallace River (Sec.36,T28N,R8E).	(28) Sauk River*	<u>Silverton</u> * 15 Darrington 7 1/2	From Mt. Baker National Forest boundary (Sec.36, T32N,R9E) downstream to Snohomish County and Skagit County line (Sec.5,T32N,R10E). The 1,000 cfs MAF point is at Mt. Baker N. F. boundary.
(17) McCoy Creek	<u>Monroe</u> 15 Sultan 7 1/2	From confluence of McCoy Creek and unnamed creek (Sec.17,T27N,R8E) downstream to mouth at Skykomish River (Sec.7, same township).	(29) Skyko-mish River*	<u>Index</u> * 15 <u>Sultan</u> 7 1/2 Monroe 7 1/2	From confluence of North Fork and South Fork of Skykomish River (Sec. 19,T27N,R10E) downstream to mouth at Snohomish River (Sec. 16,T27N,R6E) excluding all federal land. The 1,000 cfs MAF point begins at confluence of North and South Fork Skykomish River.
(18) Montague Creek	<u>Oso</u> 15	From confluence of Montague Creek and unnamed creek (Sec.14, T32N,R7E) downstream to mouth at Stillaguamish River North Fork (Sec. 10, same township).	(30) Skyko-mish River (N.Fk.)*	<u>Index</u> * 15	Beginning at SW1/4 (Sec.20,T28N,R11E) downstream to mouth at at Skykomish River (Sec.19, T27N,R10E) excluding those shores within federal lands. The 1,000 cfs MAF point begins at east section line (Sec.16,T27N,R10E)
(19) Mud Lake Outlet	<u>Granite Falls</u> 15	From an approximate point (SE1/4 of SE1/4, Sec.33,T31N,R7E) downstream to mouth at Canyon Creek (Sec.3, T30N,R7E).			
(20) North Creek	<u>Everett</u> 15 <u>Bothell</u> 7 1/2	From confluence of North Creek and unnamed creek (Sec.19,T27N,R5E) downstream to King County line (Sec.32, same township).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(31) Skykomish River (South Fork) (cont.)*	<u>Baring</u> 7 1/2 <u>Index</u> 15	From King County line (Sec.34,T27N,R10E) downstream to mouth at Skykomish River (Sec.19, same township) excluding all federal land. The flow exceeds 1,000 cfs MAF at King County line.	(40) Sultan River	<u>Monte Cristo</u> 7 1/2 <u>Sultan</u> 7 1/2 <u>Monroe</u> 15 <u>Index</u> 15	Beginning at Snoqualmie National Forest boundary (Sec.22,T29N,R10E) downstream to mouth at Skykomish River (Sec.6, T27N,R8E) excluding all federal lands.
(32) Snohomish River*	<u>Everett</u> 15 <u>Maltby</u> * 7 1/2 <u>Snohomish</u> 7 1/2 <u>Everett</u> 7 1/2 <u>Marysville</u> 7 1/2	From confluence of Skykomish River and Snoqualmie River (Sec. 16,T27N,R6E) downstream to mouth at Possession Sound (Sec.7,T29N,R5E). The flow exceeds 1,000 cfs MAF at confluence of Skykomish River and Snoqualmie River.	(41) Sultan River (N. Fork of South Fork)	<u>Index</u> 15	From confluence of Sultan River North Fork of South Fork and unnamed creek (Sec.7, T28N,R10E) downstream to mouth at Sultan River (Sec.28,T29N,R9E) excluding all federal land.
(33) Snoqualmie River* (cont.)	<u>Monroe</u> 15 <u>Maltby</u> 7 1/2 <u>Monroe</u> 7 1/2	From the King County line (Sec.31,T27N,R7E) downstream to mouth at Snohomish River (Sec.16, T27N,R6E). The flow exceeds 1,000 cfs MAF at King County line.	(42) Swamp Creek	<u>Edmonds</u> 15 <u>Edmonds E.</u> 7 1/2 <u>Bothell</u> 7 1/2	From confluence of Swamp Creek and unnamed creek (Sec.26,T27N,R4E) downstream to King County line (Sec.35, same township).
(34) Squire Creek	<u>Silverton</u> 15 <u>Fortson</u> 7 1/2	From the Mt. Baker National Forest boundary (Sec.27,T32N,R9E) downstream to mouth at Stillaguamish River N. Fork (Sec.8, same township).	(43) Unnamed Tributary to French Creek	<u>Everett</u> 15 <u>Snohomish</u> 7 1/2	From confluence of unnamed tributary to French Creek and unnamed creek (NW1/4 of Sec.34, T28N,R6E) downstream to mouth at French Creek (Sec.20, same township).
(35) Stevens Creek	<u>Lake Stevens</u> 7 1/2 <u>Snohomish</u> 7 1/2	From confluence of Stevens Creek and Catherine Creek (Sec.8, T29N,R6E) downstream to mouth at Little Pilchuck Creek (Sec.16, same township).	(44) Wallace River	<u>Index</u> 15 <u>Sultan</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.25,T28N,R9E) downstream to mouth at Skykomish River (Sec.4, T27N,R8E).
(36) Stillaguamish River*	<u>Arlington East</u> * 7 1/2 <u>Arlington West</u> 7 1/2 <u>Stanwood</u> 7 1/2	From confluence of South Fork and North Fork of Stillaguamish River (Sec. 2,T31N,R5E) downstream to mouth at Port Susan in Puget Sound (Sec.12,T31N,R3E). The flow exceeds 1,000 cfs MAF at confluence of N. Fork and South Fork Stillaguamish River.	(45) Wallace River (N.Fk.)	<u>Index</u> 15	From confluence of North Fork Wallace River and unnamed creek (Sec.28, T28N,R9E) downstream to mouth at Wallace River (Sec.33, same township).
(37) Stillaguamish River (N.F.) (cont.)*	<u>Fortson</u> 7 1/2 <u>Oso</u> * 15 <u>Clear Lake</u> 15 <u>Arlington East</u> 7 1/2 <u>Arlington West</u> 7 1/2	From Snohomish County line (Sec.3,T32N,R9E) downstream to mouth at Stillaguamish River South Fork (Sec.2,T31N, R5E). The 1,000 cfs MAF point begins at mouth of Boulder Creek (Sec.9, T32N,R8E).	(46) William-son Creek	<u>Silverton</u> 15 <u>Index</u> 15	Beginning at Snoqualmie National Forest boundary (Sec.6,T29N,R10E) downstream to mouth at Sultan River (Sec.24, T29N,R9E) excluding all federal lands.
(38) Stillaguamish River (South Fork)*	<u>Silverton</u> 15 <u>Granite Falls</u> * 15 <u>Lake Stevens</u> 7 1/2 <u>Arlington</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.19, T30N,R10E) downstream to mouth at Stillaguamish River North Fork (Sec.2, T31N,R5E). The 1,000 cfs MAF point begins at mouth of Cranberry Creek (Sec.12,T30N,R7E). Exclude federal lands.	(47) Woods Creek	<u>Monroe</u> 15 <u>Monroe</u> 7 1/2	From confluence of Woods Creek and unnamed creek (Sec.26,T29N,R7E) downstream to mouth at Skykomish River (Sec. 12,T27N,R6E).
(39) Stony Creek	<u>Silverton</u> 15	From an approximate point (NE1/4 of NW1/4 Sec. 18,T29N,R10E) downstream to mouth at Williamson Creek (Sec.12,T29N,R9E) excluding all federal land.	(48) Woods Creek (W. Fk.)	<u>Monroe</u> 15 <u>Monroe</u> 7 1/2	From confluence of Carpenter Creek and Woods Creek West Fork (Sec.5,T28N,R7E) downstream to mouth at Woods Creek (Sec.33, same township).
			(49) Worthy Creek	<u>Granite Falls</u> 15	From confluence of Worthy Creek and unnamed creek (Sec.26,T30N,R7E) downstream to mouth at Pilchuck River (Sec.2, T29N,R7E).
			(50) Youngs Creek	<u>Monroe</u> 15 <u>Sultan</u> 7 1/2	From an approximate point (NE1/4 of SE1/4 Sec. 34,T27N,R8E) downstream to mouth at Elwell Creek (Sec.24,T27N,R7E).

Stream Name	Quadrangle Name and Size	Legal Description
(51) Suiattle River*	<u>Huckleberry Mtn.</u> * 7 1/2 Prairie Mtn. 7 1/2	From the east section (Sec.20,T32N,R12E) downstream to Skagit-Snohomish County line (Sec.5,T32N,R11E). Exclude federal lands. The flow is 1000 cfs MAF at east section line (Sec.20,T32N,R12E).
(52) Beckler River	<u>Evergreen Mtn.</u> 7 1/2	From the west section line (Sec.8,T27N,R12E) downstream to Snohomish-King County line (Sec.32,T27N,R12E). Exclude federal lands.
(53) Rapid River	<u>Captain Point</u> 7 1/2 Evergreen Mtn. 7 1/2	From east section line (Sec.13,T27N,R12E) downstream to Beckler River (Sec.29,T27N,R12E). Exclude federal lands.

Stream Name	Quadrangle Name and Size	Legal Description
(6) Pine Creek (cont.)	<u>Spangle</u> 15	From Whitman County line (Sec.34,T21N,R43E) downstream back to Whitman County line (Sec.31, same township).
(7) Rock Creek	<u>Fairfield</u> 15 <u>Spangle</u> 15 Spokane SE 7 1/2	From the confluence of Rock Creek and Rose Creek (Sec. 34,T23N,R45E) downstream to mouth at Latah Creek (Sec.11,T23N,R43E).
(8) Spokane River*	<u>Green Acres</u> * 15 Spokane NE 7 1/2 Spokane NW 7 1/2 Airway Heights 7 1/2 Clayton 15 Wellpinit 15	From the Washington-Idaho border (Sec.6,T25N,R46E) downstream to the Spokane-Stevens County line, along said county line to the Lincoln County line (Sec.19,T27N,R40E) excluding all federal lands. The flow is 200 cfs MAF and has 300 square miles of drainage area at Washington-Idaho border.

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

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

WAC 173-18-360 Spokane County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Deadman Creek	<u>Deer Park</u> 15	From the confluence of Deadman Creek and two unnamed creeks (Sec.1, T26N,R43E) downstream to mouth at Spokane River (Sec.33,T27N,R43E).
(2) Dragoon Creek	<u>Deer Park</u> 15	From the confluence of Dragoon Creek and West Branch of the Dragoon Creek (Sec.22,T28N,R42E) downstream to mouth at the Little Spokane River (Sec.4, T27N,R43E).
(3) Hangman Creek (cont.)* or Latah Creek	<u>Fairfield</u> 15 <u>Spangle</u> * 15 Spokane SE 7 1/2 Spokane SW 7 1/2 Spokane NW 7 1/2	From the Whitman-Spokane County line (Sec.32,T21N,R45E) downstream to mouth on Spokane River (Sec.14, T25N,R42E). This stream has 300 square miles of drainage area ending at unnamed tributary (Sec. 13,T23N,R43E) upstream from Rock Creek.
(4) Little Spokane River (cont.)*	<u>Camden</u> 7 1/2 <u>Elk</u> 7 1/2 <u>Deer Park</u> * 15 Clayton 15	From the Pend Oreille County line (Sec.3,T29N,R44E) downstream (excluding all federal lands) to mouth at the Spokane River and Stevens County line (Sec.32,T27N,R42E). This stream has a 300 square mile drainage area ending at mouth of Deer Creek (Sec.34,T28N,R43E).
(5) Little Spokane River (West Branch)	<u>Newport</u> 30 Fan Lake 7 1/2 Elk 7 1/2 Deer Park 15	From the Pend Oreille County line (Sec.5, T29N,R43E) downstream through Eloika Lake to mouth at Little Spokane River (Sec.26, same township).

WAC 173-18-370 Stevens County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Sheep Creek*	<u>Colville</u> 30 <u>Belshazzor</u> Mt. 7 1/2 Northport* 7 1/2	From the Colville National Forest boundary (Sec.13, T40N,R38E) downstream to mouth at the Columbia River near Sand Point (Sec.30,T40N,R40E). The 200 cfs MAF point begins at mouth of Little Sheep Creek (Sec.14,T40N,R39E).
(2) Chamokane Creek	<u>Clayton</u> 15 <u>Wellpinit</u> 15	From the confluence of Chamokane Creek and unnamed stream (Sec.23, T29N,R40E) downstream left shore only (right shore in Spokane Indian Reservation) to mouth on Spokane River (Sec.15, T27N,R39E).
(3) Chewelah Creek	<u>Chewelah Mt.</u> 15 <u>Chewelah</u> 7 1/2	From the confluence of the North Fork and the South Fork Chewelah Cr. (Sec.11,T32N,R40E) downstream to mouth on Colville River (Sec.23, same township).
(4) Colville River*	<u>Forest Center</u> 7 1/2 <u>Waitts Lake</u> 7 1/2 <u>Valley</u> 7 1/2 <u>Chewelah</u> * 7 1/2 <u>Addy</u> 7 1/2 <u>Addy Mt.</u> 7 1/2 <u>Arden</u> 7 1/2 <u>Colville</u> 7 1/2 <u>Marcus</u> 30	From the confluence of Deer Cr. and Sheep Creek (Sec.9,T30N,R40E) downstream (excluding all federal lands) to mouth at Columbia River (Sec.36, T36N,R37E). This river has over 300 sq. miles of drainage area ending at mouth of Chewelah Creek (Sec.23,T32N,R40E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(5) Columbia River*	Boundary * 7 1/2 Northport 7 1/2 Onion Creek 7 1/2 China Bend 7 1/2 Bossburg 7 1/2 Marcus 7 1/2 Kettle Falls 7 1/2 Bangs Mountain 7 1/2 Inchelium 15 Hunters 15 Wilmont Creek 15	From the United States-Canadian boundary (Sec.2,T40N,R41E) downstream to Spokane Indian Reservation boundary (Sec.23, T29N,R35E). This river has over 200 cfs MAF at U.S.-Canadian border.	(13) Deep Creek (North Fork)	Deep Lake 7 1/2 Aladdin 7 1/2	From the confluence of McKinnon Creek and North Fork Deep Creek in (Sec. 11,T39N,R41E) downstream through Deep Lake to confluence with South Fork Deep Creek and Deep Creek in (Sec.5,T38N,R41E).
(6) Kettle River*	Marcus 30 Orient 7 1/2 Laurier* 7 1/2	From the United States-Canadian border (Sec.2,T40N,R36E) downstream along Ferry-Stevens Co. line. Left bank only to (Sec.20, T38N,R37E), excluding federal lands. This stream has both 200 cfs MAF and 300 sq. miles of drainage area at U.S.-Canadian border.	(14) Deep Creek	Aladdin 7 1/2 Spirit 7 1/2	From the confluence of the South Fork and North Fork of Deep Creek in (Sec.5,T38N,R41E) downstream to mouth at Columbia River (Sec.34, T40N,R40E).
(7) Little Pend Oreille River	Lake Gillette 7 1/2 Park Rapids 7 1/2 Cliff Ridge 7 1/2 Addy Mt. 7 1/2 Arden 7 1/2	That part of the Little Pend Oreille River outside the Little Pend Oreille National Wildlife Refuge (Sec.11,T35N,R41E) and that part outside Refuge (Sec.15 & 16, T35N,R41E), and that part outside refuge from (Sec. 10,T34N,R40E) to Colville River (Sec.10,T34N,R39E).	(1) Beaver Creek	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Beaver Creek and unnamed creek (Sec.11,T16N,R2W) downstream to mouth at Black River (Sec.2,T16N, R3W).
(8) Little Sheep Cr.	Colville 30 Northport 7 1/2	From the confluence of Boundary Creek and Little Sheep Creek (Sec.10,T40N, R39E) downstream to mouth at Big Sheep Creek (Sec. 14, same township).	(2) Black River	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Dempsey Creek and the Black River (Sec.13,T17N, R3W) downstream to Grays Harbor County line (Sec.26,T16N,R4W).
(9) Mill Creek	White Mud Lake 7 1/2 Colville 7 1/2	From the Colville National Forest boundary (Sec.15,T36N,R40E) downstream (excluding all federal lands) to mouth at Colville River (Sec.31,T36N,R39E).	(3) Black Lake Drainage Ditch	Tumwater 7 1/2	From outlet of Black Lake (Sec.32,T18N,R2W) downstream to confluence with Percival Creek (Sec.21,T18N,R2W).
(10) Onion Creek	Colville 30 Onion Creek 7 1/2	From the confluence of Onion Creek and unnamed creek (Sec.12,T38N,R39E) downstream to mouth at Columbia River (Sec.23, T39N,R39E). Excluding Coulee Dam National Recreation area.	(4) Cedar Creek	Rochester 15	From the confluence of Cedar Cr. and Sherman Creek (Sec.2,T16N,R4W) downstream to Grays Harbor County line (same section).
(11) Spokane River (Cont.)*	Clayton 15 Wellpinit 15 Turtle Lake 15 Lincoln 15	From the Spokane County line on the Spokane River (Sec.32,T27N,R42E) downstream through Long Lake to Spokane Indian Reservation boundary (Sec.15,T27N,R39E), right shore only. This river has 300 sq. miles of drainage area and over 200 cfs MAF at Spokane Co. line.	(5) Chehalis River (cont.)*	Rochester 15	From Lewis County line (Sec. 23,T15N,R3W) downstream to Grays Harbor County line (Sec.11,T15N, R4W), excluding all federal lands. The flow exceeds 1,000 cfs MAF at Lewis County line.
(12) Deep Creek (South Fork)	Spirit 7 1/2 Aladdin 7 1/2	From the confluence of Rocky Creek and South Fork of Deep Creek in (Sec.8,T37N,R41E) downstream to confluence North Fork Deep Creek and Deep Creek in (Sec.5,T38N,R41E).	(6) Deschutes River (cont.)	Ohop Valley 15 Bald Hill 7 1/2 Lake Lawrence 7 1/2 Vail 7 1/2 Weir Prairie 7 1/2 East Olympia 7 1/2 Tumwater 7 1/2 Maytown 7 1/2	From Lewis County line (Sec.24,T15N,R3E) downstream to mouth at Capitol Lake (Sec.26, T18N,R2W), excluding all federal lands.
			(7) Kennedy Creek	Shelton 15	From the confluence of Kennedy Creek and unnamed creek (Sec.14,T18N,R4W) downstream to the Mason County line (Sec.6,T18N, R3W).

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

### WAC 173-18-380 Thurston County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Beaver Creek	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Beaver Creek and unnamed creek (Sec.11,T16N,R2W) downstream to mouth at Black River (Sec.2,T16N, R3W).
(2) Black River	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Dempsey Creek and the Black River (Sec.13,T17N, R3W) downstream to Grays Harbor County line (Sec.26,T16N,R4W).
(3) Black Lake Drainage Ditch	Tumwater 7 1/2	From outlet of Black Lake (Sec.32,T18N,R2W) downstream to confluence with Percival Creek (Sec.21,T18N,R2W).
(4) Cedar Creek	Rochester 15	From the confluence of Cedar Cr. and Sherman Creek (Sec.2,T16N,R4W) downstream to Grays Harbor County line (same section).
(5) Chehalis River (cont.)*	Rochester 15	From Lewis County line (Sec. 23,T15N,R3W) downstream to Grays Harbor County line (Sec.11,T15N, R4W), excluding all federal lands. The flow exceeds 1,000 cfs MAF at Lewis County line.
(6) Deschutes River (cont.)	Ohop Valley 15 Bald Hill 7 1/2 Lake Lawrence 7 1/2 Vail 7 1/2 Weir Prairie 7 1/2 East Olympia 7 1/2 Tumwater 7 1/2 Maytown 7 1/2	From Lewis County line (Sec.24,T15N,R3E) downstream to mouth at Capitol Lake (Sec.26, T18N,R2W), excluding all federal lands.
(7) Kennedy Creek	Shelton 15	From the confluence of Kennedy Creek and unnamed creek (Sec.14,T18N,R4W) downstream to the Mason County line (Sec.6,T18N, R3W).



Stream Name	Quadrangle Name and Size	Legal Description
(8) Little Nisqually River (cont.)	Ohop Valley 15 Eatonville 7 1/2	From the Lewis-Thurston County line (Sec.21,T15N,R4E) downstream to Alder Lake (Sec.16, same township).
(9) McAllister Creek	Anderson Island 15 Nisqually 7 1/2	From the McAllister Springs (Sec.19,T18N,R1E) downstream to mouth at Nisqually Head (Sec.31, T19N,R1E).
(10) McLane Creek	Tumwater 7 1/2	From an approximate point (SW1/4 of NE1/4 of Sec.25, T18N,R3W) downstream to mouth at Eld Inlet (Sec. 19,T18N,R2W).
(11) Mima Creek	Rochester 15	From an approximate point (NE1/4 of NW1/4 of Sec.16, T16N,R3W) downstream to mouth at Black River (Sec.20, same township).
(12) Mitchell Creek	Ohop Valley 15 Bald Hill 7 1/2	From the confluence of Mitchell Creek and unnamed creek (Sec.18,T15N, R3E) downstream to mouth at Deschutes River (Sec.7, same township).
(13) Nisqually River (cont.)*	Kapowsin 15 Ohop Valley 15 Yelm 7 1/2 Anderson Island 15	From the Pierce County line in Alder Reservoir (Sec.20,T15N,R5E) downstream along left shore only, (exclude area from LaGrande Dam downstream to powerhouse due to use of aqueduct; also exclude all federal lands) to the Nisqually Indian Reservation boundary (Sec.11,T17N,R1E). The flow exceeds 1,000 cfs MAF at Pierce County line in Alder Reservoir.
(14) Percival Creek	Tumwater 7 1/2	From the confluence of Percival Creek and stream from Black Lake (Sec.21,T18N,R2W) downstream to mouth at Capitol Lake (Sec.22, same township).
(15) Scatter Creek	Tenino 15 Bucoda 7 1/2 Tenino S.W. 7 1/2 Rochester 15	From confluence of Scatter Creek and unnamed creek (Sec.20, T16N,R1W) downstream to mouth at Chehalis River (Sec.7,T15N,R3W).
(16) Sherman Creek	Rochester 15	From the confluence of Sherman Creek and Monroe Creek (Sec.25,T17N,R4W) downstream to mouth on Cedar Cr. (Sec.2,T16N, R4W).
(17) Skookumchuck River (cont.)	Yelm 15 Tenino 15	From the Lewis County line (Sec.20,T15N,R2E) downstream back to the Lewis County line (Sec. 21,T15N,R2W).
(18) Thompson Creek	Yelm 15 Weir Prairie 7 1/2	From the intersection of Highway SR 510 and Thompson Creek (Sec.11, T17N,R1E) downstream to mouth at Nisqually River (same section).

Stream Name	Quadrangle Name and Size	Legal Description
(19) Waddell Creek	Rochester 15	From an approximate point (SE1/4 of NW1/4 of Sec.8,T17N,R3W) downstream to mouth at Black River (Sec.2, T16N,R3W).
(20) Woodland Creek	Lacey 7 1/2	From an approximate point (NE1/4 of NE1/4 of SE1/4 of Sec.9,T18N,R1W) downstream to mouth at Henderson Inlet near South Bay (Sec. 32,T19N,R1W).
(21) Yelm Creek	Yelm 15 McKenna 7 1/2 Weir Prairie 7 1/2	From the confluence of Yelm Creek and Yelm ditch (Sec.29,T17N,R2E) downstream to mouth at Nisqually River (Sec.12, T17N,R1E).

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-18-380, filed 4/15/85; Order DE 76-14, § 173-18-380, filed 5/3/76; Order 73-14, § 173-18-380, filed 8/27/73; Order DE 72-13, § 173-18-380, filed 6/30/72.]

**WAC 173-18-390 Wahkiakum County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Alger Creek	Skamokawa 15	From the intersection of State Sign Route 4 and Alger Creek (Sec.15,T9N, R6W) downstream to mouth at Brooks Slough (same section).
(2) Beaver Creek	Cathlamet 15	From the confluence of Beaver Cr. and unnamed creek (Sec.33,T9N,R5W) downstream to mouth at Elochoman River (Sec.32, same township).
(3) Columbia River (cont.)*	Clatskanie 15 Cathlamet 15 Skamokawa 15 Grays River 15	From the Cowlitz Co. line on Columbia River (Sec.20, T8N,R4W) downstream along the Wash.-Oregon boundary to the Pacific Co. line to Grays Bay (Sec.7,T9N, R9W). The flow exceeds 1,000 cfs MAF at Cowlitz County line.
(4) Crooked Creek	Grays River 15	From the confluence of Crooked Creek and the So. Fork Crooked Cr. (Sec.36, T10N,R8W) downstream to Grays Bay (Sec.4,T9N, R8W).
(5) Deep River	Grays River 15	From the confluence of Deep River and Hendrickson Canyon Stream (Sec.9, T10N,R8W) downstream to mouth at Grays Bay (Sec. 31,T9N,R8W).
(6) Elochoman River	Skamokawa 15 Cathlamet 15	From the confluence of the West Fork Elochoman and the North Fork Elochoman River (Sec.26, T10N,R5W) downstream to mouth at Elochoman Slough (Sec.36,T9N,R6W).
(7) Elochoman River (East Fk.) (cont.)	Ryderwood 15	From the Cowlitz Co. line (Sec.7,T10N,R4W) downstream to Elochoman River (Sec.13,T10N,R5W).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(8) Elochoman River (North Fk.)	<u>Skamokawa</u> 15 <u>Ryderwood</u> 15	From the confluence of North Fk. Elochoman R. and unnamed creek (Sec. 12, T10N, R5W) downstream to mouth at Elochoman River (Sec. 26, T10N, R5W).	(21) Otter Creek	<u>Ryderwood</u> 15	From the confluence of Otter Cr. and unnamed creek near the north section line (Sec. 7, T10N, R4W) downstream to the East Fk. Elochoman R. (same section).
(9) Elochoman River (West Fk.)	<u>Skamokawa</u> 15	From the confluence of West Fork Elochoman R. and unnamed creek (Sec. 21, T10N, R5W) downstream to mouth at Elochoman River (Sec. 26, same township).	(22) Salmon Creek (cont.)	<u>Grays River</u> 15	From the Pacific County line (Sec. 5, T10N, R8W) downstream to Pacific County line (Sec. 7, same township).
(10) Falk Creek	<u>Skamokawa</u> 15	From an approximate point (NW1/4 of NE1/4 of SW1/4 of Sec. 33, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec. 5, T9N, R6W).	(23) Skamokawa Creek	<u>Skamokawa</u> 15	From the confluence of McDonald Creek and Standard Creek (Sec. 28, T10N, R6W) downstream to mouth at Columbia River (Sec. 17, T9N, R6W).
(11) Fossil Creek	<u>Grays River</u> 15	From the confluence of Fossil Cr. and an unnamed cr. (Sec. 10, T10N, R7W) downstream to mouth at Grays River (Sec. 9, same township).	(24) Skamokawa Creek (Left Fk.)	<u>Skamokawa</u> 15	From the confluence of the Left Fork Skamokawa Cr. and unnamed creek (Sec. 19, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec. 29, same township).
(12) Grays River (cont.)	<u>Grays River</u> 15	From the Pacific Co. line (Sec. 2, T10N, R7W) downstream to mouth at Grays Bay (Sec. 32, T10N, R8W).	(25) Skamokawa Creek (West Fk.)	<u>Skamokawa</u> 15	From the confluence of West Fork Skamokawa Creek and Kelly Creek (Sec. 31, T10N, R6W) downstream to Skamokawa Creek (Sec. 8, T9N, R6W).
(13) Grays River (S. Fork)	<u>Skamokawa</u> 15	From an approximate point (SW1/4 of NE1/4 of Sec. 1, T10N, R6W) downstream to Pacific County line (Sec. 5, same township).	(26) West Valley Creek	<u>Skamokawa</u> 15	From an approximate point (NE1/4 of Sec. 1, T9N, R7W) downstream to mouth at the West Fork Skamokawa Cr. (Sec. 6, T9N, R6W).
(14) Grays River (W. Fk.) (cont.)	<u>Grays River</u> 15	From the Pacific County line (NW1/4 of NW1/4 Sec. 4, T10N, R7W) downstream to mouth at Grays River (Sec. 9, same township).	(27) Wilson Creek	<u>Skamokawa</u> 15	From the confluence of Wilson Cr. and unnamed creek (SW1/4 of NE1/4 of Sec. 5, T9N, R5W) downstream to mouth at Skamokawa Creek (Sec. 5, T9N, R6W).
(15) Hull Creek (cont.)	<u>Grays River</u> 15	From Pacific County line (Sec. 5, T10N, R7W) downstream to mouth at Grays R. (Sec. 13, T10N, R8W).			
(16) Jim Crow Creek	<u>Grays River</u> 15	From the confluence of Jim Crow Creek and unnamed creek (Sec. 4, T9N, R7W) downstream to mouth at Columbia River (Sec. 16, same township).			
(17) McDonald Creek	<u>Skamokawa</u> 15	From the confluence of McDonald Creek and unnamed creek (Sec. 22, T10N, R6W) downstream to mouth at Skamokawa Creek (Sec. 29, same township).			
(18) Mill Creek	<u>Cathlamet</u> 15 <u>Clatskanie</u> 15	From the NW Section corner (Sec. 25, T9N, R5W) downstream to the Cowlitz County line (Sec. 31, T9N, R4W).			
(19) Naselle River	<u>Grays River</u> 15	From the Pacific County line (Sec. 6, T10N, R8W) downstream back to Pacific Co. line (same section).			
(20) Nelson Creek	<u>Cathlamet</u> 15	From the intersection of Nelson Cr. and Risk Rd. (Sec. 25, T9N, R6W) downstream to mouth at Elochoman River (Sec. 26, same township).			

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-390, filed 6/30/80; Order DE 76-14, § 173-18-390, filed 5/3/76; Order 73-14, § 173-18-390, filed 8/27/73; Order DE 72-13, § 173-18-390, filed 6/30/72.]

#### WAC 173-18-400 Walla Walla County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (cont.)*		Columbia River within Walla Walla County is under federal jurisdiction. This river has over 200 cfs MAF at Franklin County line.
(2) Dry Cr.	<u>Walla Walla</u> 30 Lowden 7 1/2 College Place 7 1/2 Hadley 7 1/2 Valley Grove 7 1/2 Dixie 7 1/2	From an approximate point near the center of quarter section (SE1/4 of Sec. 36, T8N, R36E) downstream to mouth at Walla Walla River (Sec. 29, T7N, R34E).
(3) Mill Cr.	<u>Walla Walla</u> 30 Kooskooskie 7 1/2 Buroker 7 1/2 Walla Walla 7 1/2 College Place 7 1/2	From the Wash.-Ore. state boundary (Sec. 18, T6N, R38E) downstream to mouth at Walla Walla River (Sec. 31, T7N, R35E) exclude left bank (Sec. 32, same township).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(4) Snake R. (cont.)*		Snake River within Walla Walla County is under federal jurisdiction. This stream has over 300 sq. miles drainage area and over 200 cfs MAF at Columbia County line.	(8) Canyon Creek	<u>Van Zandt 15</u>	From confluence of Canyon Creek and unnamed creek (Sec.32,T39N,R6E) downstream through Canyon Lake to mouth at Nooksack River M. Fork (Sec.34,T39N,R5E).
(5) Touchet River (cont.)*	<u>Walla Walla 30</u> <u>Eureka 7 1/2</u> <u>Rulo 7 1/2</u> <u>Welland 7 1/2</u> <u>Touchet 7 1/2</u> <u>Huntsville 7 1/2</u> <u>Waitsburg 7 1/2</u> <u>Prescott 7 1/2</u> <u>Harsha 7 1/2</u>	From the Columbia County line (Sec.12,T9N,R37E) downstream to mouth on Walla Walla River (Sec.4, T6N,R33E). This river has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec. 11,T9N,R37E).	(9) Clear-water Creek	<u>Mt. Baker 15</u> <u>Van Zandt 15</u>	Beginning at Mt. Baker National Forest boundary (Sec.11,T38N,R6E) downstream to mouth at Nooksack River M. Fk. (Sec.21, same township).
(6) Walla Walla River*	<u>Walla Walla 30</u> <u>College Place 7 1/2</u> <u>Lowden 7 1/2</u> <u>Touchet 7 1/2</u> <u>Zangar Junction 7 1/2</u> <u>Wallula 7 1/2</u>	From the Washington-Oregon boundary (Sec.13, T6N,R35E) downstream to mouth at Lake Wallula (Sec.26,T7N,R31E). This river has 300 sq. miles of drainage area at Washington-Oregon boundary.	(10) Coal Creek	<u>Van Zandt 15</u>	From an approximate point (SW1/4 of SE1/4 Sec.4,T39N, R5E) downstream to mouth at Nooksack River (Sec.10, same township).
			(11) Dakota Creek	<u>Blaine 15</u> <u>Blaine 7 1/2</u>	From confluence of Dakota Creek and North Fork Dakota Creek (Sec.14,T40N, R1E) downstream to mouth at Drayton Harbor (Sec.7, same township).
			(12) Fishtrap Creek	<u>Lynden 15</u> <u>Lynden 7 1/2</u> <u>Bertrand 7 1/2</u>	From the British Columbia-Washington state border (Sec.34, T41N,R3E) downstream to mouth at Nooksack River (Sec.35,T40N,R2E).

[Order DE 76-14, § 173-18-400, filed 5/3/76; Order 73-14, § 173-18-400, filed 8/27/73; Order DE 72-13, § 173-18-400, filed 6/30/72.]

### WAC 173-18-410 Whatcom County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Anderson Creek	<u>Lynden 15</u> <u>Lawrence 7 1/2</u>	From confluence of Anderson Creek and unnamed creek (Sec.7,T38N,R4E) downstream to mouth at Nooksack River (Sec.17,T39N,R4E).	(13) Friday Creek	<u>Samish Lake 15</u> <u>Lake Whatcom 7 1/2</u>	From the outflow of Samish Lake on southern tip (Sec. 36,T37N,R3E) downstream to Skagit County line (same section).
(2) Austin Creek	<u>Samish Lake 15</u> <u>Lake Whatcom 7 1/2</u>	From confluence of Austin Creek and Beaver Creek (Sec.7,T37N,R4E) downstream to mouth at Lake Whatcom (Sec.5, same township).	(14) Galbraith Creek	<u>Wickersham 15</u> <u>Van Zandt 15</u>	From confluence of Galbraith Creek and unnamed creek (Sec.33, T38N,R6E) downstream to mouth at Nooksack River (Sec.27, same township).
(3) Bertrand Creek	<u>Blaine 15</u> <u>Bertrand Creek 7 1/2</u>	Beginning at U.S., Canada border (Sec.35,T41N,R2E) downstream to mouth at Nooksack R. (Sec.34,T40N, R2E).	(15) Hayden Creek	<u>Hamilton 15</u> <u>Wickersham 15</u>	From confluence of Hayden Creek and unnamed creek (Sec.26,T37N,R6E) downstream to mouth at Skookum Creek (Sec.22 same township).
(4) Boulder Creek	<u>Van Zandt 15</u>	From confluence of Boulder Creek and unnamed creek (Sec.22,T40N,R6E) downstream to mouth at Nooksack River (Sec.28, same township).	(16) Howard Creek	<u>Hamilton 15</u>	From confluence of Howard Creek and unnamed creek (Sec.35,T37N,R6E) downstream to Skagit County line (Sec.36, same township).
(5) Breckenridge Creek	<u>Lynden 15</u> <u>Sumas 7 1/2</u>	From approximate point (SE1/4 of NW1/4 Sec.26,T40N, R4E) downstream to mouth Sumas River (Sec.29, same township).	(17) Hutchinson Creek	<u>Wickersham 15</u>	From confluence of Hutchinson Creek and unnamed creek (Sec.1, T37N,R5E) downstream to mouth at Nooksack River South Fork (Sec.9, same township).
(6) California Creek	<u>Blaine 15</u> <u>Blaine 7 1/2</u>	From confluence of California Creek and unnamed creek (Sec.27, T40N,R1E) downstream to mouth at Drayton Harbor (Sec.18, same township).	(18) Johnson Creek (in flood plain)	<u>Lynden 15</u> <u>Sumas 7 1/2</u> <u>Van Zandt 15</u>	From confluence of Johnson Creek and unnamed creek near north section line (Sec.8, T40N,R4E) downstream to mouth at Sumas River (Sec.35,T41N,R4E).
(7) Canyon Creek	<u>Mt. Baker 15</u>	From Mt. Baker National Forest boundary (Sec.25, T40N,R6E) downstream to mouth at Nooksack River North Fork (Sec.35, same township).	(19) Kendall Creek	<u>Van Zandt 15</u>	Beginning where medium duty highway crosses Kendall Creek (Sec.27,T40N, R5E) downstream to mouth at Nooksack River (Sec.3, T39N,R5E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(20) Maple Creek	<u>Van Zandt</u> 15	Beginning where unimproved dirt road crosses Maple Creek (Sec.18,T40N,R6E) downstream to mouth at Nooksack River (Sec.31, same township).	(32) Skookum Creek	<u>Wickersham</u> 15	From confluence of Hayden Creek and Fish Creek (Sec.22,T37N,R6E) downstream to mouth at Nooksack River South Fork (Sec.27,T37N,R5E).
(21) Nooksack River*	<u>Mt. Baker</u> * 15 <u>Lawrence</u> 7 1/2 <u>Sumas</u> 7 1/2 <u>Lynden</u> 7 1/2 <u>Bertrand</u> 7 1/2 <u>Ferndale</u> 7 1/2 <u>Van Zandt</u> 15	Beginning at east section line (Sec.5,T39N,R7E) south bank only, both sides starting at east section line (Sec.1, T39N,R6E), downstream to mouth at Bellingham Bay (Sec.19,T38N,R2E). Exclude federal lands. The 1,000 cfs MAF point begins at confluence with Glacier Creek.	(33) Smith Creek (in flood plain)	<u>Lynden</u> 15 <u>Lawrence</u> 7 1/2	From confluence of Smith Creek and unnamed creek (Sec.26,T39N,R4E) downstream to mouth at Nooksack River (Sec.21, same township).
(22) Nooksack River (M.Fk.)	<u>Mt. Baker</u> 15 <u>Van Zandt</u> 15	From Mt. Baker National Forest boundary (Sec.25, T38N,R6E) downstream to mouth at Nooksack River (Sec.27,T39N,R5E).	(34) Squall-cum Creek	<u>Lynden</u> 15 <u>Bellingham N.</u> 7 1/2 <u>Ferndale</u> 7 1/2	Beginning where unimproved dirt road crosses Squall-cum Creek (Sec.9,T38N,R3E) downstream to mouth at Bellingham Bay (Sec.24,T38N,R2E).
(23) Nooksack River (N.Fk.)	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.5, T39N,R7E) downstream to where the medium-duty road crosses Nooksack River (Sec.2,T39N,R6E).	(35) Sumas River	<u>Lynden</u> 15 <u>Van Zandt</u> 15 <u>Sumas</u> 7 1/2	From confluence of Sumas River and Dale Creek (Sec. 4,T39N,R4E) downstream to British Columbia-Washington state boundary (Sec.36,T41N,R4E).
(24) Nooksack River (S.Fk.) (cont.)*	<u>Wickersham</u> * 15 <u>Van Zandt</u> 15	From Skagit County line (Sec.35,T37N,R5E) downstream to mouth at Nooksack River (Sec. 6,T38N,R5E). The 1,000 cfs MAF point begins at mouth of Hutchinson Creek (Sec.9,T37N,R5E).	(36) Tenmile Creek	<u>Lynden</u> 15 <u>Bellingham North</u> 7 1/2 <u>Ferndale</u> 7 1/2 <u>Lynden</u> 7 1/2	From east section line (Sec.17,T39N,R3E) downstream through Barrett Lake to mouth at Nooksack River (Sec.20,T39N,R2E).
(25) Orsino Creek	<u>Wickersham</u> 15	From an approximate point (SE1/4 of NW1/4 Sec.9,T37N,R6E) downstream to mouth at Skookum Creek (Sec.16, same township).	(37) Terrell Creek	<u>Blaine</u> 7 1/2 <u>Birch Point</u> 7 1/2	Beginning at (NE1/4 of SE1/4 of NE1/4 Sec.2,T39N,R1W) downstream to mouth at Birch Bay (Sec.30,T40N,R1E).
(26) Porter Creek	<u>Van Zandt</u> 15	From confluence of Porter Creek and unnamed creek (Sec.12,T38N,R5E) downstream to mouth at Nooksack River M. Fork (Sec.11, same township).	(38) Unnamed tributary flowing to Canada	<u>Mt. Baker</u> 15 <u>Van Zandt</u> 15	From an approximate point (between NW1/4 and NE1/2 Sec.2,T40N,R6E) to downstream to British Columbia-Washington state boundary (Sec.34,T41N,R6E).
(27) Race-horse Creek	<u>Van Zandt</u> 15	Beginning at north section line (SW1/4 of NE1/4 of Sec.21,T39N,R6E) downstream to mouth at Nooksack River (Sec.10,T39N,R5E).	(39) Warm Creek	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.24, T38N,R6E) downstream to mouth at Nooksack River M.Fk. (Sec.25, same township).
(28) Rocky Creek	<u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.35, T39N,R6E) downstream to mouth at Clearwater Creek (Sec.2,T38N,R6E).	(40) West Cornell Creek	<u>Mt. Baker</u> 15	From confluence of unnamed creek and West Cornell Creek (Sec.13,T39N,R6E) downstream to mouth at Nooksack River North Fork (Sec.1, same township).
(29) Saar Creek	<u>Van Zandt</u> 15	From an approximate point (NW1/4 of SE1/4 Sec.7,T40N,R5E) downstream to British Columbia-Washington state boundary (Sec.32,T41N,R5E).	(41) Whatcom Creek	<u>Bellingham N.</u> 7 1/2	From the outlet of Lake Whatcom (Sec.28,T38N,R3E) downstream to mouth at Bellingham Bay (Sec.30, same township).
(30) Samish River (in flood plain)	<u>Wickersham</u> 15	From confluence of Samish River and unnamed creek (Sec.31,T37N,R5E) downstream to Skagit County line (same section).	(42) Glacier Creek	<u>Mt. Baker</u> 15	From confluence of Glacier Creek and Davis Creek (Sec.8,T39N,R7E) downstream to mouth at North Fork Nooksack River (Sec.6, same township).
(31) Sisters Creek	<u>Hamilton</u> 15 <u>Mt. Baker</u> 15	From Mt. Baker National Forest boundary (Sec.25, T38N,R6E) downstream to mouth at Nooksack River M. Fork (Sec.26, same township).	(43) Padden Creek	<u>Bellingham S.</u> 7 1/2	From confluence of unnamed creek and Padden Creek (NW1/4 Sec.7,T37N,R3E) downstream to mouth on Bellingham Bay (Sec.1, T37N,R2E).
			(44) Anderson Creek	<u>Wickersham</u> 15 <u>Lake Whatcom</u> 7 1/2	From outlet on Mirror Lk. (Sec.30,T37N,R5E) downstream to mouth on Lake Whatcom (Sec.27,T37N,R4E).

Stream Name	Quadrangle Name and Size	Legal Description
(45) Chuckanut Creek	<u>Bellingham S.</u> 7 1/2	From confluence of unnamed creek and Chuckanut Creek (NW1/4 of SW1/4 Sec.17,T37N,R3E) downstream to mouth at Chuckanut Bay (Sec.13, T37N,R2E).
(46) Smith Creek	<u>Lake Whatcom</u> 7 1/2	From confluence of unnamed creek and Smith Creek (SE1/4 of SW1/4,Sec.33,T38N,R4E) downstream to mouth on Lake Whatcom (Sec.5, T37N,R4E).

[Order DE 76-14, § 173-18-410, filed 5/3/76; Order 73-14, § 173-18-410, filed 8/27/73; Order DE 72-13, § 173-18-410, filed 6/30/72.]

**WAC 173-18-420 Whitman County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Hangman Creek (Latah Creek)	<u>Tekoa</u> 7 1/2 <u>Oaksdale</u> 7 1/2 <u>Fairfield</u> 15	From the Washington-Idaho boundary (Sec.29,T20N,R46E) downstream to Whitman-Spokane County line (Sec.4,T29N,R45E).
(2) Palouse River (S. Fork)	<u>Pullman</u> 7 1/2 <u>Albion</u> 7 1/2 <u>Colfax South</u> 7 1/2 <u>Colfax North</u> 7 1/2	From the confluence of the South Fork of the Palouse River and unnamed creek (Sec.16,T14N,R45E) downstream to mouth at Palouse River (Sec.11, T16N,R43E) in Colfax.
(3) Palouse River*	<u>Palouse</u> 7 1/2 <u>Elberton</u> 7 1/2 <u>Colfax</u> 7 1/2 <u>Diamond</u> 7 1/2 <u>Endicott</u> 15 <u>La Crosse</u> 15 <u>Benge</u> 15 <u>Starbuck</u> 15	From the Washington-Idaho boundary (Sec.5,T16N,R46E) downstream to Adams County line (Sec.24,T16N,R38E) along Adams and Franklin County lines to mouth at Snake River (Sec.19,T13N,R37E). The flow is 200 cfs MAF at Washington-Idaho boundary.
(4) Pine Creek*	<u>Rosalia</u> 7 1/2 <u>Spangle</u> 15 <u>Malden*</u> 7 1/2 <u>Pine City</u> 7 1/2	From the confluence of Pine Creek and unnamed creek (NW1/4 of Sec.16, T20N,R44E) downstream to mouth at Rock Creek (Sec.15,T20N,R41E), excluding that stretch within Spokane County. This stream has over 300 sq. miles of drainage area ending at mouth of Cache Creek (Sec.23, T20N,R42E).
(5) Rock Creek*	<u>Pine City</u> 7 1/2 <u>Rock Lake</u> 7 1/2 <u>Ewan</u> 7 1/2 <u>Texas Lake</u> 7 1/2 <u>Revere</u> 7 1/2 <u>La Crosse</u> 15	From the confluence of Rock Creek and Pine Creek (Sec.15,T20N,R41E) downstream through Rock Lake to mouth at Palouse River (Sec.5,T16N,R39E) excluding those reaches in Adams County. Over 300 sq. miles drainage area at confluence of Rock Creek and Pine Creek.

Stream Name	Quadrangle Name and Size	Legal Description
(6) Snake River*	<u>Clarkston</u> * 15 <u>Colton</u> 7 1/2 <u>Bishop</u> 7 1/2 <u>Kirby</u> 7 1/2 <u>Almota</u> 7 1/2 <u>Penawawa</u> 15 <u>Hay</u> 15 <u>Starbuck</u> 15	From the Washington-Idaho boundary (Sec.16,T36N,R46E) downstream along the Whitman-Asotin County line and Garfield-Whitman County line and Columbia-Whitman County line to the Franklin County line (Sec.30, T13N,R37E). All of river under federal jurisdiction. This stream has over 200 cfs MAF flow at Washington-Idaho border.
(7) Union Flat Creek*	<u>Ewartsville</u> 7 1/2 <u>Colfax South</u> 7 1/2 <u>Wilcox</u> 7 1/2 <u>Endicott</u> 15 <u>La Crosse*</u> 15	From the confluence of Wilbur Creek and Union Flat Creek (Sec.6,T14N,R44E) downstream to mouth at Palouse River (Sec.35, T16N,R38E). This stream has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec.31,T16N,R39E).

[Order DE 76-14, § 173-18-420, filed 5/3/76; Order 73-14, § 173-18-420, filed 8/27/73; Order DE 72-13, § 173-18-420, filed 6/30/72.]

**WAC 173-18-430 Yakima County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Ahtanum Creek	<u>Tampico</u> 7 1/2 <u>Wiley City</u> 7 1/2 <u>Yakima West</u> 7 1/2 <u>Yakima East</u> 7 1/2	From confluence of North and South Forks of Ahtanum Creek (Sec.17,T12N,R16E) downstream to mouth at Yakima River (Sec.17, T12N,R19E) excluding those reaches within Yakima Indian Reservation.
(2) Ahtanum Creek (N.Fk.)	<u>Foundation Ridge</u> 7 1/2 <u>Pine Mtn.</u> 7 1/2 <u>Tampico</u> 7 1/2	From confluence of Ahtanum Creek North Fork and Ahtanum Creek Middle Fork (Sec.24,T12N,R14E) downstream to mouth at Ahtanum Creek South Fork (Sec.17,T12N,R16E).
(3) Ahtanum Creek (S.Fk.)	<u>Pine Mtn.</u> 7 1/2 <u>Tampico</u> 7 1/2	From confluence of unnamed creek and Ahtanum Creek South Fork (Sec.24,T12N,R15E) downstream to mouth at Ahtanum Creek (left bank only).
(4) Columbia River*	<u>Priest Rapids</u> 15	From the Yakima Firing Center boundary (Sec.3, T13N,R23E) downstream along the Grant-Yakima County line to Benton County line (Sec.12, T13N,R23E). The flow exceeds 200 cfs MAF at Yakima Firing Center boundary.
(5) Cowiche Creek (S. Fork)	<u>Tieton</u> 7 1/2 <u>Naches</u> 7 1/2 <u>Wiley City</u> 7 1/2 <u>Yakima</u> 7 1/2 <u>Selah West</u> 7 1/2	From an approximate point (NW1/4 of NE1/4 Sec.33,T14N,R16E) downstream through Cowiche Creek to mouth at Naches River (Sec.9,T13N,R18E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<b>Chapter 173-19 WAC</b>	
			<b>SHORELINE MANAGEMENT ACT OF 1971-- STATE MASTER PROGRAM</b>	
(6) Bumping River*	<u>Bumping Lake</u> * 15 Old Scab Mtn. 7 1/2 Cliffdell 7 1/2	From U.S.G.S. gaging station (Sec.23,T16N,R12E) downstream to mouth at Naches and Little Naches rivers (Sec.4,T17N,R14E). Exclude federal lands. The flow is over 200 cfs MAF at U.S.G.S. gaging station.	WAC 173-19-010 173-19-020 173-19-030 173-19-040 173-19-044  173-19-050 173-19-060 173-19-061  173-19-062  173-19-064  173-19-070 173-19-080 173-19-090 173-19-100 173-19-1001 173-19-1002 173-19-110 173-19-1101 173-19-1102 173-19-1103 173-19-1104 173-19-1105 173-19-120 173-19-1201 173-19-1202 173-19-1203 173-19-1204 173-19-1205 173-19-130 173-19-1301 173-19-140 173-19-1401 173-19-1402 173-19-1403 173-19-1404 173-19-1405 173-19-150 173-19-1501 173-19-1502 173-19-160 173-19-1601 173-19-1602 173-19-1603 173-19-1604 173-19-1605 173-19-170 173-19-1701 173-19-1702 173-19-1703 173-19-180 173-19-1801 173-19-190 173-19-1901 173-19-200 173-19-210 173-19-2101 173-19-2102 173-19-2103 173-19-2104 173-19-220 173-19-2201 173-19-2202 173-19-2203 173-19-2204 173-19-2205 173-19-2206	Purpose. Definitions. Master programs organized by county. Date of adoption or approval. Local government change of jurisdiction—Effect of annexation. Incorporation by reference. Amendment of master programs. Approval of master programs and amendments by local government. Submission of master programs and amendments by local government. Review and adoption of master programs and amendments by the department. Appeal procedures for master programs. Applicability of master program to federal agencies. Adams County. Asotin County. Asotin, city of. Clarkston, city of. Benton County. Benton City, city of. Kennewick, city of. Prosser, city of. Richland, city of. West Richland, city of. Chelan County. Cashmere, city of. Chelan, city of. Entiat, town of. Leavenworth, city of. Wenatchee, city of. Clallam County. Port Angeles, city of. Clark County. Camas, city of. LaCenter, town of. Ridgefield, town of. Vancouver, city of. Washougal, city of. Columbia County. Dayton, city of. Starbuck, town of. Cowlitz County. Castle Rock, city of. Kalama, city of. Kelso, city of. Longview, city of. Woodland, city of. Douglas County. Bridgeport, town of. East Wenatchee, city of. Rock Island, town of. Ferry County. Republic, town of. Franklin County. Pasco, city of. Garfield County. Grant County. Krupp, town of. Moses Lake, city of. Soap Lake, city of. Wilson Creek, town of. Grays Harbor County. Aberdeen, city of. Cosmopolis, city of. Elma, city of. Hoquiam, city of. Montesano, city of. Oakville, city of.
(7) Little Naches River*	<u>Lester</u> 15 Easton* 15 Cliffdell 7 1/2	From confluence of North Fork and Middle Fork Little Naches River (Sec.36,T19N,R12E) downstream to mouth at Naches River (Sec.4,T17N,R14E). Exclude federal lands. The 200 cfs MAF point begins at confluence with Crow Creek (Sec.30,T18N,R14E).		
(8) Naches River*	<u>Cliffdell</u> 7 1/2 <u>Manastash Lake</u> 7 1/2 <u>Nile</u> 7 1/2 <u>Milk Canyon</u> 7 1/2 <u>Tieton</u> 7 1/2 <u>Naches</u> 7 1/2 <u>Selah</u> 7 1/2	From confluence of Little Naches River and Bumping River (Sec.4,T17N,R14E) downstream to mouth at Yakima River (Sec.12,T13N,R18E). Exclude federal lands. The flow is 200 cfs MAF at confluence of Little Naches River and Bumping River.		
(9) Rattlesnake Creek*	<u>Meeks Table</u> 7 1/2 <u>Nile</u> 7 1/2	From Snoqualmie National Forest boundary (Sec.6, T15N,R15E) downstream to mouth at Naches River (Sec.3, same township). The flow at Snoqualmie N.F. boundary is 200 cfs MAF.		
(10) Tieton River*	<u>Weddle Canyon</u> 7 1/2 <u>Tieton*</u> 7 1/2	From west section line (Sec.29,T14N,R15E) downstream to mouth at Naches River (Sec.35,T15N,R16E). Exclude federal lands. The flow is 200 cfs MAF at west section line (Sec.29,T14N,R15E).		
(11) Tieton River (S. Fk.)	<u>White Pass</u> 15 <u>Rimrock Lake</u> 7 1/2	From the south section line (Sec.23,T12N,R12E) downstream to mouth at Rimrock Lake (Sec.7,T13N,R14E). Exclude federal lands.		
(12) Yakima River (cont.)*	<u>Pomona</u> * 7 1/2 <u>Selah</u> 7 1/2 <u>Yakima East</u> 7 1/2 <u>Wapato</u> 7 1/2 <u>Toppenish</u> 7 1/2 <u>Granger N.W.</u> 7 1/2 <u>Granger</u> 7 1/2 <u>Sunnyside</u> 7 1/2 <u>Mabton West</u> 7 1/2 <u>Mabton East</u> 7 1/2 <u>Prosser</u> 7 1/2	From the Kittitas County line (Sec.33,T15N,R19E) downstream, excluding all federal lands and Yakima Indian Reservation, to Benton County line (Sec. 7,T8N,R24E). The flow exceeds 200 cfs MAF at Kittitas County line.		

[Order DE 76-14, § 173-18-430, filed 5/3/76; Order 73-14, § 173-18-430, filed 8/27/73; Order DE 72-13, § 173-18-430, filed 6/30/72.]

173-19-2207	Ocean Shores, city of.	173-19-340	Pend Oreille County.
173-19-2208	Westport, city of.	173-19-3401	Cusick, town of.
173-19-230	Island County.	173-19-3402	Ione, town of.
173-19-2301	Coupeville, town of.	173-19-3403	Metaline, town of.
173-19-2302	Langley, city of.	173-19-3404	Metaline Falls, town of.
173-19-2303	Oak Harbor, city of.	173-19-3405	Newport, city of.
173-19-240	Jefferson County.	173-19-350	Pierce County.
173-19-2401	Port Townsend, city of.	173-19-3501	Bonney Lake, city of.
173-19-250	King County.	173-19-3502	Buckley, city of.
173-19-2501	Auburn, city of.	173-19-3503	Dupont, city of.
173-19-2502	Beaux Arts Village, town of.	173-19-3504	Eatonville, town of.
173-19-2503	Bellevue, city of.	173-19-3505	Fife, city of.
173-19-2504	Black Diamond, city of.	173-19-3506	Gig Harbor, town of.
173-19-2505	Bothell, city of.	173-19-3507	Orting, town of.
173-19-2506	Carnation, town of.	173-19-3508	Puyallup, city of.
173-19-2507	Des Moines, city of.	173-19-3509	Roy, city of.
173-19-2508	Duvall, city of.	173-19-3510	Ruston, town of.
173-19-2509	Hunts Point, town of.	173-19-3511	South Prairie, town of.
173-19-2510	Issaquah, city of.	173-19-3512	Steilacoom, town of.
173-19-2511	Kent, city of.	173-19-3513	Sumner, city of.
173-19-2512	Kirkland, city of.	173-19-3514	Tacoma, city of.
173-19-2513	Lake Forest Park, city of.	173-19-3515	Wilkeson, town of.
173-19-2514	Medina, city of.	173-19-360	San Juan County.
173-19-2515	Mercer Island, city of.	173-19-3601	Friday Harbor, town of.
173-19-2516	Normandy Park, city of.	173-19-370	Skagit County.
173-19-2517	North Bend, city of.	173-19-3701	Anacortes, city of.
173-19-2518	Pacific, city of.	173-19-3702	Concrete, town of.
173-19-2519	Redmond, city of.	173-19-3703	Hamilton, town of.
173-19-2520	Renton, city of.	173-19-3704	La Conner, town of.
173-19-2521	Seattle, city of.	173-19-3705	Lyman, town of.
173-19-2522	Skykomish, town of.	173-19-3706	Mount Vernon, city of.
173-19-2523	Snoqualmie, city of.	173-19-3707	Burlington, city of.
173-19-2524	Tukwila, city of.	173-19-380	Skamania County.
173-19-2525	Yarrow Point, town of.	173-19-3801	North Bonneville, city of.
173-19-260	Kitsap County.	173-19-3802	Stevenson, town of.
173-19-2601	Bremerton, city of.	173-19-390	Snohomish County.
173-19-2602	Port Orchard, city of.	173-19-3901	Arlington, city of.
173-19-2603	Poulsbo, city of.	173-19-3902	Brier, city of.
173-19-2604	Winslow, city of.	173-19-3903	Edmonds, city of.
173-19-270	Kittitas County.	173-19-3904	Everett, city of.
173-19-2701	Cle Elum, city of.	173-19-3905	Gold Bar, town of.
173-19-2702	Ellensburg, city of.	173-19-3906	Granite Falls, town of.
173-19-2703	South Cle Elum, town of.	173-19-3907	Index, town of.
173-19-280	Klickitat County.	173-19-3908	Lake Stevens, city of.
173-19-2801	Bingen, town of.	173-19-3909	Marysville, city of.
173-19-2802	Goldendale, city of.	173-19-3910	Monroe, city of.
173-19-2803	White Salmon, town of.	173-19-3911	Mountlake Terrace, city of.
173-19-290	Lewis County.	173-19-3912	Mukilteo, city of.
173-19-2901	Centralia, city of.	173-19-3913	Snohomish, city of.
173-19-2902	Chehalis, city of.	173-19-3914	Stanwood, city of.
173-19-2903	Morton, city of.	173-19-3915	Sultan, town of.
173-19-2904	Pe Ell, town of.	173-19-3916	Woodway, town of.
173-19-2905	Toledo, city of.	173-19-400	Spokane County.
173-19-2906	Vader, city of.	173-19-4001	Latah, town of.
173-19-2907	Winlock, city of.	173-19-4002	Medical Lake, town of.
173-19-300	Lincoln County.	173-19-4003	Millwood, town of.
173-19-3001	Odessa, town of.	173-19-4004	Rockford, town of.
173-19-3002	Sprague, city of.	173-19-4005	Spokane, city of.
173-19-310	Mason County.	173-19-4006	Waverly, town of.
173-19-3101	Shelton, city of.	173-19-410	Stevens County.
173-19-320	Okanogan County.	173-19-4101	Chewelah, city of.
173-19-3201	Brewster, town of.	173-19-4102	Northport, town of.
173-19-3202	Conconully, town of.	173-19-420	Thurston County.
173-19-3203	Okanogan, city of.	173-19-4201	Bucoda, town of.
173-19-3204	Omak, city of.	173-19-4202	Lacey, city of.
173-19-3205	Oroville, town of.	173-19-4203	Olympia, city of.
173-19-3206	Pateros, town of.	173-19-4204	Tenino, town of.
173-19-3207	Riverside, town of.	173-19-4205	Tumwater, city of.
173-19-3208	Tonasket, town of.	173-19-4206	Yelm, town of.
173-19-3209	Twisp, town of.	173-19-430	Wahkiakum County.
173-19-3210	Winthrop, town of.	173-19-4301	Cathlamet, town of.
173-19-330	Pacific County.	173-19-440	Walla Walla County.
173-19-3301	Ilwaco, town of.	173-19-4401	Waitsburg, town of.
173-19-3302	Long Beach, town of.	173-19-4402	Walla Walla, city of.
173-19-3303	Raymond, city of.	173-19-450	Whatcom County.
173-19-3304	South Bend, city of.	173-19-4501	Bellingham, city of.

173-19-4502	Blaine, city of.
173-19-4503	Everson, city of.
173-19-4504	Ferndale, city of.
173-19-4505	Lynden, city of.
173-19-4506	Nooksack, city of.
173-19-4507	Sumas, city of.
173-19-460	Whitman County.
173-19-4601	Albion, town of.
173-19-4602	Colfax, city of.
173-19-4603	Malden, town of.
173-19-4604	Palouse, city of.
173-19-4605	Pullman, city of.
173-19-4606	Rosalia, town of.
173-19-4607	Tekoa, city of.
173-19-470	Yakima County.
173-19-4701	Grandview, city of.
173-19-4702	Granger, town of.
173-19-4703	Naches, town of.
173-19-4704	Selah, city of.
173-19-4705	Union Gap, city of.
173-19-4706	Yakima, city of.
173-19-4707	Zillah, city of.

**Reviser's note:** Shoreline master programs for various areas of the state were filed by Order DE 77-16, filed September 9, 1977, and Order DE 77-28, filed October 24, 1977, and have been omitted from publication by the authority of RCW 34.04.050. Copies may be obtained from the department of ecology.

**WAC 173-19-010 Purpose.** Pursuant to RCW 90.58.090, the department of ecology must adopt or approve the master programs submitted to it by all local governments. In order to facilitate the administration and enforcement of these master programs, they are incorporated by reference in this state master program.

[Order DE 74-23, § 173-19-010, filed 12/30/74.]

**WAC 173-19-020 Definitions.** As used herein, the following words have the following meanings:

(1) "Amendment" means a revision, deletion, reenactment, or addition to an existing master program. This term includes the following:

(a) An "administrative amendment" modifies the master program administrative procedures or format and does not affect the policies, use regulations, performance standards, or environment designations of the master program; and

(b) A "substantive amendment" is a revision to the master program which includes but is not limited to modifications affecting the policies, use regulations, performance standards, or environment designations of the master program;

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

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

(4) "Master program" means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020; and

(5) "State master program" is the cumulative total of all master programs adopted by the department of ecology.

In addition, the definitions and concepts set forth in RCW 90.58.030 shall also apply as used herein.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-020, filed 5/23/86; Order DE 74-23, § 173-19-020, filed 12/30/74.]

**WAC 173-19-030 Master programs organized by county.** The master programs have been assigned section numbers and are listed alphabetically by county. The master programs for incorporated cities and towns are grouped alphabetically by section following the county sections.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-030, filed 1/30/80; Order DE 74-23, § 173-19-030, filed 12/30/74.]

**WAC 173-19-040 Date of adoption or approval.** The date of adoption or approval of each master program by the department is set forth beside the name of the appropriate local government.

[Order DE 74-23, § 173-19-040, filed 12/30/74.]

**WAC 173-19-044 Local government change of jurisdiction--Effect of annexation.** In the event of annexation of a shoreline area, the local government assuming jurisdiction shall amend or develop a master program to include the annexed area. Such amendment or development shall be in accordance with the procedures established in chapter 173-16 WAC and this chapter and shall be submitted to the department. Until a new or amended program is adopted by the department, any ruling on an application for permit in the annexed shoreline area shall be based upon compliance with the preexisting master program adopted for the area.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-044, filed 5/23/86. 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 173-19-050 Incorporation by reference.** Due to the sheer bulk of the master programs adopted by the department, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full force and effect as published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, with the Washington state code reviser and the county auditor or city clerk as appropriate. Copies of portions thereof, or the complete set, will be provided by the department at the expense of the party requesting the same.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-050, filed 5/23/86; Order DE 74-23, § 173-19-050, filed 12/30/74.]

**WAC 173-19-060 Amendment of master programs.** The department and each local government shall periodically review any master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information, or improved data. When the amendment is consistent with chapter 90.58 RCW and its applicable regulations, it may be approved by local government and



adopted by the department according to the procedures established in this chapter.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-060, filed 5/23/86. Statutory Authority: RCW 90.58-.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-060, filed 1/30/80; 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 173-19-061 Approval of master programs and amendments by local government.** Prior to submission of a new or amended master program to the department, local government shall:

(1) Conduct at least one public hearing to consider the proposal;

(2) Publish notice of the hearing a minimum of once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

(a) Reference to the authority under which the action is proposed;

(b) A statement or summary of the proposed changes to the master program;

(c) The date, time, and location of the hearing, and the manner in which interested persons may present their views thereon; and

(d) Reference to the availability of the proposal for public inspection at the local government office or upon request;

(3) Consult with and solicit the comments of any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact;

(4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. The procedural requirements of this section may be consolidated for concurring jurisdictions;

(5) Solicit comments from the department on the proposal;

(6) Assure compliance with chapter 43.21C RCW, the State Environmental Policy Act; and

(7) Approve the proposal.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-061, filed 5/23/86.]

**WAC 173-19-062 Submission of master programs and amendments by local government.** A master program or amendment approved by local government shall be submitted to the department for its review and formal action. The submittal shall include, where applicable:

(1) A transmittal letter which bears the signature of the authorized local official;

(2) Documentation that the proposal has been approved by the local government;

(3) A copy of the master program text. If the proposal includes amended text, it shall be submitted in a form that can replace or be easily incorporated within the original document;

(4) Amended environment designation map(s) at a scale consistent with the original document, except where all maps are replaced;

(5) A summary of proposed amendments which enables a precise determination of which text is amended and/or the boundaries of those areas affected by environment redesignations;

(6) An explanatory statement, staff report, record of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;

(7) The material specified by chapter 43.21C RCW the State Environmental Policy Act;

(8) An affidavit showing that the notice has been properly published; and

(9) Copies of comments received under WAC 173-19-061 (3) and (4) or, where none have been received, a comment to that effect.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-062, filed 5/23/86. Statutory Authority: RCW 90.58-.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-062, filed 1/30/80.]

**WAC 173-19-064 Review and adoption of master programs and amendments by the department.** Review and adoption of master programs and amendments shall be in accordance with the provisions of RCW 34.04.025, insofar as such provisions are not inconsistent with the provisions of chapter 90.58 RCW, and shall follow the procedures set forth below:

(1) REVIEW:

(a) The department shall review the submitted master program or amendment for consistency with the provisions of WAC 173-19-062. If the submittal is determined to be incomplete, the department will identify the deficiencies and so notify local government in writing.

(b) For complete submittals a notice of intent to adopt the new or amended master program shall be filed with the state code reviser's office under the procedures and closing dates established by the code reviser. The department shall file notice in a manner that will allow for the most expeditious adoption of the new or amended program. If more than one local government submits new or amended programs to the department for action, the department may elect to consolidate the proceedings for adoption.

(c) The department shall hold a public hearing to consider the proposal.

(d) Prior to the public hearing, the department shall publish notice of the hearing and adoption proceeding in at least one newspaper of general circulation in the area affected by the master program. The public notice shall include:

(i) Reference to the authority under which the action is proposed; and

(ii) The dates, times, and locations of the public hearing and adoption proceeding, and the manner in which persons may present their views.

(e) The department shall also notify local governments, affected tribes, and interested state and federal

agencies and persons who have expressed a desire to be advised of the proposed action.

(f) For new master programs and substantive amendments, a request for advice and guidance to members of the ecological commission shall be submitted at least thirty days prior to the adoption proceeding in accordance with chapter 43.21A RCW.

(g) An evaluation of economic impact shall be completed prior to the adoption proceeding in accordance with chapter 43.21H RCW.

(h) An evaluation of the proposal's consistency with chapter 90.58 RCW and the implementing regulations shall be completed prior to the adoption proceeding. Where minor modifications which are not substantial may render a program or amendment consistent, the department may propose such modifications for incorporation into the proposal without filing a new notice with the state code reviser. Prior to final adoption, any minor modifications shall receive written concurrence from local government.

(2) ADOPTION:

(a) Following the department's review of the master program or amendment, an adoption proceeding shall be conducted by the department within a reasonable time following the public hearing.

For administrative amendments, the adoption proceeding shall occur within forty-five days from the date of filing the notice of intent to adopt the proposal with the state code reviser's office: *Provided*, That an adoption proceeding may be continued if deemed necessary by the department.

(b) During the adoption proceeding, department staff shall present the evaluation completed under subsection (1)(h) of this section and recommend that the department:

(i) Adopt the new or amended program, or portions thereof;

(ii) Deny adoption of the new or amended program, or portions thereof. If it is recommended that any part of the master program or amendment be denied, the department staff shall state the reasons upon which that recommendation is based, including inconsistency with:

(A) The policies and procedures of the act;

(B) The guidelines, rules and regulations of the department; and

(C) The State Environmental Policy Act.

(c) If the department determines to adopt a new or amended master program, it shall file the amended rules and a copy of the new or amended master program with the state code reviser following the adoption proceeding. The department shall also notify the appropriate city clerk or county auditor of the final action taken. The new or amended master program shall not become effective until at least thirty days from the date of filing the order adopting the revisions with the code reviser in accordance with the provisions of chapter 34.04 RCW.

(d) If the department determines to deny a new or amended master program, it shall advise local government in writing of the reasons for the denial and the department's suggested modifications to the proposal which would make it consistent with chapter 90.58

RCW and the implementing regulations. The local government may make the specific modifications designed to eliminate the inconsistencies and resubmit the proposal to the department. Any resubmitted program or amendment shall be subject to the full adoption procedure. With regard to those segments of the program which relate to shorelines of state-wide significance, the department may develop and adopt an alternative to the local government's proposal if the program submitted does not provide for the optimum implementation of the policies of chapter 90.58 RCW to satisfy the state-wide interest. The department shall notify local government of its intent to do so in writing at the adoption proceeding date and shall follow the procedure established under RCW 90.58.090(2).

(e) If the department determines to partially deny a master program or amendment, it shall receive written concurrence from the authorized local government official. If concurrence is not received, the department may deny the entire proposal.

(f) The procedure for adopting emergency rules described in RCW 34.04.030 shall be used in lieu of the procedure described above only if the criteria in RCW 34.04.030 are met and the department determines that the proposal is not controversial.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-19-064, filed 5/23/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-064, filed 1/30/80.]

**WAC 173-19-070 Appeal procedures for master programs.** The procedures for appeals by local government of master programs and revisions thereto shall be governed by RCW 90.58.180 (4) and (5).

[Order DE 74-23, § 173-19-070, filed 12/30/74.]

**WAC 173-19-080 Applicability of master program to federal agencies.** The state master program shall be applicable 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) The master program shall not be applicable to activities of federal agencies on lands owned in fee by the federal government unless the federal government grants or reserves to the state or local government jurisdiction over uses on those lands.

(2) The federal government shall be subject to the state master program as provided by the approved Washington coastal zone management program, within certain limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451, et seq., and regulations adopted pursuant thereto.

(3) The state master program shall apply to nonfederal development or uses, otherwise subject to the Shoreline Management Act, undertaken on lands under nonfederal ownership, lease, or easement even though such lands may fall within the external boundaries of a federal ownership.

(4) The state master program shall apply to development or uses otherwise subject to the Shoreline Management Act on lands not federally owned, but under

lease, easement, license, or other similar federal property right short of ownership, to the federal government.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-080, filed 1/30/80; Order DE 74-23, § 173-19-080, 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.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-100, filed 1/30/80; 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 173-19-1001 Asotin, city of.** City of Asotin master program approved March 7, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1001, filed 1/30/80.]

**WAC 173-19-1002 Clarkston, city of.** City of Clarkston master program approved March 7, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1002, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-110, filed 1/30/80; 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.]

**WAC 173-19-1101 Benton City, city of.** City of Benton City master program approved August 25, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1101, filed 1/30/80.]

**WAC 173-19-1102 Kennewick, city of.** City of Kennewick master program approved December 11, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1102, filed 1/30/80.]

**WAC 173-19-1103 Prosser, city of.** City of Prosser master program approved June 2, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1103, filed 1/30/80.]

**WAC 173-19-1104 Richland, city of.** City of Richland master program approved September 9, 1974. Revision approved August 29, 1979. Revision approved June 23, 1983. Revision approved January 4, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-02-073 (Order DE 83-37), § 173-19-1104, filed 1/4/84; 83-14-003 (Order DE 83-17), § 173-19-1104, filed 6/23/83. Statutory Authority: RCW

90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1104, filed 1/30/80.]

**WAC 173-19-1105 West Richland, city of.** City of West Richland master program approved October 22, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1105, filed 1/30/80.]

**WAC 173-19-120 Chelan County.** Chelan County master program approved April 22, 1975. Revision approved June 26, 1980. Revision approved July 15, 1981. Revision approved October 1, 1981. Revision approved October 13, 1983.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 83-21-094 (Order DE 83-27), § 173-19-120, filed 10/19/83; 81-20-042 (Order DE 81-27), § 173-19-120, filed 10/1/81; 81-15-062 (Order DE 81-23), § 173-19-120, filed 7/20/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-120, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-120, filed 1/30/80; 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 173-19-1201 Cashmere, city of.** City of Cashmere master program approved April 22, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1201, filed 1/30/80.]

**WAC 173-19-1202 Chelan, city of.** City of Chelan master program approved April 22, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1202, filed 1/30/80.]

**WAC 173-19-1203 Entiat, town of.** Town of Entiat master program approved April 22, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1203, filed 1/30/80.]

**WAC 173-19-1204 Leavenworth, city of.** City of Leavenworth master program approved April 22, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1204, filed 1/30/80.]

**WAC 173-19-1205 Wenatchee, city of.** City of Wenatchee master program approved April 22, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1205, filed 1/30/80.]

**WAC 173-19-130 Clallam County.** Clallam County master program approved August 5, 1976. Revision approved November 16, 1976. Revision approved August 10, 1979. Revision approved January 4, 1983. Revision approved March 27, 1984. Revision approved January 27, 1986. Revision approved June 3, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-12-069 (Order DE 86-07), § 173-19-130, filed 6/4/86; 86-04-040 (Order DE 85-13), § 173-19-130, filed 1/31/86; 84-08-030 (Order DE 83-41), § 173-19-130, filed 3/29/84; 83-02-066 (Order DE 82-48), § 173-19-130, filed 1/5/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-130, filed 1/30/80; 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.]

**WAC 173-19-1301 Port Angeles, city of.** City of Port Angeles master program approved August 5, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1301, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-140, filed 1/30/80; 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 173-19-1401 Camas, city of.** City of Camas master program approved January 30, 1978.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1401, filed 1/30/80.]

**WAC 173-19-1402 LaCenter, town of.** Town of LaCenter master program approved December 18, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1402, filed 1/30/80.]

**WAC 173-19-1403 Ridgefield, town of.** Town of Ridgefield master program approved June 29, 1978.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1403, filed 1/30/80.]

**WAC 173-19-1404 Vancouver, city of.** City of Vancouver master program approved September 25, 1975. Revision approved July 23, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-16-003 (Order DE 86-19), § 173-19-1404, filed 7/24/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1404, filed 1/30/80.]

**WAC 173-19-1405 Washougal, city of.** City of Washougal master program approved September 12, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1405, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-150, filed 1/30/80; 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 173-19-1501 Dayton, city of.** City of Dayton master program approved September 22, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1501, filed 1/30/80.]

**WAC 173-19-1502 Starbuck, town of.** Town of Starbuck master program approved September 22, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1502, filed 1/30/80.]

[Title 173 WAC—p 108]

**WAC 173-19-160 Cowlitz County.** Cowlitz County master program approved February 17, 1978. Revision approved February 9, 1982. Revision approved May 18, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-11-105 (Order DE 82-10), § 173-19-160, filed 5/19/82; 82-05-017 (Order DE 81-53), § 173-19-160, filed 2/9/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-160, filed 1/30/80; 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 173-19-1601 Castle Rock, city of.** City of Castle Rock master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1601, filed 1/30/80.]

**WAC 173-19-1602 Kalama, city of.** City of Kalama master program approved January 16, 1978.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1602, filed 1/30/80.]

**WAC 173-19-1603 Kelso, city of.** City of Kelso master program approved November 26, 1979.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-04-026 (Order DE 80-10), § 173-19-1603, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1603, filed 1/30/80.]

**WAC 173-19-1604 Longview, city of.** City of Longview master program approved May 19, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1604, filed 1/30/80.]

**WAC 173-19-1605 Woodland, city of.** City of Woodland master program approved January 16, 1980.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-04-026 (Order DE 80-10), § 173-19-1605, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1605, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-170, filed 1/30/80; 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 173-19-1701 Bridgeport, town of.** Town of Bridgeport master program approved February 20, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1701, filed 1/30/80.]

**WAC 173-19-1702 East Wenatchee, city of.** City of East Wenatchee master program approved February 20, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-1702, filed 1/30/80.]

**WAC 173-19-1703 Rock Island, town of.** Town of Rock Island master program approved February 20, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1703, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-180, filed 1/30/80; 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 173-19-1801 Republic, town of.** Town of Republic master program approved October 21, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-1801, filed 1/30/80.]

**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. Revision approved July 8, 1983.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 83-17-032 (Order DE 83-18), § 173-19-190, filed 8/11/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-190, filed 1/30/80; 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 173-19-1901 Pasco, city of.** City of 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. 80-02-123 (Order DE 79-34), § 173-19-1901, filed 1/30/80.]

**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. Revision approved June 11, 1981.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-055 (Order DE 81-14), § 173-19-210, filed 6/17/81; Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-210, filed 1/30/80; 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 173-19-2101 Krupp, town of.** Town of Krupp master program approved September 16, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2101, filed 1/30/80.]

**WAC 173-19-2102 Moses Lake, city of.** City of Moses Lake master program approved December 18, 1974. Revision approved July 15, 1981. Revision approved August 12, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-046 (Order DE 82-29), § 173-19-2102, filed 8/16/82; 81-16-079 (Order DE 81-20), § 173-19-2102, filed 8/5/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2102, filed 1/30/80.]

**WAC 173-19-2103 Soap Lake, city of.** City of Soap Lake master program approved November 19, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2103, filed 1/30/80.]

**WAC 173-19-2104 Wilson Creek, town of.** Town of Wilson Creek master program approved September 16, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2104, filed 1/30/80.]

**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. Revision approved March 27, 1980. Revision approved June 3, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-12-071 (Order DE 86-11), § 173-19-220, filed 6/4/86; 80-07-007 (Order DE 80-26), § 173-19-220, filed 6/6/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-220, filed 1/30/80; 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 173-19-2201 Aberdeen, city of.** City of Aberdeen master program approved June 30, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2201, filed 1/30/80.]

**WAC 173-19-2202 Cosmopolis, city of.** City of Cosmopolis master program approved August 12, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2202, filed 1/30/80.]

**WAC 173-19-2203 Elma, city of.** City of Elma master program approved September 18, 1974. Revision approved December 15, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 83-02-003 (Order DE 82-40), § 173-19-2203, filed 12/23/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2203, filed 1/30/80.]

**WAC 173-19-2204 Hoquiam, city of.** City of Hoquiam master program approved April 14, 1976. Revisions approved July 29, 1980. Revision approved April 23, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-10-030 (Order 85-06), § 173-19-2204, filed 4/24/85; 80-10-017 (Order DE 80-30), § 173-19-2204, filed 7/31/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2204, filed 1/30/80.]

**WAC 173-19-2205 Montesano, city of.** City of Montesano master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2205, filed 1/30/80.]

**WAC 173-19-2206 Oakville, city of.** City of Oakville master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2206, filed 1/30/80.]

**WAC 173-19-2207 Ocean Shores, city of.** City of Ocean Shores master program approved August 12, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2207, filed 1/30/80.]

**WAC 173-19-2208 Westport, city of.** City of Westport master program approved November 7, 1974. Revision approved October 6, 1983.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 83-21-019 (Order DE 83-24), § 173-19-2208, filed 10/7/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2208, filed 1/30/80.]

**WAC 173-19-230 Island County.** Island County master program approved June 25, 1976. Revision approved June 4, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-12-051 (Order DE 85-12), § 173-19-230, filed 6/5/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-230, filed 1/30/80; 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 173-19-2301 Coupeville, town of.** Town of Coupeville master program approved June 25, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2301, filed 1/30/80.]

**WAC 173-19-2302 Langley, city of.** City of Langley master program approved June 25, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2302, filed 1/30/80.]

**WAC 173-19-2303 Oak Harbor, city of.** City of Oak Harbor master program approved June 25, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2303, filed 1/30/80.]

**WAC 173-19-240 Jefferson County.** Jefferson County master program approved December 20, 1974. Revision approved August 12, 1982. Revision approved July 6, 1983.

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-240, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 83-14-086 (Order DE 83-20), § 173-19-240, filed 7/6/83; 82-17-047 (Order DE 82-30), § 173-19-240, filed 8/16/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-240, filed 1/30/80; 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 173-19-2401 Port Townsend, city of.** City of Port Townsend master program approved December 20, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2401, filed 1/30/80.]

**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. Revision approved September 23, 1981. Revision approved February

9, 1982. Revision approved March 14, 1984. Revision approved June 18, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-13-054 (Order DE 85-17), § 173-19-250, filed 6/18/85; 84-07-025 (Order DE 84-6), § 173-19-250, filed 3/15/84; 82-05-018 (Order DE 81-54), § 173-19-250, filed 2/9/82; 81-20-006 (Order DE 81-24), § 173-19-250, filed 9/24/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-250, filed 1/30/80; 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.]

**WAC 173-19-2501 Auburn, city of.** City of Auburn master program approved April [4] [14], 1974. Revision approved June 18, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-13-054 (Order DE 85-17), § 173-19-2501, filed 6/18/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2501, filed 1/30/80.]

**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 173-19-2502 Beaux Arts Village, town of.** Town of Beaux Arts Village master program approved August 12, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2502, filed 1/30/80.]

**WAC 173-19-2503 Bellevue, city of.** City of Bellevue master program approved February 26, 1975. Revision approved January 8, 1979. Revision approved May 14, 1981. Revision approved February 24, 1983.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 83-07-080 (Order DE 83-3), § 173-19-2503, filed 3/23/83; 81-11-027 (Order DE 81-10), § 173-19-2503, filed 5/15/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2503, filed 1/30/80.]

**WAC 173-19-2504 Black Diamond, city of.** City of Black Diamond master program approved December 21, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2504, filed 1/30/80.]

**WAC 173-19-2505 Bothell, city of.** City of Bothell master program approved February 27, 1975. Revision approved July 2, 1976. Revision approved January 31, 1977. Revision approved March 8, 1983. Revision approved December 5, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-24-075 (Order DE 84-40), § 173-19-2505, filed 12/5/84; 83-07-019 (Order DE 83-9), § 173-19-2505, filed 3/11/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2505, filed 1/30/80.]

**WAC 173-19-2506 Carnation, town of.** Town of Carnation master program approved August 16, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2506, filed 1/30/80.]

**WAC 173-19-2507 Des Moines, city of.** City of Des Moines master program approved April 3, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2507, filed 1/30/80.]

**WAC 173-19-2508 Duvall, city of.** City of Duvall master program approved August 12, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2508, filed 1/30/80.]

**WAC 173-19-2509 Hunts Point, town of.** Town of Hunts Point master program approved November 15, 1974. Revision approved July 2, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2509, filed 1/30/80.]

**WAC 173-19-2510 Issaquah, city of.** City of Issaquah master program approved -----.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2510, filed 1/30/80.]

**WAC 173-19-2511 Kent, city of.** City of Kent master program approved April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979. Revision approved December 10, 1980.

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-2511, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 81-01-039 (Order DE 80-48), § 173-19-2511, filed 12/11/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2511, filed 1/30/80.]

**WAC 173-19-2512 Kirkland, city of.** City of Kirkland master program approved August 27, 1974. Revision approved June 3, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-12-070 (Order DE 86-09), § 173-19-2512, filed 6/4/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2512, filed 1/30/80.]

**WAC 173-19-2513 Lake Forest Park, city of.** City of Lake Forest Park master program approved April 19, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2513, filed 1/30/80.]

**WAC 173-19-2514 Medina, city of.** City of Medina master program approved November 22, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2514, filed 1/30/80.]

**WAC 173-19-2515 Mercer Island, city of.** City of Mercer Island master program approved September 24, 1974. Revision approved May 14, 1981. Revision approved June 18, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-13-054 (Order DE 85-17), § 173-19-2515, filed 6/18/85; 81-11-028 (Order DE 81-11), § 173-19-2515, filed 5/15/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2515, filed 1/30/80.]

**WAC 173-19-2516 Normandy Park, city of.** City of Normandy Park master program approved April 5, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2516, filed 1/30/80.]

**WAC 173-19-2517 North Bend, city of.** City of North Bend master program approved September 18, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2517, filed 1/30/80.]

**WAC 173-19-2518 Pacific, city of.** City of Pacific master program approved September 19, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2518, filed 1/30/80.]

**WAC 173-19-2519 Redmond, city of.** City of Redmond master program approved September 20, 1974. Revision approved December 15, 1981. Revision approved October 20, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-21-110 (Order DE 86-27), § 173-19-2519, filed 10/20/86; 82-01-048 (Order DE 81-42), § 173-19-2519, filed 12/16/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2519, filed 1/30/80.]

**WAC 173-19-2520 Renton, city of.** City of Renton master program approved January 23, 1976. Revision approved February 23, 1977. Revision approved September 12, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-039 (Order DE 84-28), § 173-19-2520, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2520, filed 1/30/80.]

**WAC 173-19-2521 Seattle, city of.** City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. Revision approved September 10, 1980. Revision approved February 24, 1981. Revision approved May 14, 1981. Revision approved October 1, 1981. Revision approved January 5, 1982. Revision approved February 24, 1983. Revision approved June 7, 1983. Revision approved July 12, 1983. Revision approved October 13, 1983. Revision approved October 1, 1985. Revision approved October 20, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-21-109 (Order DE 86-28), § 173-19-2521, filed 10/20/86; 85-20-094 (Order DE 85-21), § 173-19-2521, filed 10/1/85; 83-21-094 (Order DE 83-27), § 173-19-2521, filed 10/19/83; 83-15-014 (Order DE 83-19), § 173-19-2521, filed 7/12/83; 83-13-029 (Order DE 83-4), § 173-19-2521, filed 6/7/83; 83-07-081 (Order DE 83-4), § 173-19-2521, filed 3/23/83; 82-02-079 (Order DE 81-44), § 173-19-2521, filed 1/6/82; 81-20-043 (Order DE 81-28), § 173-19-2521, filed 10/1/81; 81-11-029 (Order DE 81-12), § 173-19-2521, filed 5/15/81; 81-06-051 (Order DE 81-2), § 173-19-2521, filed 2/27/81; 80-13-031 (Order DE 80-34), § 173-19-2521, filed 9/10/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2521, filed 1/30/80.]

**WAC 173-19-2522 Skykomish, town of.** Town of Skykomish master program approved -----.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2522, filed 1/30/80.]

**WAC 173-19-2523 Snoqualmie, city of.** City of Snoqualmie master program approved August 16, 1974. Revision approved December 16, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 87-01-060 (Order DE 86-35), § 173-19-2523, filed 12/16/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2523, filed 1/30/80.]

**WAC 173-19-2524 Tukwila, city of.** City of Tukwila master program approved September 26, 1974. Revision approved May 18, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-11-106 (Order DE 82-11), § 173-19-2524, filed 5/19/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2524, filed 1/30/80.]

**WAC 173-19-2525 Yarrow Point, town of.** Town of Yarrow Point master program approved March 13, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2525, filed 1/30/80.]

**WAC 173-19-260 Kitsap County.** Kitsap County master program approved April 30, 1976. Revision approved October 24, 1977. Revision approved December 22, 1981. Revision approved March 16, 1983. Revision approved March 22, 1984. Revision approved April 18, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-10-014 (Order DE 85-03.5), § 173-19-260, filed 4/19/85; 84-08-042 (Order DE 84-5), § 173-19-260, filed 4/2/84; 83-08-002 (Order DE 83-11), § 173-19-260, filed 3/24/83; 82-01-087 (Order DE 81-35), § 173-19-260, filed 12/22/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-260, filed 1/30/80; 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 173-19-2601 Bremerton, city of.** City of 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. Revision approved January 19, 1982. Revision approved March 4, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-07-003 (Order DE 82-2), § 173-19-2601, filed 3/4/82; 82-03-042 (Order DE 81-45), § 173-19-2601, filed 1/19/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2601, filed 1/30/80.]

**WAC 173-19-2602 Port Orchard, city of.** City of Port Orchard master program approved March 10, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2602, filed 1/30/80.]

**WAC 173-19-2603 Poulsbo, city of.** City of Poulsbo master program approved January 12, 1976. Revision approved October 21, 1976. Revision approved October 24, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2603, filed 1/30/80.]

**WAC 173-19-2604 Winslow, city of.** City of Winslow master program approved October 3, 1979. Revision approved June 9, 1981.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-015 (Order DE 81-16), § 173-19-2604, filed 6/11/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2604, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-270, filed 1/30/80; 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 173-19-2701 Cle Elum, city of.** City of Cle Elum master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2701, filed 1/30/80.]

**WAC 173-19-2702 Ellensburg, city of.** City of Ellensburg master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2702, filed 1/30/80.]

**WAC 173-19-2703 South Cle Elum, town of.** Town of South Cle Elum master program approved June 28, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2703, filed 1/30/80.]

**WAC 173-19-280 Klickitat County.** Klickitat County master program approved August 29, 1975. Revision approved September 6, 1979. Revision approved March 1, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-06-043 (Order DE 83-40), § 173-19-280, filed 3/2/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-280, filed 1/30/80; 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 173-19-2801 Bingen, town of.** Town of Bingen master program approved August 29, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2801, filed 1/30/80.]

**WAC 173-19-2802 Goldendale, city of.** City of Goldendale master program approved August 29, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2802, filed 1/30/80.]

**WAC 173-19-2803 White Salmon, town of.** Town of White Salmon master program approved August 29, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2803, filed 1/30/80.]

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



approved January 16, 1978. Revision approved September 24, 1979. Revision approved October 2, 1980.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-15-023 (Order DE 80-40), § 173-19-290, filed 10/7/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-290, filed 1/30/80; 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 173-19-2901 Centralia, city of.** City of Centralia master program approved March 29, 1978. Revision approved August 12, 1982.

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-2901, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-048 (Order DE 82-31), § 173-19-2901, filed 8/16/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2901, filed 1/30/80.]

**WAC 173-19-2902 Chehalis, city of.** City of Chehalis master program approved February 10, 1977. Revision approved January 5, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-02-078 (Order DE 81-46), § 173-19-2902, filed 1/6/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2902, filed 1/30/80.]

**WAC 173-19-2903 Morton, city of.** City of Morton master program approved October 12, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2903, filed 1/30/80.]

**WAC 173-19-2904 Pe Ell, town of.** Town of Pe Ell master program approved November 15, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2904, filed 1/30/80.]

**WAC 173-19-2905 Toledo, city of.** City of Toledo master program approved November 1, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2905, filed 1/30/80.]

**WAC 173-19-2906 Vader, city of.** City of Vader master program approved October 24, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2906, filed 1/30/80.]

**WAC 173-19-2907 Winlock, city of.** City of Winlock master program approved October 24, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2907, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-300, filed 1/30/80; 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 173-19-3001 Odessa, town of.** Town of Odessa master program approved February 25, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3001, filed 1/30/80.]

**WAC 173-19-3002 Sprague, city of.** City of Sprague master program approved February 25, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3002, filed 1/30/80.]

**WAC 173-19-310 Mason County.** Mason County master program approved August 6, 1975. Revision approved December 18, 1975. Revision approved February 22, 1980. Revision approved June 23, 1982. Revision approved October 16, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-22-055 (Order 84-29), § 173-19-310, filed 11/7/84; 82-14-017 (Order DE 82-18), § 173-19-310, filed 6/28/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-05-053 (Order DE 80-12), § 173-19-310, filed 4/16/80; 80-02-123 (Order DE 79-34), § 173-19-310, filed 1/30/80; 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 173-19-3101 Shelton, city of.** City of 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. 80-02-123 (Order DE 79-34), § 173-19-3101, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-320, filed 1/30/80; 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 173-19-3201 Brewster, town of.** Town of Brewster master program approved December 16, 1975. Revision approved March 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3201, filed 1/30/80.]

**WAC 173-19-3202 Conconully, town of.** Town of Conconully master program approved December 16, 1975. Revision approved March 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3202, filed 1/30/80.]

**WAC 173-19-3203 Okanogan, city of.** City of Okanogan master program approved December 16, 1975. Revision approved March 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3203, filed 1/30/80.]

**WAC 173-19-3204 Omak, city of.** City of Omak master program approved December 16, 1975. Revision approved March 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3204, filed 1/30/80.]

**WAC 173-19-3205 Oroville, town of.** Town of Oroville master program approved December 16, 1975. Revision approved March 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3205, filed 1/30/80.]

**WAC 173-19-3206 Pateros, town of.** Town of Pateros master program approved December 16, 1975. Revision approved March 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3206, filed 1/30/80.]

**WAC 173-19-3207 Riverside, town of.** Town of Riverside master program approved December 16, 1975. Revision approved March 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3207, filed 1/30/80.]

**WAC 173-19-3208 Tonasket, town of.** Town of Tonasket master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved August 12, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-049 (Order DE 82-32), § 173-19-3208, filed 8/16/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3208, filed 1/30/80.]

**WAC 173-19-3209 Twisp, town of.** Town of Twisp master program approved December 16, 1975. Revision approved March 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3209, filed 1/30/80.]

**WAC 173-19-3210 Winthrop, town of.** Town of Winthrop master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved February 2, 1979. Revision approved November 23, 1981. Revision approved January 31, 1985. Revision approved March 28, 1985. Revision approved September 11, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-19-048 (Order DE 86-22), § 173-19-3210, filed 9/12/86; 85-08-016 (Order 85-08), § 173-19-3210, filed 3/28/85. Statutory Authority: RCW 90.58-120, 90.58.200 and chapter 90.58 RCW. 85-04-039 (Order 84-46), § 173-19-3210, filed 2/1/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 81-24-074 (Order DE 81-36), § 173-19-3210, filed 12/2/81; 80-02-123 (Order DE 79-34), § 173-19-3210, filed 1/30/80.]

**WAC 173-19-330 Pacific County.** Pacific County master program approved April 8, 1975. Revision approved June 26, 1980. Revision approved March 16, 1982. Revision approved September 26, 1984. Revision approved August 28, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-18-052 (Order DE 86-15), § 173-19-330, filed 9/2/86; 84-20-041 (Order 84-32), § 173-19-330, filed 9/27/84; 82-07-045 (Order DE 81-55), § 173-19-330, filed 3/18/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-330, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-330, filed 1/30/80; 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 173-19-3301 Ilwaco, town of.** Town of Ilwaco master program approved May 2, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3301, filed 1/30/80.]

**WAC 173-19-3302 Long Beach, town of.** Town of Long Beach master program approved May 2, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3302, filed 1/30/80.]

**WAC 173-19-3303 Raymond, city of.** City of Raymond master program approved April 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3303, filed 1/30/80.]

**WAC 173-19-3304 South Bend, city of.** City of South Bend master program approved May 2, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3304, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-340, filed 1/30/80; 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 173-19-3401 Cusick, town of.** Town of Cusick master program approved April 18, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3401, filed 1/30/80.]

**WAC 173-19-3402 Ione, town of.** Town of Ione master program approved April 18, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3402, filed 1/30/80.]

**WAC 173-19-3403 Metaline, town of.** Town of Metaline master program approved April 18, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3403, filed 1/30/80.]

**WAC 173-19-3404 Metaline Falls, town of.** Town of Metaline Falls master program approved April 18, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3404, filed 1/30/80.]

**WAC 173-19-3405 Newport, city of.** City of Newport master program approved April 18, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3405, filed 1/30/80.]

**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.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-350, filed 1/30/80; 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 173-19-3501 Bonney Lake, city of.** City of Bonney Lake master program approved August 6, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3501, filed 1/30/80.]

**WAC 173-19-3502 Buckley, city of.** City of Buckley master program approved April 7, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3502, filed 1/30/80.]

**WAC 173-19-3503 Dupont, city of.** City of Dupont master program approved June 11, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3503, filed 1/30/80.]

**WAC 173-19-3504 Eatonville, town of.** Town of Eatonville master program approved April 29, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3504, filed 1/30/80.]

**WAC 173-19-3505 Fife, city of.** City of Fife master program approved September 6, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3505, filed 1/30/80.]

**WAC 173-19-3506 Gig Harbor, town of.** Town of Gig Harbor master program approved September 10, 1975. Revision approved December 10, 1980.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-01-038 (Order DE 80-50), § 173-19-3506, filed 12/11/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3506, filed 1/30/80.]

**WAC 173-19-3507 Orting, town of.** Town of Orting master program approved April 8, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3507, filed 1/30/80.]

**WAC 173-19-3508 Puyallup, city of.** City of Puyallup master program approved May 31, 1974. Revision approved May 24, 1983.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 83-12-017 (Order DE 83-15), § 173-19-3508, filed 5/24/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3508, filed 1/30/80.]

**WAC 173-19-3509 Roy, city of.** City of Roy master program approved April 9, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3509, filed 1/30/80.]

**WAC 173-19-3510 Ruston, town of.** Town of Ruston master program approved September 20, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3510, filed 1/30/80.]

**WAC 173-19-3511 South Prairie, town of.** Town of South Prairie master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3511, filed 1/30/80.]

**WAC 173-19-3512 Steilacoom, town of.** Town of Steilacoom master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3512, filed 1/30/80.]

**WAC 173-19-3513 Sumner, city of.** City of Sumner master program approved December 11, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3513, filed 1/30/80.]

**WAC 173-19-3514 Tacoma, city of.** City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979. Revision approved March 17, 1981. Revision approved November 23, 1981. [Revision approved April 6, 1982.] Revision approved May 24, 1983. Revision approved March 1, 1984. Revision approved May 9, 1984. Revision approved April 18, 1985. Revision approved July 23, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-16-004 (Order DE 86-18), § 173-19-3514, filed 7/24/86; 85-10-013 (Order 85-03), § 173-19-3514, filed 4/19/85; 84-11-015 (Order DE 84-16), § 173-19-3514, filed 5/9/84; 84-06-043 (Order DE 83-40), § 173-19-3514, filed 3/2/84; 83-12-018 (Order DE 83-16), § 173-19-3514, filed 5/24/83; 82-10-002 (Order DE 82-06), § 173-19-3514, filed 4/23/82; 81-24-072 (Order DE 81-37), § 173-19-3514, filed 12/2/81; 81-08-005 (Order DE 81-4), § 173-19-3514, filed 3/19/81; 80-04-026 (Order DE 80-10), § 173-19-3514, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3514, filed 1/30/80.]

**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 173-19-3515 Wilkeson, town of.** Town of Wilkeson master program approved October 21, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3515, filed 1/30/80.]

**WAC 173-19-360 San Juan County.** San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. Revision approved October 30, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-22-016 (Order DE 84-36), § 173-19-360, filed 10/31/84; 81-09-057 (Order DE 81-8), § 173-19-360, filed 4/17/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-360, filed 1/30/80; 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 173-19-3601 Friday Harbor, town of.** Town of 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. 80-02-123 (Order DE 79-34), § 173-19-3601, filed 1/30/80.]

**WAC 173-19-370 Skagit County.** Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. Revision approved December 10, 1980. Revision approved September 23, 1981. Revision approved November 23, 1981. Revision

approved August 19, 1982. Revision approved February 24, 1983. Revision approved March 22, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-08-003 (Order DE 84-10), § 173-19-370, filed 3/22/84; 83-07-082 (Order DE 83-5), § 173-19-370, filed 3/23/83; 82-18-027 (Order DE 82-33), § 173-19-370, filed 8/25/82; 81-24-075 (Order DE 81-38), § 173-19-370, filed 12/2/81; 81-20-004 (Order DE 81-25), § 173-19-370, filed 9/24/81; 81-01-040 (Order DE 80-51), § 173-19-370, filed 12/11/80; 80-13-030 (Order DE 80-35), § 173-19-370, filed 9/10/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-05-053 (Order DE 80-12), § 173-19-370, filed 4/16/80; 80-02-123 (Order DE 79-34), § 173-19-370, filed 1/30/80; 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 173-19-3701 Anacortes, city of.** City of Anacortes master program approved April 9, 1976. Revision approved November 25, 1980. Revision approved July 1, 1981. Revision approved December 23, 1982. Revision approved November 15, 1983. Revision approved March 12, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-07-049 (Order 85-29), § 173-19-3701, filed 3/18/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-3701, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 83-23-062 (Order DE 83-28), § 173-19-3701, filed 11/16/83; 83-02-004 (Order DE 82-43), § 173-19-3701, filed 12/23/82; 81-15-006 (Order DE 81-15), § 173-19-3701, filed 7/2/81; 80-18-024 (Order DE 80-41), § 173-19-3701, filed 11/26/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3701, filed 1/30/80.]

**WAC 173-19-3702 Concrete, town of.** Town of Concrete master program approved March 3, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3702, filed 1/30/80.]

**WAC 173-19-3703 Hamilton, town of.** Town of Hamilton master program approved July 27, 1979.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3703, filed 1/30/80.]

**WAC 173-19-3704 La Conner, town of.** Town of La Conner master program approved May 3, 1977. Revision approved July 1, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-14-089 (Order DE 82-24), § 173-19-3704, filed 7/7/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3704, filed 1/30/80.]

**WAC 173-19-3705 Lyman, town of.** Town of Lyman master program approved February 23, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3705, filed 1/30/80.]

**WAC 173-19-3706 Mount Vernon, city of.** City of Mount Vernon master program approved May 16, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3706, filed 1/30/80.]

**WAC 173-19-3707 Burlington, city of.** City of Burlington master program approved July 15, 1981.

[Title 173 WAC—p 116]

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-16-077 (Order DE 81-22), § 173-19-3707, filed 8/5/81.]

**WAC 173-19-380 Skamania County.** Skamania County master program approved September 6, 1974. Revision approved June 3, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-12-072 (Order DE 86-13), § 173-19-380, filed 6/4/86. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-380, filed 1/30/80; 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 173-19-3801 North Bonneville, city of.** City of North Bonneville master program approved September 6, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3801, filed 1/30/80.]

**WAC 173-19-3802 Stevenson, town of.** Town of Stevenson master program approved September 6, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3802, filed 1/30/80.]

**WAC 173-19-390 Snohomish County.** Snohomish County master program approved December 27, 1974. Revision approved June 16, 1978. Revision approved June 23, 1982. Revision approved August 25, 1983. Revision approved January 4, 1984. Revision approved September 11, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-19-049 (Order DE 86-23), § 173-19-390, filed 9/12/86; 84-02-074 (Order DE 83-43), § 173-19-390, filed 1/4/84; 83-18-005 (Order DE 83-23), § 173-19-390, filed 8/26/83; 82-14-018 (Order DE 82-19), § 173-19-390, filed 6/28/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-390, filed 1/30/80; 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 173-19-3901 Arlington, city of.** City of Arlington master program approved December 27, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3901, filed 1/30/80.]

**WAC 173-19-3902 Brier, city of.** City of Brier master program approved December 27, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3902, filed 1/30/80.]

**WAC 173-19-3903 Edmonds, city of.** City of Edmonds master program approved January 23, 1976. Revision approved March 5, 1979. Revision approved May 6, 1980. Revision approved April 30, 1984. Revision approved June 3, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-12-070 (Order DE 86-09), § 173-19-3903, filed 6/4/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-19-3903, filed 4/15/85. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-10-050 (Order DE 84-14), § 173-19-3903, filed 5/2/84; 80-06-050 (Order DE 80-13), § 173-19-3903, filed 5/14/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and

90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3903, filed 1/30/80.]

**WAC 173-19-3904 Everett, city of.** City of Everett master program approved January 5, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3904, filed 1/30/80.]

**WAC 173-19-3905 Gold Bar, town of.** Town of Gold Bar master program approved December 27, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3905, filed 1/30/80.]

**WAC 173-19-3906 Granite Falls, town of.** Town of Granite Falls master program approved December 27, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3906, filed 1/30/80.]

**WAC 173-19-3907 Index, town of.** Town of Index master program approved December 27, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3907, filed 1/30/80.]

**WAC 173-19-3908 Lake Stevens, city of.** City of Lake Stevens master program approved December 27, 1974. Revision approved January 4, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-02-075 (Order DE 83-44), § 173-19-3908, filed 1/4/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3908, filed 1/30/80.]

**WAC 173-19-3909 Marysville, city of.** City of Marysville master program approved January 22, 1975. Amended August 10, 1977.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3909, filed 1/30/80.]

**WAC 173-19-3910 Monroe, city of.** City of Monroe master program approved December 27, 1974. Revision approved February 18, 1982.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-06-013 (Order DE 81-56), § 173-19-3910, filed 2/22/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3910, filed 1/30/80.]

**WAC 173-19-3911 Mountlake Terrace, city of.** City of Mountlake Terrace master program approved December 27, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3911, filed 1/30/80.]

**WAC 173-19-3912 Mukilteo, city of.** City of Mukilteo master program approved September 20, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3912, filed 1/30/80.]

**WAC 173-19-3913 Snohomish, city of.** City of Snohomish master program approved September 20, 1974. Revision approved February 11, 1977. Revision approved March 26, 1980.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-06-050 (Order DE 80-13), § 173-19-3913, filed 5/14/80. Statutory Authority:

RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3913, filed 1/30/80.]

**WAC 173-19-3914 Stanwood, city of.** City of Stanwood master program approved April 9, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3914, filed 1/30/80.]

**WAC 173-19-3915 Sultan, town of.** Town of Sultan master program approved December 27, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3915, filed 1/30/80.]

**WAC 173-19-3916 Woodway, town of.** Town of Woodway master program approved December 27, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-3916, filed 1/30/80.]

**WAC 173-19-400 Spokane County.** Spokane County master program approved January 15, 1975. Revision approved September 6, 1977. Revision approved August 15, 1979. Revision approved February 24, 1981. Revision approved December 15, 1982. Revision approved March 14, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-07-025 (Order DE 84-6), § 173-19-400, filed 3/15/84; 83-02-005 (Order DE 82-44), § 173-19-400, filed 12/23/82; 81-06-052 (Order DE 81-3), § 173-19-400, filed 2/27/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-400, filed 1/30/80; 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 173-19-4001 Latah, town of.** Town of Latah master program approved January 15, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-4001, filed 1/30/80.]

**WAC 173-19-4002 Medical Lake, town of.** Town of Medical Lake master program approved January 15, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-4002, filed 1/30/80.]

**WAC 173-19-4003 Millwood, town of.** Town of Millwood master program approved January 15, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-4003, filed 1/30/80.]

**WAC 173-19-4004 Rockford, town of.** Town of Rockford master program approved January 15, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58-200. 80-02-123 (Order DE 79-34), § 173-19-4004, filed 1/30/80.]

**WAC 173-19-4005 Spokane, city of.** City of Spokane master program approved March 7, 1975. Revision approved October 5, 1976. Revision approved December 22, 1977. Revision approved February 24, 1983.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 83-07-083 (Order DE 83-6), § 173-19-4005, filed 3/23/83. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4005, filed 1/30/80.]

**WAC 173-19-4006 Waverly, town of.** Town of Waverly master program approved January 15, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4006, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-410, filed 1/30/80; 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 173-19-4101 Chewelah, city of.** City of Chewelah master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4101, filed 1/30/80.]

**WAC 173-19-4102 Northport, town of.** Town of Northport master program approved -----

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4102, filed 1/30/80.]

**WAC 173-19-420 Thurston County.** Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982. Revision approved August 30, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-420, filed 9/14/84; 82-07-004 (Order DE 82-3), § 173-19-420, filed 3/4/82; 81-20-005 (Order DE 81-26), § 173-19-420, filed 9/24/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-420, filed 1/30/80; 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 173-19-4201 Bucoda, town of.** Town of Bucoda master program approved May 21, 1976. Revision approved August 30, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4201, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4201, filed 1/30/80.]

**WAC 173-19-4202 Lacey, city of.** City of Lacey master program approved May 21, 1976. Revision approved January 5, 1982. Revision approved August 30, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4202, filed 9/14/84; 82-02-080 (Order DE 81-47), § 173-19-4202, filed 1/6/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4202, filed 1/30/80.]

**WAC 173-19-4203 Olympia, city of.** City of Olympia master program approved May 21, 1976. Revision approved March 29, 1984. Revision approved April 30, 1984. Revision approved August 30, 1984.

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[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4203, filed 9/14/84; 84-10-051 (Order DE 84-17), § 173-19-4203, filed 5/2/84; 84-08-028 (Order DE 84-9), § 173-19-4203, filed 3/29/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4203, filed 1/30/80.]

**WAC 173-19-4204 Tenino, town of.** Town of Tenino master program approved May 21, 1976. Revision approved August 30, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4204, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4204, filed 1/30/80.]

**WAC 173-19-4205 Tumwater, city of.** City of Tumwater master program approved May 21, 1976. Revision approved August 30, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4205, filed 9/14/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4205, filed 1/30/80.]

**WAC 173-19-4206 Yelm, town of.** Town of Yelm master program approved May 21, 1976. Revision approved January 5, 1982. Revision approved August 30, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-19-038 (Order DE 84-30), § 173-19-4206, filed 9/14/84; 82-02-081 (Order DE 81-48), § 173-19-4206, filed 1/6/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4206, filed 1/30/80.]

**WAC 173-19-430 Wahkiakum County.** Wahkiakum County master program approved June 17, 1975. Revision approved January 2, 1980. Revision approved May 20, 1981. Revision approved March 12, 1986.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 86-07-049 (Order DE 85-29), § 173-19-430, filed 3/18/86; 81-12-003 (Order DE 81-13), § 173-19-430, filed 5/21/81; 80-04-026 (Order DE 80-10), § 173-19-430, filed 3/18/80. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-430, filed 1/30/80; 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 173-19-4301 Cathlamet, town of.** Town of Cathlamet master program approved June 17, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4301, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-440, filed 1/30/80; 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 DE 74-23, § 173-19-440, filed 12/30/74.]

**WAC 173-19-4401 Waitsburg, town of.** Town of Waitsburg master program approved May 25, 1976.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4401, filed 1/30/80.]

**WAC 173-19-4402 Walla Walla, city of.** City of Walla Walla master program approved February 23,

1977. Revision approved July 15, 1981. Revision approved August 6, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-16-105 (Order DE 85-11), § 173-19-4402, filed 8/6/85; 81-16-078 (Order DE 81-21), § 173-19-4402, filed 8/5/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4402, filed 1/30/80.]

**WAC 173-19-450 Whatcom County.** Whatcom County master program approved August 27, 1976. Revision approved April 11, 1977. Revision approved August 11, 1978. Revision approved December 22, 1981. Revision approved January 5, 1982. Revision approved March 4, 1982. Revision approved December 15, 1982. Revision approved March 1, 1984. Revision approved January 31, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-04-040 (Order DE 84-46), § 173-19-450, filed 2/1/85; 84-06-043 (Order DE 83-40), § 173-19-450, filed 3/2/84; 83-02-006 (Order DE 82-45), § 173-19-450, filed 12/23/82; 82-07-005 (Order DE 82-4), § 173-19-450, filed 3/4/82; 82-02-077 (Order DE 81-49), § 173-19-450, filed 1/6/82; 82-01-088 (Order DE 81-31), § 173-19-450, filed 12/22/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-450, filed 1/30/80; 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 173-19-4501 Bellingham, city of.** City of Bellingham master program approved September 30, 1974. Revision approved March 29, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-08-029 (Order DE 84-11), § 173-19-4501, filed 3/29/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4501, filed 1/30/80.]

**WAC 173-19-4502 Blaine, city of.** City of Blaine master program approved September 29, 1975. Revision approved August 30, 1977. Revision approved December 28, 1978. Revision approved June 26, 1980. Revision approved April 6, 1982. Revision approved July 18, 1984. Revision approved October 10, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-21-065 (Order DE-84-35), § 173-19-4502, filed 10/17/84; 84-16-006 (Order DE 84-20), § 173-19-4502, filed 7/19/84; 82-10-001 (Order DE 82-05), § 173-19-4502, filed 4/23/82. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-4502, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-4502, filed 1/30/80.]

**WAC 173-19-4503 Everson, city of.** City of Everson master program approved September 29, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4503, filed 1/30/80.]

**WAC 173-19-4504 Ferndale, city of.** City of Ferndale master program approved December 15, 1981.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 82-01-049 (Order DE 81-43), § 173-19-4504, filed 12/16/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4504, filed 1/30/80.]

**WAC 173-19-4505 Lynden, city of.** City of Lynden master program approved September 29, 1975. Revision approved November 23, 1981.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-24-076 (Order DE 81-39), § 173-19-4505, filed 12/2/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4505, filed 1/30/80.]

**WAC 173-19-4506 Nooksack, city of.** City of Nooksack master program approved September 29, 1975. Revision approved October 1, 1985.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 85-20-095 (Order DE 85-21), § 173-19-4506, filed 10/1/85. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4506, filed 1/30/80.]

**WAC 173-19-4507 Sumas, city of.** City of Sumas master program approved September 29, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4507, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-460, filed 1/30/80; 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 173-19-4601 Albion, town of.** Town of Albion master program approved February 6, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4601, filed 1/30/80.]

**WAC 173-19-4602 Colfax, city of.** City of Colfax master program approved February 6, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4602, filed 1/30/80.]

**WAC 173-19-4603 Malden, town of.** Town of Malden master program approved February 6, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4603, filed 1/30/80.]

**WAC 173-19-4604 Palouse, city of.** City of Palouse master program approved February 6, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4604, filed 1/30/80.]

**WAC 173-19-4605 Pullman, city of.** City of Pullman master program approved February 6, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4605, filed 1/30/80.]

**WAC 173-19-4606 Rosalia, town of.** Town of Rosalia master program approved February 6, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4606, filed 1/30/80.]

**WAC 173-19-4607 Tekoa, city of.** City of Tekoa master program approved February 6, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4607, filed 1/30/80.]

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

approved September 8, 1977. Revision approved February 24, 1981. Revision approved October 1, 1981.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-20-044 (Order DE 81-29), § 173-19-470, filed 10/1/81; 81-06-050 (Order DE 81-1), § 173-19-470, filed 2/27/81. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-470, filed 1/30/80; 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.]

**WAC 173-19-4701 Grandview, city of.** City of Grandview master program approved September 5, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4701, filed 1/30/80.]

**WAC 173-19-4702 Granger, town of.** Town of Granger master program approved September 5, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4702, filed 1/30/80.]

**WAC 173-19-4703 Naches, town of.** Town of Naches master program approved September 5, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4703, filed 1/30/80.]

**WAC 173-19-4704 Selah, city of.** City of Selah master program approved September 5, 1974. Revision approved March 22, 1984.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 84-08-003 (Order DE 84-10), § 173-19-4704, filed 3/22/84. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4704, filed 1/30/80.]

**WAC 173-19-4705 Union Gap, city of.** City of Union Gap master program approved September 5, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4705, filed 1/30/80.]

**WAC 173-19-4706 Yakima, city of.** City of Yakima master program approved September 5, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4706, filed 1/30/80.]

**WAC 173-19-4707 Zillah, city of.** City of Zillah master program approved September 5, 1974.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4707, filed 1/30/80.]

### Chapter 173-20 WAC

#### SHORELINE MANAGEMENT ACT--LAKES CONSTITUTING SHORELINES OF THE STATE

##### WAC

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**WAC 173-20-010 Purpose.** The department of ecology, pursuant to RCW 90.58.300 is designated the state agency responsible for the program of regulation of the shorelines of the state. This chapter delimits the lakes which are classified as shorelines of the state.

[Order DE 72-14, § 173-20-010, filed 6/30/72.]

**WAC 173-20-020 Applicability.** The provisions of this chapter shall apply state-wide.

[Order DE 72-14, § 173-20-020, filed 6/30/72.]

**WAC 173-20-030 Definitions.** As used herein, the following words and phrases shall have the following meanings:

- (1) "Lakes" means all the surface water areas of the state, including reservoirs; except
  - (a) Lakes less than twenty acres in size;
  - (b) Streams or rivers (as described in WAC 173-18-030);
  - (c) Shorelines of state-wide significance.
- (2) "Lakes of state-wide significance" means those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high-water mark.

[Order DE 72-14, § 173-20-030, filed 6/30/72.]

**WAC 173-20-040 Lakes coming under purview of chapter 90.58 RCW.** Volumes I and II of the book *Lakes of Washington* by Ernest E. Wolcott and updated information from the United States Geological Survey were used as reference material for this listing.

This listing includes only those lakes coming under purview of chapter 90.58 RCW.

Use designations are taken directly from Lakes of Washington as follows:

R – Recreation-wildlife, general public use, beautification, fishing, etc.

D – Domestic-private use, farm pond, fire protection, stock, garden, etc.

PS – Public supply, municipal use, civic, industrial use, etc.

P – Power hydroelectric.

I – Irrigation.

Acreage given includes only water surface acres and not contiguous wetlands.

[Order DE 73-13, § 173-20-040, filed 8/27/73; Order DE 72-14, § 173-20-040, filed 6/30/72.]

**WAC 173-20-044 Review of designations.** The department shall review all the designations made herein at least once in every five year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-20 WAC in the manner and form prescribed for adoption and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-044, filed 6/30/80.]

**WAC 173-20-046 Conflicts between designations and criteria.** In the event that any of the designations set forth in this chapter conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-20-030 the criteria shall control. The designation of the lake shall be governed by the criteria.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-046, filed 6/30/80.]

**WAC 173-20-050 Lakes coming under purview of chapter 90.58 RCW--Adams County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T15N-R29E	4-SW1/4	Rodeo Lk.	60.0	R
(2) T15N-R29E	32-B	Linda Lk.	99.2	R
(3) T16N-R28E	3-A/B	Black Lks.-Upper	24.8	R
(4) T16N-R29E	16-N	Thread Lk.	29.4	R
(5) T16N-R29E	29-N	Unnamed Lk.	21.7	R
(6) T16N-R29E	31-G	Owl Lk.	20.6	R
(7) T17N-R38E	9-NE1/4	Twelve Mile Lk.	44.8	R
(8) T17N-R38E	9/16	Twelve Mile Slough	211.2	R
(9) T19N-R36E	36	Finnel Lk.	30.9	R
(10) T19N-R37E	15-SW1/4	Hallin Lk.	33.3	R
(11) T19N-R37E	21-N1/2	Cow Lk.	226.0	R
(12) T19N-R38E	3-W1/2	Green Lk.	79.7	R
(13) T19N-R38E	10-M/Na	Unnamed Lk.	26.1	R
(14) T20N-R37E	1-W1/2	Fourth of July Lk.	74.4 Adams Co. 35.9 Lincoln Co.	R
			110.3 Total	R

Location	Section	Name	Area (Acres)	Use
(15) T20N-R38E	12	Pines Lk.(Alkali Lk)	120.8	R
(16) T20N-R38E	29	Palm Lk.	88.3	R

[Order DE 76-16, § 173-20-050, filed 5/3/76; Order DE 72-14, § 173-20-050, filed 6/30/72.]

**WAC 173-20-060 Lakes coming under purview of chapter 90.58 RCW--Adams County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T20N-R37E	12	Sprague Lk.	1202.9 Adams Co. 637.7 Lincoln Co.	R
			1840.6 Total	R

[Order DE 72-14, § 173-20-060, filed 6/30/72.]

**WAC 173-20-070 Lakes coming under purview of chapter 90.58 RCW--Asotin County lakes. None.**

[Order DE 72-14, § 173-20-070, filed 6/30/72.]

**WAC 173-20-080 Lakes coming under purview of chapter 90.58 RCW--Asotin County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-080, filed 6/30/72.]

**WAC 173-20-090 Lakes coming under purview of chapter 90.58 RCW--Benton County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T6N-R31E	5-SW1/4	Mound Pond	34.8	R
(2) T6N-R31E	7-NE1/4	Yellepit Pond	36.3	R

[Order DE 72-14, § 173-20-090, filed 6/30/72.]

**WAC 173-20-100 Lakes coming under purview of chapter 90.58 RCW--Chelan County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T21N-R20E	21-B/C	Black Lk. (Spring Hill Reservoir)	28.1	R,I
(2) T21N-R20E	29-D	Upper Wheeler Res.	36.2	R,I
(3) T22N-R21E	29-K/Q	Three Lakes Res. (Cortez Lake)	32.9	R,I
(4) T22N-R21E	33-D	Meadow Lk.	35.7	R,I
(5) T23N-R16E	10-W1/2	Colchuck Lk.	87.8	R
(6) T24N-R14E	3-SE1/4	Klonaqua Lks.-Lower	66.0	R,I
(7) T24N-R14E	3-N/P	Klonaqua Lks.-Upper	67.0	R,I
(8) T24N-R16E	33-N	Eight Mile Lk. (Res.)	71.6	R
(9) T26N-R16E	19-A/H	Loch Eileen Lk.	24.8	R
(10) T26N-R16E	29-L	Chiwaukum Lk.	66.6	R
(11) T27N-R17E	22-D	Fish Lk.	513.3	R
(12) T28N-R21E	22-G	Grass Lk. (Dry Lk.)	76.8	R
(13) T28N-R21E	23-K	Wapato Lk.	185.6	R,I
(14) T28N-R21E	26-B	Alkali Lk.(Roses Lk)	179.2	R
(15) T29N-R21E	36-P	Antilon Lk. (Res.)	96.0	R,I
(16) T24N-R16E	9	Victoria Lk.	26.6	R

[Order DE 76-16, § 173-20-100, filed 5/3/76; Order DE 72-14, § 173-20-100, filed 6/30/72.]

**WAC 173-20-110 Lakes coming under purview of chapter 90.58 RCW--Chelan County lakes of state-wide significance.**

Shoreline Management Act--Lakes

173-20-200

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	440.0 Chelan Co. 1184.0 Douglas Co. 6748.0 Grant Co. 6308.0 Kittitas Co.	
(2) T21N-R22E	5-H/J	Rock Island Pool	14680.0 Total 1735.0 Chelan Co. 1735.0 Douglas Co.	
(3) T24N-R20E	35	Entiat Lk.	3470.0 Total R,P 4930.0 Chelan Co. 4930.0 Douglas Co.	
(4) T27N-R17E	28-L	Wenatchee Lk.	9860.0 Total R,P 2445.0 R	
(5) T27N-R22E	13-J	Chelan Lk.	33104.0 R,I,P	
(6) T28N-R24E	6/7	Wells Res.	97.0 Chelan Co. 4850.0 Douglas Co. 4753.0 Okanogan Co.	
			9700.0 Total P,R	

[Order DE 72-14, § 173-20-110, filed 6/30/72.]

**WAC 173-20-120 Lakes coming under purview of chapter 90.58 RCW--Clallam County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T29N-R14W	20 A/B	Wentworth Lk.	53.8	R
(2) T30N-R7W	15-G	Aldwell Lk.	320.8	P,R
(3) T30N-R8W	22-Q	Sutherland Lk.	360.8	R
(4) T30N-R12W	9-J/K	Beaver Lk.	36.3	R
(5) T30N-R13W	35-E	Pleasant Lk.	486.0	R
(6) T30N-R14W	16-L	Dickey Lk.	527.0	R
(7) T31N-R15W	12-W1/2	Elk Lk.	59.0	R
(8) T31N-R15W	18-E/M	Seafield Lk.	22.0	R

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-120, filed 4/15/85; Order DE 76-16, § 173-20-120, filed 5/3/76; Order DE 72-14, § 173-20-120, filed 6/30/72.]

**WAC 173-20-130 Lakes coming under purview of chapter 90.58 RCW--Clallam County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
T31N-R15W	31-A	Ozette Lk.	7787.0	R

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-130, filed 4/15/85; Order DE 76-16, § 173-20-130, filed 5/3/76; Order DE 72-14, § 173-20-130, filed 6/30/72.]

**WAC 173-20-140 Lakes coming under purview of chapter 90.58 RCW--Clark County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T1N-R3E	2-F/L	Lacamas Lk. (Res.)	315.0	PS,R
(2) T1N-R3E	2-F/L	Round Lk.	32.4	PS,R
(3) T2N-R1E	9-G/H	Unnamed	23.0	R
(4) T4N-R1E	6	Mud Lk.	92.0	R
(5) T4N-R3E	30-E	Battleground Lk.	28.0	R

[Order DE 76-16, § 173-20-140, filed 5/3/76; Order DE 73-13, § 173-20-140, filed 8/27/73; Order DE 72-14, § 173-20-140, filed 6/30/72.]

**WAC 173-20-150 Lakes coming under purview of chapter 90.58 RCW--Clark County lakes of state-wide significance.**

(1986 Ed.)

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk. (Res.)	2400.3 Clark Co. 1689.3 Cowlitz Co.	
(2) T6N-R4E	32-NE1/4	Yale Res.	4089.6 Total P,R 2022.4 Clark Co. 1779.2 Cowlitz Co.	
			3801.6 Total P,R	

[Order DE 73-13, § 173-20-150, filed 8/27/73; Order DE 72-14, § 173-20-150, filed 6/30/72.]

**WAC 173-20-160 Lakes coming under purview of chapter 90.58 RCW--Columbia County lakes. None.**

[Order DE 72-14, § 173-20-160, filed 6/30/72.]

**WAC 173-20-170 Lakes coming under purview of chapter 90.58 RCW--Columbia County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-170, filed 6/30/72.]

**WAC 173-20-180 Lakes coming under purview of chapter 90.58 RCW--Cowlitz County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T5N-R1E	19-M	Horseshoe Lk.	78.9	R
(2) T7N-R4E	16	Merrill Lk.	344.0	R
(3) T8N-R2W	33-SW1/4	Sacajawea Lk.	47.7	R
(4) T10N-R4E	25-E/F	Fawn Lk.	23.6	R

[Order DE 72-14, § 173-20-180, filed 6/30/72.]

**WAC 173-20-190 Lakes coming under purview of chapter 90.58 RCW--Cowlitz County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk. (Res.)	1689.3 Cowlitz Co. 2400.3 Clark Co.	
(2) T6N-R4E	32-NE1/4	Yale Res.	4089.6 Total P,R 1779.2 Cowlitz Co. 2022.4 Clark Co.	
(3) T10N-R1W	36-R	Silver Lk.	3801.6 Total P,R 2996.0 R	

[Order DE 72-14, § 173-20-190, filed 6/30/72.]

**WAC 173-20-200 Lakes coming under purview of chapter 90.58 RCW--Douglas County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T25N-R25E	12-J/K	Jameson Lk.	331.7	R
(2) T25N-R25E	12-K/Q	Jameson Pothole	20.6	R
(3) T25N-R27E	31-N/N	Intermittent	22.8	R
(4) T26N-R26E	20	Grimes Lk.	124.0	R
(5) T26N-R27E	33-B/C	Haynes Lk.	50.4	R
(6) T26N-R27E	34-D	Stallard Lk.	64.0	R
(7) T28N-R24E	35-NE1/4	Cornell Lk.	37.2	R
(8) T29N-R27E	17-J/R	Unnamed Lk.	24.2	R
(9) T29N-R27E	20-A/B	Boot Lk.	36.6	R
(10) T29N-R28E	22-E/F	Elbow Lk.	25.4	R
(11) T29N-R29E	2-G/H	Unnamed Lk.	21.8	R
(12) T29N-R29E	22-H/J	Unnamed Lk.	42.2	R
(13) T29N-R29E	22-N	Wilson Lk.	34.5	R
(14) T29N-R30E	7-SW1/4	Smith Lk.	34.1	R
(15) T30N-R29E	36-A/B	Unnamed Lk.	24.0	R
(16) T30N-R30E	7-J/K	Black Lk.	36.2	R

[Order DE 77-17, § 173-20-200, filed 9/1/77; Order DE 76-16, § 173-20-200, filed 5/3/76; Order DE 72-14, § 173-20-200, filed 6/30/72.]

**WAC 173-20-210 Lakes coming under purview of chapter 90.58 RCW--Douglas County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	1184.0 Douglas Co. 440.0 Chelan Co. 6748.0 Grant Co. 6308.0 Kittitas Co. 14680.0 Total	
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Douglas Co. 1735.0 Chelan Co. 3470.0 Total	R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0 Douglas Co. 4930.0 Chelan Co. 9860.0 Total	R,P
(4) T28N-R24E	6 & 7	Wells Reservoir	4850.0 Douglas Co. 4753.0 Okanogan Co. 97.0 Chelan Co. 9700.0 Total	P,R
(5) T29N-R25E	24-S1/2	Rufus Wood Lk.	3900.0 Douglas Co.	P,R
(6) T28N-R29E	22 & 29	Banks Lk.	24,600.0 Grant Co. 300.0 Douglas Co. 24,900.0 Total	

[Order DE 76-16, § 173-20-210, filed 5/3/76; Order DE 73-13, § 173-20-210, filed 8/27/73; Order DE 72-14, § 173-20-210, filed 6/30/72.]

**WAC 173-20-220 Lakes coming under purview of chapter 90.58 RCW--Ferry County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T37N-R32E	27-SW1/4	Mud Lk.	23.0	R
(2) T37N-R33E	32-N1/2	San Poil Lk.	27.7	R,PS
(3) T38N-R33E	28-D	Curlew Lk.	869.6	R,I

[Order DE 72-14, § 173-20-220, filed 6/30/72.]

**WAC 173-20-230 Lakes coming under purview of chapter 90.58 RCW--Ferry County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-230, filed 6/30/72.]

**WAC 173-20-240 Lakes coming under purview of chapter 90.58 RCW--Franklin County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T12N-R30E	17-J/R	Clark Pond	49.3	R
(2) T12N-R30E	20-SE1/4	Unnamed Lk.	26.2	R
(3) T13N-R29E	5-W1/2	Unnamed Lk.	29.7	R
(4) T13N-R29E	15-N1/2	Unnamed Lks.	50.0	R
(5) T13N-R30E	24-L/M	Bailie Pond	22.7	R
(6) T13N-R30E	34	Mesa Lk.	50.0	R
(7) T13N-R30E	5-E1/2	Unnamed Lk.	63.0	R
(8) T13N-R33E	5-N	Sulphur Lk.	22.0	R
(9) T13N-R34E	4-SE1/4	Kahlotus Lk.	321.0	R
(10) T14N-R28E	24-NW1/4	Unnamed Lk.	20.0	R
(11) T14N-R28E	26-NW1/4	Unnamed Lk.	25.0	R
(12) T14N-R29E	11-N1/2	Unnamed Lk.	71.9	R
(13) T14N-R29E	11-Q/R	Unnamed Lk.	29.5	R
(14) T14N-R29E	12	Scootney Lk.	217.0	R
(15) T14N-R29E	14-E1/2	Unnamed Lk.	50.0	R
(16) T14N-R29E	23-B	Unnamed Lk.	24.0	R
(17) T14N-R29E	25-D	Unnamed Lk.	49.6	R
(18) T14N-R29E	26	Unnamed Lk.	130.0	R
(19) T14N-R29E	36-S1/2	Unnamed Lk.	20.0	R
(20) T14N-R30E	14-B	Unnamed Lk.	25.8	R

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Location	Section	Name	Area (Acres)	Use
(21) T14N-R30E	27-J	Scootney Reservoir	685.0	R,I
(22) T14N-R30E	27-R	Unnamed Lk.	23.0	R
(23) T14N-R30E	33-SW1/4	Unnamed Lks.	30.0	R
(24) T14N-R34E	36-N	Washtucna Lk.	43.4	R

[Order DE 73-13, § 173-20-240, filed 8/27/73; Order DE 72-14, § 173-20-240, filed 6/30/72.]

**WAC 173-20-250 Lakes coming under purview of chapter 90.58 RCW--Franklin County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-250, filed 6/30/72.]

**WAC 173-20-260 Lakes coming under purview of chapter 90.58 RCW--Garfield County lakes. None.**

[Order DE 73-13, § 173-20-260, filed 8/27/73; Order DE 72-14, § 173-20-260, filed 6/30/72.]

**WAC 173-20-270 Lakes coming under purview of chapter 90.58 RCW--Garfield County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-270, filed 6/30/72.]

**WAC 173-20-280 Lakes coming under purview of chapter 90.58 RCW--Grant County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T17N-R26E	8	Frenchman Hills Lk.	800.0	R
(2) T17N-R26E	5-SW1/4	Sand Lk.	28.4	R
(3) T18N-R26E	25	Winchester Wasteway Extension	400.0	R
(4) T17N-R28E	27-NE1/4	Goose Lk.	112.0	R
(5) T17N-R28E	34-J	Lower Goose Lk.	50.0	R
(6) T17N-R29E	10-B	Warden Lk.	186.0	R
(7) T17N-R29E	15-SW1/4	South Warden Lk.	24.0	R
(8) T17N-R29E	17-P/Q	Susan Lk.	20.0	R
(9) T17N-R29E	18-P	Soda Lk.	155.0	R,I
(10) T17N-R29E	22-SW1/4	Virgin Lk.	20.0	R
(11) T17N-R29E	27-D/E	North Windmill Lk.	22.3	R
(12) T17N-R29E	28-L/P	Heart Lk.	25.8	R
(13) T17N-R29E	28-Q	Windmill Lk.	33.8	R
(14) T17N-R29E	32-B	Long Lk.	74.8	R,I
(15) T17N-R29E	33-N1/2	Canal Lk.	76.1	R
(16) T18N-R26E	15-SE1/4	Beda Lk.	34.0	R
(17) T18N-R25E	30-E1/2	Unnamed Lk.	60.0	R
(18) T19N-R23E	9	Ancient Lk.	250.0	R
(19) T19N-R23E	10-R	Stan Coffin Lk.	40.9	R
(20) T19N-R23E	13	Flat Lk.	98.2	R
(21) T19N-R23E	15-NE1/4	Quincy Lk.	42.6	R
(22) T19N-R23E	15-L	Burke Lk.	73.3	R
(23) T19N-R23E	16	Dusty Lk.	30.0	R
(24) T19N-R23E	22-C	Evergreen Res.	235.0	R,I
(25) T19N-R25E	25-SE1/4	Winchester Wasteway Reservoir	660.0	R,I
(26) T20N-R23E	9-A/H	Crater Lk.	25.0	R
(27) T20N-R23E	10-L	Babcock Ridge Lk.	20.0	R,I
(28) T20N-R28E	10-E	Unnamed Lk.	79.4	R
(29) T18N-R23E	21-NE1/4	Hilltop Lk.	30.8	R
(30) T21N-R27E	6	Ephrata Lk.	25.0	R
(31) T21N-R27E	12	South Willow Lk.	39.4	R
(32) T21N-R27E	12-N1/2	Willow Lk.	23.3	R
(33) T21N-R27E	16-W1/2	Unnamed Lk.	27.0	R
(34) T21N-R28E	32-SE1/4	Unnamed Lk.	80.9	R
(35) T21N-R29E	7-SE1/4	Broken Rock Lakes (1) Northernmost (2) Southernmost	20.0 40.0	R R
(36) T21N-R30E	20-F	Black Rock Lk.	66.7	R
(37) T22N-R27E	19	Soap Lk.	840.0	R
(38) T22N-R28E	2-N	Brook Lk.	427.6	R
(39) T22N-R28E	8-J	Round Lk.	110.6	R
(40) T22N-R29E	23-Q/R	Unnamed Lk.	28.7	R
(41) T23N-R26E	1-NE1/4	Alkali Lk.(Part of Lenore)	308.1	R
(42) T23N-R26E	35	Little Soap Lk.	99.2	R
(43) T24N-R27E	15-SW1/4	Park Lk.	341.5	R
(44) T24N-R27E	29-N	Blue Lk.	536.1	R
(45) T24N-R28E	6	Dry Falls Lk.	98.9	R

Location	Section	Name	Area (Acres)	Use
(46) T24N-R28E	8-M	Deep Lk.	104.3	R
(47) T25N-R28E	35-E1/2	Table Lk.	20.0	R
(48) T25N-R28E	33-SW1/4	Lena Lk. (Coulee)	24.8	R
(49) T27N-R29E	26-SE1/4	Higginbotham Res.	62.0	R,D
(50) T28N-R30E	25-G/H	Long Lk.	24.8	R
(51) T16N-R24E	29-SE1/4	Lenice Lk.	80.9	R
(52) T16N-R24E	29-SW1/4	Merry Lk.	21.8	R
(53) T16N-R24E	30-S1/2	Nunnally Lk.	37.1	R
(54) T17N-R28E	16-E1/2	Corral Lk.	80.0	R

[Order DE 73-13, § 173-20-280, filed 8/27/73; Order DE 72-14, § 173-20-280, filed 6/30/72.]

**WAC 173-20-290 Lakes coming under purview of chapter 90.58 RCW--Grant County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T13N-R23E	2/3	Priest Rapids Dam Reservoir	4540.0 Grant Co.	
			2080.0 Kittitas Co.	
			1080.0 Yakima Co.	
			7700.0 Total	P,R
(2) T16N-R23E	16/17	Wanapum Dam Res.	6748.0 Grant Co.	
			6308.0 Kittitas Co.	
			1184.0 Douglas Co.	
			440.0 Chelan Co.	
			14680.0 Total	-
(3) T17N-R28E	11	Potholes Res.	28200.0	R,I
(4) T18N-R28E	5-F	Moses Lk.	6815.2	R,I
(5) T23N-R26E	35-B/G	Lenore Lk.	1670.0	R
(6) T23N-R28E	36-NW1/4	Long Lk. Res.	1010.0	R,I
(7) T25N-R28E	32/33	Banks Lk.	24600.0	R
			300.0 Douglas Co.	-
			24900.0 Total	-

[Order DE 73-13, § 173-20-290, filed 8/27/73; Order DE 72-14, § 173-20-290, filed 6/30/72.]

**WAC 173-20-300 Lakes coming under purview of chapter 90.58 RCW--Grays Harbor County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T17N-R5W	17-S1/2	Unnamed	23.0	R
(2) T17N-R9W	1-SE1/4	Aberdeen Lk. (Res.)	64.0	PS,R
(3) T17N-R10W	13	Unnamed	76.0	PS
(4) T17N-R12W	14	Duck Lk.	197.0	R
(5) T18N-R7W	31-R	Sylvia Lk. (Res.)	31.0	R
(6) T19N-R10W	30-H	Failor Lk. (Res.)	60.0	R
(7) T21N-R10W	22-J/R	Unnamed	20.0	R

[Order DE 72-14, § 173-20-300, filed 6/30/72.]

**WAC 173-20-310 Lakes coming under purview of chapter 90.58 RCW--Grays Harbor County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-310, filed 6/30/72.]

**WAC 173-20-320 Lakes coming under purview of chapter 90.58 RCW--Island County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T29N-R2E	24-N1/2	Unnamed Lk.	26.8	R
(2) T29N-R3E	6-D	Goss Lk.	55.1	R
(3) T29N-R3E	7-A	Lone Lk.	92.1	R
(4) T29N-R3E	26	Deer Lk.	82.1	R
(5) T31N-R1E	6-S1/2	Unnamed Lk.	25.0	R
(6) T31N-R1E	22	Crockett Lake	500.0	R
(7) T32N-R3E	30-N	Kristoferson Lk.	25.0	D,R
(8) T33N-R2E	18-N1/2	Unnamed Lk.	50.0	R
(9) T34N-R1E	35-NW1/4	Cranberry Lk.	128.1	R

[Order DE 76-16, § 173-20-320, filed 5/3/76; Order 73-13, § 173-20-320, filed 9/12/73 and Order DE 73-13, filed 8/27/73; Order DE 72-14, § 173-20-320, filed 6/30/72.]

**WAC 173-20-330 Lakes coming under purview of chapter 90.58 RCW--Island County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-330, filed 6/30/72.]

**WAC 173-20-340 Lakes coming under purview of chapter 90.58 RCW--Jefferson County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T27N-R1W	1-A/H	Wahl Lk.	22.0	R
(2) T28N-R1W	6-K/L	Peterson Lk.	22.7	R
(3) T28N-R1W	18-N1/2	Tarboo Lk.	21.6	R
(4) T28N-R1W	26-K	Sandy Shore Lk.	36.2	R
(5) T28N-R2W	12-NW1/4	Crocker Lk.	65.3	R
(6) T28N-R2W	26-J	Leland Lk.	99.3	R
(7) T28N-R2W	33-A/B	Lords Lk. (Res.)	56.0	PS,R
(8) T29N-R1W	9-E1/2	Anderson Lk.	58.7	R
(9) T29N-R1W	28-L/P	Gibbs Lk.	36.8	R
(10) T30N-R1W	11-D/E	Kah Tai Lagoon	62.0	R
(11) T30N-R1W	16-H/J	Unnamed Lk.	21.6	R

[Order DE 72-14, § 173-20-340, filed 6/30/72.]

**WAC 173-20-350 Lakes coming under purview of chapter 90.58 RCW--Jefferson County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-350, filed 6/30/72.]

**WAC 173-20-360 Lakes coming under purview of chapter 90.58 RCW--King County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T20N-R6E	2-A	Bass Lk.	24.0	R
(2) T20N-R7E	28-N/P	White River Mill Pond	23.0	PS
		Steel Lk.	46.4	R
(3) T21N-R4E	9-N1/2	Steel Lk.	46.4	R
(4) T21N-R4E	10-NW1/4	Dolloff Lk.	21.1	R
(5) T21N-R4E	15-SW1/4	North Lk.	55.2	R
(6) T21N-R4E	22-K/L	Geneva Lk.	28.8	R
(7) T21N-R4E	27-A	Killarney Lk.	31.3	R
(8) T21N-R4E	27-N/P	Fivemile Lk.	38.4	R
(9) T21N-R5E	23-E1/2	Moneysmith Lk.	22.4	R
(10) T21N-R6E	4-J	Sawyer Lk.	279.0	R
(11) T21N-R6E	7-E1/4	Morton Lk.	66.4	R
(12) T21N-R6E	12-A/H	Twelve Lk.	43.2	R
(13) T21N-R6E	14-Q	Jones Lk.	22.5	R
(14) T21N-R7E	29-K/Q	Deep Lk.	39.0	R
(15) T21N-R8E	13-P/Q	Eagle Lk.	53.2	R
(16) T21N-R8E	27	Howard Hanson Res.	-	PS,R
(17) T21N-R10E	7-W1/2	Findley Lks. (1)	22.3	R
(18) T22N-R4E	3-NW1/4	Angle Lk.	102.3	R
(19) T22N-R4E	34-NW1/4	Star Lk.	34.4	R
(20) T22N-R5E	1-A/B	Shady Lk.	21.1	R
(21) T22N-R5E	5-H/J	Panther Lk.	33.0	R
(22) T22N-R5E	11-R	Youngs Lk. (Res.)	700.0	PS
(23) T22N-R5E	27	Meridian Lk.	149.6	R
(24) T22N-R6E	7-SE1/4	Shadow Lk.	49.6	R
(25) T22N-R6E	22-M/N	Wilderness Lk.	66.6	R
(26) T22N-R6E	28-E	Pipe Lk.	52.1	R
(27) T22N-R6E	29	Lucerne Lk.	-	R
(28) T22N-R7E	9-W1/2	Walsh Lk.	105.0	PS
(29) T22N-R7E	32	Retreat Lk.	52.7	R
(30) T22N-R8E	11-C	Masonry Pool (Res.)	280.0	PS,P
(31) T22N-R10E	5-A/B	Mason Lk.	32.6	R
(32) T23N-R4E	19-M	Burien Lk.	43.7	R
(33) T23N-R5E	36-NE1/4	Desire Lk.	71.6	R
(34) T23N-R6E	18-K/Q	Kathleen Lk.	38.5	R
(35) T23N-R6E	31-E1/2	Spring Lk.	67.9	R
(36) T23N-R8E	34-SW1/4	Rattlesnake Lk.	112.0	R
(37) T23N-R10E	2-P/Q	Derrick Lk.	36.9	R
(38) T23N-R10E	10-SE1/4	Caroline Lk.	59.6	R
(39) T23N-R10E	11-S1/2	Wildcat Lk.-Upper	53.7	R
(40) T23N-R10E	19-P	Thompson Lk.	42.7	R
(41) T23N-R10E	23-N1/2	Kalectan Lk.	42.8	R
(42) T23N-R10E	32-H/J	Kulla Kulla Lk.	60.1	R

Location	Section	Name	Area (Acres)	Use
(43) T23N-R10E	35-C/D	Tusohatchie Lk. Lower	31.8	R
(44) T23N-R11E	19	Snow Lk.	159.5	R
(45) T23N-R12E	11-N1/2	Iceberg Lk.	21.1	R
(46) T24N-R5E	2-SE1/4	Phantom Lk.	63.2	R
(47) T24N-R6E	9-N1/2	Pine Lk.	88.3	R
(48) T24N-R6E	11-B	Beaver Lk. No. 2	61.9	R
(49) T24N-R7E	10-E1/2	Intermittent Lk.	49.0	R
(50) T24N-R7E	27-J/R	Alice Lk.	32.6	R
(51) T24N-R8E	2-D/E	Boyle Lk.	24.0	R
(52) T24N-R8E	11-M	Klaus Lk.	62.0	R
(53) T24N-R8E	29-SW1/4	Snoqualmie Mill Pond	66.0	PS,R
(54) T24N-R9E	8-R	Hancock Lk.	236.2	R
(55) T24N-R9E	22-SW1/4	S.M.C. Lk.	40.7	R
(56) T24N-R9E	22-B/G	Moolock Lk.	45.4	R
(57) T24N-R10E	2-E	Marten Lk.	40.4	R
(58) T25N-R4E	5-M/N	Green Lk.	255.3	R
(59) T25N-R4E	17-K	Portage Bay	148.0	R
(60) T25N-R4E	19-C	Union Lk.	598.0	R
(61) T25N-R7E	13-B/G	Loop Lk.	35.7	R
(62) T25N-R7E	19-N1/2	Ames Lk.	79.9	R
(63) T25N-R7E	22-E1/2	Langlois Lk.	40.0	R
(64) T25N-R8E	13-P	Black Lk.	25.7	R
(65) T25N-R8E	35-M	Bridges Lk.	34.0	R
(66) T25N-R9E	24-E/M	Lock Katrine (Lk.)	51.2	R
(67) T25N-R9E	25-L/M	Lock Katrine (Lk.) Upper	24.4	R
(68) T25N-R9E	32-Q	Calligan Lk.	361.0	R
(69) T25N-R9E	35-N1/2	Phillippa Lk.	121.4	R
(70) T26N-R6E	7-P	Cottage Lk.	63.1	R
(71) T26N-R7E	3-M	Margaret Lk.(Res.)	43.8	R
(72) T26N-R7E	35-NE1/4	Joy Lk.	105.1	R
(73) T26N-R8E	25-F/G	Lynch Lk.	22.9	R
(74) T26N-R9E	32-E/M	Tolt Res.	850.0	PS

[Order DE 76-16, § 173-20-360, filed 5/3/76; Order DE 73-13, § 173-20-360, filed 8/27/73; Order DE 72-14, § 173-20-360, filed 6/30/72.]

**WAC 173-20-370 Lakes coming under purview of chapter 90.58 RCW--King County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T19N-R7E	17-NE1/4	Mud Mtn. Res.	600.0 King Co. 600.0 Pierce Co.	PS,R
(2) T22N-R8E	12-NE1/4	Chester Morse Lk. Res.	1682.0	PS,P
(3) T25N-R4E	16-Q	Washington Lk.	22138.0	R
(4) T25N-R5E	13-K	Sammamish Lk.	4897.3	R

[Order DE 72-14, § 173-20-370, filed 6/30/72.]

**WAC 173-20-380 Lakes coming under purview of chapter 90.58 RCW--Kitsap County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T22N-R1W	2-E1/2	Wye Lk.	37.9	R
(2) T22N-R1W	2-E1/2	Carney Lake	18.7 Kitsap Co. 20.5 Pierce Co.	R
(3) T24N-R1E	8-N	Kitsap Lk.	39.2 Total 238.4	R
(4) T24N-R1W	2-H	Wildcat Lk.	111.6	R
(5) T24N-R1W	26-M	Union River Res.	93.0	PS
(6) T24N-R1W	31-L	Panther Lk.	74.1 Kitsap Co. 30.0 Mason Co.	R
(7) T24N-R1W	32-C	Mission Lk.	104.1 Total 87.7	R
(8) T24N-R1W	35-Q/R	Twin Lks. (Res.)	21.7	PS
(9) T24N-R1W	35-Q/R	Tiger Lk.		R
(10) T22N-R1E	10-K/L	Horseshoe Lk.	40.3	R
(11) T23N-R2E	8-E	Long Lk.	314.0	R
(12) T25N-R1E	3-S1/2	Island Lk.	42.7	R
(13) T27N-R2E	21-M	Miller Lk.	25.7	R
(14) T24N-R1W	5	William Symington		R
(15) T24N-R1W	17	Tahuya Lk.		R

Location	Section	Name	Area (Acres)	Use
(16) T24N-R2W	23&26	Three Fingers Pond & Holland Ponds	30.8	R
(17) T28N-R2E	21	Buck Lk.	22.0	R
(18) T24N-R2W		Morgan Marsh	95.0	R

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-013 (Order DE 81-17), § 173-20-380, filed 6/11/81; Order DE 76-16, § 173-20-380, filed 5/3/76; Order DE 73-13, § 173-20-380, filed 8/27/73; Order DE 72-14, § 173-20-380, filed 6/30/72.]

**WAC 173-20-390 Lakes coming under purview of chapter 90.58 RCW--Kitsap County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-390, filed 6/30/72.]

**WAC 173-20-400 Lakes coming under purview of chapter 90.58 RCW--Kittitas County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T17N-R15E	3-A	Manastash Lk.	23.5	R
(2) T20N-R13E	11-F	Easton Lk.	237.6	R,I
(3) T21N-R11E	3-L	Lost Lk.	144.8	R
(4) T21N-R12E	15-NW1/4	Unnamed Lks.	60.0	R
(5) T22N-R13E	2	Cooper Lk.	119.7	R
(6) T23N-R14E	3-NE1/4	Tucquala Lk.	63.0	R

[Order DE 72-14, § 173-20-400, filed 6/30/72.]

**WAC 173-20-410 Lakes coming under purview of chapter 90.58 RCW--Kittitas County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T15N-R23E	32	Priest Rapids Dam Res.	2080.0 Kittitas Co. 4540.0 Grant Co. 1080.0 Yakima Co.	
(2) T16N-R23E	17	Wanapum Dam Res.	7700.0 Total 6308.0 Kittitas Co. 6748.0 Grant Co. 1184.0 Douglas Co. 440.0 Chelan Co.	P,R
(3) T20N-R14E	10-A	Cle Elum Lk. (Res.)	14680.0 Total 4810.0	-
(4) T21N-R11E	12-H	Keechelus Lk.	2560.0	R,I
(5) T21N-R13E	34-N/P	Kachess Lk.	4540.0	R,I

[Order DE 72-14, § 173-20-410, filed 6/30/72.]

**WAC 173-20-420 Lakes coming under purview of chapter 90.58 RCW--Klickitat County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T2N-R13E	25-E/M	Spearfish Lk.	21.8	R
(2) T5N-R15E	13-E/M	Carp Lk.	21.6	R
(3) T6N-R10E	15-E	Trout Lake	110.0	R

[Order DE 73-13, § 173-20-420, filed 8/27/73; Order DE 72-14, § 173-20-420, filed 6/30/72.]

**WAC 173-20-430 Lakes coming under purview of chapter 90.58 RCW--Klickitat County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-430, filed 6/30/72.]

**WAC 173-20-440 Lakes coming under purview of chapter 90.58 RCW--Lewis County lakes.**

### Shoreline Management Act--Lakes

173-20-490

Location	Section	Name	Area (Acres)	Use
(1) T13N-R1E	30-K/Q	Carlisle Lk.	20.3	R
(2) T14N-R5E	9-B	Mineral Lk.	277.3	R

[Order DE 72-14, § 173-20-440, filed 6/30/72.]

#### WAC 173-20-450 Lakes coming under purview of chapter 90.58 RCW--Lewis County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T12N-R2E	29-C	Mayfield Res.	2200.0	P,R
(2) T12N-R3E	10-N	Mossyrock Res.	10200.0	P,R
(3) T15N-R4E	9-F	Alder Res.	124.0 Lewis Co. 1689.6 Pierce Co. 1117.6 Thurston Co.	
			2931.2 Total	P,R

[Order DE 76-16, § 173-20-450, filed 5/3/76; Order DE 72-14, § 173-20-450, filed 6/30/72.]

#### WAC 173-20-460 Lakes coming under purview of chapter 90.58 RCW--Lincoln County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T21N-R33E	3-Q/R	Reisenauer Res.	22.0	R,I,PS
(2) T21N-R33E	12-SE1/4	Sylvan Lk.	550.0	R
(3) T21N-R38E	36-F	Fourth of July Lk.	35.9 Lincoln Co. 74.9 Adams Co.	
			110.3 Total	R
(4) T21N-R39E	10-H/J	Unnamed Lk.	28.9	R
(5) T21N-R39E	12-N	Fishtrap Lk. (Res.)	172.8 Lincoln Co. 22.8 Spokane Co.	
			195.6 Total	R
(6) T21N-R39E	22-L	Intermittent Lk.	93.0	R
(7) T21N-R39E	25-Q	Downs Lk.	28.8 Lincoln Co. 394.6 Spokane Co.	
			423.4 Total	R
(8) T21N-R39E	26-P	Unnamed Lk.	99.0	R
(9) T21N-R39E	34-N1/2	Intermittent Lk.	60.0	R
(10) T22N-R31E	28-B	Peterson Lk.	20.5	R
(11) T22N-R32E	6-NE1/4	Sullivan Lk.	72.4	R
(12) T22N-R32E	6-SW1/4	Wooley Lk.	23.7	R
(13) T22N-R32E	12-SW1/4	Pacific Lk.	129.7	R
(14) T22N-R32E	26-SW1/4	Tule Lk. (Bobs)	126.7	R
(15) T22N-R33E	4-N1/2	Neves Lk.	25.1	R
(16) T22N-R39E	22-SE1/4	Ames Lk.	29.1	R
(17) T22N-R39E	32-N/P	Unnamed Lk.	24.8	R
(18) T23N-R32E	7-W1/2	Unnamed Lk.	42.2	R
(19) T23N-R32E	27-SW1/4	Goetz Lk.	36.2	R
(20) T23N-R33E	13-SE1/4	Coffee Pot Lk.	316.8	R
(21) T23N-R33E	23-E1/2	Deer Springs Lk.	60.3	R
(22) T23N-R33E	34-S1/2	Browns Lk.	42.2	R
(23) T23N-R33E	34-S1/2	Tavares Lk.		R
(24) T23N-R34E	3-D	Twin Lks. - Lower	44.9	R
(25) T23N-R34E	25-NE1/4	Unnamed Lk.	25.3	R
(26) T23N-R35E	19-Na	Cormana Lk.	48.3	R
(27) T24N-R32E	12-NW1/4	Drapers Lk.	34.2	R
(28) T24N-R33E	31-N1/2	Unnamed Lk.	48.3	R
(29) T24N-R34E	1-SW1/4	Florence Lk.	33.8	R
(30) T24N-R34E	15-W1/2	Wills Lk.	22.0	R,D
(31) T24N-R34E	16-NW1/4	Phillips Lk.	31.2	R
(32) T24N-R34E	16-S1/2	Unnamed Lk.	40.8	R
(33) T24N-R34E	22-NW1/4	Meadow Lk.	44.4	R,D
(34) T24N-R34E	35-NW1/4	Twin Lks. - Upper	39.2	R
(35) T24N-R35E	3-A/B	Whittaker Lk.	26.1	R
(36) T24N-R35E	4-SW1/4	Unnamed Lk.	20.0	R
(37) T24N-R35E	19	Wall Lk.	32.2	R
(38) T25N-R33E	8-L/M	"H" Lake	26.0	R
(39) T25N-R33E	17-SW1/4	Wagner Lk.	92.7	R
(40) T25N-R33E	34-L	Bergeau Lk.	31.0	R
(41) T25N-R34E	27-SW1/4	Unnamed Lk.	54.3	R
(42) T25N-R34E	32	Swanson Lk.	63.3	R
(43) T25N-R34E	33-NW1/4	Swanson Lk.	38.6	R
(44) T25N-R35E	10-S1/2	Unnamed Lk.	28.8	R
(45) T25N-R39E	9-SE1/4	Unnamed Lk.	42.2	R
(46) T25N-R39E	10-S1/2	Unnamed Lk.	67.0	R
(47) T26N-R34E	27-SE1/4	Greenwood Lk.	20.0	D,R

(1986 Ed.)

Location	Section	Name	Area (Acres)	Use
(48) T26N-R38E	33-SE1/4	Unnamed Lk.	24.0	R
(49) T27N-R39E	20-B	Little Falls Res.	125.0 Lincoln Co. 125.0 Stevens Co.	
			250.0 Total	P,R

[Order DE 72-14, § 173-20-460, filed 6/30/72.]

#### WAC 173-20-470 Lakes coming under purview of chapter 90.58 RCW--Lincoln County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R37E	12	Sprague Lk.	637.7 Lincoln Co. 1202.9 Adams Co.	
			1840.6 Total	
(2) T27N-R39E	13-M	Long Lk. (Res.)	100.0 Lincoln Co. 2510.0 Spokane Co. 2410.0 Stevens Co.	
			5020.0 Total	P,R

[Order DE 72-14, § 173-20-470, filed 6/30/72.]

#### WAC 173-20-480 Lakes coming under purview of chapter 90.58 RCW--Mason County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T19-3W	4	Fawn Lk.		
(2) T19-R5W	1-E1/2	Lost Lk.	121.6	R
(3) T19-R5W	8-A/B	Lystair Lk.	30.4	R
(4) T19-R5W	17	Simpson Lk.	29.4	R
(5) T19-R5W	28-W1/2	Stump Lk.	23.2	R
(6) T20N-R2W	5	Phillips Lk.	111.4	R
(7) T20N-R2W	18	Timber Lk.		R
(8) T20N-R2W	30-H/J	Forbes Lk.	38.4	R
(9) T20N-R3W	6-SW1/4	Island Lk.	109.0	R
(10) T20N-R3W	31-K	Isabella Lk.	208.0	R
(11) T20N-R4W	12-E1/2	Intermittent Lks.	75.0	R
(12) T20N-R5W	1-E	Hanks Lake	27.0	R
(13) T20N-R5W	8-N1/2	Nahwatzel Lk.	268.8	R
(14) T21N-R2W	3-P	Benson Lk.	81.8	R
(15) T21N-R2W	32-N	Spencer Lk.	220.4	R
(16) T21N-R3W	28-B	Cranberry Lk.	170.6	R
(17) T21N-R3W	27	Lk. Limerick		R
(18) T21N-R3W	31-D/E	Intermittent Lk.	20.0	R
(19) T21N-R5W	21-W1/2	Bingham Lk.	24.0	R
(20) T22N-R1W	7-H	Devereaux Lk.	100.4	R
(21) T22N-R1W	19	Unnamed Lk.		R
(22) T22N-R2W	23-R	Prickett Lk.	68.1	R
(23) T22N-R2W	34-F	Mason Lk.	996.0	R
(24) T22N-R3W	14-C/D	Maggie Lk.	22.3	R
(25) T22N-R4W	16-F	Cushman Res. No. 2	70.4	P,R
(26) T23N-R1W	5	Tiger Lk.	109.1	R
(27) T23N-R2W	19-S1/2	Wooten Lk.	69.8	R
(29) T23N-R2W	20-NE1/4	Bennettson Lk.	25.4	R
(30) T23N-R2W	30-H	Haven Lk.	70.5	R
(31) T23N-R3W	35-K/Q	Tee Lk.	38.4	R
(32) T23N-R4W	11-P	Lilliwaup Swamp	225.0	R
(33) T23N-R4W	12-G/H	Melbourne Lk.	34.1	R
(34) T23N-R4W	22-NE1/4	Price Lk.	61.8	R
(35) T24N-R1W	31	Panther Lk.	30.0 Mason Co. 74.1 Kitsap Co.	
			104.1 Total	R

[Order DE 72-14, § 173-20-480, filed 6/30/72.]

#### WAC 173-20-490 Lakes coming under purview of chapter 90.58 RCW--Mason County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T22N-R4W	5-L	Cushman Lk. (Res.)	4003.0	P,R

[Order DE 72-14, § 173-20-490, filed 6/30/72.]

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**WAC 173-20-500 Lakes coming under purview of chapter 90.58 RCW--Okanogan County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T29N-R23E	10/15	Alta Lk.	187.4	R
(2) T31N-R24E	22-B	Rat Lk.	62.7	R,PS
(3) T33N-R25E	16-G	Leader Lk. (Res.)	159.0	R
(4) T34N-R21E	8-E	Patterson Lk. (Res.)	142.9	R,I
(5) T34N-R21E	15-A/H	Twin Lks. (Little)	23.8	R
(6) T34N-R21E	15-G/K	Twin Lks. (Big)	77.4	R
(7) T34N-R21E	27-NW1/4	Moccasin Lk.	33.1	R
(8) T34N-R22E	20-D/E	Davis Lk.	39.3	R
(9) T34N-R25E	13-E1/2	Green Lk.	44.8	R
(10) T34N-R26E	7-C	Brown Lk.	61.4	R
(11) T34N-R26E	10-R	Duck Lk.	29.1	R,I
(12) T34N-R29E	5-D	Crawfish Lk.	80.4	R
(13) T35N-R21E	36	Pearrygin Lk. (Res.)	192.0	R,I
(14) T35N-R25E	4-K/Q	Roberts Lk.	29.8	R
(15) T35N-R25E	6-K	Salmon Lk.	313.0	R,I
(16) T35N-R25E	18-NW1/4	Conconully Res.	450.0	R,I
(17) T35N-R26E	3-P/Q	Booher Lk.	24.8	R
(18) T35N-R26E	5-S1/2	Medicine Lk.	37.9	R
(19) T35N-R26E	7-Q/R	Peninsula Lk.	23.4	R
(20) T35N-R26E	8-N	Horseshoe Lk.	28.7	R
(21) T35N-R26E	22-NE1/4	Alkali Lk.	46.1	R
(22) T35N-R26E	28-B	Evans Lk.	26.9	R
(23) T36N-R25E	22-D	Fish Lk.	102.3	R
(24) T36N-R27E	30-NW1/4	Unnamed Lk.	22.7	R
(25) T36N-R28E	21-A/B	Talkire Lk.	26.9	R
(26) T36N-R30E	19-E/F	Round Lk.	20.3	R
(27) T36N-R30E	19-G/K	"L" Lk.	21.4	R
(28) T37N-R25E	2-E	Forde Lk.	23.9	R
(29) T37N-R25E	13-H/J	Lemanasky Lk.	20.1	R
(30) T37N-R25E	21-H	Blue Lake (Res.)	186.0	R
(31) T37N-R26E	25-NW1/4	Aeneas Lk.	60.7	R
(32) T38N-R25E	35-E/F	Lower Sinlahekin Impoundment	57.7	R
(33) T38N-R26E	2-Q	Spectacle Lk.	314.8	R,I
(34) T38N-R27E	17-P	Whitestone Lk. (Res.)	169.6	R,I
(35) T38N-R28E	2-A/B	Fanchers Dam Res.	20.0	R,D
(36) T38N-R30E	17-NE1/4	Bonapart Lk.	158.7	R
(37) T38N-R30E	27-F/L	Walker Lk.	43.5	R
(38) T38N-R30E	29-C/F	Meadow Lk.	23.7	R
(39) T39N-R25E	4-R	Chopaka Lk.	148.8	R
(40) T39N-R26E	24-E	Wannacut Lk.	411.6	R
(41) T39N-R27E	6-W1/2	Blue Lk.	110.6	R
(42) T39N-R27E	22-SW1/4	Horseshoe Lk.	59.9	R
(43) T39N-R27E	27-G/K	Unnamed Lk.	26.1	R
(44) T39N-R29E	15-NW1/4	Muskat Lk.	89.6	R
(45) T40N-R25E	17-J/R	Unnamed Lk.	23.4	R
(46) T40N-R27E	27-P	Zosels Mill Pond	100.0	R
(47) T40N-R29E	6-S1/2	Sidley Lk.	108.8	R
(48) T40N-R29E	8-D	Molson Lk.	20.3	R
(49) T40N-R29E	26-B/G	Fields Lk.	21.7	R
(50) T39N-R30E	28-E/M	Lost Lk.	46.8	R

[Order DE 76-16, § 173-20-500, filed 5/3/76; Order 72-14, § 173-20-500, filed 6/30/72.]

**WAC 173-20-510 Lakes coming under purview of chapter 90.58 RCW--Okanogan County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T28N-R24E	6/7	Wells Dam Res.	4753.0 Okanogan Co. 4850.0 Douglas Co. 97.0 Chelan Co.	
(3) T39N-R25E	13-H	Palmer Lk.	9700.0 Total	P,R
(4) T40N-R27E	22-M	Osyoos Lk.	2063.0	R,I
			2036.0 Okanogan Co. 3693.9 British Col.	
			5729.0 Total	R

[Order DE 76-16, § 173-20-510, filed 5/3/76; Order DE 72-14, § 173-20-510, filed 6/30/72.]

**WAC 173-20-520 Lakes coming under purview of chapter 90.58 RCW--Pacific County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T10N-R11W	4-SW1/4	Breaker Lk.	20.3	R
(2) T10N-R11W	33-A	Black Lk.	30.0	PS
(3) T11N-R11W	9-K	Loomis Lk.	150.7	R
(4) T11N-R11W	21-E1/2	Island Lk.	55.8	R
(5) T12N-R11W	9-K/Q	Skating Lk.	66.0	R
(6) T12N-R11W	16-J/R	Espy Lk.	20.0	R

[Order DE 72-14, § 173-20-520, filed 6/30/72.]

**WAC 173-20-530 Lakes coming under purview of chapter 90.58 RCW--Pacific County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-530, filed 6/30/72.]

**WAC 173-20-540 Lakes coming under purview of chapter 90.58 RCW--Pend Oreille County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T30N-R43E	5-K/L	Lost Lk.	22.1	R
(2) T30N-R43E	8-N	Horseshoe Lk.	128.0	R
(3) T30N-R43E	9-A	Trout Lk.	94.8	R
(4) T30N-R43E	32-L	Fan Lk.	72.9	R
(5) T30N-R44E	3-SE1/4	Diamond Lk.	754.5	R
(6) T30N-R44E	35-N1/2	Chain Lk.	77.6	R
(7) T30N-R46E	30-M/N	Trask Pond	50.3	R
(8) T31N-R43E	35-B	Sacheen Lk.	282.2	R
(9) T31N-R44E	10-SE1/4	Kent Meadows Lk.	134.3	R
(10) T31N-R45E	23-S1/2	Unnamed Lk.	37.9	R
(11) T32N-R43E	27-P	Power Lk.	54.8	R,P
(12) T32N-R44E	31-G	Davis Lk.	145.9	R
(13) T32N-R45E	23-Q	Marshall Lk.	188.7	R,D
(14) T32N-R46E	31	Shearer Lk.	48.7	R
(15) T33N-R43E	12-13/14	Unnamed Slough	64.8	R
(16) T34N-R44E	36-NE1/4	North Skookum Lk.	38.5	R
(17) T33N-R44E	2-A	Kings Lk.	53.2	R
(18) T34N-R43E	3-C/F	Parker Lk.	22.1	R
(19) T36N-R42E	3-L/M	Leo Lk.	39.3	R
(20) T36N-R43E	12-NW1/4	Scotchman Lk.	34.1	R
(21) T36N-R43E	23-NE1/4	Yocum Lk.	41.7	R
(22) T37N-R42E	35-N	Nile Lk.	22.8	R
(23) T37N-R42E	36-K/Q	Browns Lk.	20.2	R
(24) T37N-R43E	6-E1/2	Ione Mill Pond	37.2	R,PS
(25) T39N-R43E	25-A	Sullivan Res.	62.8	R,PS
(26) T40N-R43E	34-Q	Ledbetter Lk.	22.7	R
(27) T32N-R45E	4	Bead Lk.	719.8	R

[Order DE 76-16, § 173-20-540, filed 5/3/76; Order DE 72-14, § 173-20-540, filed 6/30/72.]

**WAC 173-20-550 Lakes coming under purview of chapter 90.58 RCW--Pend Oreille County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T32N-R43E	12-F	Calispell Lk.	1031.0	R
(2) T39N-R44E	31	Sullivan Lk.	1400.0	R,P
(3) T40N-R43E	10-NE1/4	Boundary Res.	1600.0	R,P

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-550, filed 4/15/85; Order DE 76-16, § 173-20-550, filed 5/3/76; Order DE 72-14, § 173-20-550, filed 6/30/72.]

**WAC 173-20-560 Lakes coming under purview of chapter 90.58 RCW--Pierce County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T20N-R1W	1-M	Bay Lk.	129.6	R
(2) T22N-R1W	14-A	Carney Lk.	20.5 Pierce Co. 18.7 Kitsap Co.	
			39.2 Total	R
(3) T16N-R3E	1-J/K	Cranberry Lk.	25.6	R
(4) T16N-R3E	7-A/B	Harts Lk.	108.8	R



Location	Section	Name	Area (Acres)	Use
(5) T16N-R3E	9-P/Q	Tule Lk.	30.8	R
(6) T16N-R3E	12-E1/2	Silver Lk.	138.0	R
(7) T16N-R3E	14-SW1/4	Kreger Lk.	42.4	R
(8) T16N-R4E	6-A	Rapjohn Lk.	55.8	R
(9) T16N-R4E	10-J	Ohop Lk.	235.6	R
(10) T16N-R4E	33-Q	La Grande Res.	55.0	P
(11) T17N-R4E	14-A/H	Whitman Lk.	29.6	R
(12) T17N-R4E	23-E	Tanwax Lk.	172.8	R
(13) T17N-R4E	26-W1/2	Clear Lk.	155.1	R
(14) T17N-R4E	27-K/L	Twenty Seven Lk.	21.0	R
(15) T17N-R4E	33-C	Mud Lk.	20.6	R
(16) T17N-R5E	5-SW1/4	Kapowsin Lk.	512.0	R
(17) T18N-R2E	34-B/C	Muck Lk.	25.7	R
(18) T18N-R5E	30-M/N	Morgan Lk.	23.0	R
(19) T19N-R1E	4-N1/2	Florence Lk.	66.5	R
(20) T19N-R1E	9-NE1/4	Josephine Lk.	72.5	R
(21) T19N-R2E	4-E/M	Louise Lk.	39.1	R
(22) T19N-R2E	10-E1/2	Gravelly Lk.	147.8	R
(23) T19N-R3E	20-SE1/4	Spanaway Lk.	262.4	R
(24) T19N-R6E	4-E1/2	Wickersham Basin	60.0	P,R
(25) T20N-R2E	24-B/G	Unnamed Lk.	29.0	R
(26) T20N-R2E	33	Waughop Lk.		R
(27) T20N-R2E	33-P/Q	Mud Lake	21.7	R
(28) T20N-R2E	34-G	Steilacoom Lk.	313.2	R
(29) T20N-R3E	29-C/F	Wapato Lk.	28.2	R
(30) T20N-R4E	4-K/Q	Surprise Lk.	29.9	R
(31) T20N-R5E	26-N1/2	Printz Basin	30.0	P,R
(32) T22N-R2E	20-A	Crecent Lk.	46.8	R
(33) T22N-R1E	19	Stansberry Lk.		R
(34) T22N-R1E	30-31	Manmade Lk.		R
(35) T19N-R7E	17-NE1/4	Mud Mt. Res.	600.0	PS,R

[Order DE 72-14, § 173-20-560, filed 6/30/72.]

**WAC 173-20-570 Lakes coming under purview of chapter 90.58 RCW--Pierce County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T15N-R4E	9-F	Alder Lk. (Res.)	1689.6 Pierce Co. 1117.6 Thurston Co. 124.0 Lewis Co.	P,R
(2) T19N-R2E	20	American Lk.	1125.1	R
(3) T20N-R5E	8-E	Tapps Lk. (Res.)	2296.0	P,R

[Order DE 72-14, § 173-20-570, filed 6/30/72.]

**WAC 173-20-580 Lakes coming under purview of chapter 90.58 RCW--San Juan County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T35N-R1W	4-G	Spencer Lk.	64.0	R
(2) T35N-R2W	23-A	Hummel Lk.	36.1	R
(3) T35N-R3W	17-Q/R	Zylstra Lk.		R
(4) T35N-R3W	18-M	Trout Lk. (Res.)	54.0	PS
(5) T35N-R3W	19-G	Woods Res. (Proposed)	29.0	D,R
(6) T36N-R1W	33-N1/2	Horseshoe Lk.	84.0	R
(7) T36N-R2W	12-L	Martins Lk.	21.5	R
(8) T36N-R3W	30-E/M	Briggs Pond	29.1	PS
(9) T36N-R3W	33-Q	Sportsmans Lk.	66.0	R,D
(10) T37N-R1W	32-P	Cascade Lk.	171.6	R,P
(11) T37N-R1W	34-M	Mountain Lk.	198.0	PS,R

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-580, filed 6/30/80; Order DE 72-14, § 173-20-580, filed 6/30/72.]

**WAC 173-20-590 Lakes coming under purview of chapter 90.58 RCW--San Juan County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-590, filed 6/30/72.]

**WAC 173-20-600 Lakes coming under purview of chapter 90.58 RCW--Skagit County lakes.**

(1986 Ed.)

Location	Section	Name	Area (Acres)	Use
(1) T33N-R4E	13-M/N	Devils Lk.	30.9	R
(2) T33N-R4E	15-M/N	Sixteen Lk.	41.6	R
(3) T33N-R5E	30-D	McMurray Lk.	160.6	R
(4) T33N-R6E	22-Q	Cavanaugh Lk.	844.0	R
(5) T34N-R1E	11-NE1/4	Erie Lk.	111.0	R
(6) T34N-R1E	13-H	Campbell Lk.	410.3	R
(7) T34N-R1E	23-K	Pass Lk.	98.6	R
(8) T34N-R2E	6-SW1/4	Whistle Lk.	29.7	PS
(9) T34N-R3E	36-J	Britt Slough	21.0	R
(10) T34N-R4E	1-E1/2	Clear Lk.	222.9	R
(11) T34N-R4E	2-N1/2	Unnamed Lk.	74.0	R
(12) T34N-R4E	10-SW1/4	Barney Lk.	152.0	R
(13) T34N-R4E	15-E1/2	Unnamed Lk.	28.0	R
(14) T34N-R4E	36-C	Big Lk.	545.2	R
(15) T34N-R5E	7-W1/2	Beaver Lk.	73.4	R
(16) T34N-R6E	25-F	Day Lk.	136.5	R
(17) T35N-R1E	23-K/Q	Cranberry Lk.	26.8	R
(18) T35N-R1E	36-SW1/4	Heart Lk.	60.8	R
(19) T35N-R5E	13-N1/2	Minkler Lk.	36.7	R
(20) T35N-R5E	32-E1/2	Judy Res.	108.0	PS
(21) T35N-R10E	31-A	Barnaby Slough	20.0	R
(22) T35N-R10E	32-L/M	Mill Slough	20.0	R
(23) T35N-R11E	36-SE1/4	Granite Lk. No. 3	38.4	R
(24) T36N-R8E	32	Grandy Lk.	56.0	R
(25) T34N-R2E	12-M	Old Channel Lk.	23.2	R

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-600, filed 6/30/80; Order DE 72-14, § 173-20-600, filed 6/30/72.]

**WAC 173-20-610 Lakes coming under purview of chapter 90.58 RCW--Skagit County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T35N-R8E	2-M	Shannon Lk. (Res.)	2148.0	P,R

[Order DE 72-14, § 173-20-610, filed 6/30/72.]

**WAC 173-20-620 Lakes coming under purview of chapter 90.58 RCW--Skamania County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T1N-R6E	4-N1/2	Franz Lk.	99.0	R
(2) T2N-R6E	34-H/J	Unnamed Lk.	20.0	R
(3) T2N-R7E	1-NW1/4	Stevenson Lk.	84.0	PS,R
(4) T2N-R7E	11-E/F	Ashes Lk.	51.2	PS,R
(5) T2N-R7E	14-D/E	Wauna Lk.	55.2	R
(6) T2N-R7E	20-M	Greenleaf Slough (Lk)	47.8	R
(7) T2N-R7E	30-NW1/4	Unnamed Lk.	20.0	R
(8) T3N-R9E	26-S1/2	Drano Lk.	220.0	R
(9) T3N-R10E	10-B/C	Northwestern Lk.	97.0	R,P
(10) T10N-R5E	14-N	Venus Lk.	21.0	R
(11) T10N-R5E	19-E/F	Elk Lk.	30.5	R
(12) T10N-R5E	19-M/P	Hanaford Lk.	23.6	R

[Order DE 73-13, § 173-20-620, filed 8/27/73; Order DE 72-14, § 173-20-620, filed 6/30/72.]

**WAC 173-20-630 Lakes coming under purview of chapter 90.58 RCW--Skamania County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T2N-R7E	21-E1/2	Bonneville Pool (Res.)	10100.0 Skamania Co. 10100.0 Oregon	
(2) T7N-R5E	28-F/L	Swift Res.	20200.0 Total	P,R
(3) T9N-R5E	15-A	Spirit Lk.	4588.8 1262.0	P,R R

[Order DE 73-13, § 173-20-630, filed 8/27/73; Order DE 72-14, § 173-20-630, filed 6/30/72.]

**WAC 173-20-640 Lakes coming under purview of chapter 90.58 RCW--Snohomish County lakes.**

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Table with 5 columns: Location, Section, Name, Area (Acres), Use. Lists lakes such as Martha Lk., Ballinger Lk., Crystal Lk. (Res.), Fontal Lk., Hannan Lk., Tomtit Lk., Dagger Lk., Sunset Lk., Serene Lk., Stickney Lk., Hanson Slough, Silver Lk., Storm Lk., Flowing Lk., Panther Lk., Blackmans Lk., Chain Lk., Woods Lk., Cochran Lk., Chaplain Lk. (Res.), Kellogg Lk., Wallace Lk., Boulder Lk., Blanca Lk., Purdy Creek Ponds, Hughes Lk., Roesiger Lk., Echo Lk., East Boardman Lk., Greider Lks. Upper, Copper Lk., Cassidy Lk., Bosworth Lk., Howard Lk., Ki Lk., Goodwin Lk., Shoccraft Lk., Crabapple Lk., Loma Lk., Sunday Lk., Armstrong Lk., Bryant Lk., Little Lk., Riley Lk., Evangeline Lk.

[Order DE 76-16, § 173-20-640, filed 5/3/76; Order DE 72-14, § 173-20-640, filed 6/30/72.]

WAC 173-20-650 Lakes coming under purview of chapter 90.58 RCW--Snohomish County lakes of state-wide significance.

Table with 5 columns: Location, Section, Name, Area (Acres), Use. Lists Stevens Lk.

[Order DE 72-14, § 173-20-650, filed 6/30/72.]

WAC 173-20-660 Lakes coming under purview of chapter 90.58 RCW--Spokane County lakes.

Table with 5 columns: Location, Section, Name, Area (Acres), Use. Lists lakes such as Fishtrap Lk. (Res.), Downs Lk., Unnamed Lk., Williams Lk., Feustal Lk., Badger Lk., Bonnie Lk., Alkali Lk., Hog Lk., Mason Lk.

[Title 173 WAC--p 130]

Table with 5 columns: Location, Section, Name, Area (Acres), Use. Lists lakes such as Amber Lk., Unnamed Lk., Chapman Lk., Phillio Lk., Fish Lk., Unnamed Lk., West Medical Lk., Unnamed Lk., Lonelyville Lk., Silver Lk., Medical Lk., Otter Lk., Ring Lake, Granite Lk., Willow Lk., Meadow Lk., Clear Lk., Queen Lucas Lk., Upper Falls Res., Shelley Lk., Liberty Lk., Horseshoe Lk., Woods Lk., Nine Mile Res., Knight Lk., Bear Lk., Dragon Lk., Eloika Lk., Reflection Lk.

[Order DE 76-16, § 173-20-660, filed 5/3/76; Order DE 72-14, § 173-20-660, filed 6/30/72.]

WAC 173-20-670 Lakes coming under purview of chapter 90.58 RCW--Spokane County lakes of state-wide significance.

Table with 5 columns: Location, Section, Name, Area (Acres), Use. Lists Newman Lk., Long Lk. (Res.).

[Order DE 72-14, § 173-20-670, filed 6/30/72.]

WAC 173-20-680 Lakes coming under purview of chapter 90.58 RCW--Stevens County lakes.

Table with 5 columns: Location, Section, Name, Area (Acres), Use. Lists lakes such as Little Falls Res., Hunter Res., Newbill Lk., Waitts Lk.(Res.), Jumpoff Lk., Beitney Res., Nelson Lk., Clark Lk., Rainbow Lk., Horseshoe Lk., Bailey Lk., Pond No. 1, White Mud Lk., Hatch Lk., Starvation Lk., Black Lk., Spruce Lk., (Twin Lks.), Mission Lk., Heritage Lk., Thomas Lk., Gillette Lk., Sherry Lk., Peterson Swamp, Dilly Lk., Perkins Lk., Ryan Lk., Williams Lk., Pierre Lk.

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Location	Section	Name	Area (Acres)	Use
(29) T39N-R41E	34-C	Deep Lk.	198.1	R
(30) T40N-R41E	26-L	Cedar Lk.	51.2	R

[Order DE 77-17, § 173-20-680, filed 9/1/77; Order DE 72-14, § 173-20-680, filed 6/30/72.]

**WAC 173-20-690 Lakes coming under purview of chapter 90.58 RCW--Stevens County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T27N-R39E	13-M	Long Lk. (Res.)	2410.0 Stevens Co. 2510.0 Spokane Co. 100.0 Lincoln Co.	R
			5020.0 Total	P,R
(2) T30N-R41E	NE1/4	Deer Lk.	1162.8	R
(3) T30N-R41E	33-L	Loon Lk.	1118.5	R,I

[Order DE 72-14, § 173-20-690, filed 6/30/72.]

**WAC 173-20-700 Lakes coming under purview of chapter 90.58 RCW--Thurston County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T16N-R1W	13-E	McIntosh Lk.	115.8	R
(2) T16N-R2W	3-NE1/4	Deep Lk.	66.1	R
(3) T17N-R1W	28-K	Bushman Lk. (Tempo)	40.0	R
(4) T17N-R1W	33-E	Offutt Lk.	192.0	R
(5) T17N-R2W	1-L/P	Munn Lk.	29.8	R
(6) T17N-R2W	33-A/H	Scott Lake	66.8	R
(7) T17N-R2W	35-H/J	Pitman Lk.	27.0	R
(8) T18N-R1W	22-H	Long Lk.	311.0	R
(9) T18N-R1W	27-L	Hicks Lk.	171.3	R
(10) T18N-R1W	29-B/G	Chambers Lk. (Little Chambers Lk.)	49.1	R
(11) T18N-R1W	29-C	Chambers Lk. (Russel Lk.)	72.5	R
(12) T18N-R1W	33-H/J	Southwick Lk.	37.1	R
(13) T18N-R1W	35-P	Patterson Lk.	257.0	R
(14) T18N-R2W	15-J	Capitol Lk.	306.0	R
(15) T18N-R2W	16-W1/2	Grass Lk.	120.0	R
(16) T18N-R2W	20-H/J	Ken Lk.	24.6	R
(17) T18N-R2W	22-G	Percival Lk.	22.4	R
(18) T18N-R2W	32-C	Black Lk.	576.1	R
(19) T18N-R2W	36-B/C	Ward Lake	66.8	R
(20) T18N-R2W	36-J	Hewitt Lk.	26.6	R
(21) T18N-R4W	13-A	Summit Lk.	522.6	R
(22) T16N-R2E	29-B	Lawrence Lk.	339.2	R
(23) T16N-R3E	31-S1/2	Clear Lk.	172.8	R
(24) T16N-R3E	32-B/C	Elbow Lk.	36.0	R
(25) T16N-R3E	32-R	Bald Hill Lk.	44.8	R
(26) T18N-R1E	31-32	St. Clair Lk.	244.7	R
(27) T17N-R1W	11	Sunwood Lk.	23.0	D
(28) T15N-R1E	17	Skookumchuck Res.	550.0	D

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-700, filed 4/15/85; Order DE 73-13, § 173-20-700, filed 8/27/73; Order DE 72-14, § 173-20-700, filed 6/30/72.]

**WAC 173-20-710 Lakes coming under purview of chapter 90.58 RCW--Thurston County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T15N-R4E	24	Alder Lk. (Res.)	1117.6	P,R

[Order DE 72-14, § 173-20-710, filed 6/30/72.]

**WAC 173-20-720 Lakes coming under purview of chapter 90.58 RCW--Wahkiakum County lakes. None.**

[Order DE 72-14, § 173-20-720, filed 6/30/72.]

(1986 Ed.)

**WAC 173-20-730 Lakes coming under purview of chapter 90.58 RCW--Wahkiakum County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-730, filed 6/30/72.]

**WAC 173-20-740 Lakes coming under purview of chapter 90.58 RCW--Walla Walla County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T7N-R32E	30-SW1/4	Johnson Pond	24.0	R
(2) T7N-R36E	23-SE1/4 24-W1/2 25-NW1/4	Mill Creek Res.	52.0	PS,R
(3) T8N-R31E	20-NW1/4	"J" Line Pond	30.0	R
(4) T8N-R31E	21-NW1/4	Casey Pond	60.0	R
(5) T8N-R31E	29-H/J	Curlew Pond	35.0	R

[Order DE 72-14, § 173-20-740, filed 6/30/72.]

**WAC 173-20-750 Lakes coming under purview of chapter 90.58 RCW--Walla Walla County lakes of state-wide significance. None.**

[Order DE 72-14, § 173-20-750, filed 6/30/72.]

**WAC 173-20-760 Lakes coming under purview of chapter 90.58 RCW--Whatcom County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T37N-R3E	8-N	Padden Lk. (Res.)	152.0	PS,R
(2) T37N-R3E	36-R	Samish Lk.	814.0	R
(3) T37N-R4E	8-F/L	Louise Lk.	22.4	R
(4) T37N-R4E	32-SW1/4	Cain Lk.	72.2	R
(5) T38N-R3E	11-N/P	Toad Lk.	29.7	R
(6) T38N-R4E	7-E/F	Squalicum Lk.	33.0	R
(7) T39N-R1E	16	Terrell Lk. (Res.)	438.0	R
(8) T39N-R2E	21-S1/2	Barrett Lk.	40.0	R
(9) T39N-R2E	32-A/B	Tennant Lk.	43.0	R
(10) T39N-R3E	6-NW1/4	Wiser Lk.	123.0	R
(11) T39N-R3E	13-L/P	Fazon Lk.	32.0	R
(12) T39N-R6E	30-R	Canyon Lk.	45.0	R
(13) T40N-R6E	7-R	Silver Lk.	172.8	R
(14) T41N-R4E	31-W1/2	Judson Lk.	112.0	R
(15) T41N-R1E	34-N1/2	Beaver Lk.	21.0	R

[Order DE 76-16, § 173-20-760, filed 5/3/76; Order DE 72-14, § 173-20-760, filed 6/30/72.]

**WAC 173-20-770 Lakes coming under purview of chapter 90.58 RCW--Whatcom County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T38N-R3E	28-A	Whatcom Lk. (Res.)	5003.0	PS,R
(2) T37N-R9E	31	Baker Lk. (Res.)	3616.0	PS,R

[Order DE 76-16, § 173-20-770, filed 5/3/76; Order DE 72-14, § 173-20-770, filed 6/30/72.]

**WAC 173-20-780 Lakes coming under purview of chapter 90.58 RCW--Whitman County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T18N-R39E	26-A/B	Texas Lk.	23.8	R
(2) T18N-R40E	17-A/B	Intermittant Lk.	24.8	R
(3) T19N-R40E	1-SE1/4	Miller Lk. (Alkali)	25.2	R
(4) T19N-R40E	13-SE1/4	Lavista Lk.	20.7	R
(5) T19N-R40E	23-NW1/4	Unnamed Lk.	32.4	R
(6) T19N-R40E	34-H/J	Stevens Lk.	27.0	R
(7) T20N-R39E	6-E1/2	Snyder Slough	42.0	R
(8) T20N-R39E	8-SE1/4	Sheep Lk.	56.7	R
(9) T20N-R39E	15-S1/2	Folsom Lk.	85.5	R
(10) T20N-R39E	16-NE1/4	Crooked Knee Lk.	83.8	R
(11) T20N-R39E	16-F/L	Unnamed Lk.	20.7	R
(12) T20N-R40E	36-SE1/4	Tule Lk.	21.6	R

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Location	Section	Name	Area (Acres)	Use
(13) T20N-R41E	12-NE1/4	Bonnie Lk.	81.8 Whitman Co. 284.3 Spokane Co.	
(14) T18N-R40E	3-B/C	Duck Lk.	366.1 Total 23.4	R R

[Order DE 76-16, § 173-20-780, filed 5/3/76; Order DE 72-14, § 173-20-780, filed 6/30/72.]

**WAC 173-20-790 Lakes coming under purview of chapter 90.58 RCW--Whitman County lakes of state-wide significance.**

Location	Section	Name	Area (Acres)	Use
(1) T19N-R40E	13-N	Rock Lk.	2147.1	R

[Order DE 72-14, § 173-20-790, filed 6/30/72.]

**WAC 173-20-800 Lakes coming under purview of chapter 90.58 RCW--Yakima County lakes.**

Location	Section	Name	Area (Acres)	Use
(1) T8N-R23E	12-E	Byron Ponds (Res.)	50.0	R
(2) T9N-R22E	22-M	Horseshoe Pond	59.0	R
(3) T9N-R22E	25-F	Morgan Pond	24.6	R
(4) T9N-R22E	26-B	Giffin Lk.	104.8	R
(5) T9N-R23E	7-S1/2	Oleys Lk.	35.4	R
(6) T13N-R19E	7-M	Freeway Lk.	23.2	R
(7) T14N-R19E	31-L/P	Unnamed Lk.	22.3	R
(8) T15N-R17E	2-N	Wenas Lk. (Res.)	61.4	R,I
(9) T13N-R18E	11-S1/2, S1/2	Unnamed Lake	21.4	R
(10) T13N-R18E	11 S1/2 SE1/4	Unnamed Lake	21.3	R

[Order DE 76-16, § 173-20-800, filed 5/3/76; Order DE 72-14, § 173-20-800, filed 6/30/72.]

**WAC 173-20-810 Lakes coming under purview of chapter 90.58 RCW--Yakima County lakes of state-wide significance.**

Location	Section	Name	Area (Areas)	Use
(1) T13N-R23E	2/3	Priest Rapids Dam (Res.)	1080.0 Yakima Co. 4540.0 Grant Co. 2080.0 Kittitas Co.	
			7700.0 Total	P,R

[Order DE 72-14, § 173-20-810, filed 6/30/72.]

**WAC 173-20-820 Private lands within the confines of federal lands.** In addition to the delimitations contained herein, lakes or portions thereof which are located on nonfederal lands within the exterior boundaries of federal lands, which lakes fall within the definitions of lakes and lakes of state-wide significance, as stated in WAC 173-20-030, shall be likewise subject to the jurisdiction of chapter 90.58 RCW.

[Order DE 72-14, § 173-20-820, filed 6/30/72.]

**Chapter 173-22 WAC**

**ADOPTION OF DESIGNATIONS OF WETLANDS ASSOCIATED WITH SHORELINES OF THE STATE**

**WAC**

- 173-22-010 Purpose.
- 173-22-015 Relationship to National Coastal Zone Management Act of 1972.

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- 173-22-0638 Kittitas County.
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- 173-22-0644 Lincoln County.
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- 173-22-0660 Skamania County.
- 173-22-0662 Snohomish County.
- 173-22-0664 Spokane County.
- 173-22-0666 Stevens County.
- 173-22-0668 Thurston County.
- 173-22-0670 Wahkiakum County.
- 173-22-0672 Walla Walla County.
- 173-22-0674 Whatcom County.
- 173-22-0676 Whitman County.
- 173-22-0678 Yakima County.
- 173-22-070 Lands within federal boundaries.

**Reviser's note:** Order 73-24, filed 8/28/73 amends maps of wetlands associated with shorelines of the state of Washington and are to be used in conjunction with Administrative Order 73-11, filed 7/20/73. Sections within this chapter filed will show this date where applicable. The maps are listed by county and are entitled "Shoreline Management Act of 1971, chapter 90.58 RCW amendment to the wetland designations of the state of Washington—chapter 173-22 WAC—Department of ecology—September 1973."

Order DE 77-18, filed 9/20/77 amends chapter 173-22 WAC, regarding designations of associated wetlands which constitute shorelines of the state and are subject to the Shoreline Management Act of 1971 as defined by RCW 90.58.030 (c), (d), (e), (f) and (g).

Order DE 78-15, filed 8/15/78 designating associated wetlands in San Juan County, consists of maps 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.

**WAC 173-22-010 Purpose.** Pursuant to RCW 90.58.030 (2)(f), the department of ecology herein designates the wetland areas associated with the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW.

[Order DE 72-15, § 173-22-010, filed 6/30/72.]

**WAC 173-22-015 Relationship to National Coastal Zone Management Act of 1972.** Insofar as state law allows, the following designations are in conformance with the National Coastal Zone Management Act of 1972.

[Order DE 73-11, § 173-22-015, filed 7/20/73.]

**WAC 173-22-020 Applicability.** The provisions of this chapter shall apply state wide.

[Order DE 72-15, § 173-22-020, filed 6/30/72.]

**WAC 173-22-030 Definitions.** As used herein, the following words have the following meanings:

(1) "Associated wetlands" is synonymous with "wetlands" or "wetland areas";

(2) "Flood plain" is synonymous with one hundred-year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act;

(3) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limit of the floodway is that which has been established in flood regulation ordinance maps or by a reasonable method which meets the objectives of the act;

(4) "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream;

(5) "Marshes, bogs, and swamps" are lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. For the purposes of this definition, these areas must have one or more of the following attributes:

(a) At least periodically, the land supports predominantly hydrophytes; and/or

(b) The substrate is predominantly undrained hydric soil.

Hydrophytes include those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Hydric soils include those soils which are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants;

(6) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. The following criteria clarify this mark on tidal waters, lakes, and streams:

(a) Tidal waters.

(i) In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

(ii) In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;

(b) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(c) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

(7) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels;

(8) A "stream" is a naturally occurring body of periodic or continuously flowing water where:

(a) The mean annual flow is greater than twenty cubic feet per second; and

(b) The water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels;

(9) "Tidal water" includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream;

(10) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous flood

plain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW: *Provided*, That any county or city may determine that portion of a one hundred-year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom; and

(11) The definitions set forth in chapter 90.58 RCW shall also apply as used herein.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-030, filed 5/23/86. Statutory Authority: RCW 90.58-.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-030, filed 7/2/80; Order DE 73-11, § 173-22-030, filed 7/20/73; Order DE 72-15, § 173-22-030, filed 6/30/72.]

**WAC 173-22-040 Wetland area designation criteria.** The following criteria contain the standards for the department's designation of wetland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:

(1) Tidal waters. The wetland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those marshes, bogs, and swamps which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate;

(2) Lakes. The wetland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those marshes, bogs, and swamps which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: Periodic inundation or hydraulic continuity;

(3) Streams. The wetland area shall include the greater of:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;

(b) Those floodplains which extend landward two hundred feet as measured on a horizontal plane from the floodway: *Provided*, That local government may, at its discretion, include all or a larger portion of the one hundred-year floodplain within the associated wetlands. Designation of this wetland area shall be in accordance with chapter 173-19 WAC, the state master program. If the applicable master program does not designate the wetland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;

(c) Those marshes, bogs, and swamps which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to

one or more of the following: Periodic inundation; location within a floodplain; or hydraulic continuity; and

(d) Those lands within a river delta floodplain except for those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-040, filed 5/23/86. Statutory Authority: RCW 90.58-.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-22-040, filed 4/15/85. Statutory Authority: RCW 90.58.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-040, filed 7/2/80; Order DE 76-30, § 173-22-040, filed 7/27/76; Order DE 73-11, § 173-22-040, filed 7/20/73; Order DE 72-15, § 173-22-040, filed 6/30/72.]

**WAC 173-22-050 Review of designations.** The department shall review all the designations made herein at least once in every five-year period following the effective date of chapter 90.58 RCW or as frequently as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-22 WAC in the manner and form prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the Administrative Procedure Act).

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-050, filed 5/23/86. Statutory Authority: RCW 90.58-.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-050, filed 7/2/80; Order DE 73-11, § 173-22-050, filed 7/20/73; Order DE 72-15, § 173-22-050, filed 6/30/72.]

**WAC 173-22-052 Alterations of shorelines affecting designations.** Alterations of the existing conditions of shorelines and wetlands of the state which affect the boundary or volume of those water bodies, whether through authorized development or natural causes, shall warrant a review of the designation of those shorelines and their associated wetlands.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-052, filed 5/23/86.]

**WAC 173-22-055 Conflicts between designations and criteria.** In the event that any of the wetland designations shown on the maps adopted in WAC 173-22-060 conflict with the criteria set forth in this chapter the criteria shall control. The boundary of the designated wetland areas shall be governed by the criteria set forth in WAC 173-22-040.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-055, filed 5/23/86. Statutory Authority: RCW 90.58-.030 (2)(f), 90.58.120, and 90.58.200. 80-08-086 (Order DE 80-22), § 173-22-055, filed 7/2/80; Order DE 73-11, § 173-22-055, filed 7/20/73.]

**WAC 173-22-060 Shoreline designation maps.** Shoreline designation maps are those maps which have been prepared and adopted by the department in a manner consistent with chapter 34.04 RCW (the Administrative Procedure Act) that designate the location of shorelines of the state and their associated wetland areas. Wetland designations are applied under the criteria contained in WAC 173-22-040. Due to the bulk of the

maps designating the wetland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same. Volumes I, II, and III entitled *Shorelines under the Shoreline Management Act of 1971* (chapter 90.58 RCW, chapter 286, Laws of 1971 1st ex. sess.) were adopted by reference on June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-060, filed 5/23/86. Statutory Authority: RCW 90.58-.030, 90.58.120 and 90.58.200. 85-14-001 (Order 85-15), § 173-22-060, filed 6/20/85; 85-09-043 (Order DE 85-05), § 173-22-060, filed 4/15/85. Statutory Authority: RCW 90.58.120, 90.58.200 and 90.58.030 (2)(f). 81-13-034 (Order DE 81-18), § 173-22-060, filed 6/15/81; Order DE 72-15, § 173-22-060, filed 6/30/72.]

**WAC 173-22-0602 Adams County.** Adams County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0602, filed 5/23/86.]

**WAC 173-22-0604 Asotin County.** Asotin County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0604, filed 5/23/86.]

**WAC 173-22-0606 Benton County.** Benton County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0606, filed 5/23/86.]

**WAC 173-22-0608 Chelan County.** Chelan County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0608, filed 5/23/86.]

**WAC 173-22-0610 Clallam County.** Clallam County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0610, filed 5/23/86.]

**WAC 173-22-0612 Clark County.** Clark County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0612, filed 5/23/86.]

**WAC 173-22-0614 Columbia County.** Columbia County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0614, filed 5/23/86.]

**WAC 173-22-0616 Cowlitz County.** Cowlitz County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0616, filed 5/23/86.]

**WAC 173-22-0618 Douglas County.** Douglas County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0618, filed 5/23/86.]

**WAC 173-22-0620 Ferry County.** Ferry County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0620, filed 5/23/86.]

**WAC 173-22-0622 Franklin County.** Franklin County designation maps approved June 30, 1972. Revision approved August 28, 1973.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0622, filed 5/23/86.]

**WAC 173-22-0624 Garfield County.** Garfield County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0624, filed 5/23/86.]

**WAC 173-22-0626 Grant County.** Grant County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved June 15, 1981.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0626, filed 5/23/86.]

**WAC 173-22-0628 Grays Harbor County.** Grays Harbor County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved July 2, 1980. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0628, filed 5/23/86.]

**WAC 173-22-0630 Island County.** Island County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0630, filed 5/23/86.]

**WAC 173-22-0632 Jefferson County.** Jefferson County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0632, filed 5/23/86.]

**WAC 173-22-0634 King County.** King County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved June 15, 1981. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0634, filed 5/23/86.]

**WAC 173-22-0636 Kitsap County.** Kitsap County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved June 15, 1981.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0636, filed 5/23/86.]

**WAC 173-22-0638 Kittitas County.** Kittitas County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0638, filed 5/23/86.]

**WAC 173-22-0640 Klickitat County.** Klickitat County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0640, filed 5/23/86.]

**WAC 173-22-0642 Lewis County.** Lewis County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0642, filed 5/23/86.]

**WAC 173-22-0644 Lincoln County.** Lincoln County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0644, filed 5/23/86.]

**WAC 173-22-0646 Mason County.** Mason County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0646, filed 5/23/86.]

**WAC 173-22-0648 Okanogan County.** Okanogan County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0648, filed 5/23/86.]

**WAC 173-22-0650 Pacific County.** Pacific County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0650, filed 5/23/86.]

**WAC 173-22-0652 Pend Oreille County.** Pend Oreille County designation maps approved June 30, 1972. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0652, filed 5/23/86.]

**WAC 173-22-0654 Pierce County.** Pierce County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0654, filed 5/23/86.]

**WAC 173-22-0656 San Juan County.** San Juan County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved August 15, 1978. Revision approved July 2, 1980. Revision approved June 20, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0656, filed 5/23/86.]

**WAC 173-22-0658 Skagit County.** Skagit County designation maps approved June 30, 1972. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0658, filed 5/23/86.]

**WAC 173-22-0660 Skamania County.** Skamania County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0660, filed 5/23/86.]

**WAC 173-22-0662 Snohomish County.** Snohomish County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0662, filed 5/23/86.]

**WAC 173-22-0664 Spokane County.** Spokane County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0664, filed 5/23/86.]

**WAC 173-22-0666 Stevens County.** Stevens County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0666, filed 5/23/86.]



**WAC 173-22-0668 Thurston County.** Thurston County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980. Revision approved April 15, 1985.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0668, filed 5/23/86.]

**WAC 173-22-0670 Wahkiakum County.** Wahkiakum County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0670, filed 5/23/86.]

**WAC 173-22-0672 Walla Walla County.** Walla Walla County designation maps approved June 30, 1972. Revision approved September 20, 1977.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0672, filed 5/23/86.]

**WAC 173-22-0674 Whatcom County.** Whatcom County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0674, filed 5/23/86.]

**WAC 173-22-0676 Whitman County.** Whitman County designation maps approved June 30, 1972.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0676, filed 5/23/86.]

**WAC 173-22-0678 Yakima County.** Yakima County designation maps approved June 30, 1972. Revision approved August 28, 1973. Revision approved September 20, 1977. Revision approved July 2, 1980.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-22-0678, filed 5/23/86.]

**WAC 173-22-070 Lands within federal boundaries.** In addition to those designations contained in the appendix, those nonfederal lands lying within the exterior boundaries of federal lands and those federal lands leased by the federal government to other persons, which lands fall within the definition of wetlands contained herein, shall also be subject to the jurisdiction of chapter 90.58 RCW.

[Order DE 73-11, § 173-22-070, filed 7/20/73; Order DE 72-15, § 173-22-070, filed 6/30/72.]

**Chapter 173-24 WAC  
TAX EXEMPTIONS AND CREDITS FOR  
POLLUTION CONTROL FACILITIES**

<b>WAC</b>	
173-24-010	Introduction and purpose.
173-24-020	Authority.
173-24-030	Definitions.
173-24-040	Applications submitted to the department of revenue.
173-24-050	Applications reviewed by the department.
173-24-060	Action by the department within thirty days—Request for further information.

173-24-070	Identification and classification of facilities.
173-24-080	Approval of a facility.
173-24-090	Installation for the purpose of pollution control.
173-24-100	Operation for the purpose of pollution control.
173-24-110	Meeting the intent and purposes of chapters 70.94 and 90.48 RCW.
173-24-120	Treatment prior to connection to utilities.
173-24-125	Revision of prior findings.
173-24-130	Administrative appeal of department decision.
173-24-140	Delegation.
173-24-150	Delegation of state responsibilities under federal program.

**WAC 173-24-010 Introduction and purpose.** Chapter 82.34 RCW provides for tax credits and exemptions for pollution control facilities approved by the appropriate control agency. The purpose of this regulation is to establish a procedure for reviewing applications for tax benefits received from the department of revenue for review by the department of ecology, including the establishment of criteria for 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 and 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 173-24-020 Authority.** This regulation is adopted pursuant to the authority granted the director of the department of ecology by RCW 43.21A.080 and 43.21A.090.

[Order DE 70-7, § 173-24-020, filed 8/4/71.]

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

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

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

(3) "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 and 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 173-24-040 Applications submitted to the department of revenue.** Applications filed pursuant to RCW 82.34.020 shall be submitted to the department of revenue pursuant to that department's requirements. The department of revenue will supply an identifying application number and forward the application to the department or regional or local air pollution control authority, as appropriate, for review pursuant to RCW 82.34.030.

[Order DE 70-7, § 173-24-040, filed 8/4/71.]

**WAC 173-24-050 Applications reviewed by the department.** The department will review applications for approval of facilities which may be designated "water pollution control facilities" as defined in RCW 82.34.010 (1)(b). The department will also review any application relating to a facility which is not within the jurisdiction of an activated regional or local air pollution control authority, or which is within any area over which the department has assumed jurisdiction pursuant to RCW 70.94.390. The department will also review any application for approval of a facility relating to any air contaminant source subject to rules and regulations adopted by the department or its predecessor agencies pursuant to RCW 70.94.395.

The department will, when necessary, advise the department of revenue of the proper agency or agencies to which an application is to be submitted for review.

[Order DE 70-7, § 173-24-050, filed 8/4/71.]

**WAC 173-24-060 Action by the department within thirty days--Request for further information.** The department shall within thirty days of receipt of an application 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 and 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 and 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 or 90.48 RCW;

If the facility does not meet these criteria, it shall be denied.

[Statutory Authority: RCW 43.21A.080 - 43.21A.090 and 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 173-24-090 Installation for the purpose of pollution control.** A facility will be considered to be installed or intended to be installed for the primary purpose of pollution control when:

- (1) It was installed or intended to be installed in response to a requirement of the department or a regional or local air pollution control authority contained in a permit, order, or regulation which applies to the particular industry or commercial establishment [in] [is] question, and such facility meets or exceeds the requirements of such permit, order, or regulation and
- (2) It was installed pursuant to a requirement developed under chapter 90.48 or 70.94 RCW and not under some other statute administered by the department such as, for example, chapter 70.95 or 70.105 RCW.

[Statutory Authority: Chapter 82.34 RCW, RCW 43.21A.080, and 43.21A.090. 80-15-020 (Order DE 80-33), § 173-24-090, filed 10/7/80; Order DE 70-7, § 173-24-090, filed 8/4/71.]

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 173-24-100 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 and 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 chapters 70.94 and 90.48 RCW.** A facility is suitable, reasonably adequate, and meets the intent and purposes of chapters 70.94 and 90.48 RCW, when:

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

(2) Such operation will meet the requirements of any applicable permits, orders, regulations or standards of the department or a regional or local air pollution control authority.

[Statutory Authority: RCW 43.21A.080 - 43.21A.090 and 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 173-24-120 Treatment prior to connection to utilities.** Any facility designed for the primary purpose of reducing, controlling, disposing of, or treating industrial or commercial wastes prior to the ultimate conveyance thereof to the waste collecting facilities of public or privately owned utilities shall be approved if it satisfies the requirements set forth in this chapter; however, any facility installed or constructed for the primary purpose of connecting any commercial establishment with the waste collecting facilities of public or privately owned utilities shall not be eligible for approval.

[Order DE 70-7, § 173-24-120, filed 8/4/71.]

**WAC 173-24-125 Revision of prior findings.** On its own initiative or on compliant of the local or regional air pollution control agency in which an air pollution control facility is located, the department may revise the prior findings of the appropriate control agency whenever it appears that any of the conditions listed in RCW 82.34-.100 (1) or (2) have been met or when the department determines that the prior determination had been made in error.

(1986 Ed.)

[Statutory Authority: Chapter 82.34 RCW, RCW 43.21A.080, and 43.21A.090. 80-15-020 (Order DE 80-33), § 173-24-125, filed 10/7/80.]

**WAC 173-24-130 Administrative appeal of department decision.** The approval or disapproval by the department pursuant to RCW 82.34.030 of any application, or any revision of prior findings by the department pursuant to RCW 82.34.100 shall constitute a decision of the department subject to review by the pollution control hearings board pursuant to chapter 43.21B RCW. Any aggrieved party may appeal any such decision pursuant to the rules and regulations of the pollution control hearings board no later than thirty days after receipt of written notice thereof.

[Order DE 70-7, § 173-24-130, filed 8/4/71.]

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

[Statutory Authority: RCW 43.21A.080 - 43.21A.090 and 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 and 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 173-28 WAC  
ESTABLISHING LAKE WASHINGTON AS A  
REGION PURSUANT TO SHORELINE  
MANAGEMENT ACT OF 1971**

WAC	
173-28-010	Authority.
173-28-020	Findings.
173-28-030	Conclusion.
173-28-040	Composition of Lake Washington region.
173-28-050	Geographical extent of region.
173-28-060	Duties of the local governmental units comprising the region.
173-28-070	Review of master programs by the department of ecology.
173-28-080	Fund availability.

**WAC 173-28-010 Authority.** This permanent regulation is adopted pursuant to chapter 34.04 RCW and sections 11(1) and 20 of chapter 286, Laws of 1971 ex. sess. and RCW 90.58.110(1) and 90.58.200.

[Order 73-8, § 173-28-010, filed 6/19/73.]

**WAC 173-28-020 Findings.** In accord with section 11(1) of chapter 286, Laws of 1971 ex. sess. and RCW 90.58.110(1), the director of the department of ecology finds the following:

(a) That the shorelines and wetlands of Lake Washington constitute some of the most valuable natural resources of the state;

(b) That said shorelines and wetlands constitute shorelines of state-wide significance;

(c) That due to its proximity to the population center of the state, Lake Washington is subject to considerable pressures from both the public and private sectors for further development; and

(d) That eleven local governmental entities share local jurisdiction over the shorelines and wetlands of Lake Washington.

[Order 73-8, § 173-28-020, filed 6/19/73.]

**WAC 173-28-030 Conclusion.** Having made the findings contained in WAC 173-28-020 of this regulation, the director, for the purpose of this permanent regulation, hereby designates Lake Washington as a region to assure a uniformity of policy in the preparation of master programs for Lake Washington.

[Order 73-8, § 173-28-030, filed 6/19/73.]

**WAC 173-28-040 Composition of Lake Washington region.** The Lake Washington region shall be composed of each of the following local governments having jurisdiction over the shorelines and wetlands of Lake Washington:

- (a) Beaux Arts Village
- (b) Bellevue
- (c) Hunts Point
- (d) King County
- (e) Kirkland
- (f) Lake Forest Park
- (g) Medina
- (h) Mercer Island
- (i) Renton
- (j) Seattle
- (k) Yarrow Point

[Order 73-8, § 173-28-040, filed 6/19/73.]

**WAC 173-28-050 Geographical extent of region.** The Lake Washington region shall be comprised of all shorelines and wetlands as defined in RCW 90.58.030 (2)(d) which comprise Lake Washington, and, in addition, all wetlands designated by the department of ecology pursuant to chapters 173-18, 173-20, and 173-22 WAC, associated with Lake Washington.

[Order 73-8, § 173-28-050, filed 6/19/73.]

**WAC 173-28-060 Duties of the local governmental units comprising the region.** Pursuant to RCW 90.58.110 it shall be the duty of each local governmental unit comprising the Lake Washington region to:

(1) Develop cooperatively with all other local governmental units in the region consistent policies to be utilized by local governments for developments on the shorelines and wetlands of Lake Washington, which policies, after adoption by the region, shall be incorporated into the master programs of the local governmental units comprising the region;

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(2) Develop thereafter and submit to the department of ecology a separate master program pursuant to the policies established in conformity with section (1) above, for the shorelines and wetlands of Lake Washington falling within said local governmental unit;

(3) Obtain full citizen input consistent with the final guidelines approved pursuant to the Shoreline Management Act, which input shall address Lake Washington as a region. Consistent with their authority under any and all applicable laws, they should form a technical committee to act as staff for the region; and

(4) Appoint one or more members from the citizen advisory committee of the local governmental unit to serve on the regional citizen committee.

[Order 73-8, § 173-28-060, filed 6/19/73.]

**WAC 173-28-070 Review of master programs by the department of ecology.** The department of ecology shall review as one master program all the policies and master programs submitted for Lake Washington by the governmental units comprising the region in the manner prescribed for review of master programs by RCW 90.58.090.

[Order 73-8, § 173-28-070, filed 6/19/73.]

**WAC 173-28-080 Fund availability.** Recognizing that the regional planning provided for by this regulation may require funds over and above those needed for local shoreline planning efforts, the department will, to the extent funds are available for this purpose, make funds available to the region, pursuant to an agreement to be prepared in conformity with chapter 39.34 RCW.

[Order 73-8, § 173-28-080, filed 6/19/73.]

### Chapter 173-32 WAC

#### ALLOCATION OF FINANCIAL AID TO COUNTIES AND CITIES TO ASSIST IN COMPREHENSIVE PLANNING FOR SOLID WASTE MANAGEMENT

##### WAC

173-32-010	Introduction.
173-32-020	Purpose.
173-32-030	Criteria for allocation of funds.
173-32-040	Implementation.

**WAC 173-32-010 Introduction.** RCW 70.95.130 provides that counties and cities may apply to the department of ecology for financial aid for the preparation of a comprehensive county plan for solid waste management. Such a plan is described in RCW 70.95.080. RCW 70.95.130 further provides that the department shall determine priorities and allocate available funds among those counties and cities applying for aid, and shall adopt regulations establishing the criteria by which such allocations shall be made. Such criteria shall be based upon population, urban development, environmental effects of waste disposal, existing waste handling practices, and the local justification of proposed expenditures.

[Order DE 71-2, § 173-32-010, filed 4/30/71.]

**WAC 173-32-020 Purpose.** The purpose of this regulation is to establish criteria by which the department of ecology shall allocate financial aid to counties and cities for the development of comprehensive solid waste management plans.

[Order DE 71-2, § 173-32-020, filed 4/30/71.]

**WAC 173-32-030 Criteria for allocation of funds.** The criteria to be used by the department for allocation of funds are as follows: (1) Intensity of local solid waste management problems, including but not limited to their interrelationships with:

- (a) Population;
  - (b) Existing and proposed development of urban areas located within the applicant county or multicounty area and relationship with industrial, commercial and residential areas;
  - (c) Water pollution;
  - (d) Air pollution;
  - (e) Land management and zoning;
  - (f) Existing waste handling practices.
- (2) Evidence of the city-county cooperation necessary for development of a comprehensive county or multicounty solid waste management plan.
- (3) Availability of qualified personnel for planning purposes.
- (4) Other planning efforts undertaken or proposed within the planning jurisdiction and their relationship to solid waste management.
- (5) Ability to make rapid progress toward development of a comprehensive local plan.
- (6) Proportion of local solid waste planning costs to be borne by the applicant.
- (7) Existing and proposed participation of community groups, private industry, professional organizations, the general public, and others toward development and implementation of the proposed solid waste management plan.

[Order DE 71-2, § 173-32-030, filed 4/30/71.]

**WAC 173-32-040 Implementation.** The implementation of this regulation shall be performed by the assistant director provided for in section 2(3) of department of ecology docket No. DE 70-15.

[Order DE 71-2, § 173-32-040, filed 4/30/71.]

**Chapter 173-34 WAC**  
**EXEMPTIONS FROM THE DETAILED**  
**STATEMENT REQUIREMENTS OF THE STATE**  
**ENVIRONMENTAL POLICY ACT**

**WAC**

173-34-010	Purpose.
173-34-020	Definitions.
173-34-030	Exemptions.
173-34-040	Exemptions--Nonexempt actions.
173-34-050	Exemptions--Limitation of exemptions.

**WAC 173-34-010 Purpose.** The purpose of this chapter is to establish, pursuant to chapter 179, Laws of

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1973 1st ex. sess., those classes of actions of governmental agencies relating to the location, construction or modification of individual single-family residences which shall be exempt from the requirement for preparation of a "detailed statement" as provided in RCW 43.21C.030.

[Order 73-15, § 173-34-010, filed 8/14/73.]

**WAC 173-34-020 Definitions.** (1) "Individual single-family residence" is defined as a house or similar dwelling designed to accommodate human habitation for not more than one family. The phrase is also defined to include garages, patios, buildings, and other appurtenant facilities directly associated with said house or similar dwelling.

(2) "Sensitive area" is defined as any area which:

- (a) Contains significant threats to the environment arising from earth slides, avalanches, or flooding from a flood of a frequency expected to recur on the average of once every one hundred years or a flood magnitude which has a one percent chance of occurring in any given year; or
  - (b) Contains any special natural values such as a marsh land, or habitation place of substantial concentrations of flora or fauna or of rare or endangered species of flora or fauna or,
  - (c) Is being given special attention because of a problem of critically low or declining resource supply or quality, or
  - (d) Contains elements having significant aesthetic, recreational or historical value; or,
  - (e) Is within "shorelines of the state" as defined in the Shoreline Management Act of 1971.
- (3) "Branches of government" are defined as state agencies, municipal and public corporations, and counties.

[Order 73-15, § 173-34-020, filed 8/14/73.]

**WAC 173-34-030 Exemptions.** All classes of acts of branches of government in Washington relating directly to construction or modification of individual single-family residences located in areas of the state, other than sensitive areas, are exempted from the "detailed statement" requirement of RCW 43.21C.030 of the State Environmental Policy Act of 1971. Examples of such exempted acts include, but are not limited to, actions relating to:

- (1) Building permits
- (2) Sewerage/septic tank permits
- (3) Electric power facilities
- (4) Water supply facilities
- (5) Grading permits
- (6) Dimensional variances.

[Order 73-15, § 173-34-030, filed 8/14/73.]

**WAC 173-34-040 Exemptions--Nonexempt actions.** Any action of a governmental agency pertaining to individual single-family residences not classified as exempt by WAC 173-34-030 shall not be presumed to either require or not require a "detailed statement." Every

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such nonexempted action shall be the subject of a determination by the governmental agency as to whether the same constitutes a major action requiring a "detailed statement."

[Order 73-15, § 173-34-040, filed 8/14/73.]

**WAC 173-34-050 Exemptions--Limitation of exemptions.** (1) Recognition is given to ambiguous language of the statute involving the scope of the department of ecology's authority to exempt actions from the "detailed statement" requirements of SEPA. The department interprets chapter 43.21C RCW to be limited in its exemption authority to building permits and other actions relating to individual single-family residences. This interpretation is based on investigations of legislative history and background and is thought to best reflect legislative intent of this unclear wording.

(2) Section 1, chapter 179, Laws of 1973 1st ex. sess. directs the department to implement a regulation within a limited time after the section's effective date. The department recognizes that certain definitions contained in WAC 173-34-020(2) pertaining to "sensitive areas" are imprecise in terms of geographic coverage. The department of ecology intends to continue to investigate possibilities for alternative words of more precision for use in WAC 173-34-060, and when such words are developed, amend this regulation.

[Order 73-15, § 173-34-050, filed 8/14/73.]

#### Chapter 173-40 WAC POLLUTION DISCLOSURE

##### WAC

173-40-010	Authority.
173-40-020	Purpose.
173-40-030	Definitions.
173-40-040	Critical materials registry.
173-40-050	Annual reports.

**WAC 173-40-010 Authority.** This regulation is adopted pursuant to chapter 90.52 RCW, the Pollution Disclosure Act of 1971, and chapter 43.21A RCW.

[Order 72-26, § 173-40-010, filed 11/27/72.]

**WAC 173-40-020 Purpose.** Chapter 90.52 RCW requires the director of the department of ecology to adopt a critical materials registry and establish an annual reporting procedure for those operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state.

[Order 72-26, § 173-40-020, filed 11/27/72.]

**WAC 173-40-030 Definitions.** As used herein "director" shall mean the director of the department of ecology. "Department" shall mean the department of ecology. Waters of the state shall include both surface and ground waters.

[Order 72-26, § 173-40-030, filed 11/27/72.]

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**WAC 173-40-040 Critical materials registry.** The director, having consulted with a committee of environmental specialists as required by law, hereby designates the following materials as critical materials to be set forth in a critical materials registry filed at the department:

- Asbestos
- Arsenic, elemental and compounds of
- Barium, soluble salts of
- Beryllium, elemental and compounds of
- Boron, elemental and compounds of
- Cadmium, elemental and compounds of
- Chlorinated hydrocarbons, compounds
- Chlorine, elemental and compounds of
- Chromium, soluble salts and all chromates
- Copper, elemental and compounds of
- Cyanides, compounds including the organic nitriles
- Fluorine, elemental and compounds of
- Lead, elemental and compounds of
- Mercury, elemental and compounds of
- Nickel, soluble salts of
- Organo phosphorus; insecticide, algacide, and slimecide compounds
- Phenols and polychlorinated biphenyls, compounds
- Selenium, elemental and compounds of
- Silver, soluble salts of
- Zinc, soluble salts of

[Order 72-26, § 173-40-040, filed 11/27/72.]

**WAC 173-40-050 Annual reports.** Upon notification by the director of the department of ecology, commercial operations including industrial operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state, shall file annually, during the month of January, reports, on forms provided by the department. The information required shall pertain to those materials set forth in WAC 173-40-040 above, which are in excess of the corresponding materials occurring in the intake source used by the operation. The information shall also include volumes of process and cooling water to be discharged into the water, air or into any sewer system. The information given is to be an estimate of the amount(s) of such materials to be discharged in the calendar year in which the report is being filed. The reports shall be postmarked no later than January 31 and be sent to:

Director  
Department of Ecology  
Olympia, Washington 98504  
ATTN: POLLUTION DISCLOSURE

[Order 72-26, § 173-40-050, filed 11/27/72.]

#### Chapter 173-44 WAC FEES--RADIOACTIVE WASTE MANAGEMENT FACILITIES

##### WAC

173-44-010 Purpose and scope.

- 173-44-020 Authority.
- 173-44-030 Definitions.
- 173-44-040 Perpetual care and maintenance fee.
- 173-44-050 PCM fee—Method of payment.
- 173-44-060 PCM fee—Disposition.
- 173-44-070 Severability.

**WAC 173-44-010 Purpose and scope.** The proper perpetual care and maintenance of radioactive waste management facilities is required to protect the public health, safety, and welfare. This chapter establishes the fees charged by the Washington state department of ecology for financing the necessary perpetual care and maintenance of radioactive waste management facilities. Promulgation of this regulation is further intended to satisfy the state's financial responsibilities to the United States government pursuant to the perpetual care agreement executed July 29, 1965.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-010, filed 8/30/83. Formerly WAC 173-16-010.]

**WAC 173-44-020 Authority.** This chapter is promulgated by the state department of ecology pursuant to authority granted in RCW 43.21F.045 and chapter 19, Laws of 1983 1st ex. sess.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-020, filed 8/30/83. Formerly WAC 173-16-020.]

**WAC 173-44-030 Definitions.** (1) "Facility" means any site, location, structure, or property used or to be used for the storage, disposal, or burial of radioactive materials or waste, which lies within the one hundred acre tract described in the perpetual care agreement between the state of Washington and the United States government executed July 29, 1965.

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

(3) "Perpetual care and maintenance" means the activities necessary to stabilize and secure a closed facility during the perpetual care period, including but not limited to: Trench stabilization; upkeep of erosion control measures, fences, and warning signs; and sampling of monitor wells.

(4) "Sublessee" means a party to a sublease with the state of Washington for a portion of the one thousand acres of land, as described in the state's lease with the United States government executed September 10, 1964, lying within the Hanford Reservation.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-030, filed 8/30/83. Formerly WAC 173-16-030.]

**WAC 173-44-040 Perpetual care and maintenance fee.** (1) Any sublessee of the state who stores, disposes, or buries radioactive materials or waste at a facility shall pay a perpetual care and maintenance fee.

(2) The perpetual care and maintenance fee shall be one dollar seventy-five cents per cubic foot of radioactive material or waste buried or permanently stored at a facility.

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[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-040, filed 8/30/83. Formerly WAC 173-16-040.]

**WAC 173-44-050 PCM fee—Method of payment.** (1) The perpetual care and maintenance fee shall be due on a quarterly basis for the quarters ending January 15, April 15, July 15, and October 15. All perpetual care and maintenance fee payments shall be paid within forty-five days after the due date.

(2) Perpetual care and maintenance payments shall be by check, draft, or money order payable to the Washington state department of ecology.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-050, filed 8/30/83. Formerly WAC 173-16-050.]

**WAC 173-44-060 PCM fee—Disposition.** (1) Upon receipt of perpetual care and maintenance fee payments, the department shall transmit such payments to the state treasurer for deposit in the perpetual maintenance account authorized by chapter 19, Laws of 1983 1st ex. sess.

(2) Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account.

(3) The department shall maintain a segregated account of perpetual care and maintenance fee payments which are deposited in the perpetual maintenance account.

(4) The department, in consultation with the state radiation control agency, shall periodically evaluate the perpetual care and maintenance fee to determine whether it will provide adequate financing to assure perpetual care and maintenance of a closed facility. Any adjustments to the fees shall be made by rule adopted pursuant to chapter 34.04 RCW.

[Statutory Authority: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-060, filed 8/30/83. Formerly WAC 173-16-060.]

**WAC 173-44-070 Severability.** If any portion 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: 1983 1st ex.s. c 19 and Title 43 RCW. 83-18-020 (Order DE 83-25), § 173-44-070, filed 8/30/83. Formerly WAC 173-16-070.]

**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  $\pm 3$  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.]

(1986 Ed.)

**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:

$\pm 1$  dBA for Type 1 sound level meters  
 $\pm 2$  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.

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(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,  $20 \pm 1$  inches (0.5 meter) from the edge of the exhaust outlet, and  $45 \pm 10$  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  $48 \pm 2$  inches (1.2 meter). Its axis shall be vertical and oriented upwards. It shall be placed at a distance of  $20 \pm 1$  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  $\pm 100$  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  $\pm 100$  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  $\pm 100$  RPM.

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

(A)  $3500 \pm 100$  RPM for engines with total cylinder displacement between 0-950 cc (0-58 in.<sup>3</sup>).

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

(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 173-60 WAC**

**MAXIMUM ENVIRONMENTAL NOISE LEVELS**

WAC

173-60-010	Authority and purpose.
173-60-020	Definitions.
173-60-030	Identification of environments.
173-60-040	Maximum permissible environmental noise levels.
173-60-050	Exemptions.

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173-60-070	Future regulations.
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173-60-090	Enforcement policy.
173-60-100	Appeals.
173-60-110	Cooperation with local government.
173-60-120	Effective date.

**WAC 173-60-010 Authority and purpose.** These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and thereby to provide use standards relating to the reception of noise within such environments.

[Order 74-32, § 173-60-010, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-020 Definitions.** (1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

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

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

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

(5) "Distribution facilities" means any facility used for distribution of commodities to final consumers, including facilities of utilities that convey water, waste water, natural gas, and electricity.

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

(7) "Existing" means a process, event, or activity in an established area, producing sound subject to or exempt from this chapter, prior to the effective date of September 1, 1975.

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

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

(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 herein shall not be exceeded from sources outside such property.

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

(15) "Watercraft" means any contrivance, excluding aircraft used or capable of being used as a means of transportation or recreation on water.

[Statutory Authority: Chapter 70.107 RCW, 83-15-046 (Order DE 82-42), § 173-60-020, filed 7/19/83; Order DE 77-1, § 173-60-020, filed 6/1/77; Order 74-32, § 173-60-020, filed 4/22/75, effective 9/1/75.]

#### **WAC 173-60-030 Identification of environments.**

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

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

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

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

- (i) Commercial living accommodations
- (ii) Commercial dining establishments
- (iii) Motor vehicle services
- (iv) Retail services
- (v) Banks and office buildings
- (vi) Miscellaneous commercial services, property not used for human habitation

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

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

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

- (i) Storage, warehouse, and distribution facilities.
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods

(iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.

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

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

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

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

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

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

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

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

(4) The department recognizes that on certain lands, serenity, 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 noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW.

[Order 74-32, § 173-60-030, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-040 Maximum permissible environmental noise levels.** (1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA of NOISE SOURCE	EDNA of RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

[Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-050 Exemptions.** (1) The following shall be exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m.:

- (a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.
- (b) Sounds created by the discharge of firearms on authorized shooting ranges.
- (c) Sounds created by blasting.
- (d) Sounds created by aircraft engine testing and maintenance not related to flight operations: *Provided*, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.
- (e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC 173-60-040 (2)(b):

- (a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.
- (b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC 173-60-040, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

- (a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC 173-60-040:

- (a) Sounds created by motor vehicles when regulated by chapter 173-62 WAC.
- (b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
- (c) Sounds created by surface carriers engaged in interstate commerce by railroad.
- (d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

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

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: *Provided*, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by watercraft.

(k) Sounds created by the discharge of firearms in the course of hunting.

(l) Sounds caused by natural phenomena and unamplified human voices.

(m) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(n) Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC 173-60-050(5).

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: Chapter 70.107 RCW. 83-15-046 (Order DE 82-42), § 173-60-050, filed 7/19/83; Order DE 77-1, § 173-60-050, filed 6/2/77; Order 75-18, § 173-60-050, filed 8/1/75; Order 74-32, § 173-60-050, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-060 Nuisance regulations not prohibited.** Nothing in this chapter or the exemptions provided herein, shall be construed as preventing local government from regulating noise from any source as a nuisance. Local resolutions, ordinances, rules or regulations regulating noise on such a basis shall not be deemed inconsistent with this chapter by the department.

[Order 74-32, § 173-60-060, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-070 Future regulations.** It is the intention of the department to establish use standards and/or performance standards for the following sources of noise exempted or partially exempted from the requirements of this chapter within two years after adequate legislative funding is made available to conduct studies providing the necessary data.

(1) Sounds created by aircraft engine testing and maintenance not related to flight operations, through the adoption of a new chapter 173-64 WAC.

(2) Sounds created by construction equipment and emanating from construction sites, through the adoption of a new chapter 173-66 WAC.

(3) Sounds created by motor vehicle racing events, through the adoption of a new chapter 173-63 WAC.

(4) Sounds created by watercraft, through the adoption of a new chapter 173-70 WAC.

(5) Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad, to the extent consistent with federal law and regulations through the adoption of a new chapter 173-72 WAC.

[Order DE 77-1, § 173-60-070, filed 6/1/77; Order 74-32, § 173-60-070, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-080 Variances and implementation schedules.** (1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment [encroachment] upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

[Order 74-32, § 173-60-080, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-090 Enforcement policy.** Noise measurement for the purposes of enforcing the provisions of

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WAC 173-60-040 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, EXCEPT for parks, recreational areas, and wildlife sanctuaries. For enforcement purposes pursuant to RCW 70.107.050, each day, defined as the 24-hour period beginning at 12:01 a.m., in which violation of the noise control regulations (chapter 173-60 WAC) occurs, shall constitute a separate violation.

[Order DE 76-5, § 173-60-090, filed 2/5/76; Order 74-32, § 173-60-090, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-100 Appeals.** Any person aggrieved by any decision of the department in relation to the enforcement of the maximum permissible noise levels provided for herein, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43-.21B RCW under the procedures of chapter 371-08 WAC.

[Order 74-32, § 173-60-100, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-110 Cooperation with local government.** (1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, within 60 days of submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

(3) The department shall encourage all local governments enforcing noise ordinances pursuant to this chapter to consider noise criteria and land use planning and zoning.

[Order 74-32, § 173-60-110, filed 4/22/75, effective 9/1/75.]

**WAC 173-60-120 Effective date.** This chapter shall become effective on September 1, 1975. It is the intention of the department to periodically review the provisions hereof as new information becomes available for the purpose of making amendments as appropriate.

[Order 74-32, § 173-60-120, filed 4/22/75, effective 9/1/75.]

**Chapter 173-62 WAC**  
**MOTOR VEHICLE NOISE PERFORMANCE**  
**STANDARDS**

**WAC**

173-62-010	Authority and purpose.
173-62-020	Definitions.
173-62-030	Standards.
173-62-040	Exemptions.
173-62-050	Implementation schedules.
173-62-060	Enforcement.
173-62-070	Effective date.

**WAC 173-62-010 Authority and purpose.** (1) Under RCW 70.107.030(5) of the Noise Control Act of 1974 (chapter 183, Laws of 1974), the legislature directed the department of ecology, in exercising rule-making authority to give first priority to the adoption of motor vehicle noise performance standards. The purpose of this chapter is to carry out that legislative directive through the adoption of noise emission standards for new motor vehicles and noise emission standards for the operation of motor vehicles on public highways.

(2) Local needs. The standards established in this chapter provide several methods of evaluating motor vehicle noise levels. Nothing in these rules is meant to require enforcement agencies or local governments to adopt or use every standard in this chapter to determine a violation. Specific local needs shall dictate the standard(s) which may be adopted or used.

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-010, filed 9/30/80; Order DE 74-33, § 173-62-010, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-020 Definitions.** As used in this chapter:

(1) "dBA" means the sound level in decibels measured using the "A" weighting network on a sound level meter as specified in the American National Standard Specification For Sound Level Meters S1.4-1971. A decibel is a unit of sound, based on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals;

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

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

(4) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(5) "In-use" motor vehicle is any motor vehicle which is used on a public highway, except farm vehicles as defined under RCW 46.04.181;

(6) "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or

property upon public highways and required to be licensed under RCW 46.16.010 (aircraft, water craft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used herein);

(7) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except farm tractors;

(8) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise to comply with the standards of this chapter;

(9) "New motor vehicle" means a motor vehicle manufactured after December 31, 1975, whose equitable or legal title has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale;

(10) "Off-highway vehicle" means any self-propelled vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010;

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

(12) "Public highway" means the entire width between the boundary lines of every way publicly maintained by the department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right;

(13) "Sound level" means a weighted sound pressure level measured by use of a sound level meter using the "A" weighting network and reported as dBA.

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-020, filed 9/30/80; Order DE 75-17, § 173-62-020, filed 8/11/75; Order DE 74-33, § 173-62-020, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-030 Standards.** (1) No person shall operate any motor vehicle or any combination of such vehicles upon any public highway under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the maximum permissible sound levels for the category of vehicle in Table I, as measured at a distance of 50 feet (15.2 meters) from the center of the lane of travel within the speed limits specified, under procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

Table I  
IN-USE MOTOR VEHICLE NOISE PERFORMANCE STANDARDS  
Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Effective Date	Maximum Sound Level, dBA Speed Zones		
		45 mph (72 kph) or less	Over 45 mph (72 kph)	Stationary Test
Motorcycles	July 1, 1980	78	82	N/A
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	July 1, 1980	72	78	N/A
		35 mph (56 kph) or less	Over 35 mph (56 kph)	
All motor vehicles over 10,000 pounds (4536 kg) GVWR	June 1, 1977 1986 and after	86 Reserved	90 Reserved	86 Reserved

(2) Every motor vehicle operated upon the public highways shall at all times be equipped with an exhaust system and a muffler in good working order and constant operation to prevent excessive or unusual noise.

(3) No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency braking to avoid imminent danger shall be exempt from this provision.

(4) No person shall operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds

the maximum permissible sound levels of Table II for the category and year of vehicle, as measured at a distance of twenty inches (0.5 meter) from the exhaust outlet under procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

(5) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the noise levels in Table III at a distance of 50 feet (15.2 meters) under acceleration test procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

Table II  
IN-USE MOTOR VEHICLE EXHAUST SYSTEM NOISE PERFORMANCE STANDARDS

Measured @ 20 inches (0.5 meter)

Vehicle Category (type)	Model Year	Maximum Sound Level, dBA
Motorcycles	before 1986 1986 and after	99 (reserved)
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	before 1986 1986 and after	95 (reserved)



Table III  
 MAXIMUM SOUND LEVELS FOR NEW MOTOR VEHICLES  
 Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Date of Manufacture	Maximum Sound Level, dBA
Any motor vehicle over 10,000 pounds (4536 kg) GVWR excluding buses	before January 1, 1978	86
	after January 1, 1978	83
	after January 1, 1982	80
All buses over 10,000 pounds (4536 kg) GVWR	after January 1, 1980	85
	after January 1, 1983	83
	after January 1, 1986	80
Motorcycles	after January 1, 1976	83
	after January 1, 1986	80
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	after January 1, 1976	80

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-030, filed 9/30/80; Order DE 77-2, § 173-62-030, filed 6/1/77; Order DE 75-17, § 173-62-030, filed 8/11/75; Order DE 74-33, § 173-62-030, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-040 Exemptions.** The provisions of this chapter shall not apply to noise caused by auxiliary equipment on motor vehicles used for highway maintenance, nor to noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or of individuals of the community, or to restore property to a safe condition following a public calamity.

[Order DE 75-17, § 173-62-040, filed 8/11/75; Order DE 74-33, § 173-62-040, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-050 Implementation schedules.** (1) **Conditions of issuance.** The department may approve and issue to any person, an implementation schedule for meeting any particular requirement of this chapter, if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) **Requesting procedure.** Implementation schedules shall be issued only upon application in writing to the department. Such application shall state in a concise manner the facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the pollution control hearings board pursuant to chapter 43.21B RCW.

[Order DE 74-33, § 173-62-050, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-060 Enforcement.** (1) Measurements shall be made with a sound level meter meeting Type 1, S1A, 2 or S2A requirements as specified in the American National Standards Specifications For Sound Level Meters S1.4-1971 as required under measurement procedures established in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

(2) Violation of any in-use motor vehicle noise standard set forth in this chapter shall be a traffic infraction, enforced by such authorities and in such manner as violations of chapter 46.37 RCW.

(3) Law enforcement personnel selected to measure vehicle sound levels shall have received training in the techniques of sound measurement and the operation of sound measuring instruments.

(4) Any enforcement officer who by use of the initial inspection procedures of chapter 204-56 WAC suspects that a motor vehicle may be in violation of the standards of this chapter may require the operator to have the vehicle presented for sound level measurement. Measurements of a motor vehicle may be performed at off-road sites to determine compliance with the in-use standards.

(5) Any operator who fails to comply with the directive to present the vehicle to a sound level measurement test shall be in violation of this chapter.

(6) Any seller, importer, or manufacturer who sells or offers for sale a motor vehicle which violates the standards in WAC 173-62-030 shall be subject to a civil

penalty not to exceed one hundred dollars as established in RCW 70.107.050. Every motor vehicle sold or offered for sale shall constitute a separate violation.

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-060, filed 9/30/80; Order DE 74-33, § 173-62-060, filed 1/30/75, effective 7/1/75.]

**WAC 173-62-070 Effective date.** This chapter shall become effective July 1, 1975.

[Order DE 74-33, § 173-62-070, filed 1/30/75, effective 7/1/75.]

### Chapter 173-70 WAC WATERCRAFT NOISE PERFORMANCE STANDARDS

#### WAC

173-70-010	Introduction.
173-70-020	Definitions.
173-70-030	Identification of receiving property environments.
173-70-040	Standards.
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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 173-80 WAC

### LIMITATIONS ON USE OF REFERENDUM 39 GRANT FUNDS FOR WATER POLLUTION ABATEMENT

#### WAC

173-80-010	Purpose and scope.
173-80-020	Definitions.
173-80-030	Limitations on the use of funds.
173-80-040	Provision of guidelines.
173-80-050	Wastewater treatment works grants—Priority rating and other provisions.
173-80-060	Lake restoration project grants—General eligibility requirements and priority rating.
173-80-070	Agricultural wastes project grants—General eligibility requirements and priority rating.
173-80-080	Limiting the use of existing Referendum 39 regulations and funds.

**WAC 173-80-010 Purpose and scope.** The purpose of this chapter is to set forth limitations on the allocation and uses of monies administered by the department of ecology for purposes of providing grants and loans for wastewater treatment facilities, agricultural pollution abatement facilities, and lake restoration projects pursuant to chapter 43.99F RCW (Referendum 39). To derive the most benefit for the state in protecting the health and safety of the people it is necessary to establish criteria for the use of funds made available by Referendum 39. This chapter will outline (1) limitations on the allocation and uses of the funds, (2) the criteria to be considered for determining who will receive funds, and (3) the process to be followed for distributing the funds.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-010, filed 2/5/82.]

**WAC 173-80-020 Definitions.** (1) "Department" means the Washington state department of ecology.

(2) "Wastewater treatment works construction program" (hereinafter referred to as the wastewater treatment program) means the state/local program of grants and loans under chapter 43.99F RCW (Referendum 39) to public entities for the purpose of planning, designing, constructing, or upgrading treatment works.

(3) "Agricultural wastes grants program" means the program of grants and loans administered by the department for the planning, design and construction of publicly owned or operated agricultural pollution control facilities.

(4) "Lake restoration grants program" means the program of state grants and loans administered by the department for the planning, design and implementation of lake restoration projects.

(5) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

(6) "Management of wastes" means the control, collection, transport, treatment, and disposal of nonradioactive solid and nonradioactive liquid waste materials.

(7) "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, fuel through incineration of wastes, refuse - derived fuel processes, pyrolysis, hydrolysis or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

(8) "Energy savings as a result of the management of the wastes" means but is not limited to the capital cost associated with an energy efficient treatment or transport process chosen over a process more commonly used in standard engineering practice which is more energy intensive.

(9) "Project priority list" means the annual list of rated and ranked projects for which state grant assistance is expected during the year for which the list is issued.

(10) "Priority rating 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 chapter 43.99F RCW.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-020, filed 2/5/82.]

**WAC 173-80-030 Limitations on the use of funds.**

(1) The following water program projects shall be eligible for state grants, loans, or combination of grants and loans in an amount not to exceed seventy-five percent of the total eligible cost of the project as determined by the department and subject to the special provisions contained in this chapter.

- (a) Wastewater treatment projects.
- (b) Lake restoration projects.
- (c) Agricultural pollution control projects.

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(2) Loans may be authorized by the director, provided:

(a) The loan repayment period does not exceed five years.

(b) The cumulative total of all loans authorized during any biennium does not exceed ten percent of the cumulative total of funds appropriated by the legislature for that biennium, excluding any special appropriation authorized by WAC 173-80-050(6).

(c) The director considers and documents why it is in the best interest of the state's citizens to provide a loan.

(d) The director considers and documents how the loan will be repaid.

(3) The wastewater treatment program will establish an accounting procedure to identify the money which is spent on projects that are capable of producing renewable energy or energy savings as a result of the management of the wastes.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-030, filed 2/5/82.]

**WAC 173-80-040 Provision of guidelines.** The department will publish guidelines which establish procedures for awarding grants and eligibility criteria for each Referendum 39 grant program identified in WAC 173-80-030(1). These guidelines will describe the grant application, review, and award process and will be available prior to the first grant award.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-040, filed 2/5/82.]

**WAC 173-80-050 Wastewater treatment works grants—Priority rating and other provisions.** (1) In instances where applications for wastewater treatment works grant funds exceed the amount currently available to the department, the director will establish a project priority list using published priority rating criteria which consider, but are not limited to, the following:

(a) Water quality impacts caused by existing circumstances.

(b) Public health impacts caused by existing circumstances.

(c) The prior local effort expended toward correcting the existing or similar wastewater problems.

(d) The cost-benefit relationship of the proposed project.

(e) Problem prevention aspects of the proposed project.

(2) In instances where a priority list is required, the director will ensure that:

(a) A project priority list is developed on an annual basis.

(b) The priority list be readily available to the public for review and comment thirty days prior to its approval by the director.

(c) Comments received during any review period are considered and responded to before a final list is approved by the director.

(d) An approved list is available on or about forty-five days after the close of the application period.

(1986 Ed.)

(3) The department may use funds authorized by chapter 43.99F RCW as fifteen percent grants to wastewater treatment projects for public entities who have received a federal grant under Title II of Public Law 97-117 prior to October 1, 1982, or a written guarantee from the department, prior to the effective date of this chapter, that such a grant will be available when a federal grant is received. New phases of those continuing construction wastewater treatment projects begun prior to October 1, 1982, are also eligible for a fifteen percent grant. Funds are to be awarded under this authority only if funds provided by chapter 43.83A RCW (Referendum Bill No. 26) are not available.

(4) Prior to December 31, 1982, the department may award a grant for seventy-five percent of the eligible costs for completion of any wastewater treatment facility that began construction under the federal wastewater treatment program prior to October 1, 1981, and is not scheduled to receive a federal grant prior to federal fiscal year 1983.

(5) Wastewater treatment program projects, except those allowed by WAC 173-80-050(4), shall not receive grants exceeding fifty percent of the eligible costs of the project.

(6) The director may enter into a single lump sum design and construction contract with a grantee whose project exceeds a total cost of \$100 million and requires more than three years to design and construct, providing that all the following conditions are met:

(a) The project appears on the current project priority list within the range fundable with remaining, unobligated monies authorized by chapter 43.99F RCW.

(b) The contract contains provisions limiting the total amount of state funding to fifty percent of the eligible costs or an agreed upon figure (whichever is less), establishing cash flow agreements, and any other provisions the director deems necessary to protect the financial interests of the state.

(c) The legislature appropriates the necessary funds.

(d) The grantee agrees to a one-time grant, including limited increases at time of bid, and will not thereafter seek any further funds under the provisions of chapter 43.99F RCW.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-050, filed 2/5/82.]

**WAC 173-80-060 Lake restoration project grants--General eligibility requirements and priority rating.** (1) General eligibility requirements include:

(a) The lake must have a documented water quality problem which is resulting in impairment of beneficial uses;

(b) The proposed project must be sponsored by a public body as defined in chapter 43.99F RCW;

(c) The project sponsor must be able to provide at least ten percent of the total project cost unless a lower share is specifically authorized by the director; and

(d) Public access must be provided which is sufficient to allow the general public the same opportunity to enjoy the lake's recreational benefits as that enjoyed by residents living immediately adjacent to the lake.

(2) When applications for grant funds exceed the amount currently available to the department, the director will establish a lake restoration project priority list using rating criteria which consider, but are not limited to, the following:

(a) Water quality improvements to be achieved

(b) Increased or enhanced lake utilization

(c) Restoration potential

(d) Public health impacts to be corrected

(3) When a lake restoration project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-060, filed 2/5/82.]

**WAC 173-80-070 Agricultural wastes project grants--General eligibility requirements and priority rating.** (1) General eligibility requirements include:

(a) The project sponsor must be a public body as defined in chapter 43.99F RCW;

(b) Eligible project elements must benefit the public and be utilized by more than one member of the sponsoring group or agency;

(c) The project must directly benefit the quality of the receiving water; and

(d) The project sponsor must provide at least ten percent of the grant eligible costs unless a lesser amount is authorized by the director.

(2) Project rating--when applications for grant funds exceed the amount currently available to the department, the director will establish an agricultural wastes project priority list using criteria which includes, but are not limited to:

(a) Water quality improvements to be achieved

(b) Improved efficiency in water quantity utilization

(c) Resource conservation potential

(d) Reduction in impairment of beneficial uses

(3) When an agricultural waste project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director.

[Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-070, filed 2/5/82.]

**WAC 173-80-080 Limiting the use of existing Referendum 39 regulations and funds.** This chapter is not applicable to the allocation and uses of moneys administered by the department of ecology pursuant to chapter 3, Laws of 1986.

[Statutory Authority: 1986 c 3 § 4. 86-19-041 (Order DE 86-26), § 173-80-080, filed 9/12/86.]

**Chapter 173-90 WAC  
STANDARDS AND LIMITATIONS ON THE USE OF  
CLEAN WATER FUNDS FOR POLLUTION  
ABATEMENT**

WAC  
173-90-010 Purpose and scope.

173-90-015	Definitions.
173-90-020	Provision of guidelines.
173-90-040	Ground water management area planning grants— Eligibility criteria, funding levels, development of priority rating and priority lists—Eligibility criteria.
173-90-050	Nonpoint source pollution control activity grants— Eligible criteria, funding levels and administration, and establishing highest priority.
173-90-060	Aquifer protection assistance grants—Eligibility criteria, funding levels, and establishing highest priority.
173-90-070	Water pollution control design grants—Eligibility criteria, funding levels, and establishing highest priority.

**WAC 173-90-010 Purpose and scope.** The purpose of this chapter is to set forth criteria and limitations on uses of moneys administered by the department of ecology pursuant to chapter 3, Laws of 1986 (ESSB No. 4519).

Chapter 3, Laws of 1986 appropriates from the general fund, state and local improvements revolving account, twenty million dollars to be obligated for the fiscal year ending June 30, 1987, for state financial assistance to public bodies for the following purposes:

- (1) Planning assistance to any ground water area created pursuant to chapter 453, Laws of 1985.
- (2) Nonpoint source pollution control activities.
- (3) Assistance to aquifer protection areas created pursuant to chapter 425, Laws of 1985.
- (4) Assistance for the design of water pollution control facilities.
- (5) Acquisition of organic laboratory capability for joint use by the department of social and health services and the department to test and analyze waters, including public drinking water supplies.

This chapter applies only to the allocation of funds appropriated by chapter 3, Laws of 1986.

[Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-010, filed 9/12/86.]

**WAC 173-90-015 Definitions.** (1) "Department" means the Washington state department of ecology.

(2) "Eligible cost" means the cost of that portion of a water pollution control facility or activity that can be financed under this chapter.

(3) "Director" means the director of the Washington state department of ecology or the director's designee.

(4) "Water pollution control facility" or "facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers identified by the environmental protection agency pursuant to Public Law 93-523.

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(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control and/or prevent nonpoint sources of water pollution; (c) to prevent pollution and restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Project priority list" means the annual list of rated and ranked projects for which state financial assistance is expected during the year for which the list is issued.

(10) "Priority water bodies" means those water bodies scheduled to receive priority attention as identified in the department's 1986 Water Quality Management Program Plan.

(11) "Puget Sound basin" means the waters of Puget Sound, the Strait of Juan de Fuca, adjacent salt water north to the Canadian border, and the lands, wetlands, and tributary waters that drain into those marine waters.

[Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-015, filed 9/12/86.]

**WAC 173-90-020 Provision of guidelines.** The department will publish guidelines which establish procedures and describe the grant application review and award process for categorical funding areas described in WAC 173-90-040 through 173-90-070. The guidelines will be made available to the public prior to the first grant award.

[Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-020, filed 9/12/86.]

**WAC 173-90-040 Ground water management area planning grants—Eligibility criteria, funding levels, development of priority rating and priority lists—Eligibility criteria.** (1) To be eligible for a planning grant and/or

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loan, an applicant must be on the department's general schedule as a designated ground water management area for program planning purposes (WAC 173-100-070).

(2) Cost eligible items include:

(a) Development of a ground water management program identified in chapter 173-100 WAC Ground water management areas and programs. Program requirements shall include but not be limited to:

(i) A detailed characterization of the area's hydrogeology.

(ii) A discussion of land and water use activities potentially affecting the ground water of the area.

(iii) Identification of present and long-term resource management objectives and alternatives for the area, and implementation plans, as set forth in WAC 173-100-100.

(b) Public hearings held on the proposed programs pursuant to RCW 90.44.400 and WAC 173-100-120.

(c) Costs associated with the responsibilities of the lead agency and ground water advisory committee under WAC 173-100-080, 173-100-090, 173-100-120 and 173-100-140.

(3) Funding levels:

(a) Total state grant or loan awards for fiscal year 1987 shall not exceed one million five hundred thousand dollars for planning assistance for developing ground water management programs.

(b) The department funded share for planning assistance shall not exceed fifty percent of the estimated annual cost of developing the ground water management program, except assistance to conservation districts which shall not exceed seventy-five percent of such cost.

(c) Funds awarded to each designated ground water management area shall not exceed three hundred thousand dollars.

(4) Development of project priority ratings and priority lists.

(a) Project priority ratings—The department shall establish an ad hoc review committee to review and evaluate all requests for designation and rank eligible proposals on the general schedule as adopted under WAC 173-100-060. The committee shall consist of headquarters program and regional staff with project review authority. A core group of ad hoc committee members shall be formed and shall be responsible for the initial review of all requests for identification as a probable ground water management area. The entire committee shall review, evaluate, and rank eligible proposals to be designated on the general schedule. Projects shall be rated on the following criteria:

(i) The significance of the problem.

(ii) The affected users.

(iii) Aquifer sensitivity.

(iv) Regional and local interest and commitment.

(v) Probability of successful implementation.

(b) Project priority lists:

(i) The director shall utilize the general schedule as the annual project priority lists for awarding ground water management program planning grants and/or loans.

(ii) The priority lists shall be available to the public for review and comment prior to approval by the director.

(iii) Comments received during the review period shall be considered and responded to before a final list is approved by the director.

(iv) Approved lists shall be made available to the public.

[Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-040, filed 9/12/86.]

**WAC 173-90-050 Nonpoint source pollution control activity grants—Eligible criteria, funding levels and administration, and establishing highest priority. (1) Eligible criteria:**

(a) Grants and/or loans shall be made available to public bodies involved in the planning and development of nonpoint source pollution control activities. Funding shall focus on, but not be limited to, those sources of nonpoint pollution generated by agricultural activities, urban and stormwater runoff, on-site waste disposal, and impacts from forest practices.

(b) A jurisdiction shall be eligible for grants and/or loans if it meets the following criteria:

(i) It has the basic capability to develop and implement a long range water quality management plan.

(ii) It is able to document accomplishments and progress towards achieving water quality objectives identified in its program or plan.

(2) **Funding levels and administration:**

(a) **Funding levels:**

(i) Total state grant or loan funds for assisting in the development of nonpoint source pollution control activities shall not exceed five hundred thousand dollars. The grant and/or loan funds are intended to be awarded to solve pollution problems caused by urban and stormwater runoff, on-site waste disposal, forest practices and agricultural related pollution.

(ii) The department shall award a maximum of three hundred thousand dollars to fund nonpoint source pollution control activities state-wide. The remainder shall be awarded to projects in the Puget Sound basin that implement the Puget Sound water quality authority's management plan as it relates to nonpoint sources of pollution.

(iii) The department's funded share shall not exceed fifty percent of the eligible costs, except for conservation districts for which it shall not exceed seventy-five percent of the estimated cost.

(b) **Program administration:**

(i) The department—The department shall administer the funding of all nonpoint source water quality grants as identified under this section. The total level of funding received shall depend on the funding needs of projects of highest priority.

(ii) Application for funding—The department shall accept applications for funding from public entities for eligible planning programs and projects. The department shall accept an application from the Washington state

conservation commission for the purpose of administering special project water quality grants to conservation districts.

**(3) Establishing highest priority:**

Project priority ratings—The department shall establish an ad hoc review committee to determine the highest priority nonpoint programs and projects for funding. The committee shall consist of representatives of the department, the Washington state conservation commission and the Puget Sound water quality authority. Rating criteria shall include:

(a) How the plan or program corrects, prevents, or controls nonpoint pollution in priority water bodies.

(b) How the program or project implements best management practices to control nonpoint source pollution.

(c) Level of corrective action proposed for priority water bodies and the cleanup process.

(d) Level of preventative actions proposed.

(e) How plans and programs educate and train the public in using existing management techniques to control nonpoint pollution.

**(4) Establishment of final priorities:**

(a) The director shall determine final priorities after reviewing all project priority lists.

(b) After project priority lists have been established and approved, a grant shall be awarded to the Washington state conservation commission for distribution to conservation districts with eligible nonconstruction related projects.

(c) The project priority lists will be available to the public for review and comment prior to approval by the director.

(d) Comments received during any review period shall be considered and responded to before final list approval.

(e) Approved lists shall be made available to the public after the close of the application period.

[Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-050, filed 9/12/86.]

**WAC 173-90-060 Aquifer protection assistance grants—Eligibility criteria, funding levels, and establishing highest priority. (1) Eligible criteria:**

(a) Grants shall be made available to public bodies involved in aquifer protection activities. A jurisdiction shall be eligible for grants if it meets the following criteria:

(i) The jurisdiction is an established aquifer protection area pursuant to chapter 425, Laws of 1985 (SHB No. 1116); and

(ii) The jurisdiction has an adopted comprehensive plan to protect, preserve, and rehabilitate subterranean water. The plan may be prepared as a portion of a county sewerage and/or water general plan pursuant to RCW 36.94.030.

**(2) Funding levels:**

(a) Total funding assistance to any aquifer protection area shall not exceed four million dollars.

(b) Grants will be made for eligible planning, design and/or construction items that are performed under the grant agreement on a cost-share basis, not to exceed

fifty percent of the total eligible cost for the state-funded portion.

(3) **Establishing highest priority:** The department staff shall determine priority funding for aquifer protection activities. Highest priority will be given for funding aquifer protection in areas where water quality and quantity has been shown to be imminently threatened and the community has provided matching funds for implementing an existing aquifer protection plan.

(4) **New design and construction activities:** Eligible costs shall be limited to new activity begun after the emergency filing date of these regulations. In addition, written approval must be obtained from the department. Costs incurred prior to the date of written approval are not grant eligible.

[Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-060, filed 9/12/86.]

**WAC 173-90-070 Water pollution control design grants—Eligibility criteria, funding levels, and establishing highest priority. (1) Eligibility criteria:**

(a) Funds must be used solely for design of water pollution control facilities.

(b) Grant awards will be given to those public entities deemed of highest priority for designing facilities for eventual upgrading to secondary treatment from a lesser level of treatment or for designing new secondary treatment facilities.

(c) Funds will be awarded for the design of facilities on a first-come, first-served basis.

**(2) Funding levels:**

(a) Total design grant funds shall not exceed thirteen million five hundred thousand dollars.

(b) No single public body can receive more than eight million dollars from these grant funds for a design grant.

(c) Grants will be made for eligible design items not to exceed fifty percent of the total eligible cost for the state-funded portion.

(3) **Establish highest priority:** The department shall consider the following criteria in determining highest priority:

(a) Whether the department has issued an enforcement order or the applicant has a legally binding schedule for compliance with secondary treatment requirements.

(b) Whether the applicant has completed an approved facility plan or engineering report.

[Statutory Authority: 1986 c 3 § 4. 86-19-042 (Order DE 86-25), § 173-90-070, filed 9/12/86.]

**Chapter 173-100 WAC**

**GROUND WATER MANAGEMENT AREAS AND PROGRAMS**

**WAC**

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**WAC 173-100-010 Purpose.** The purpose of this chapter is to establish guidelines, criteria, and procedures for the designation of ground water management areas, subareas or zones and to set forth a process for the development of ground water management programs for such areas, subareas, or zones, in order to protect ground water quality, to assure ground water quantity, and to provide for efficient management of water resources for meeting future needs while recognizing existing water rights. The intent of this chapter is to forge a partnership between a diversity of local, state, tribal and federal interests in cooperatively protecting the state's ground water resources.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-010, filed 12/20/85.]

**WAC 173-100-020 Authority.** This chapter is promulgated by the department of ecology pursuant to RCW 90.44.400, 90.44.410, 90.44.420, 90.44.430 and 90.44.440.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-020, filed 12/20/85.]

**WAC 173-100-030 Overview.** This regulation establishes a process for the identification and designation of ground water management areas and for the development of comprehensive ground water management programs. From a general schedule of probable ground water management areas, the department of ecology in cooperation with local government will designate specific ground water management areas, subareas, or depth zones within such areas and will appoint a lead agency to develop a ground water management program and an advisory committee to oversee the development of the program for each designated area. Following completion of the program and a public hearing to be held by the department of ecology, the program must be certified to be consistent with the intent of this chapter. The program will then be implemented through state regulations and local ordinances. The programs must thereafter be periodically reviewed.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-030, filed 12/20/85.]

**WAC 173-100-040 Definitions.** For the purposes of this chapter the following definitions shall apply:

- (1) "Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.
- (2) "Department" means the Washington State department of ecology.

- (3) "Ground water" 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, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

- (4) "Ground water advisory committee" means a committee appointed by the department to assist in the development of a ground water management program.

- (5) "Ground water area or subarea" means a geographic area designated pursuant to RCW 90.44.130.

- (6) "Ground water management area" means a specific geographic area or subarea designated pursuant to this chapter for which a ground water management program is required.

- (7) "Ground water management program" means a comprehensive program designed to protect ground water quality, to assure ground water quantity and to provide for efficient management of water resources while recognizing existing ground water rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated ground water management area or subarea and developed pursuant to this chapter.

- (8) "Ground water management zone" means any depth or stratigraphic zone separately designated by the department in cooperation with local government for ground water management purposes within a ground water management area. Ground water management zones may consist of a specific geologic formation or formations or other reasonable bounds determined by the department consistent with the purposes of this chapter.

- (9) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

- (10) "Ground water user group" means an established association of holders of ground water rights located within a proposed or designated ground water management area.

- (11) "Lead agency" means the agency appointed by the department to coordinate and undertake the activities necessary for the development of a ground water management program. Either the department or an agency of local government may be the lead agency.

- (12) "Local government" means any county, city, town, or any other entity having its own incorporated government for local affairs including, but not limited to, a metropolitan municipal corporation, public utility district, water district, irrigation district, and/or sewer district.

- (13) "Local government legislative authority" means the city or town council, board of county commissioners, special district commission, or that body assigned such duties by a city, county or district charter as enacting ordinances, passing resolutions, and appropriating funds for expenditure.

- (14) "Probable ground water management area" means a specific geographic area identified by the department, in cooperation with other state agencies, local

government and ground water user groups, as a candidate area for designation as a ground water management area pursuant to this chapter.

[Statutory Authority: RCW 90.44.400, 86-02-004 (Order DE 85-24), § 173-100-040, filed 12/20/85.]

**WAC 173-100-050 Probable ground water management areas.** The department in cooperation with local government and ground water user groups shall identify probable ground water management areas.

(1) Probable ground water management areas may be proposed for identification at any time by the department upon its own motion or at the request of other state agencies, local government or ground water user groups.

(2) Probable ground water management area boundaries shall be delineated so as to enclose one or more distinct bodies of public ground water as nearly as known facts permit. Probable ground water management subareas shall be delineated so as to enclose all or any part of a distinct body of public ground. Boundaries shall be based on hydrogeologic properties such as limits to lateral extent of aquifers, major perennial rivers, and regional ground water divides or as deemed appropriate by the department to most effectively accomplish the purposes of this chapter.

(3) The criteria to guide identification of probable ground water management areas shall include, but not be limited to, the following:

(a) Geographic areas where ground water quality is threatened;

(b) Aquifers that are declining due to restricted recharge or over-utilization;

(c) Aquifers in which over-appropriation may have occurred and adjudication of water rights has not yet been completed;

(d) Aquifers reserved or being considered for water supply reservation under chapter 90.54 RCW for future beneficial uses;

(e) Aquifers identified as the primary source of supply for public water supply systems;

(f) Aquifers underlying a critical water supply service area where the coordinated water system plan established pursuant to chapter 70.116 RCW has identified a need for a ground water management program;

(g) Aquifers designated as sole source aquifers by the federal Environmental Protection Agency;

(h) Geographic areas where the ground water is susceptible to contamination or degradation resulting from land use activities;

(i) Aquifers threatened by seawater intrusion; or

(j) Aquifers from which major ground water withdrawals have been proposed or appear imminent.

(4) The state agency, local government or ground water user group requesting probable ground water management area identification shall provide sufficient information for the department to determine if the area should be so identified. The department and other affected state and local governments and user groups may cooperate in preparing the request for identification.

(a) The request for identification shall be presented in a concise, factual report form and shall consider the guidelines and criteria set forth in subsections (2) and (3) of this section as they relate to the proposed area. It shall also contain: (i) Supporting data as to the need for such identification; (ii) a general description of and rationale for the proposed ground water management area boundary; (iii) goals and objectives for the proposed ground water management area; (iv) an estimated cost of developing the ground water management program and potential funding sources; (v) recommendations for agencies, organizations and groups to be represented on the ground water management area advisory committee; and (vi) a recommendation for the lead agency, taking into consideration the responsibilities contained in WAC 173-100-080.

(b) The recommendation for lead agency shall first be submitted to the county or counties with jurisdiction for written concurrence. Such written concurrence shall be included with the information required in (a) of this subsection. If such concurrence cannot be obtained, the department shall attempt to mediate an agreement between the parties.

(c) The agency or ground water user group initiating the request for identification shall hold at least one public meeting for the purpose of receiving comments from the public, affected local, state and tribal agencies and ground water user groups.

(d) Upon completion, the request for identification shall be submitted to the department and other affected state and local agencies and ground water user groups for their review and comment. Comments shall be submitted to the department.

(5) If the department is proposing an area for identification, the department shall prepare a report containing the information in subsection (4)(a) of this section, hold a public meeting, and submit the report to affected state and local agencies and ground water user groups for their review and comment.

(6) Based upon review of the request for identification together with any comments received and a finding that the proposed area meets the guidelines and criteria of subsections (2) and (3) of this section, the department shall identify the proposed area as a probable ground water management area, establish the general planning boundaries and appoint a lead agency. When a probable ground water management area is included within only one county and that county indicates its desire to assume lead agency status, the department shall appoint the county as lead agency. The department shall notify affected state and local agencies, ground water user groups, tribal governments and local news media of such identification.

[Statutory Authority: RCW 90.44.400, 86-02-004 (Order DE 85-24), § 173-100-050, filed 12/20/85.]

**WAC 173-100-060 General schedule.** The department shall establish a general schedule for the designation of specific ground water management areas. The general schedule shall guide the department in the designation of specific ground water management areas and

in the allocation of the department's available water resources funding and staffing.

(1) The general schedule for designation of ground water management areas shall identify the relative priority of each of the probable ground water management areas. The relative priority of the probable ground water management areas shall be based upon:

(a) The availability of local or state agency resources to develop and implement a ground water management program;

(b) The significance, severity or urgency of the problems or potential problems described in the request for identification submitted for each area, with the highest priority given to areas where the water quality is imminently threatened;

(2) The department shall revise the general schedule as needed to comply with the intent of this chapter. After each revision the general schedule shall be published in the news media and the Washington State Register. A public hearing will be held in June of each year to receive public comment on the general schedule.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-060, filed 12/20/85.]

**WAC 173-100-070 Designation of ground water management areas for program planning purposes.** The department shall designate ground water management areas by order of the department in accordance with the general schedule. The department shall hold a public hearing within the county or counties containing the probable ground water management area prior to such designation. The order shall be issued to the lead agency as well as the agency or ground water user group originally requesting identification of the areas, with copies sent to other affected state agencies, local governments, tribal governments and those parties recommended for ground water advisory committee membership. Copies of the order shall be published by the department in newspapers of general circulation within the area. The order shall contain a general description of the planning boundary for the ground water management area and shall state that the department, in cooperation with the lead agency and local government, intends to appoint a ground water advisory committee to oversee the development of a ground water management program for the area.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-070, filed 12/20/85.]

**WAC 173-100-080 Lead agency responsibilities.** The lead agency shall be responsible for coordinating and undertaking the activities necessary for development of the ground water management program. These activities shall include collecting data and conducting studies related to hydrogeology, water quality, water use, land use, and population projections; scheduling and coordinating advisory committee meetings; presenting draft materials to the committee for review; responding to comments from the committee; coordinating SEPA review; executing inter-local agreements or other contracts; and other duties as may be necessary. The lead

agency shall also prepare a work plan, schedule, and budget for the development of the program that shows the responsibilities and roles of each of the advisory committee members as agreed upon by the committee. Data collection, data analysis and other elements of the program development may be delegated by the lead agency to other advisory committee members.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-080, filed 12/20/85.]

**WAC 173-100-090 Ground water advisory committee.** (1) The ground water advisory committee shall be responsible for overseeing the development of the ground water management program; reviewing the work plan, schedule and budget for the development of the program; assuring that the program is technically and functionally sound; verifying that the program is consistent with this chapter and with the respective authorities of the affected agencies; and formulating and implementing a public involvement plan.

(2) The membership of each ground water advisory committee shall represent a broad spectrum of the public in order to ensure that the ground water is protected and utilized for the greatest benefit to the people of the state. The committee shall include, but not be limited to, representation from the following groups:

(a) Local government legislative authorities within the designated area;

(b) Planning agencies having jurisdiction within the designated area;

(c) Health agencies having jurisdiction within the designated area;

(d) Ground water user groups within the designated area, including domestic well owners;

(e) The department;

(f) Department of social and health services;

(g) Other local, state, and federal agencies as determined to be appropriate by the department;

(h) Tribal governments, where a ground water management program may affect tribal waters;

(i) Public and special interest groups such as agricultural, well drilling, forestry, environmental, business and/or industrial groups within the area, as determined to be appropriate by the department.

(3) The department shall appoint, by letter, members and alternates to the ground water advisory committee after seeking nominations from the groups listed above. Members and alternates shall serve until the ground water management program for the area is certified. The department may appoint replacement members or alternates upon request of the appointee or the ground water advisory committee.

(4) The lead agency shall hold the first meeting of the ground water advisory committee within sixty days of the appointment of the committee. Public notice shall be given for each meeting. The lead agency shall chair the first meeting, during which the advisory committee shall determine, by general agreement, rules for conducting business, including voting procedures, and the chairperson of the advisory committee.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-090, filed 12/20/85.]

**WAC 173-100-100 Ground water management program content.** The program for each ground water management area will be tailored to the specific conditions of the area. The following guidelines on program content are intended to serve as a general framework for the program, to be adapted to the particular needs of each area. Each program shall include, as appropriate, the following:

(1) An area characterization section comprised of:

(a) A delineation of the ground water area, subarea or depth zone boundaries and the rationale for those boundaries;

(b) A map showing the jurisdictional boundaries of all state, local, tribal, and federal governments within the ground water management area;

(c) Land and water use management authorities, policies, goals and responsibilities of state, local, tribal, and federal governments that may affect the area's ground water quality and quantity;

(d) A general description of the locale, including a brief description of the topography, geology, climate, population, land use, water use and water resources;

(e) A description of the area's hydrogeology, including the delineation of aquifers, aquitards, hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates, direction and quantity of ground water flow, water-table contour and potentiometric maps by aquifer, locations of wells, perennial streams and springs, the locations of aquifer recharge and discharge areas, and the distribution and quantity of natural and man-induced aquifer recharge and discharge;

(f) Characterization of the historical and existing ground water quality;

(g) Estimates of the historical and current rates of ground water use and purposes of such use within the area;

(h) Projections of ground water supply needs and rates of withdrawal based upon alternative population and land use projections;

(i) References including sources of data, methods and accuracy of measurements, quality control used in data collection and measurement programs, and documentation for and construction details of any computer models used.

(2) A problem definition section that discusses land and water use activities potentially affecting the ground water quality or quantity of the area. These activities may include but are not limited to:

- Commercial, municipal, and industrial discharges
- Underground or surface storage of harmful materials in containers susceptible to leakage
- Accidental spills
- Waste disposal, including liquid, solid, and hazardous waste
- Storm water disposal
- Mining activities
- Application and storage of roadway deicing chemicals

-Agricultural activities

-Artificial recharge of the aquifer by injection wells, seepage ponds, land spreading, or irrigation

-Aquifer over-utilization causing seawater intrusion, other contamination, water table declines or depletion of surface waters

-Improperly constructed or abandoned wells

-Confined animal feeding activities

The discussion should define the extent of the ground water problems caused or potentially caused by each activity, including effects which may extend across ground water management area boundaries, supported by as much documentation as possible. The section should analyze historical trends in water quality in terms of their likely causes, document declining water table levels and other water use conflicts, establish the relationship between water withdrawal distribution and rates and water level changes within each aquifer or zone, and predict the likelihood of future problems and conflicts if no action is taken. The discussion should also identify land and water use management policies that affect ground water quality and quantity in the area. Areas where insufficient data exists to define the nature and extent of existing or potential ground water problems shall be documented.

(3) A section identifying water quantity and quality goals and objectives for the area which (a) recognize existing and future uses of the aquifer, (b) are in accordance with water quality standards of the department, the department of social and health services, and the federal environmental protection agency, and (c) recognize annual variations in aquifer recharge and other significant hydrogeologic factors;

(4) An alternatives section outlining various land and water use management strategies for reaching the program's goals and objectives that address each of the ground water problems discussed in the problem definition section. If necessary, alternative data collection and analysis programs shall be defined to enable better characterization of the ground water and potential quality and quantity problems. Each of the alternative strategies shall be evaluated in terms of feasibility, effectiveness, cost, time and difficulty to implement, and degree of consistency with local comprehensive plans and water management programs such as the coordinated water system plan, the water supply reservation program, and others. The alternative management strategies shall address water conservation, conflicts with existing water rights and minimum instream flow requirements, programs to resolve such conflicts, and long-term policies and construction practices necessary to protect existing water rights and subsequent facilities installed in accordance with the ground water management area program and/or other water right procedures.

(5) A recommendations section containing those management strategies chosen from the alternatives section that are recommended for implementation. The rationale for choosing these strategies as opposed to the other alternatives identified shall be given;

(6) An implementation section comprised of:

(a) A detailed work plan for implementing each aspect of the ground water management strategies as presented in the recommendations section. For each recommended management action, the parties responsible for initiating the action and a schedule for implementation shall be identified. Where possible, the implementation plan should include specifically worded statements such as model ordinances, recommended governmental policy statements, interagency agreements, proposed legislative changes, and proposed amendments to local comprehensive plans, coordinated water system plans, basin management programs, and others as appropriate;

(b) A monitoring system for evaluating the effectiveness of the program;

(c) A process for the periodic review and revision of the ground water management program.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-100, filed 12/20/85.]

**WAC 173-100-110 SEPA review.** The proposed ground water management program shall be subject to review pursuant to the State Environmental Policy Act, chapter 43.21C RCW, as required under the applicable implementing regulations.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-110, filed 12/20/85.]

**WAC 173-100-120 Hearings and implementation.**

(1) Upon completion of the ground water area management program, the department shall hold a public hearing within the designated ground water management area for the purpose of taking public testimony on the proposed program. Local governments are encouraged to hold joint hearings with the department to hear testimony on the proposed management program. Following the public hearing, the department and each affected local government shall prepare findings on the ground water management program within ninety days. This period may be extended by the department for an additional ninety days. The findings shall evaluate the program's technical soundness, economic feasibility, and consistency with the intent of this chapter and other federal, state and local laws. The findings shall identify any revisions necessary before the program can be certified and shall contain a statement of the agency's concurrence, indicating its intent to adopt implementing policies, ordinances and programs if required, or a statement of nonconcurrence with the program if such be the case.

(2) The lead agency will consolidate the findings and present them to the advisory committee. Statements of nonconcurrence shall be resolved by the committee and the program revised if necessary.

(3) The program shall then be submitted by the ground water advisory committee to the department which shall certify that the program is consistent with the intent of this chapter.

(4) Following such certification, state agencies and affected local governments shall adopt or amend regulations, ordinances, and/or programs for implementing

those provisions of the ground water management program which are within their respective jurisdictional authorities.

(5) The department, the department of social and health services and affected local governments shall be guided by the adopted program when reviewing and considering approval of all studies, plans and facilities that may utilize or impact the implementation of the ground water management program.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-120, filed 12/20/85.]

**WAC 173-100-130 Designation of ground water areas.** The procedures provided in RCW 90.44.130 may be utilized by the department to designate ground water areas, subareas, or zones for the purposes described therein either in conjunction with the procedures of this chapter or independently thereof.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-130, filed 12/20/85.]

**WAC 173-100-140 Inter-governmental agreements.**

In order to fully implement this chapter, the department may negotiate and enter into cooperative agreements with Indian tribal governments, adjacent states and Canadian governmental agencies when a ground water management area is contiguous with or affects lands under their jurisdiction. Such cooperative agreements shall not affect the jurisdiction over any civil or criminal matters that may be exercised by any party to such an agreement. Inter-governmental agreements shall further the purposes of this chapter, and shall serve to establish a framework for inter-governmental coordination, minimize duplication, and efficiently utilize program resources to protect ground water resources.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-140, filed 12/20/85.]

**WAC 173-100-150 Appeals.** All final written decisions of the department pertaining to designation of ground water management areas, certification of ground water management programs, permits, regulatory orders, and related decisions pursuant to this chapter shall be subject to review by the pollution control hearings board under chapter 43.21B RCW.

[Statutory Authority: RCW 90.44.400. 86-02-004 (Order DE 85-24), § 173-100-150, filed 12/20/85.]

**Chapter 173-124 WAC  
QUINCY GROUND WATER MANAGEMENT  
SUBAREA AND ZONES**

WAC

173-124-010	Background.
173-124-020	Purpose.
173-124-030	Authority.
173-124-040	Subarea definition.
173-124-050	Subarea zone definition.
173-124-060	Subarea map.
173-124-06001	Subarea, zone, and unit distinctions.

**WAC 173-124-010 Background.** (1) On March 1, 1969, the department of water resources promulgated WAC 508-14-010 to curtail further ground water development in a defined area of the Columbia Basin, referred to as the "Quincy Basin," pending the outcome of detailed ground water investigations to determine if further appropriation of public ground waters in this area should be allowed.

(2) The extensive investigation program was to be completed no later than December 31, 1972, and thereafter procedures would be developed to insure proper allocation and management of the Quincy Basin ground water resource.

(3) Since the effective date of WAC 508-14-010, all applications to appropriate ground water in the defined Quincy Basin have been held in abeyance pending the outcome of the ground water investigations.

(4) As part of the investigation program a digital ground water model has been developed to analyze ground water conditions in most of the Columbia Basin including the Quincy Basin.

(5) Through use of this ground water model it has been possible to define with reasonable accuracy the extent of a practical ground water management unit in the Quincy Basin area.

[Order 72-24, § 173-124-010, filed 1/15/73.]

**WAC 173-124-020 Purpose.** The purpose of this regulation is to establish areal boundaries and depth zones for the Quincy ground water subarea as the initial step toward development of a proper ground water management program for this part of the Columbia Basin.

[Order 72-24, § 173-124-020, filed 1/15/73.]

**WAC 173-124-030 Authority.** This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 43.21A, 90.03, and 90.44 RCW and after giving notice as provided in chapter 34.04 RCW.

[Order 72-24, § 173-124-030, filed 1/15/73.]

**WAC 173-124-040 Subarea definition.** "Quincy ground water subarea" shall mean those lands lying within the Columbia Basin described as follows:

Township (North)	Range (East)	Sections
17	23	1 thru 4, 11 and 12
17	24	1 thru 16
17	25	1 thru 18 and 24
17	26	1 thru 24
17	27	1 thru 24
17	28	1 thru 20
17	29	1 thru 12 and 14 thru 18
17	30	*1 thru 8, 12, and that part of 9, 10, 11, 13 and 14 lying to the right of the center line of the east low canal
17	31	*7 and that part of 5, 6, 8, 17 and 18 lying to the right of the center line of the east low canal
18	22	1, 12, and 13
18	23	1 thru 36
18	24	1 thru 36

Township (North)	Range (East)	Sections
18	25	1 thru 36
18	26	1 thru 36
18	27	1 thru 36
18	28	1 thru 36
18	29	1 thru 36
18	30	*3 thru 10, 15 thru 24, 26 thru 36 and that part of 2, 11, 13, 14 and 25 lying to the right of the center line of the east low canal
18	31	*That part of 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
19	23	1 thru 5 and 8 thru 17, 20 thru 29 and 31 thru 36
19	24	1 thru 36
19	25	1 thru 36
19	26	1 thru 36
19	27	1 thru 36
19	28	1 thru 36
19	29	*5 thru 8, 17 thru 21, 28 thru 33, and that part of 4, 9, 15, 16, 22, 23, 27, 34, 35 and 36 lying to the right of the center line of the east low canal
19	30	*That part of 28 and 31 thru 35 lying to the right of the center line of the east low canal
20	23	1 thru 5 and 8 thru 17, 20 thru 29 and 32 thru 36
20	24	1 thru 36
20	25	1 thru 36
20	26	1 thru 36
20	27	1 thru 36
20	28	1 thru 36
20	29	*19, 20, 29 thru 32, and that part of 6, 7, 16, 17, 18, 21, 28, and 33 lying to the right of the center line of the east low canal
21	23	25 thru 28 and 32 thru 36
21	24	25 thru 36
21	25	24 thru 36
21	26	1 thru 4, 9 thru 16 and 19 thru 36
21	27	1 thru 36
21	28	*5 thru 9, 13 thru 36 and that part of 3, 4, 9, 10, 11 and 12 lying to the right of the center line of the east low canal
21	29	*That part of 7, 8, 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
22	26	2, 10 thru 16, 21 thru 28 and 33 thru 36
22	27	1 thru 4 and 7 thru 36
22	28	*1 thru 11, 31 and that part of 18, 19, 29, 30, 32, and 33 lying to the right of the center line of the east low canal
23	27	34 thru 36
23	28	31 thru 36

\*Right and left sides are determined by looking in the downstream direction or direction of flow.

[Order 72-24, § 173-124-040, filed 1/15/73.]

**WAC 173-124-050 Subarea zone definition.** (1) "Quincy unconsolidated zone" shall mean those rock units in the Quincy ground water subarea lying between ground surface and the top of the uppermost basalt flow.

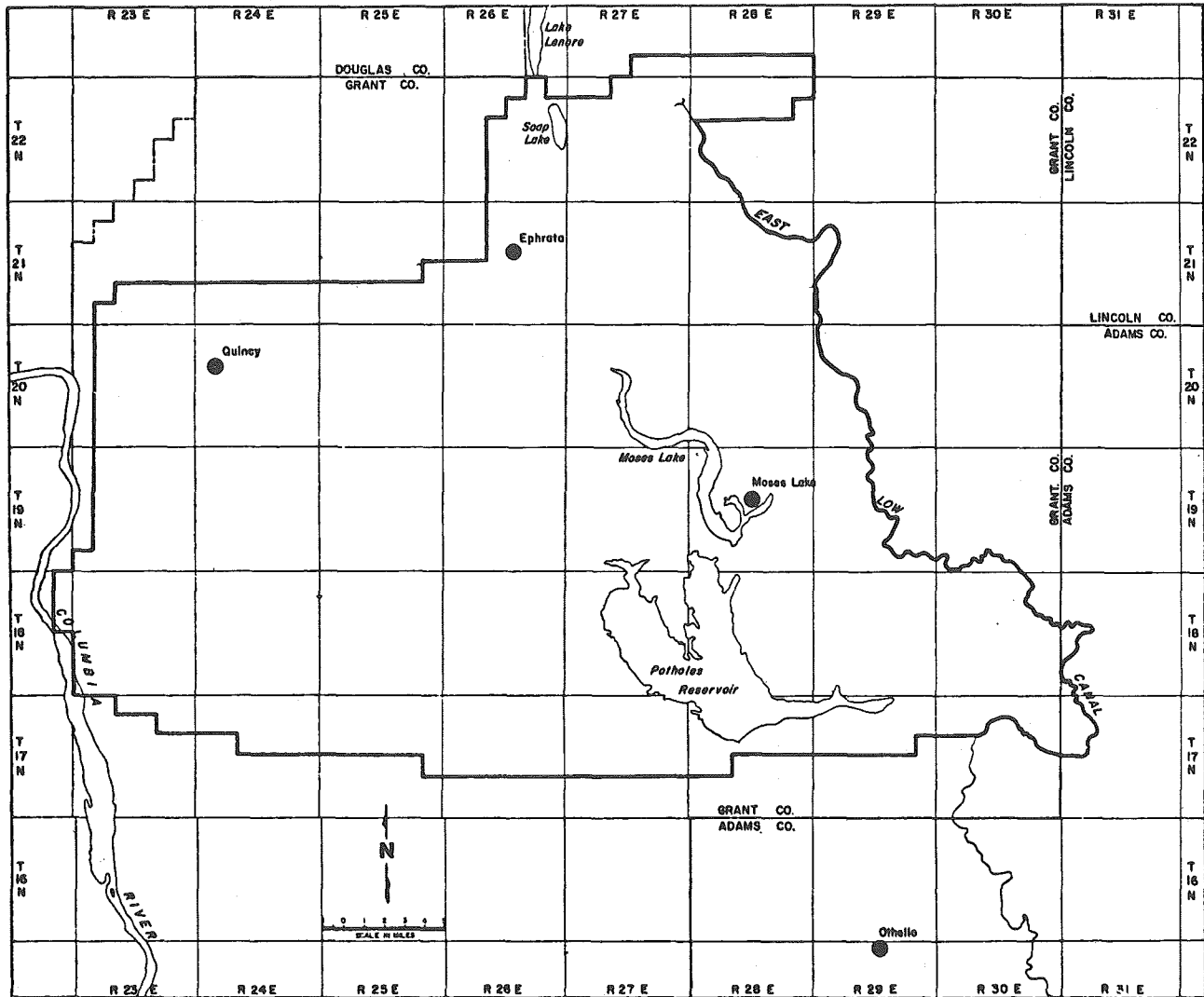
(2) "Quincy basalt zone" shall mean those rock units in the Quincy ground water subarea consisting of basalt flows of tertiary age.

[Order 72-24, § 173-124-050, filed 1/15/73.]



WAC 173-124-060 Subarea map. "Quincy ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

QUINCY GROUND WATER SUBAREA



[Order 72-24, § 173-124-060, filed 1/15/73.]

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 ground water 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 ground water subarea, as defined at chapter 173-130 WAC, extend beyond the exterior boundaries of the Odessa ground water 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 ground water subarea are considered to be separate and distinct from the bodies of ground water contained within the exterior boundaries of the Odessa ground water subarea, which is significantly different than the Quincy ground water subarea in various respects.

This regulation is adopted to clarify the differences between the Quincy ground water subarea and the Odessa ground water 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 and 90.44.130, 78-05-007 (Order DE 77-36), § 173-124-060, (codified as WAC 173-124-06001), filed 4/7/78.]

**Chapter 173-128A WAC**  
**ODESSA GROUND WATER MANAGEMENT**  
**SUBAREA**

**WAC**

- 173-128A-010 Authority.
- 173-128A-020 Background.
- 173-128A-030 Purpose.
- 173-128A-040 Subarea definition.
- 173-128A-050 Subarea map.

**WAC 173-128A-010 Authority.** This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-010, filed 6/30/82. Formerly WAC 173-128-030.]

**WAC 173-128A-020 Background.** (1) Since 1967, the segment of the Columbia basin ground water system centered around the community of Odessa has experienced a steady decline in ground water levels.

(2) Spurred by local concern and foreseeable management problems, the department of water resources (now department of ecology) closed an area of approximately 1,100 square miles to the drilling of large producing water wells and initiated a detailed investigation of ground water conditions in the Odessa basin.

(3) As a result of this investigation, a digital ground water model of the Odessa basin was developed and used in 1974 and 1975 to predict the effect of additional ground water withdrawals on existing water level declines.

(4) In 1975, the department expanded its ground water monitoring program and discontinued use of the predictive model.

(5) The expanded monitoring program, with additional data on the actual effects of pumping, included wells south of the subarea which showed ground water declines similar in magnitude to those inside the subarea.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-020, filed 6/30/82. Formerly WAC 173-128-010.]

**WAC 173-128A-030 Purpose.** The purpose of this regulation is to expand the boundaries of the Odessa

ground water subarea as originally set forth in chapter 173-128 WAC.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-030, filed 6/30/82. Formerly WAC 173-128-020.]

**WAC 173-128A-040 Subarea definition.** "Odessa ground water subarea" shall mean those lands lying within the Columbia Basin described as follows:

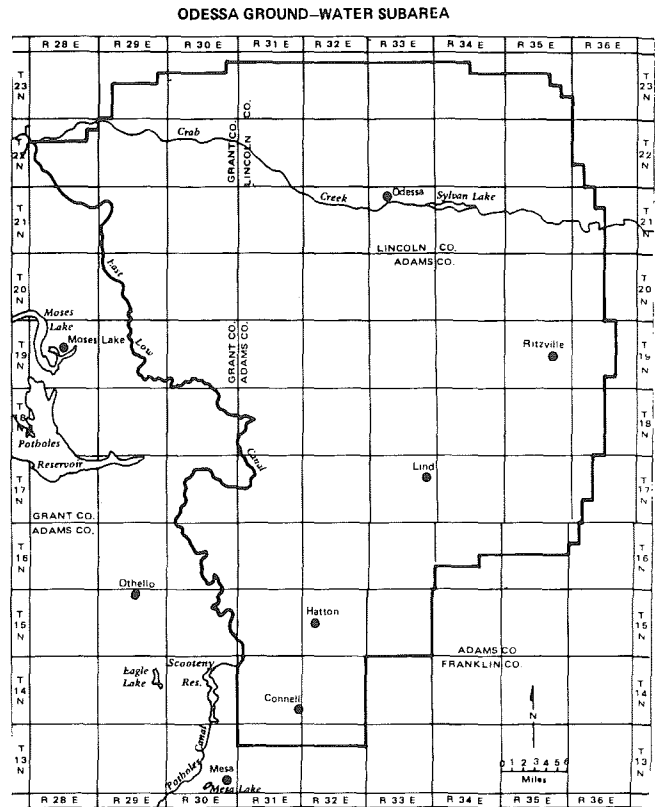
Township (North)	Range (East)	Sections
13	31	1 thru 12
13	32	1 thru 12
14	31	*1 thru 6, 8 thru 17, 19 thru 36, and that part of 7 and 18 lying to the left of the center line of the East Low Canal
14	32	1 thru 36
15	30	*1, and that part of 2, 11, 12 lying to the left of the center line of the East Low Canal
15	31	*1 thru 29, 32 thru 36, and that part of 30 and 31 lying to the left of the center line of the East Low Canal
15	32	1 thru 36
15	33	1 thru 36
16	30	*1 thru 4, 10 thru 14, 23 thru 25, 36, and that part of 5, 6, 8, 9, 15, 16, 21, 22, 26, 27, 28, 34, and 35 lying to the left of the center line of the East Low Canal
16	31	1 thru 36
16	32	1 thru 36
16	33	1 thru 36
16	34	1 thru 22
16	35	1 thru 18
16	36	6 and 7
17	30	*15, 16, 21 thru 28, 33 thru 36, and that part of 8 thru 11, 13, 14, 17, 20, 29, 31, and 32 lying to the left of the center line of the East Low Canal
17	31	*1 thru 4, 9 thru 16, 19 thru 36, and that part of 5, 6, 8, 17 and 18 lying to the left of the center line of the East Low Canal
17	32	1 thru 36
17	33	1 thru 36
17	34	1 thru 36
17	35	1 thru 36
17	36	5 thru 8, 17 thru 20, 30 and 31
18	30	*1, 12 and that part of 2, 11, 13, and 14 lying to the left of the center line of the East Low Canal
18	31	*1 thru 16, 20 thru 29, 32 thru 36, and that part of 17, 18, 19, 30, and 31 lying to the left of the center line of the East Low Canal
18	32	1 thru 36
18	33	1 thru 36
18	34	1 thru 36
18	35	1 thru 36
18	36	4 thru 9, 16 thru 21, and 28 thru 33
19	29	*1 thru 3, 10 thru 14, 24, 25, and that part of 3, 4, 9, 10, 15, 16, 22, 23, 26, 27, 34, 35, and 36 lying to the left of the center line of the East Low Canal

Township (North)	Range (East)	Sections
19	30	*1 thru 27, 29, 30, 36 and that part of 28 and 31 thru 35 lying to the left of the center line of the East Low Canal
19	31	1 thru 36
19	32	1 thru 36
19	33	1 thru 36
19	34	1 thru 36
19	35	1 thru 36
19	36	3 thru 10, 15 thru 22 and 27 thru 33
20	29	*1 thru 5, 8 thru 15, 22 thru 27, 34 thru 36 and that part of 6, 7, 16, 17, 18, 21, 28 and 33 lying to the left of the center line of the East Low Canal
20	30	1 thru 36
20	31	1 thru 36
20	32	1 thru 36
20	33	1 thru 36
20	34	1 thru 36
20	35	1 thru 36
20	36	4 thru 9, 16 thru 21, and 28 thru 33
21	28	*1, 2, and that part of 3, 4, 10, 11 and 12 lying to the left of the center line of the East Low Canal
21	29	*1 thru 6, 9 thru 16, 20 thru 29, 32 thru 36 and that part of 7, 8, 17, 18, 19, 30 and 31 lying to the left of the center line of the East Low Canal
21	30	1 thru 36
21	31	1 thru 36
21	32	1 thru 36
21	33	1 thru 36
21	34	1 thru 36
21	35	1 thru 36
21	36	5 thru 8, 16 thru 21, and 28 thru 33
22	28	*12 thru 17, 20 thru 28, 34 thru 36 and that part of 18, 19, 29, 30, 32 and 33 lying to the left of the center line of the East Low Canal
22	29	1 thru 36
22	30	1 thru 36
22	31	1 thru 36
22	32	1 thru 36
22	33	1 thru 36
22	34	1 thru 36
22	35	1 thru 36
22	36	30 and 31
23	29	13, 20 thru 29, and 32 thru 36
23	30	12 thru 36
23	31	7 thru 36
23	32	7 thru 36
23	33	7 thru 36
23	34	7 thru 9 and 13 thru 36
23	35	15 thru 23 and 25 thru 36

\*Right and left sides are determined by looking in the downstream or flow direction.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-040, filed 6/30/82. Formerly WAC 173-128-040.]

**WAC 173-128A-050 Subarea map.** "Odessa ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:



[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-050, filed 6/30/82. Formerly WAC 173-128-050.]

**Chapter 173-130A WAC  
ODESSA GROUND WATER SUBAREA  
MANAGEMENT POLICY**

**WAC**

- 173-130A-010 Authority.
- 173-130A-020 Background.
- 173-130A-030 Definitions.
- 173-130A-040 Purpose.
- 173-130A-050 Exemptions.
- 173-130A-060 Rate of decline in water level to be controlled.
- 173-130A-070 Maximum lowering of the water table.
- 173-130A-080 Regulation of withdrawal of ground water.
- 173-130A-090 Notice of regulation.
- 173-130A-100 Applications for withdrawal of ground water.
- 173-130A-110 Distance of wells from East Low Canal.
- 173-130A-120 Ground water mound—Columbia Basin project interests.
- 173-130A-130 Irrigation season.
- 173-130A-140 Airlines.
- 173-130A-150 Water duty.
- 173-130A-160 Development schedule.
- 173-130A-170 Casing and sealing.
- 173-130A-180 Reworking wells.
- 173-130A-190 Bore hole information.
- 173-130A-200 Acreage expansion program.
- 173-130A-210 General implementation.
- 173-130A-220 Regulation review.

**WAC 173-130A-010 Authority.** This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A, 90.03 and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-010, filed 8/4/82. Formerly WAC 173-130-020.]

**WAC 173-130A-020 Background.** The Odessa ground water subarea was established and the boundaries set forth in chapter 173-128A WAC.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-020, filed 8/4/82. Formerly WAC 173-130-010.]

**WAC 173-130A-030 Definitions.** For the purposes of this chapter, the following definitions shall be used:

(1) "Water table" shall mean the surface formed by mapping the altitude at which water stands in wells.

(2) "Priority" shall mean the date of receipt by the department of ecology or its predecessor of an acceptable application to appropriate public ground water.

(3) "Department" shall mean the department of ecology.

(4) "Bore hole information" shall include data required to determine the extent and nature of subsurface geologic and hydrologic properties. Examples of bore hole information includes data contained on a completed department water well report form, all or a portion of a suite of geophysical logs such as resistivity, flow, caliper, and television video scanning.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-030, filed 8/4/82. Formerly WAC 173-130-030.]

**WAC 173-130A-040 Purpose.** The purpose of this regulation is to provide a procedure for managing ground water within the Odessa ground water subarea to insure the maintenance of a safe sustaining yield from the ground water body within a reasonable and feasible pumping lift.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-040, filed 8/4/82. Formerly WAC 173-130-040.]

**WAC 173-130A-050 Exemptions.** The following shall not be subject to this management regulation:

(1) Wells from which the withdrawal is less than 5,000 gallons per day;

(2) Wells drilled under prior authorization which were defined as "Zone C" wells in WAC 173-130-030(3), now repealed.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-050, filed 8/4/82.]

**WAC 173-130A-060 Rate of decline in water level to be controlled.** The rate of decline in the water level will be limited to a total amount of thirty feet in three consecutive years. In the case of a new well, the base time shall commence in the spring following the first season of irrigation use.

[Title 173 WAC—p 172]

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-060, filed 8/4/82. Formerly WAC 173-130-060.]

**WAC 173-130A-070 Maximum lowering of the water table.** These regulations will be used to prevent the spring static water table, as measured prior to commencement of pumping for irrigation, from lowering more than three hundred feet below the altitude of the static water level as it existed in the spring of 1967.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-070, filed 8/4/82. Formerly WAC 173-130-070.]

**WAC 173-130A-080 Regulation of withdrawal of ground water.** (1) Upon complaint from a water right holder that the water level in the associated well or wells is being drawn down at a rate in excess of thirty feet in three years as set forth in WAC 173-130A-060 as a primary result of pumping by subsequent appropriators, the department shall evaluate the complaint and take appropriate regulatory action, to the extent practicable, to protect the rights of the prior appropriator.

(2) Whenever the department has reason to believe that the provision of WAC 173-130A-070 is going to be violated, regulatory action to limit withdrawals in the affected area will be initiated according to the procedure outlined in WAC 173-130A-090. Such regulation shall conform to the priority of the pertinent, valid rights and shall prevail on an annual basis until the condition no longer exists, unless the aggregate withdrawal is decreased by mutual agreement of the affected water right holders pursuant to RCW 90.44.180.

(3) The department shall take regulatory action, to the extent necessary, to assure compliance with water right conditions.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-080, filed 8/4/82. Formerly WAC 173-130-080.]

**WAC 173-130A-090 Notice of regulation.** (1) Notice of regulation shall be provided to each water right holder within the area identified pursuant to WAC 173-130A-080(2) by certified mail on or before May 1 of each year when regulation of withdrawals is contemplated for the next calendar year. Said notice shall also provide for a public meeting within thirty days to be held in the affected area to discuss proposed regulatory action.

(2) Within sixty days following this public meeting, departmental orders will be sent to those water right holders to be regulated.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-090, filed 8/4/82. Formerly WAC 173-130-090.]

**WAC 173-130A-100 Applications for withdrawal of ground water.** All applications for permits to appropriate ground water from within the Odessa ground water subarea shall be analyzed in order of priority to determine the calculated effect that the requested rate and volume

of withdrawal will have on existing ground water declines. No permit will be issued for withdrawals which calculations show will cause the conditions of WAC 173-130A-060 or 173-130A-070 to be exceeded at any location within the subarea.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-100, filed 8/4/82. Formerly WAC 173-130-140.]

**WAC 173-130A-110 Distance of wells from East Low Canal.** No well may be drilled closer than one-quarter mile to the centerline of the East Low Canal.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-110, filed 8/4/82. Formerly WAC 173-130-170.]

**WAC 173-130A-120 Ground water mound--Columbia Basin project interests.** Irrigation of Columbia Basin project lands lying westerly of the East Low Canal and canal leakage have caused development of a ground water mound lying generally under the canal. The retention of existing water levels under the canal is necessary to maintain the present water table gradient toward the Potholes Reservoir to allow the recapture and utilization of artificially stored ground water (see order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975). All applications for permit within the following described area will be evaluated on a case-by-case basis consistent with this chapter. Additionally, the potential effects of the proposed appropriation on existing rights including protection of the ground water mound will be determined. All new permits will be conditioned to assure retention of the existing water levels under the East Low Canal.

Twp N	Rge E	Section
17	30	15, 16, 23, 24 and all those portions of 9 through 11, 13 and 14 lying southerly of the East Low Canal.
	31	3, 4, 9 through 11, 14 through 16, 19 through 23, and those portions of 5, 6, 8, and 17 lying easterly of the East Low Canal.
18	30	1, 12, and all those portions of 2, 11, 13 and 14 lying easterly of East Low Canal.
	31	4 through 10, 15, 16, 21, 22, 27 through 29, 32 through 34, and all those portions of 17 through 20, 30 and 31 lying northerly and easterly of the East Low Canal.
19	29	1 through 3, 10 through 14, 24 through 26, and all those portions of 4, 9, 15, 16, 22, 23, 27, and 34 through 36 lying easterly and northerly of the East Low Canal.
	30	19 through 23, 25 through 27, 29, 30, 36, and all those portions of 28, 31 through 35 lying northerly and easterly of the East Low Canal.
	31	30 and 31
20	29	27, 35, and all those portions of 21, 28, 33 and 34 lying easterly of the East Low Canal.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-120, filed 8/4/82.]

**WAC 173-130A-130 Irrigation season.** The irrigation season for withdrawal of ground water in the Odessa ground water subarea shall be from February 1 to November 30, each year. However, the department recognizes that conditions will vary from year to year, making application of water to the land necessary during December and/or January in some years. Permission to withdraw ground water during December and January may be granted by the department upon showing of a need by individual permit or certificate holders and if not inconsistent with the regulatory program of this chapter.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-130, filed 8/4/82. Formerly WAC 173-130-195.]

**WAC 173-130A-140 Airlines.** An airline and pressure gauge shall be installed and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the department.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-140, filed 8/4/82.]

**WAC 173-130A-150 Water duty.** The duty of water issued in permits for agricultural irrigation shall be not more than 2.5 acre feet per acre per calendar year.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-150, filed 8/4/82.]

**WAC 173-130A-160 Development schedule.** All new permits issued will require beginning of construction of the authorized well(s) within two years after permit issuance. Beginning of construction means that the well drilling has been started and is being actively pursued toward completion. No extensions of time will be granted to this schedule. Violation of this requirement will result in cancellation of the related permits.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-160, filed 8/4/82.]

**WAC 173-130A-170 Casing and sealing.** In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only

be used if approved in writing by the department prior to well completion.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-170, filed 8/4/82.]

**WAC 173-130A-180 Reworking wells.** Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not be limited to, reaming to enlarge well diameter or deepening.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-180, filed 8/4/82. Formerly WAC 173-130-155.]

**WAC 173-130A-190 Bore hole information.** It shall be the responsibility of the owner of all new or reworked wells drilled in the Odessa ground water subarea to provide the department of ecology with such logs as the department may reasonably require.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-190, filed 8/4/82. Formerly WAC 173-130-160.]

**WAC 173-130A-200 Acreage expansion program.** (1) Water right certificate holders who wish to expand their authorized irrigated acreage while not increasing actual historic withdrawal rates in gallons per minute or acre feet per year, within the maximum limits of their water right, may submit a request in writing to the department at least four months prior to initiation of irrigation. Such request shall include documentation substantiating actual quantities applied to a beneficial use within authorized acreage for a minimum of the three previous consecutive irrigation seasons. This documentation shall consist of accurate flow meter readings, electrical consumption which has been converted to actual acre footage withdrawn, or any other data acceptable to the department.

(2) The acreage expansion, if authorized, will allow the certificate holder to apply the average of the quantity of water beneficially used during the past three consecutive years to more land.

(3) Where the acreage expansion program is continuous from year to year, the initial documentation of beneficial use of water shall apply to each subsequent year.

(4) New wells will not be permitted to be drilled as part of this program. Every well authorized for use under this program must be equipped with an accurately operating flow meter before acreage expansion can be implemented.

(5) By December 31 of each year, the water user shall submit in writing to the department a statement of the total water used, in acre feet, under the acreage expansion program for the completed irrigation season.

(6) The acreage expansion program will be administered as a temporary change through an annual letter of authorization. No permanent amendment or change in any water right certificate shall be issued as part of this program.

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The penalty for noncompliance with the provisions of this section shall include, but not be limited to, termination from the acreage expansion program for one calendar year.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-200, filed 8/4/82.]

**WAC 173-130A-210 General implementation.** The department recognizes the uncertainties associated with ground water occurrence and water well construction, both being dependent in large part on the geologic and hydrologic characteristics of the aquifer materials underlying a specific proposed well site. Therefore, the department shall endeavor to implement this chapter in a reasonable and practical manner consistent with its purpose.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-210, filed 8/4/82.]

**WAC 173-130A-220 Regulation review.** The department may review these regulations whenever requested or by action initiated by the department.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-220, filed 8/4/82. Formerly WAC 173-130-200.]

## Chapter 173-132 WAC

### DUCK LAKE GROUND WATER MANAGEMENT SUBAREA

#### WAC

173-132-010	Background.
173-132-020	Purpose.
173-132-030	Authority.
173-132-040	Subarea definition.
173-132-050	Subarea map.

**WAC 173-132-010 Background.** (1) Through well data collected since 1958 and refraction seismic surveys conducted in 1970 and 1971, the department of ecology has identified a semiclosed ground water basin in the area of Duck Lake in Okanogan County, Washington.

(2) The principal aquifer in this area consists of glacial and fluvial sands and gravels that lie unconformably over metamorphic and igneous bedrock.

(3) Natural recharge to the aquifer occurs primarily through ground water migration from Johnson Creek Valley which lies northwest of the Duck Lake basin.

(4) The aquifer is also artificially recharged through waters diverted to Duck Lake from Salmon and Johnson creeks by the Okanogan irrigation district and from waters incidental to irrigation of project lands.

(5) Since the basin retains substantial quantities of artificially stored ground water, in accordance with chapter 90.44 RCW it has been recommended that the Duck Lake aquifer be designated as a ground water subarea.

[Order DE 74-24, § 173-132-010, filed 10/18/74.]

**WAC 173-132-020 Purpose.** The purpose of this regulation is to establish areal boundaries for the Duck Lake ground water subarea as the initial step toward development of an appropriate ground water management program for this area.

[Order DE 74-24, § 173-132-020, filed 10/18/74.]

**WAC 173-132-030 Authority.** This regulation is promulgated by the department of ecology under authorities and procedures provided in chapters 43.21A, 90.03 and 90.44 RCW and after giving notice as provided in chapter 34.04 RCW.

[Order DE 74-24, § 173-132-030, filed 10/18/74.]

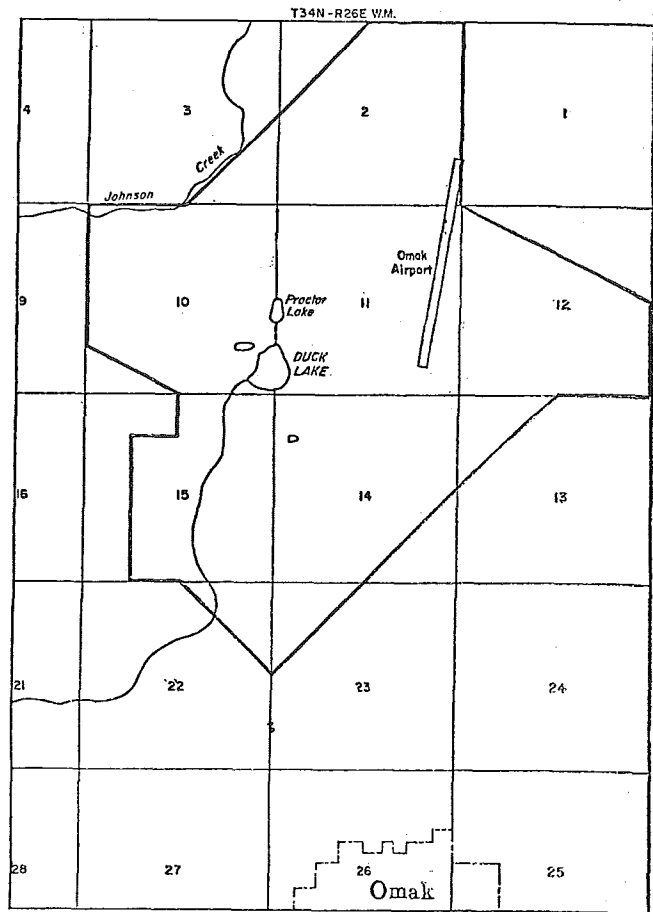
**WAC 173-132-040 Subarea definition.** "Duck Lake ground water subarea" shall mean those lands lying within Okanogan County described as follows:

Beginning at the west quarter corner of Sec. 23; thence northeast through the north quarter corner of Sec. 23 and the east quarter corner of Sec. 14 to the north quarter corner of Sec. 13; thence east to the northeast corner of Sec. 13; thence north to the east quarter corner of Sec. 12; thence northwest to the southeast corner of Sec. 2; thence northwest to the center of the northwest quarter of Sec. 2; thence southwest through the west quarter corner of Sec. 2 to the south quarter corner of Sec. 3; thence west to the southwest corner of Sec. 3; thence south along the west line of Sec. 10 to the "bedrock" exposure which lies approximately 1,300 feet north from the southwest corner of Sec. 10; thence southeasterly along the "bedrock" to the south quarter corner of Sec. 10; thence south 1,320 feet; thence west 1,320 feet to the center of the northwest quarter of Sec. 15; thence south 3,960 feet to the south line of Sec. 15; thence east to the south quarter corner of Sec. 15; thence southeast to the point of beginning; ALL in T. 34 N., R. 26 E.W.M., Okanogan County.

[Order DE 77-3, § 173-132-040, filed 4/21/77; Order DE 74-24, § 173-132-040, filed 10/18/74.]

**WAC 173-132-050 Subarea map.** "Duck Lake ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

DUCK LAKE GROUND WATER SUBAREA



[Order DE 74-24, § 173-132-050, filed 10/18/74.]

**Chapter 173-134A WAC  
QUINCY GROUND WATER SUBAREA  
MANAGEMENT POLICY**

- WAC
- 173-134A-010 Authority.
  - 173-134A-020 Background.
  - 173-134A-030 Purpose.
  - 173-134A-040 Definitions.
  - 173-134A-050 Management and regulation.
  - 173-134A-060 Withdrawal of waters of deep management unit.
  - 173-134A-070 Public ground water permit amendments.
  - 173-134A-080 Regulation of waters of the shallow management unit—Permit requirements.
  - 173-134A-085 Applicability.
  - 173-134A-090 Responsibility for water management—Designation of critical management areas.
  - 173-134A-100 Establishment of a technical committee.
  - 173-134A-110 Request for protection of interest.
  - 173-134A-120 Exemptions.
  - 173-134A-130 Agreements.
  - 173-134A-140 Existing laws and rights.
  - 173-134A-150 Regulation review.
  - 173-134A-160 Relinquishments—Public ground water.
  - 173-134A-170 Appeals to pollution control hearings board.

**WAC 173-134A-010 Authority.** This chapter is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43-21A, 90.03, and 90.44 RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90-44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-010, filed 6/1/83. Formerly chapter 173-134 WAC.]

**WAC 173-134A-020 Background.** The Quincy ground water subarea was duly established and the boundaries were set forth in chapter 173-124 WAC on January 15, 1973. Management rules for the Quincy subarea were then adopted on January 9, 1975, as chapter 173-134 WAC and amended on July 26, 1979.

The department has managed the ground waters within the Quincy subarea since that time in accordance with those rules.

The following information is provided as a background to assist in understanding this chapter.

By the end of the 1973 irrigation season (in October), there were approximately 3,493,142 acre-feet of imported waters stored underground in the Quincy ground water subarea. These imported waters are derived from the activities of the bureau and the Columbia Basin project. Most of the imported water is located in the shallow management unit where it comingles with naturally occurring public ground waters.

The general pattern of flow of ground water in the shallow management unit is toward Potholes Reservoir, a facility of the Columbia Basin project.

By order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975, declarations of artificially stored waters of the United States Bureau of Reclamation were accepted for the Quincy subarea and zones. There are no other accepted declarations relating to the Quincy subarea and zones.

Based on the best information available to the department in 1983, all waters naturally supplied to the Quincy Basin ground water system have been allocated to permits or certificates under state law. Of the aggregate thus allocated, it appears that because of nonuse, small additional amounts of such water can be appropriated without overdraft.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90-44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-020, filed 6/1/83. Formerly WAC 173-134-030.]

**WAC 173-134A-030 Purpose.** The purpose of this chapter is to set forth rules of the department of ecology for the administration of all ground waters within the Quincy ground water subarea, including among others, commingled public ground waters and artificially stored ground waters. This chapter replaces chapter 173-134 WAC. The rules established herein set forth the regulatory and management program for these waters and all such waters shall be authorized for withdrawal and otherwise regulated 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 of a declaration accepted by the department pursuant to RCW 90.44.130.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90-44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-030, filed 6/1/83. Formerly WAC 173-134-010.]

**WAC 173-134A-040 Definitions.** For purposes of this chapter, the following definitions shall apply:

(1) "Artificially stored ground waters" means waters beneath the land surface within an area, subarea, or zone which are the subject of the declaration by the bureau and accepted by the department of ecology.

(2) "Bureau" means the United States Department of the Interior, Bureau of Reclamation.

(3) "Critical management area" means a specified locality within the Quincy subarea where depletion of ground waters, including interference with surface waters, necessitates the implementation of special ground water restrictions to ensure protection to rights and interests in said waters as set forth in this chapter.

(4) "Deep management unit" means all ground waters underlying the shallow management unit.

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

(6) "Ground waters" means all waters 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 the Quincy ground water subarea.

(7) "Public ground waters" means all ground waters in the Quincy ground water subarea other than artificially stored ground water.

(8) "Quincy ground water subarea," and "Quincy subarea" mean the subarea established pursuant to RCW 90.44.130 and set forth in chapter 173-124 WAC.

(9) "Shallow management unit" means the ground water hydraulically continuous between land surface and a depth of 200 feet into the Quincy basalt zone and includes all of the Quincy unconsolidated zone.

It is noted that the definitions of (1) and (7) hereof are not intended to be identical with the definitions in RCW 90.44.035.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90-44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-040, filed 6/1/83. Formerly WAC 173-134-020.]

**WAC 173-134A-050 Management and regulation.** All public and artificially stored ground water of the Quincy subarea shall be managed and regulated by the department of ecology in accordance with this chapter.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90-44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-050, filed 6/1/83. Formerly WAC 173-134-040.]

**WAC 173-134A-060 Withdrawal of waters of deep management unit.** All withdrawals of waters of the deep management unit will be controlled by the prior appropriation provisions of RCW 90.44.050 and 90.44.060



and related code sections. The total authorized withdrawals under state permits or certificates from the deep management unit shall not exceed 97,901 acre-feet per year, unless the department should determine otherwise through further studies.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-060, filed 6/1/83. Formerly WAC 173-134-050.]

**WAC 173-134A-070 Public ground water permit amendments.** The department may approve amendments to public ground water permits for lands located within the Quincy subarea, including changes in points of withdrawal, purpose, and places of use, only if it believes, after investigation, that the activities proposed in the amendment or amendments will not:

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

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: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-070, filed 6/1/83. Formerly WAC 173-134-055.]

**WAC 173-134A-080 Regulation of waters 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, 90.44.060 or otherwise, 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 and group domestic uses.

- (2) No withdrawal of, or construction of any works for the withdrawal of artificially stored ground waters shall be commenced by any person without obtaining permission of the department of ecology. Permission 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 ensure 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 ensure 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 ensure 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) Permits shall be conditioned such that the well depth shall be no greater than 200 feet into the basalt (the shallow management unit). However, when the total production from the authorized well(s), completed within the shallow management unit does not produce the quantity of water authorized under the permit in gallons per minute, the permittee may apply to the department of ecology for an exemption to the well depth limitation imposed by these regulations. Such an exemption will be granted if reasonable efforts have been made to develop water in the shallow management unit and the proposed deepening will not adversely affect existing rights in the deep management unit. The depth of the well(s) in any event shall not penetrate the top of the Grand Ronde Basalt unit. When an exemption is granted, the department will advise the permittee of the depth to the top of the Grand Ronde Basalt unit at the specific well site(s). The authorized wells must be of adequate diameter and casing wall thickness to accommodate a pump of sufficient capacity to produce the permitted quantity in gallons per minute. Notwithstanding the definitions in WAC 173-134A-040, withdrawals of water subject to exemptions shall be considered as artificially stored ground water.

(e) 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 173-134A-130 shall constitute grounds for the department to terminate a permit issued under this subsection.

(f) Applications for permits shall be processed in order of their priority, based on the date of receipt of an application by the department of ecology.

(g) Permits granted herein shall pertain to a specific point(s) 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 amendments to permits granted herein regarding changes in point of withdrawal, purpose, and place of use, if it believes, after investigation, that the amendment will comply with WAC 173-134A-070 (1) through (4). 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.

(h) No permit shall authorize the withdrawal of waters for agricultural irrigation use for more acres than authorized by federal reclamation law.

(i) Permits issued hereunder shall have no expressed termination date provided, however, the permit shall be modifiable and terminable by the department at any time 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 173-134A-090.

All permits provided for in chapter 173-136 WAC shall contain development schedules requiring that water be put to beneficial use within a three-year period from the date of issuance. Any permit under which development has not been completed may be perfected to the extent of beneficial use, and cancellation proceedings will be initiated on the remaining undeveloped portion.

(j) By applying for an 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.

(k) There shall be no fee for filing an application for a permit authorized for withdrawal of artificially stored ground waters under this subsection. Said application shall include the names and signatures of all legal owners of the lands proposed for irrigation.

(l) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a maximum cumulative total 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 February 14, 1974, and which are also subject of a permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit.

(m) The duty of water for agricultural irrigation uses shall be not more than 3.5 acre-feet for each acre for each calendar year.

(n) No applications for permits submitted pursuant to WAC 173-134A-080(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau waterways and on lands underlain by ground water that hydraulically responds to changes in the water level of the Potholes Reservoir, which specifically are those lands described in

amended department of ecology Order No. 75-54, second amendment, entered on February 3, 1986.

[Statutory Authority: RCW 43.21A.060, 86-04-057 (Order DE 86-01), § 173-134A-080, filed 2/4/86. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-080, filed 6/1/83. Formerly WAC 173-134-060.]

**WAC 173-134A-085 Applicability.** The total withdrawal limitations of WAC 173-134A-060 and 173-134A-080 shall apply only to that geographical area within the Quincy ground water subarea that was described in the declaration of ownership of artificially stored waters by the United States Bureau of Reclamation accepted by order of the department under Docket Number 74-772 dated January 8, 1975.

[Statutory Authority: RCW 43.21A.060, 86-04-057 (Order DE 86-01), § 173-134A-085, filed 2/4/86.]

**WAC 173-134A-090 Responsibility for water management--Designation of critical management areas.** (1) The department of ecology shall be responsible for the water management and regulation program applicable to the comingled waters provided in this chapter, including the authorization of withdrawals of artificially stored ground waters and regulation of the same. The department shall, in order to ensure compliance with the water regulation and administration programs of this chapter, issue regulatory orders. Such orders shall be issued pursuant to RCW 43.27A.190 through 43.27A.210 and shall be subject to review as provided in chapter 43.21B RCW, before the pollution control hearings board.

(2) In times of shortage of water available to satisfy all ground water withdrawals authorized under WAC 173-134A-080(2), the department shall reduce withdrawals, through issuance of regulatory orders, in order of the priority date of the permit, with the latest priority being regulated first. In relation thereto, the department may designate critical management areas within the Quincy subarea based upon any of the following:

(a) Where there is an inadequate supply of water to the Potholes Reservoir and the Potholes canal system;

(b) When there is a shortage of water to satisfy ground water withdrawals authorized under WAC 173-134A-080(2);

(c) Where existing wildlife, recreational, and other values associated with the general public interest are or will be detrimentally affected on a significant scale, or

(d) Where necessary to protect rights to withdraw public waters. Designation of critical management areas shall be made through issuance of regulatory orders which shall define the areas and specify if the regulatory period is permanent or not. During this management period, the department shall determine the allowable limits of withdrawal of artificially stored ground water within the critical management area.

(3) As part of its enforcement program, the department shall terminate permits, through the issuance of regulatory orders, when permittees fail to comply with the terms of an executed agreement as provided in WAC 173-134A-130.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-090, filed 6/1/83. Formerly WAC 173-134-070.]

**WAC 173-134A-100 Establishment of a technical committee.** (1) For the purpose of advising the department in the implementation of this chapter, there is established a technical committee consisting of one permanent member and one alternate member each from the bureau and the department assisted by other technical advisors (e.g. irrigation districts, municipalities) as the permanent members consider necessary.

(2) The role of the committee shall relate generally to providing advice pertaining to ground and surface water conditions and management in the Quincy subarea.

(3) The committee shall meet as necessary when called by a permanent member of the committee. Telephone conference calls may constitute a committee meeting.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-100, filed 6/1/83. Formerly WAC 173-134-080.]

**WAC 173-134A-110 Request for protection of interest.** Whenever the bureau believes its interest in the ground waters of the Quincy subarea are not being adequately protected, it may request the department to issue regulatory orders or take other appropriate management and regulatory actions designed to protect such interest. If the department concludes the requested action is not warranted in the administration of this chapter, the department shall issue an order denying the request.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-110, filed 6/1/83. Formerly WAC 173-134-085.]

**WAC 173-134A-120 Exemptions.** (1) The permit program of WAC 173-134A-080(2) shall not relate to (a) agricultural drains or (b) withdrawals of artificially stored ground waters performed for the purpose of removing excess waters injurious to private or project lands, to bureau canals or wasteways or other similar facilities; provided that no activities pertaining to (b) above will be conducted without first notifying the department and requesting its comment within a reasonable time.

(2) The permit program of WAC 173-134A-080(2) shall not relate to withdrawals by public entities of artificially stored ground waters performed as a necessary incident of the operation of an essential public service activity, such as a solid waste disposal facility or the fighting of fires. The public entity shall not construct facilities for making such withdrawals or engage in such withdrawals without first notifying the department and requesting comments from the department regarding the intended action. This subsection shall not relate to other than essential public services and shall not pertain to the supplying of water for general municipal uses pertaining to satisfaction of industrial and domestic needs.

(3) No permit shall be required under WAC 173-134A-080(2) for withdrawals of artificially stored ground waters of less than 5,000 gallons per day for stockwatering purposes, for watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, for single or group domestic uses, or for an industrial purpose as prescribed in RCW 90.44.050 pertaining to the withdrawal of public ground waters.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-120, filed 6/1/83. Formerly WAC 173-134-090.]

**WAC 173-134A-130 Agreements.** (1) No use of water under a permit issued pursuant to WAC 173-134A-080(2) shall take place until the recipient of such permit shall enter into an agreement with the bureau, on a form and in a content, approved and previously agreed to by the bureau and the department, pertaining to withdrawal of artificially stored ground waters. The agreement shall relate to reasonable charges for withdrawal of artificially stored ground waters and other pertinent provisions necessary to comply with federal law and ensure payment of such charges. Use of water before the permittee enters into an agreement with the bureau shall cause the permit to be terminated by the department.

(2) The bureau shall not enter into an agreement, as provided in WAC 173-134A-130(1), until a copy of a permit issued by the department pursuant to WAC 173-134A-080(2) is received by the bureau. Thereafter, upon presentation of a request the bureau shall enter into an agreement with eligible persons having state permits as described in WAC 173-134A-130(1).

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-130, filed 6/1/83. Formerly WAC 173-134-100.]

**WAC 173-134A-140 Existing laws and rights.** (1) Nothing in this chapter, including any permit issued pursuant hereto, shall authorize the use of waters in a manner which injures the property of others.

(2) Nothing in this chapter purports or is intended to modify any rights of an irrigation district created under a water delivery and "repayment" contract between the United States and irrigation districts located within the Columbia Basin project.

(3) Nothing herein shall modify the rights of the United States to make use of the courts to protect its interests.

(4) Nothing in this chapter is intended to require the bureau to obtain a permit for recapture of ground water for project purposes by wasteways and drains, including Potholes Reservoir, which water is covered by an accepted declaration of right to withdraw artificially stored ground water pursuant to RCW 90.44.130.

(5) Nothing in this chapter purports to regulate the administration and operation of Columbia Basin project facilities.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE

83-10), § 173-134A-140, filed 6/1/83. Formerly chapter 173-134 WAC.]

**WAC 173-134A-150 Regulation review.** The rules in this chapter shall be reviewed by the department at least once in every five years.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-150, filed 6/1/83. Formerly chapter 173-134 WAC.]

**WAC 173-134A-160 Relinquishments--Public ground water.** To the extent the department identifies ground water rights that have reverted to the state pursuant to RCW 90.14.130, et seq.; it, in its discretion, may issue public ground water permits not exceeding those quantities. Public ground water made available due to relinquishment of water rights shall be subject to appropriation, reservation, or withdrawal in accordance with the applicable state water laws.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-160, filed 6/1/83.]

**WAC 173-134A-170 Appeals to pollution control hearings board.** All final decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions, shall be subject to review by the pollution control hearings board under chapter 43.21B RCW.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-170, filed 6/1/83.]

#### Chapter 173-136 WAC

### THE ESTABLISHMENT OF A SYSTEM OF AUTHORIZING THE WITHDRAWAL OF ARTIFICIALLY STORED GROUND WATERS EMBODIED IN AN APPROVED DECLARATION UNDER RCW 90.44.130, WHICH ARE COMMINGLED WITH PUBLIC GROUND WATERS IN GROUND WATER AREAS, SUBAREAS, AND ZONES ESTABLISHED UNDER RCW 90.44.130

#### WAC

173-136-010	Purpose of chapter.
173-136-020	Definitions--This chapter.
173-136-030	Permit to withdraw.
173-136-040	Criteria for ruling upon application for permits.
173-136-050	Public notice of application and public hearings-- When required.
173-136-060	Permits--Priorities and conditions of right of withdrawal.
173-136-070	Permits do not establish or embody water rights.
173-136-080	Permits shall be transmitted to the holder of a declaration.
173-136-090	Failure to obtain permit--Unlawful.
173-136-100	Review before the pollution control hearings board.

**WAC 173-136-010 Purpose of chapter.** The purpose of this chapter is to establish a permit system as a part of a comprehensive state water management and regulatory control program pertaining to the withdrawal and use of ground waters consisting of commingled artificially stored ground waters and public waters located

in areas, subareas, and zones designated pursuant to RCW 90.44.130. The permit system established in this chapter relates only to the withdrawal and use of artificially stored ground waters of such ground waters.

[Order 74-36, § 173-136-010, filed 1/9/75.]

**WAC 173-136-020 Definitions--This chapter.** Definitions. For purposes of this chapter the following definitions shall apply. (It is noted that the (2) and (6) hereof are not intended to be identical with definitions contained in RCW 90.44.035.)

(1) "Area, subarea, or zone" means a ground water area, subarea, or zone designated by the department of ecology pursuant to RCW 90.44.130(3), which contains commingled artificially stored and public ground waters.

(2) "Artificially stored ground waters" mean water beneath the land surface within an area, subarea, or zone(s) which are the subject of a declaration accepted by the department of ecology pursuant to RCW 90.44.130(6).

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

(4) "Ground waters" means all waters beneath the land surface of an area, subarea, or zone.

(5) "Person" means individual, public, or private corporation, municipality, county, partnership, association, federal, or state agency or body, or any other entity whatsoever.

(6) "Public ground waters" means all ground waters within an area, subarea, or zone other than artificially stored ground waters.

[Order 74-36, § 173-136-020, filed 1/9/75.]

**WAC 173-136-030 Permit to withdraw.** No person, unless expressly exempted by a specific management regulation of the department adopted for an area or subarea, may withdraw any artificially stored ground waters for beneficial use from any area, subarea, or zone without first obtaining a permit from the department of ecology as hereinafter provided. An application for a permit shall be submitted on a form provided by the department. The application shall contain the following information:

(1) Name

(2) Address

(3) Point of withdrawal

(4) Place of use

(5) Purpose of use

(6) Time of use

(6a) Amounts of withdrawal, including both maximum rate and the total volume each calendar year

(7) The area, subarea, and zone from which the waters are to be withdrawn.

[Order 74-36, § 173-136-030, filed 1/9/75.]

**WAC 173-136-040 Criteria for ruling upon application for permits.** (1) The criteria for ruling on an application for a permit are as follows. An application shall be approved if:

(a) Artificially stored waters are available for withdrawal; and

(b) The public interest will not be detrimentally affected; and

(c) Rights to withdraw public water will not be impaired; and

(d) The interests of the holder embodied [embodied] in a declaration accepted by the department pursuant to RCW 90.44.130(6) will not be impaired.

(e) The withdrawal and use proposed in the application can be performed consistent with the provision of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific ground water area, subarea, or zone to which the application relates.

(2) Prior to issuance of a permit to withdraw artificially stored ground water, the department shall consult with the holder of a declaration accepted by the department pursuant to RCW 90.44.130.

[Order 74-36, § 173-136-040, filed 1/9/75.]

**WAC 173-136-050 Public notice of application and public hearings--When required.** (1) Public notices of applications filed with the department shall be required by the department only when it appears to the department that the public interest will be served. When a notice is required the applicant shall be responsible for its publication in a form, manner, and frequency as determined by the department unless otherwise specified.

(2) Public hearings on such applications shall be required by the department only when it appears to the department that the public interest will be served.

[Order 74-36, § 173-136-050, filed 1/9/75.]

**WAC 173-136-060 Permits--Priorities and conditions of right of withdrawal.** Every permit issued pursuant to this chapter shall be:

(1) Conditioned to insure the protection of public interest and values and of the rights of withdrawal and use established in public waters and artificially stored ground waters both prior and subsequent to the issuance of such a permit.

(2) Conditioned to comply with the provisions of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific ground water area, subarea, or zone to which the application relates.

(3) Conditioned to provide for inspection, monitoring, entry, and reporting of data by or to the department and the holder of an accepted declaration as required by the department.

(4) Conditioned to provide that a permit shall be subject to termination or modification for failure to comply with any agreement, approved by the department, between the permittee and the holder of a declaration accepted by the department of ecology pursuant to RCW 90.44.130.

(5) Subject to termination or modification, through issuance of supplemental orders of the department, for good cause, including but not limited to:

(a) Violation of a permit condition;

(b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;

(c) The receipt of new facts or information dictate the same.

[Order 74-36, § 173-136-060, filed 1/9/75.]

**WAC 173-136-070 Permits do not establish or embody water rights.** Permits issued pursuant to this chapter do not establish or embody water rights as provided in RCW 90.44.050 and 90.44.060.

[Order 74-36, § 173-136-070, filed 1/9/75.]

**WAC 173-136-080 Permits shall be transmitted to the holder of a declaration.** A copy of each permit issued by the department under this chapter shall be transmitted, at the time of issuance, to the holder of a declaration accepted by the department pursuant to RCW 90.44.130 pertaining to artificially stored ground water.

[Order 74-36, § 173-136-080, filed 1/9/75.]

**WAC 173-136-090 Failure to obtain permit--Unlawful.** Failure to comply with the provisions of this chapter, including failure to obtain a permit as required herein and violation of a condition of such a permit, shall constitute a basis for the imposition of civil and criminal sanctions contained in applicable state statutes.

[Order 74-36, § 173-136-090, filed 1/9/75.]

**WAC 173-136-100 Review before the pollution control hearings board.** Rulings on permits and other orders and decisions related to this chapter shall be subject to review before the pollution control hearings board in accordance with chapter 43.21B RCW.

[Order 74-36, § 173-136-100, filed 1/9/75.]

## Chapter 173-142 WAC

### DELEGATION OF PERMIT PROGRAM UNDER STATE FLOOD CONTROL ZONE ACT

#### WAC

173-142-010	Authority.
173-142-020	Purpose.
173-142-030	Definitions.
173-142-040	Scope of delegation.
173-142-050	Conformity with department rules.
173-142-070	Requests for delegation.
173-142-080	Procedure for delegation.
173-142-090	Withdrawal of delegation.
173-142-100	Permits under delegated programs.
173-142-110	Appeals.

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

173-142-060	Subdelegation. [Order DE 74-11, § 173-142-060, filed 6/17/74.] Repealed by 82-24-026 (Order DE 82-38), filed 11/23/82. Statutory Authority: RCW 86.16.027.
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**WAC 173-142-010 Authority.** By section 1, chapter 75, Laws of 1973, the legislature enacted RCW 86.16.085, permitting the department of ecology, when requested by the governing body of any county, city or town, to delegate to such body the authority to administer the permit program established by RCW 86.16.080

for a flood control zone or portions thereof within its jurisdiction, if the department determines the requestor has:

(1) The resources, expertise, and capability to administer such a program, and

(2) indicated an intention to administer the program in accordance with the State Flood Control Zone Act and the general guidelines contained in rules adopted by the department pertaining to flood control zones.

[Order DE 74-11, § 173-142-010, filed 6/17/74.]

**WAC 173-142-020 Purpose.** The purpose of this chapter is to set forth procedures and criteria for the delegation of the permit program of RCW 86.16.080 to the governing bodies of counties, cities or towns.

[Order DE 74-11, § 173-142-020, filed 6/17/74.]

**WAC 173-142-030 Definitions.** As used in this chapter:

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

(2) "Director" shall mean director of the department of ecology;

(3) "Flood control zone" shall mean any zone established and delineated by the department or any of its predecessor agencies pursuant to the State Flood Control Zone Act, chapter 86.16 RCW;

(4) "Permit program" shall mean the administration of applications to construct, reconstruct, modify, operate or maintain any structures or works affecting flood waters within any flood control zone as required by RCW 86.16.080 and as more specifically governed by rules issued thereunder; and

(5) "Requestor" shall mean the governing body of any county or any incorporated city or town which submits to the department a request for delegation of authority to administer the permit program established by RCW 86.16.080 within its area of jurisdiction.

(6) "Implementing ordinance" shall mean the ordinance that will be the basis under which the requestor shall implement and administer the delegated permit program. This ordinance shall identify the regulatory area and shall state that the permit program shall be administered in accordance with chapter 86.16 RCW and chapter 508-60 WAC.

[Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-030, filed 11/23/82; Order DE 74-11, § 173-142-030, filed 6/17/74.]

**WAC 173-142-040 Scope of delegation.** (1) Authority delegated hereunder shall be limited to the administration of the permit program within established flood control zones or portions thereof identified in the requestor's approved implementing ordinance.

(2) Delegations to counties hereunder shall extend to all unincorporated areas with flood control zones identified in the implementing ordinance. Counties may, in addition, be delegated authority to administer the permit program in portions of flood control zones within the boundaries of incorporated cities and towns, but such authority shall be so delegated only where the county

and the incorporated city or town have entered into a memorandum of agreement, or other appropriate document, evidencing the consent of the governing body of the city or town to the county's exercise of such authority within municipal corporation boundaries.

[Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-040, filed 11/23/82; Order DE 74-11, § 173-142-040, filed 6/17/74.]

**WAC 173-142-050 Conformity with department rules.** (1) The requestor may set higher and more rigid standards for construction and development in the floodplain than the minimum criteria established by the department based on knowledge of local conditions and in the interest of human safety.

(2) All approved implementing ordinances shall contain a proviso requiring that the permit program as administered by any county or any incorporated city or town be revised, as necessary and to the satisfaction of the department, to conform with any changes in state rules pertaining to flood control zones which may be adopted by the department subsequent to the effective date of the delegation.

(3) All amendments of approved implementing ordinances shall be submitted for information purposes to the department.

[Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-050, filed 11/23/82; Order DE 74-11, § 173-142-050, filed 6/17/74.]

**WAC 173-142-070 Requests for delegation.** No particular form shall be required for requests for delegation hereunder. The requestor shall provide the following information to the department:

(1) A statement of the requestor's intention to administer the permit program in accordance with the State Flood Control Zone Act and the state rules and regulations pertaining to flood control zones, as now or hereafter amended;

(2) A description of the geographic area to which the request relates. This may be identified as that portion of the named and numbered zones which are located in the incorporated or unincorporated area of the city, town or county. If the request is from a county desiring to administer the permit program within the boundaries of any incorporated city or town, the county shall include a memorandum of agreement with the city or town in accordance with the Interlocal Cooperation Act, chapter 39.34 RCW;

(3) A description of the financial and staffing capabilities used to administer the permit program along with the name of the community office which will administer the program;

(4) A copy of the implementing ordinance which is the basis for administering the permit program.

[Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-070, filed 11/23/82; Order DE 74-11, § 173-142-070, filed 6/17/74.]

**WAC 173-142-080 Procedure for delegation.** (1) The requestor shall submit the request to the director for delegation.

(2) The department shall review the request for delegation and respond within ninety days as to adequacy of the request.

(3) Upon approval by the department of the request for delegation, the director shall issue an order of delegation to the requestor accompanied by the implementing ordinance in the form approved by the department. Such order shall be conditioned to take effect upon the effective date of the implementing ordinance after adoption by the requestor in the form approved.

(4) Whenever any order of delegation made hereunder takes effect, the department shall transfer to the delegatee all pending applications which relate to the permit program in the area to which the delegation applies.

[Statutory Authority: RCW 86.16.027, 82-24-026 (Order DE 82-38), § 173-142-080, filed 11/23/82; Order DE 74-11, § 173-142-080, filed 6/17/74.]

**WAC 173-142-090 Withdrawal of delegation.** Whenever the department determines, after a public hearing, that a county or incorporated city or town to which a delegation has been made hereunder is not administering the permit program in accordance with the State Flood Control Zone Act, the applicable state rules or the applicable implementing ordinance, the department shall notify said local government and, if corrective action is not taken within a reasonable time, not to exceed ninety days, the department, by order, shall withdraw the delegation.

[Order DE 74-11, § 173-142-090, filed 6/17/74.]

**WAC 173-142-100 Permits under delegated programs.** (1) The department shall provide permit forms to local governments delegated authority hereunder: *Provided*, That any delegatee may use its own permit forms when the same have been approved by the department.

(2) The department shall be furnished with a copy of each permit issued under a delegated program immediately upon issuance of the permit: *Provided*, That the department may waive this requirement in its entirety or by category of structure or works.

[Order DE 74-11, § 173-142-100, filed 6/17/74.]

**WAC 173-142-110 Appeals.** Any person aggrieved by a ruling on an application for a permit under a delegated program may obtain review thereof by filing an appeal, within thirty days, with the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC.

[Order DE 74-11, § 173-142-110, filed 6/17/74.]

**Chapter 173-145 WAC**

**ADMINISTRATION OF THE FLOOD CONTROL ASSISTANCE ACCOUNT PROGRAM**

**WAC**

173-145-010	Authority and purpose.
173-145-020	Definitions.
173-145-030	Eligibility criteria for FCAAP funds.
173-145-040	Comprehensive flood control management plan.

173-145-050	Floodplain management activities.
173-145-060	FCAAP project application process.
173-145-070	FCAAP project approval process.
173-145-080	Priority of FCAAP projects.
173-145-090	Flood control assistance account contributions and project match requirements.
173-145-100	Emergency fund administration.
173-145-110	Multiyear projects.
173-145-120	Work standards for all FCAAP projects.
173-145-130	Project construction monitoring.
173-145-140	Written agreements.
173-145-150	Equipment rental.

**WAC 173-145-010 Authority and purpose.** Chapter 212, Laws of 1984, regular session, amended chapter 86.26 RCW, state participation in flood control maintenance (the act); RCW 86.26.010 and 86.16.170 provide that the Washington department of ecology (WDOE) shall administer and enforce the flood control assistance account program (FCAAP) established by the act. This chapter describes the manner in which WDOE will implement the provisions of the act.

[Statutory Authority: Chapter 86.26 RCW, 85-14-002 (Order DE 85-10), § 173-145-010, filed 6/21/85.]

**WAC 173-145-020 Definitions.** For the purposes of this chapter and subsequent regulations formulated for floodplain management programs in Washington, the following definitions shall be used:

(1) "Applicant" is an eligible municipal corporation seeking matching funds for flood control maintenance work.

(2) "Appropriate local authority" is a county, city, or town having planning and land use jurisdiction within the area covered by the CFCMP.

(3) "Comprehensive flood control management plan (CFCMP)" is a document which provides a means of planning for and evaluating the impacts of a flood control program within a river basin, subbasin, or other area to ensure that work done on specific project activities is compatible with the goals and objectives for the area covered by the plan, as described in WAC 173-145-040.

(4) "County engineer" is the appointed public works director, county engineer, or the person designated to act for the county engineer.

(5) "Eligible municipal corporation" includes but is not limited to counties, cities, towns, conservation districts, and any special districts which have flood control responsibilities.

(6) "Emergency fund" is that portion of the biennial appropriation allocated to the flood control assistance account which is set aside for emergency projects.

(7) "Emergency project" is flood control work as authorized and approved by WDOE which must be done immediately to protect lives and property.

(8) "Flood compatible land uses" those uses of the land within the river's meander belt or floodway which comply with the minimum state, federal, and local flood plain management regulation requirements.

(9) "Flood control responsibility" is any statutory responsibility which includes or is directly related to controlling flood waters, prevention of flood damages, or the protection of life and property from flood damages.

(10) "Floodplain management activities" are activities as defined in WAC 173-145-050 to be performed by local governments through ordinances or other means to reduce the damaging effects of flooding.

(11) "Floodway" means the regulatory floodway as defined in WAC 173-145-020(14).

(12) "Maintenance project" is the work necessary to preserve or restore the natural condition or to restore man-made flood control facilities to their former condition using in-kind replacement materials or acceptable alternatives. This work is necessary due to damage or destruction from flooding by action of erosion, stream flow, sheet runoff, or other damages by the sea or other bodies of water.

(13) "Meander belt" is that portion of the floodplain, for streams which have meandered over recent times, that can be identified by the evidence of present and previous meanders. This shall include the present stream channel.

(14) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base (one hundred year frequency) flood without cumulatively increasing the water surface elevation more than a designated height.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-020, filed 6/21/85.]

**WAC 173-145-030 Eligibility criteria for FCAAP funds.** Criteria to be used in determining eligibility of an FCAAP project application are as follows:

(1) Eligible municipal corporation. The applicant must be an eligible municipal corporation as defined in WAC 173-145-020(5).

(2) Public benefit. It shall be clearly demonstrated that the projects shall display a general public and state interest as differentiated from a private interest and they shall bring about public benefits commensurate with FCAAP funds provided.

(3) Comprehensive flood control management plan. The requirements of WAC 173-145-040 must be complied with by the appropriate local authority with flood control jurisdiction over the area where the proposed project is located.

(4) Floodplain management activities. The appropriate local authority within whose jurisdiction projects are located shall be engaging in those certain floodplain management activities as described in WAC 173-145-050.

(5) Budget report. Any eligible municipal corporation seeking FCAAP funds shall submit its annual budget for flood control purposes to the county engineer within thirty calendar days after its final adoption. The budget report for eligible municipal corporations and for the county shall be submitted to WDOE by the county engineer not later than February 15 of every year.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-030, filed 6/21/85.]

**WAC 173-145-040 Comprehensive flood control management plan.** The county engineer of the county

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within which the maintenance project is located must certify that the plan has been completed and adopted by the appropriate local authority or is being prepared. The comprehensive plan must be completed and adopted within three years of the date that it is certified as being prepared. The appropriate local authority may require the applicant to fully or partially fund the preparation of the CFCMP. The plan must include:

- (1) Determination of the need for flood control work.
  - (a) Description of the watershed.
  - (b) Identification of types of watershed flood problems.
  - (c) Location and identification of specific problem areas.
  - (d) Description of flood damage history.
  - (e) Description of potential flood damages.
  - (f) Short-term and long-term goals and objectives for the planning area.
- (2) Alternative flood control work.
  - (a) Description of potential measures of instream flood control work.
  - (b) Description of alternatives to instream flood control work.
- (3) Identification and consideration of potential impacts of instream flood control work on the following instream uses and resources.
  - (a) Fish resources.
  - (b) Wildlife resources.
  - (c) Scenic, aesthetic, and historic resources.
  - (d) Navigation.
  - (e) Water quality.
  - (f) Hydrology.
  - (g) Existing recreation.
  - (h) Other.
- (4) Area of coverage for the comprehensive plan shall include, as a minimum, the area of the one-hundred year frequency floodplain within a reach of the watershed of sufficient length to ensure that a comprehensive evaluation can be made of the flood problems for a specific reach of the watershed. The plan may or may not include an entire watershed. Comprehensive plans shall also include flood hazard areas not subject to riverine flooding such as areas subject to coastal flooding, flash flooding, or flooding from inadequate drainage. The meander belt or regulatory floodway shall be identified on aerial photographs or maps which will be included with the plan.
- (5) Conclusion and proposed solution(s). The CFCMP shall be finalized by the following action from the appropriate local authority:
  - (a) Evaluation of problems and needs;
  - (b) Evaluation of alternative solutions;
  - (c) Recommended corrective action(s) with proposed impact resolution measures for resource losses; and
  - (d) Corrective action priority.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-040, filed 6/21/85.]

**WAC 173-145-050 Floodplain management activities.** To be eligible for FCAAP funding, the appropriate



local authorities within whose jurisdiction the maintenance projects are located, must be engaging in floodplain management activities which will protect or prevent flood damages from occurring to future structures, works, and improvements within their jurisdiction. The department of ecology shall find that they are:

(1) Participating in the National Flood Insurance Program (NFIP) and meeting all of the NFIP requirements.

(2) Certify through the state department of emergency management that the local emergency management organization is administering an acceptable comprehensive emergency operations plan.

(3) Restricting land uses within the meander belt or floodway of rivers to only flood compatible uses.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-050, filed 6/21/85.]

**WAC 173-145-060 FCAAP project application process.** The project application process for the eligible municipal corporations' applications shall include the following in the general sequence given.

(1) The applicant shall prepare the project application to comply with the provisions of chapter 86.26 RCW and this chapter. The application shall be made on a form furnished by WDOE. A complete application shall include the following:

(a) A written description and cost estimate of the project;

(b) A vicinity map and sketch to identify water body names, stream river mile, section-township-range;

(c) A general plan drawing of the project on an "8 1/2 x 11" or "8 1/2 x 14" sheet; and

(d) A description of the project benefits which describe how the project will mitigate flood damages and describe development which exists on adjacent and nearby lands which are protected by the facility.

(2) The applicant shall review the preliminary project proposal with the county engineer, the Washington departments of fisheries or game and the department of natural resources and any affected Indian tribes.

(3) The applicant shall submit a prioritized list of project applications to the county engineer.

(4) The county engineer shall submit a prioritized list of all project applications within the county to WDOE.

(5) The county engineer shall furnish evidence to WDOE that the comprehensive flood control management plan described in WAC 173-145-040 is completed or underway and the floodplain management activities described in WAC 173-145-050 are being implemented.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-060, filed 6/21/85.]

**WAC 173-145-070 FCAAP project approval process.** The project approval process for the eligible municipal corporations' applications shall include the following in the general sequence given.

(1) WDOE will review all projects for compliance with the requirements pursuant to this chapter and chapter 86.26 RCW.

(2) WDOE shall consult with the departments of fisheries, game, and natural resources and any affected Indian tribes regarding the list of projects.

(3) WDOE will incorporate the prioritized list of eligible projects into its biennial budget for funding.

(4) WDOE shall prepare and finalize the written agreements with the counties.

(5) The counties shall prepare and finalize the written agreements with the involved eligible municipal corporations within the county.

(6) The construction plans and specifications shall be prepared by the applicant for approval by the county engineer prior to submission to WDOE for review of each project for compliance with all requirements.

(7) The applicant shall acquire the necessary federal, state, and local permits or authorizations along with any other permission required to complete the project.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-070, filed 6/21/85.]

**WAC 173-145-080 Priority of FCAAP projects.** The priority given to projects by WDOE, the counties, and other eligible municipal corporations shall involve consideration of the following criteria:

(1) The public benefits from the project shall be commensurate with the amount of FCAAP funds granted for the project. Higher priorities will be given to those projects which display greater public benefits as they relate to the project cost.

(2) The priority given to the projects by WDOE shall consider the priority which has already been established by each county.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-080, filed 6/21/85.]

**WAC 173-145-090 Flood control assistance account contributions and project match requirements.** The following criteria shall be used regarding the FCAAP funding for all projects:

(1) The amount of FCAAP contributions for any project shall not exceed fifty percent of the total project construction cost.

(2) The total FCAAP contribution for all nonemergency projects in any county shall not exceed \$500,000 per biennium.

(3) \$3.4 million per biennium will be obligated on a priority basis for nonemergency projects.

(4) Up to \$500,000 per biennium will be funded on a priority basis by WDOE when determined that unused emergency funds are available for nonemergency projects.

(5) Up to \$100,000 per biennium may be used for WDOE administrative costs.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-090, filed 6/21/85.]

**WAC 173-145-100 Emergency fund administration.** The following criteria shall be the basis of allocating the emergency fund moneys:

(1) Appropriations from the FCAAP fund for emergency projects will require the declaration of an emergency by the appropriate local authority.

(2) Application for emergency funds must be made on the same form used for nonemergency fund applications.

(3) Payment of FCAAP funds for emergency projects will be based on project construction costs. Flood fighting costs may be included.

(4) Payment from the emergency fund shall be allocated on a first-come first-serve basis and shall not be based on any priority system.

(5) Emergency project grants shall be approved by the director of the department of ecology.

(6) The maximum amount of money allocated for emergency projects shall be \$500,000 per biennium.

(7) At the discretion of WDOE, emergency funds may be made available for use on nonemergency projects when future emergencies are improbable.

(8) The maximum amount initially available for any one county is \$150,000 per biennium. If the total \$500,000 is not used by other counties, and emergency work exceeds \$150,000 in a county, the county can request additional emergency funds.

(9) The flood control assistance account contribution shall not exceed eighty percent of the eligible project cost of an emergency project.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-100, filed 6/21/85.]

**WAC 173-145-110 Multiyear projects.** Approval for eligibility by WDOE will only be required once for a project which continues more than one biennium, but funding after the first biennium is subject to further FCAAP appropriation by the legislature.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-110, filed 6/21/85.]

**WAC 173-145-120 Work standards for all FCAAP projects.** All work which is funded from the flood control assistance account shall conform to the standards and specifications of the U.S. Army Corps of Engineers, the U.S. Department of Agriculture Soil Conservation Service or the county engineer.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-120, filed 6/21/85.]

**WAC 173-145-130 Project construction monitoring.** Following are the responsibilities and criteria for project construction monitoring and final approval.

(1) County engineer responsibilities. Associated with responsibility for project plan approval and supervision of the project work, the county engineer shall provide inspection to assure that all project work is conducted and completed according to the construction plans and specifications.

(2) WDOE responsibilities. The department of ecology shall monitor and inspect the project work as necessary to assure compliance with the terms of the appropriate written agreement.

(3) Final inspection and approval. Upon completion of the work, a final detailed inspection shall be made by

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the county engineer along with representatives from WDOE and the applicant. Results of the final inspection shall be displayed in a written report and, when appropriate, on "as built" construction plans. These shall be submitted to WDOE within thirty days after the final project inspection.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-130, filed 6/21/85.]

**WAC 173-145-140 Written agreements.** Written agreements will be prepared by WDOE as a means to reimburse eligible municipal corporations for work done on approved eligible projects. The dollar amount specified in the written agreements shall not exceed the estimated cost(s) of the project(s) as displayed on the project application(s). Billing and payment shall comply with the WDOE standard requirements for grants and contracts.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-140, filed 6/21/85.]

**WAC 173-145-150 Equipment rental.** For noncontractual work, the equipment rental rates for applicant owned or rented equipment used on the project work shall not exceed the rates determined in accordance with the state budget accounting and reporting system (BARS) or rates provided by the current FEMA rental rate structure.

[Statutory Authority: Chapter 86.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-150, filed 6/21/85.]

## Chapter 173-150 WAC

### PROTECTION OF WITHDRAWAL FACILITIES ASSOCIATED WITH GROUND WATER RIGHTS

#### WAC

173-150-010	Purpose.
173-150-020	Authority.
173-150-030	Definitions.
173-150-040	Reasonable or feasible pumping lift.
173-150-050	Establishment of new rights—Interference considerations.
173-150-060	Impairment of water right.
173-150-070	Notification of impairment of right.
173-150-080	Procedures for correction of impairment.
173-150-090	Voluntary agreements.
173-150-100	Water quality.
173-150-110	Saltwater intrusion and ground water contamination.
173-150-120	Applicability.
173-150-130	Appeals.
173-150-140	Existing laws and regulations not affected.

**WAC 173-150-010 Purpose.** The purpose of this chapter is to establish and set forth the policies and procedures of the department of ecology in regard to the protection of the availability of ground water as it pertains to the water withdrawal facilities of holders of ground water rights.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-010, filed 5/29/85.]

**WAC 173-150-020 Authority.** This chapter is promulgated by the department of ecology pursuant to chapters 43.21A, 90.44, 90.54 and 18.104 RCW.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-020, filed 5/29/85.]

**WAC 173-150-030 Definitions.** For the purposes of this chapter the following definitions shall apply:

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

(2) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

(3) "Withdrawal facilities" means and includes any well, infiltration trench or other excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed, together with the casing, screen, pump, pump column, motor and related equipment, which is used for the withdrawal of ground water.

(4) "Aquifer" means any geologic formation that will yield water to a well or other withdrawal works in sufficient quantity for beneficial use.

(5) "Ground water" 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, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

(6) "Contamination" means an impairment of the beneficial use of ground water arising from the modification of the quality thereof by the introduction of organisms, chemical, organic or radioactive material or of heated or cooled water.

(7) "Significant modification" means the deepening or reaming of a well, lowering the pump bowls by adding lengths of pump column, adding water quality treatment devices, or other similar modifications, where the total cost or value of such modifications exceeds (1) \$500.00 for domestic, stock or other water withdrawal facilities withdrawing less than 5,000 gallons per day, or (2) \$2500.00 for all other facilities.

(8) "Qualifying withdrawal facilities" means those withdrawal facilities which in the opinion of the department constitute a reasonable development of the aquifer. A reasonable development must satisfy the following requirements:

(a) The withdrawal facilities must be constructed in accordance with chapter 18.104 RCW (Water Well Construction Act) and chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells) and the water right permit provisions, if any, or the applicable state laws and the regulations of the department which were in effect at the time of construction of the facilities.

(b) The withdrawal facilities must have a depth of aquifer penetration which will allow the withdrawal of water from a reasonable or feasible pumping lift;

(c) The withdrawal facilities must be able to accommodate a reasonable variation in seasonal pumping water levels;

(d) The withdrawal facilities, including the pumping facilities, must be properly sized to the ability of the aquifer to produce water.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-030, filed 5/29/85.]

**WAC 173-150-040 Reasonable or feasible pumping lift.** For the purposes of this chapter, reasonable or feasible pumping lift shall be determined by the department taking into account the following factors, among others:

(1) The geohydraulic characteristics of the aquifer;

(2) The state of construction technology of water withdrawal facilities;

(3) Historic considerations in regards to the construction, maintenance and use of water withdrawal facilities within the vicinity;

(4) The ground water area or subarea management program for the vicinity, if one exists.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-040, filed 5/29/85.]

**WAC 173-150-050 Establishment of new rights—Interference considerations.** If the department determines that a proposed appropriation of ground water would cause a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of an existing ground water right holder or that approval of the proposed appropriation would impair any existing water rights or would otherwise be detrimental to the public welfare, the application shall be rejected.

If, however, the application is to be rejected because of conflict with existing rights, and the applicant thereafter indicates that such existing rights will be acquired by the applicant by purchase, gift or condemnation under RCW 90.03.040, the department may issue an interim conditional ruling and defer final decision on the application for a reasonable period of time to be specified by the department in the interim ruling.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-050, filed 5/29/85.]

**WAC 173-150-060 Impairment of water right.** For the purposes of this chapter, a ground water right which pertains to qualifying withdrawal facilities, shall be deemed to be impaired whenever:

(1) There is an interruption or an interference in the availability of water to said facilities, or a contamination of such water, caused by the withdrawal of ground water by a junior water right holder or holders; and

(2) Significant modification is required to be made to said facilities in order to allow the senior ground water right to be exercised.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-060, filed 5/29/85.]

**WAC 173-150-070 Notification of impairment of right.** Any senior ground water right holder who believes that his water right has been impaired may notify the department of such impairment and request the assistance of the department to protect the availability of water to his qualifying withdrawal facilities. Such

notification and request for assistance must be in writing and must contain the following information:

(1) Name, address and signature of the senior water right holder;

(2) Description of the water right, including the water right number if one exists; the quantities of water permitted and the quantities of water historically withdrawn; the priority date of the water right; the location of the withdrawal facilities; a description of the withdrawal facilities including well depth, casing, pump size and depth and historic water levels, and any recent changes made to the withdrawal facilities or the use of such facilities, especially in relation to WAC 173-150-030(8); the name of the water well contractor and a copy of the water well report of the construction of the withdrawal facilities, if available;

(3) Description of the alleged impairment of the senior water right, the date of the beginning of impairment, the degree of impairment and any steps taken by the senior water right holder to alleviate the impairment;

(4) Location and description of the junior water withdrawal facilities together with the name of the user thereof, if known, which in the opinion of the senior water right holder are the cause of the impairment;

(5) Any other pertinent information which may reasonably be required by the department.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-070, filed 5/29/85.]

**WAC 173-150-080 Procedures for correction of impairment.** Upon notification to the department of the impairment of a ground water right as provided in WAC 173-150-070 or on the department's own motion, the department may, when appropriate, notify the water right holders of the alleged impairment and of its intention to make investigations concerning the matter. The department may conduct aquifer or pump tests and make investigations of the withdrawal works, geology, hydrology, water quality, historic water use or other factors which may influence the local aquifers, and may make a written report of its findings. If it is determined that ground water withdrawals by a junior water right holder or holders have caused the impairment, the department may, through regulatory orders, take one or more of the following actions:

(1) Bar or regulate the withdrawals of the junior appropriator(s) in a fashion which will preclude future impairment of the senior right;

(2) Bar or regulate the ground water withdrawals of the most junior water right holders in order of priority of right if the aggregate withdrawals exceed the maximum amount set by the department for the area, subarea or zone pursuant to the procedures of RCW 90.44.180;

(3) Require the well owner(s), including the senior water right holder, to rehabilitate or abandon the well(s) in accordance with chapter 173-160 WAC in the case of impairment caused by the failure of wells to meet the well construction standards or the requirements of water right permit or certificate provisions, if any;

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(4) Rescind authorizations for additional junior withdrawal facilities and/or reduce the authorized withdrawal rates, as appropriate, where the department finds that an appropriation by a junior right holder is the cause of the impairment and where the said junior ground water right holder has not yet completed construction of the authorized withdrawal facilities. The department shall include a provision concerning the possibility of such rescissions as a condition on ground water permits with multiple points of withdrawal.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-080, filed 5/29/85.]

**WAC 173-150-090 Voluntary agreements.** (1) Notwithstanding the provisions of WAC 173-150-080, should the senior and junior water right holders reach a voluntary agreement which satisfies the concerns stated in the notification of impairment, the department, if it determines that the public interest is fully protected thereby, shall not regulate the withdrawals by the junior water right holder under this regulation.

(2) If such an agreement includes provisions for the delivery of water from another water withdrawal facility to the holder of the senior water right, said agreement shall not take effect until all requirements of RCW 90.44.100 are satisfied or, if a new right to withdraw water is required to be established, a permit is issued pursuant to RCW 90.44.050.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-090, filed 5/29/85.]

**WAC 173-150-100 Water quality.** As a general rule, an element of a ground water right is the right to use waters of quality appropriate to the beneficial use. In addition to the protection of the availability of ground water to the water withdrawal facilities of ground water right holders, it shall be the policy of the department to protect the quality of the ground waters of the state and in relation thereto to discourage any withdrawal facilities construction methods, water use or disposal practices which would contaminate or otherwise reduce the quality of the ground waters or impair the beneficial uses of ground waters of the state.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-100, filed 5/29/85.]

**WAC 173-150-110 Saltwater intrusion and ground water contamination.** In addition to the procedures outlined in WAC 173-150-080, the department may regulate or control saltwater intrusion conditions caused by withdrawals from a freshwater aquifer or ground water contamination caused by improper well construction techniques or other causes, through other means, including artificial recharge projects, the importation of additional water from other sources, or any other means deemed by the department to be reasonable, feasible and appropriate.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-110, filed 5/29/85.]

**WAC 173-150-120 Applicability.** The provisions of this chapter shall apply to all ground water rights and ground water users under state jurisdiction, except that WAC 173-150-080 shall apply only to permits issued or other ground water rights established subsequent to the effective date of this chapter, or to withdrawal facilities which are the subject of an application for change of water right filed pursuant to RCW 90.44.100 subsequent to the effective date of this chapter. Cases of impairment caused by facilities or ground water rights which are not subject to this chapter shall be subject to existing state laws and regulations.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-120, filed 5/29/85.]

**WAC 173-150-130 Appeals.** (1) Regulatory orders issued by the department pursuant to this chapter shall be issued in accordance with RCW 43.27A.190.

(2) All final written decisions of the department pertaining to permits, regulatory orders, and related decisions pursuant to this chapter shall be subject to review by the pollution control hearings board under chapter 43.21B RCW.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-130, filed 5/29/85.]

**WAC 173-150-140 Existing laws and regulations not affected.** Nothing in this chapter shall be construed to in any manner limit the authority of the department to administer and enforce the existing water resources laws of the state, including but not limited to chapters 18.104, 90.03, 90.36, 90.44, 90.48 and 90.54 RCW, and regulations promulgated thereunder.

[Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-140, filed 5/29/85.]

## Chapter 173-154 WAC

### PROTECTION OF UPPER AQUIFER ZONES

#### WAC

173-154-010	Background.
173-154-020	Purpose.
173-154-030	Authority.
173-154-040	Definitions.
173-154-050	Protection of upper aquifer zones.
173-154-060	Inspections and tests.
173-154-070	Rehabilitation of withdrawal facilities.
173-154-080	Deepening of withdrawal facilities.
173-154-090	Applicability.
173-154-100	Appeals.
173-154-110	Existing laws and regulations not affected.

**WAC 173-154-010 Background.** In many parts of the state ground water aquifers exist at various depths below land surface. Such aquifers or groups of such aquifers may demonstrate a natural hydraulic separation to a significant degree over local or regional areas as evidenced, in part, by differing hydraulic heads and variable responses to pumping stress. The upper aquifer or upper aquifer zone often will not yield water in sufficient or sustainable quantities for uses which require a large

volume of water. Therefore, they have often been traditionally used for domestic water supplies, stockwatering and other uses that require only minimal water supplies and for which it is not cost effective to tap deeper aquifers. Further, the uppermost aquifers also commonly contribute to spring and stream flows. In some cases, the withdrawal of water from the lower aquifers causes the depletion of the upper aquifers through cascading waters or simultaneous withdrawals from both upper and lower aquifers, and in such cases, poor quality waters from one zone can also contaminate a different aquifer zone.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-010, filed 5/29/85.]

**WAC 173-154-020 Purpose.** The purpose of this chapter is to establish and set forth the policies and procedures of the department of ecology in regard to the protection of the occurrence and availability of ground water within the upper aquifers or upper aquifer zones where there are multiple aquifer systems. Consistent therewith, the department shall manage the state's ground water resources in a manner that protects, to the extent practicable, the upper aquifers of multiple aquifer systems from depletions, excessive water level declines or reductions in water quality, and which recognizes that the highest and best use of the waters of limited capacity aquifers may be for domestic, stockwater and other similar uses and for the preservation of spring and stream flows.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-020, filed 5/29/85.]

**WAC 173-154-030 Authority.** This chapter is promulgated by the department of ecology pursuant to chapters 18.104, 43.21A, 90.44 and 90.54 RCW.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-030, filed 5/29/85.]

**WAC 173-154-040 Definitions.** For the purposes of this chapter the following definitions shall apply:

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

(2) "Ground water right" means an authorization to use ground water established pursuant to chapter 90.44 RCW, state common or statutory law existing prior to the enactment of chapter 90.44 RCW, or federal law.

(3) "Withdrawal facilities" means and includes any well, infiltration trench or other excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed, together with the casing, screen, pump, pump column, motor and related equipment which is used for the withdrawal of ground water.

(4) "Aquifer" means any geologic formation that will yield water to a well or other withdrawal facilities in sufficient quantity for beneficial use.

(5) "Ground water" 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, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

(6) "Multiple aquifer system" means any geologic formation(s) which contains distinct aquifers at different depths that exhibit a significant degree of local or regional hydraulic separation.

(7) "Upper aquifer zone" means all aquifers within a multiple aquifer system lying between the land surface and a depth or geologic formation, as determined by the department consistent with the purposes of this chapter, or as set forth in the ground water subarea management program for the area, if one exists.

(8) "Lower aquifer zone" means any aquifers occurring at a depth below the upper aquifer zone, as determined by the department, or as set forth in the ground water subarea management program for the area, if one exists.

(9) "Cascading waters" means any ground waters which fall or flow through a well or other withdrawal facilities, from one ground water aquifer to another.

(10) "Rehabilitation of withdrawal facilities" means the work necessary to reconstruct or modify existing withdrawal facilities in order to bring them into conformance with applicable laws, regulations, permit or certificate provisions and orders of the department.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-040, filed 5/29/85.]

**WAC 173-154-050 Protection of upper aquifer zones.** In any multiple aquifer system, where the department determines that the uppermost aquifers or upper aquifer zone will not sustain large volume ground water withdrawals without exceeding the safe sustaining yield or causing (1) adverse effects to existing water rights, (2) an unreasonable drop in the water table, (3) permanent damage to the aquifer through depletion of the aquifer or zone, (4) an impairment of the beneficial use of the ground waters arising from a modification of the water quality, or (5) depletions of spring or stream flows, the department shall require new or additional large volume withdrawals to be restricted to a lower aquifer zone. Permits for withdrawals of water from such lower aquifer zones may specify an approved manner of construction of the withdrawal facilities, including but not limited to, a minimum and maximum well depth, specific casing and sealing requirements, and the construction of monitoring wells for the purpose of periodic measurements in areas where the aquifers cannot be readily monitored through the use of existing wells.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-050, filed 5/29/85.]

**WAC 173-154-060 Inspections and tests.** The department may require inspections and/or tests of withdrawal facilities prior to their use in order to ensure compliance with any construction requirements imposed by the department pursuant to this chapter. Such inspections and tests shall be performed at the expense of the holder of the permit, except that there shall be no charge for any portions of such tests or inspections which are performed by department employees. If it is the determination of the department that the facilities are not properly constructed or that the facilities may

adversely affect the upper aquifers or upper aquifer zone, the department may (1) require further construction and/or testing of the facilities, or (2) require abandonment of the facilities in accordance with chapter 173-160 WAC, or (3) revoke the permit.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-060, filed 5/29/85.]

**WAC 173-154-070 Rehabilitation of withdrawal facilities.** The department may require the rehabilitation of existing withdrawal facilities if it finds that the facilities were not constructed or are presently not in accordance with the permit provisions, if any, or the applicable laws and regulations of the department which were in effect at the time of construction of the facilities, and that the withdrawal of waters from such facilities will adversely affect the upper aquifers or upper aquifer zone. The department shall allow a reasonable period for completion of such rehabilitation.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-070, filed 5/29/85.]

**WAC 173-154-080 Deepening of withdrawal facilities.** At any time that the holder of a valid ground water right proposes to deepen a withdrawal facility, the modification of the facility shall be made in such a manner as to preclude the occurrence of cascading waters. Such a facility shall not be deepened to tap a different body of public ground water, or a different aquifer zone where such zones have been determined by the department, without further appropriate authorization from the department.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-080, filed 5/29/85.]

**WAC 173-154-090 Applicability.** The provisions of this chapter shall apply to all ground water rights under state jurisdiction, except that WAC 173-154-050 and 173-154-060 shall apply only to permits issued or other ground water rights established subsequent to the effective date of this chapter and to withdrawal facilities which are the subject of an application for change of water right filed pursuant to RCW 90.44.100 subsequent to the effective date of this chapter.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-090, filed 5/29/85.]

**WAC 173-154-100 Appeals.** (1) Regulatory orders issued by the department pursuant to this chapter shall be issued in accordance with RCW 43.27A.190.

(2) All final written decisions of the department pertaining to permits, regulatory orders, and related decisions pursuant to this chapter shall be subject to review by the pollution control hearings board under chapter 43.21B RCW.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-100, filed 5/29/85.]

**WAC 173-154-110 Existing laws and regulations not affected.** Nothing in this chapter shall be construed to limit in any manner the authority of the department

to administer and enforce the existing water resources laws of the state, including but not limited to chapters 18.104, 90.03, 90.36, 90.44, 90.48 and 90.54 RCW, and regulations promulgated thereunder.

[Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-110, filed 5/29/85.]

### Chapter 173-160 WAC

#### MINIMUM STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF WATER WELLS

##### WAC

173-160-010	Purpose.
173-160-020	General.
173-160-030	Definitions.
173-160-040	Permit.
173-160-050	Records.
173-160-060	Location of well site and access requirements.
173-160-070	Design and construction.
173-160-080	Design and construction—Casing.
173-160-090	Design and construction—Well completion—General.
173-160-09001	Recommended well diameters.
173-160-100	Design and construction—Sealing materials.
173-160-110	Design and construction—Sealing of casing—General.
173-160-120	Design and construction—Sealing of consolidated formations.
173-160-130	Sealing of unconsolidated formations without significant clay beds.
173-160-140	Sealing of unconsolidated formations with clay beds.
173-160-150	Special sealing standards for artesian wells.
173-160-160	Artificial gravel-packed wells—General.
173-160-170	Sealing of artificial gravel-packed wells.
173-160-180	Sealing of dug wells.
173-160-190	Special standards for driven or jetted wells.
173-160-200	Upper terminal of well.
173-160-210	Capping.
173-160-220	Testing of well.
173-160-230	Testing of well—Access port or pressure gage.
173-160-240	Disinfection.
173-160-250	Quality of drilling water.
173-160-260	Pump installation.
173-160-270	Explosives.
173-160-280	Chemical conditioning.
173-160-290	Abandonment or destruction of wells.
173-160-300	Abandonment or destruction of wells—Abandonment or destruction of drilled or jetted wells.
173-160-310	Abandonment or destruction of wells—Abandonment or destruction of gravel-packed wells.
173-160-320	Abandonment or destruction of wells—Abandonment or destruction of artesian wells.
173-160-330	Abandonment or destruction of wells—Abandonment or destruction of dug wells.
173-160-340	Abandonment or destruction of wells—Plugging of test wells.
173-160-350	Artificial recharge of ground water bodies.
173-160-360	Special exemptions.
173-160-370	Relationship to other authorities.
173-160-380	Comparable construction standards.

**WAC 173-160-010 Purpose.** These regulations are adopted pursuant to chapter 18.104 RCW, in order to establish minimum standards for the construction of all water wells in the state of Washington.

[Order 73-6, § 173-160-010, filed 4/30/73.]

**WAC 173-160-020 General.** The following general standards shall apply to all water wells constructed in the state of Washington. These standards are minimum

standards which must be adhered to in the construction of all wells. It is the responsibility of the water well contractor and the property owner to take whatever measures are necessary to guard against waste and contamination of the ground water resources.

(1) It will be necessary in some cases to construct wells with additional requirements beyond the minimum standards.

(2) When strict compliance with these regulations appears to be impractical, the well contractor or driller shall make application to the department for approval of comparable alternative specifications prior to the work being done.

[Order 73-6, § 173-160-020, filed 4/30/73.]

**WAC 173-160-030 Definitions.** As used in this chapter:

(1) "Abandoned well" is a water well which has been filled or plugged so that it is rendered unproductive. A properly abandoned well will not produce water nor serve as a channel for movement of water from the well or between water-bearing zones.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which has access to the inner casing, which will allow measurement of the depth to water surface.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the drilled hole and the inner casing.

(4) "Aquifer" is any geologic formation that will yield water to a well in sufficient quantity for beneficial use.

(5) "Artesian well" is a well tapping an aquifer in which the water is confined under pressure so that the water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a term used to describe gravel placed in the annular space around the well casing. A gravel pack is frequently used to prevent the movement of finer material into the well casing, to increase the ability of the well to yield water and to lend lateral support to screens in unstable formations.

(7) "Artificial recharge" is the practice of increasing by artificial means the amount of water that enters a ground water basin.

(8) "Capped well" is a well that is not in use and has a permanent seal or locked cap installed on top of the casing.

(9) "Casing" is a pipe, generally of metal, which is installed in the well hole to maintain the opening and to provide protection of the ground waters from waste and contamination.

(10) "Curbing" is a liner or pipe made of concrete, precast tile or steel used in dug wells to provide a space between the well bore and the liner for sealing.

(11) "Consolidated formation" means any geologic formation in which the earth materials have become firm and coherent through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate,

and limestone. These deposits will normally stand at the edges of a drill hole without caving.

(12) "Contamination" is an impairment of natural ground water quality by organisms, chemical, organic and radioactive material or by the introduction of heated or cooled water where temperatures are so affected as to lower the water quality to a degree which creates a potential hazard to public health.

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

(14) "Disinfection" is the introduction of chlorine, or other disinfecting agent approved by the department, in a sufficient concentration and followed by an adequate contact time so as to inactivate coliform or other indicator organisms.

(15) "Domestic water supply" is any water supply system intended or used for human consumption or other use serving one single family residence.

(16) "Drawdown" in a well means the extent of lowering of the water level when pumping is in progress or when water is discharging from a flowing well. Drawdown is the difference, measured in feet, between the static water level and the pumping level.

(17) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary or cable tool rigs.

(18) "Driven well" is a well constructed by joining a "drive point" with a length of pipe, extended as may be necessary and driving the assembly into the ground.

(19) "Dug well" is a well in which the hole is often excavated by hand tools, and which is usually at a shallower depth and larger diameter than drilled wells.

(20) "Grout" is a cementing agent, such as portland cement, used for sealing water wells during construction or destruction.

(21) "Impermeable" is a descriptive term for a rock material which has a texture or structure that does not permit water to perceptibly move into or through its pores or interstices.

(22) "Operator" means any person who is employed by a water well contractor or who is self-employed as a contractor-operator for the control and supervision of the construction of a water well or for the operation of water well construction equipment.

(23) "Permeable" is a descriptive term for describing a rock material which has a texture or structure that permits water to move through it. The degree of permeability depends upon the size and shape of the pores or other openings and their interconnections.

(24) "Pressure grouting" is a method of forcing grout by means of adequate pressure into specific portions of a well for sealing purposes.

(25) "Public water supply" is any system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use, but excluding water supplies serving one single family residence.

(26) "Puddling clay" is a form of bentonite in combination with other natural materials that act naturally to

seal out or retard the movement of water. Composition is such that the bentonite fraction is 50% with the remaining portion not exceeding the size of coarse sand.

(27) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when no water is being taken from the aquifer either by pumping or by free flow.

(28) "Test well" is an exploratory hole, either cased or uncased, usually of small diameter constructed for the purpose of locating depth to water in each aquifer, determining the quality and quantity of water, identifying underlying rock formations (lithology), and locating of optimum sections to be screened or perforated.

(29) "Unconsolidated formation" means any naturally occurring, loosely cemented or poorly indurated earth materials including such materials as uncompacted sand, silt and gravel.

(30) "Water well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the well is for the location, diversion, artificial recharge, or withdrawal of ground water. "Water well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining, or quarrying, or for inserting media to re-pressure oil or natural gas bearing formations, or for storing petroleum, natural gas or other products.

(31) "Well driller" is synonymous with "operator."

(32) "Well rig" is any power driven, percussion, rotary, boring, digging, jetting or auguring machine used in the construction of a water well.

[Order 73-6, § 173-160-030, filed 4/30/73.]

**WAC 173-160-040 Permit.** As provided RCW 90.44.050, no wells shall be constructed if a withdrawal of more than 5,000 gallons a day is contemplated, unless an application to appropriate such waters has been made to the department and a permit has been granted.

[Order 73-6, § 173-160-040, filed 4/30/73.]

**WAC 173-160-050 Records.** (1) Every water well contractor, within 30 days after completion of a well, is required to submit a complete record on the construction or alteration of the well to the department. This shall apply to all water wells, regardless of size or ownership.

(2) The well record shall be made on a form provided by the department and include the following information, where applicable, as a minimum: Location of well by smallest legal subdivision; intended use of well; the depth, diameter, and general specifications of each well; the thickness in feet and character of each bed, stratum or formation penetrated by each well; the length and position in feet below land surface; and the commercial specifications of all casing, also of each screen or perforated zone in the casing; the tested capacity of each well in gallons per minute; for each nonflowing well, the depth to the static water level, as measured in feet below the land surface, and also the drawdown of the water level in feet at the end of the well capacity test; for each flowing well, the shut-in pressure measured in feet above the land surface, or in pounds per square inch at



the land surface, and such additional factual information as reasonably may be required by the department.

[Order 73-6, § 173-160-050, filed 4/30/73.]

**WAC 173-160-060 Location of well site and access requirements.** The proposed well should be located on high ground consistent with the general terrain. It shall be protected from normal flooding and from any surface and subsurface drainage capable of impairing the quality of the ground water supply. The well shall, where practical, be located upslope from possible sources of contamination, and due consideration shall be given to porosity and permeability of the soil, local ground water conditions and end use of the well.

When a well is located adjacent to a building, it shall be so situated such that the centerline of the well extended vertically will clear any projection from the building by not less than five feet.

After construction, the water well contractor or operator should strongly emphasize, to the well owner, the importance of retaining a good accessibility to the well to permit future inspection and maintenance.

(1) **Public water supply wells.** Before construction begins, site approval must be obtained from the department of social and health services, water supply and waste unit, and the requirements of the state board of health regulation regarding public water supplies (WAC 248-54-290, 248-54-300 and 248-54-350) shall apply. These sections include requirement for zone of protection, location of the well, accessibility requirements, and certain construction requirements.

(2) **Individual domestic, irrigation, industrial and other wells.** Wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations as appropriate. In general, wells shall be located at least 50 feet, and preferably 100 feet from a sewer, septic tank or privy.

[Order 73-6, § 173-160-060, filed 4/30/73.]

**WAC 173-160-070 Design and construction.** Every well shall be planned and constructed so that it is:

(1) Adapted to the geologic and ground water conditions existing at the site of the well to insure full utilization of every natural protection afforded thereby.

(2) Designed to facilitate such supplementary construction as may be required to provide a sufficient and safe water supply where obtainable and to conserve ground water.

(3) Capable of yielding, where obtainable, the quantity of water required to satisfy the requirements which the user has stated are necessary and for which well water is intended to be used.

[Order 73-6, § 173-160-070, filed 4/30/73.]

**WAC 173-160-080 Design and construction--Casing.** Proper casing shall be installed in all water wells. The casing shall be designed to withstand the normal

forces which may act upon it during and after installation. It shall be resistant to the corrosive effects of enclosing rocks, earth and water. Unless prior approval is obtained from the department, materials for well casings shall be as specified hereunder:

(1) Minimum specifications for steel casing and pipe for driven wells are contained in the following table:

TABLE 1

Nominal Size (inches)	Outside Diameter (inches)	Wall Thickness (inches)	Weight Per Foot (pounds)
1 1/2	1.900	0.145	2.72
2	2.375	0.154	3.65
2 1/2	2.875	0.203	5.79
3	3.500	0.216	7.58
3 1/2	4.000	0.226	9.11
4	4.500	0.237	10.79
6	6.625	0.250	17.02
8	8.625	0.250	22.36
10	10.750	0.250	28.04
12	12.750	0.250	33.38
14	14.000	0.312	45.61
16	16.000	0.344	62.85
18	18.000	0.375	70.59
20	20.000	0.375	78.60

All casings greater than a nominal size of 20 inches shall have a minimum wall thickness of .375 inches.

Suitable casings shall be new or, in like-new condition, if only previous contact has been with water, and be free of pits and breaks. When casing lengths are joined together, they shall be connected by welded or screw coupled joints which fit and are water tight. Welded joints shall be at least as thick as the wall thickness of the well casing and be fully penetrating.

(2) Plastic casing shall meet all the requirements defined by the national sanitation foundation for plastic well casing.

(3) Liner pipe installed for sealing off unused aquifers, caving or fractured formations and installed without driving, shall have a minimum thickness of .188 inches and conform to the quality standards for steel casing above.

(4) Poured concrete casing shall:

(a) Consist of clean, hard and durable aggregate with not less than 5 sacks of portland cement per cubic yard of concrete. The maximum diameter of aggregate particles shall not exceed 1 1/2 inches, but in any case shall not exceed 1/5 the minimum width of the casing thickness. The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) shall be approximately 1 1/2 to 1 by volume, but in any case, shall not exceed 2 to 1 nor be less than 1 to 2.

(b) Be at least 6 inches thick so placed as to be free of voids. The walls shall be poured in one continuous operation.

[Order 73-6, § 173-160-080, filed 4/30/73.]

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

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

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

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

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

(b) Perforated pipe liners, either torch-cut, mill-slotted or punched. Such liners may be of steel, plastic or other suitable corrosion-resistant material, but if other than steel, a full evaluation of the structural stability of the liner must be made prior to its placement. They may be used in a natural development or gravel-packed type of construction. Where appropriate, the top of the liner shall be fitted with neoprene or lead packers or grout sealed to the well casing. The bottom of the liner shall be fitted with a suitable closure. *The use of preperforated 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 preperforated 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 173-160-110 Design and construction--Sealing of casing--General.** In developing, redeveloping or conditioning a well, care shall be taken to preserve the natural barriers to ground water movement between aquifers and to seal aquifers or strata penetrated during drilling operations which might impair water quality or result in cascading water. All sealing should be permanent and shall prevent possible downward movement of surface waters in the annular space around the well casing. Sealing shall also be accomplished to prevent the upward movement of artesian waters within the annular space around the well casing that could result in the waste of ground water. The sealing shall also restrict the movement of ground water either upward or downward from zones that have been cased out of the well because of poor quality. When cement grout is used in sealing, it shall be set in place 72 hours before additional drilling takes place, unless special additives are mixed with the grout that will cause it to adequately set in a shorter period of time. All grouting shall be performed by adding the mixture from the bottom of the space to be grouted toward the surface in one continuous operation. The minimum grout thickness shall be one inch.

When casing diameter is reduced, a minimum of 8 feet of overlap shall be required and the bottom of the annular space between the casings shall be sealed with suitable packer; the remainder of the annular space will be pressure grouted with bentonite or neat cement.

[Order 73-6, § 173-160-110, filed 4/30/73.]

**WAC 173-160-120 Design and construction-- Sealing of consolidated formations.** In drilled wells that penetrate an aquifer either within or overlain by a consolidated formation, sealing of the casing shall conform with one of the following procedures.

(1) An upper drill hole at least 4 inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface to at least 5 feet into sound, uncreviced, consolidated rock, but in no instance shall said upper drill hole extend less than 18 feet below land surface.

Unperforated permanent casing shall be installed to extend to this same depth and the lower part of the casing shall be sealed into the rock formation with cement grout. The remainder of the annular space to land surface shall be filled with cement grout or puddling clay (see Figure 1A at the end of this chapter).

If cement grout is placed by pumping to seal the entire annulus from the bottom up to land surface, the upper drill hole need only be a minimum of 2 inches larger than the outside diameter of the permanent casing.

(2) An upper drill hole at least 4 inches greater in diameter than the nominal size of the permanent casing shall extend from land surface to a depth of at least 18 feet. An unperforated permanent casing shall be installed so that it extends at least 5 feet into sound, uncreviced, rock formation.

Throughout the driving of the well casing to the rock formation, the annular space between the upper drill hole and the permanent casing shall be kept at least one-half full with bentonite slurry.

The annular space between the rock formation and the permanent casing shall be tightly sealed with cement grout. The remainder of the annular space to land surface shall then be filled with cement grout or puddling clay (see Figure 1B at the end of this chapter).

(3) If temporary surface casing is used in either of the above procedures (1) or (2), this casing shall be of sufficient diameter to conform to the upper drill hole specifications. Withdrawal of the temporary casing shall take place simultaneously with proper sealing of the annular space to land surface.

[Order 73-6, § 173-160-120, filed 4/30/73.]

**WAC 173-160-130 Sealing of unconsolidated formations without significant clay beds.** In drilled wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds, an unperforated well casing shall extend to at least 1 foot below the water table. An upper drill hole having a diameter at least 4 inches greater than the nominal size of the permanent casing shall extend to at least 18 feet below land surface.

(1986 Ed.)

The annular space between the upper drill hole and the well casing shall be kept at least one-half full with bentonite slurry throughout the driving of the permanent casing into the aquifer. After the permanent casing is set in its final position, the remaining annular space shall be filled to land surface with cement grout or puddling clay (see Figure 2A at the end of this chapter).

If the oversized drill hole is extended to the same depth as the permanent casing, a suitable packer shall be installed between the casing and the drill hole at a position directly above the production aquifer. The remaining annular space shall be completely filled and sealed to land surface with cement grout or puddling clay (see Figure 2B at the end of this chapter).

If temporary casing is used to maintain the oversized drill hole, the annular space shall be kept full with cement grout or puddling clay as the temporary casing is being withdrawn.

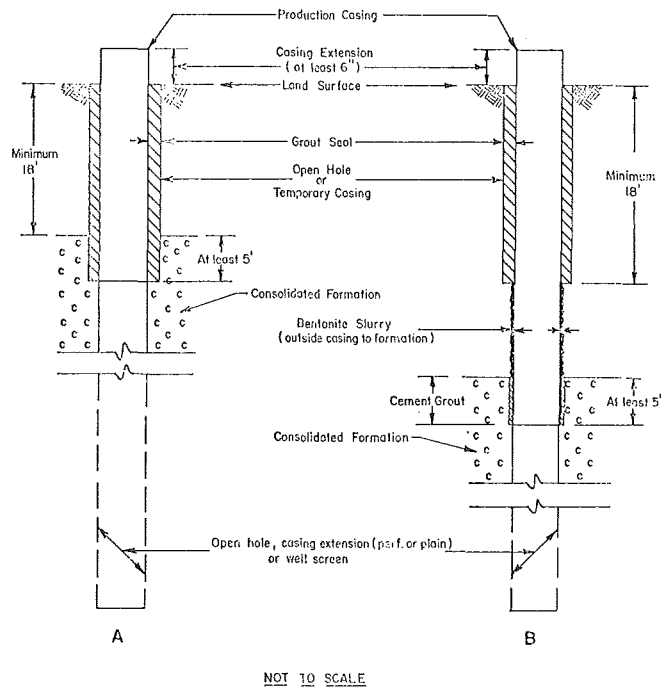


Figure 1. SEALING OF CONSOLIDATED FORMATIONS

[Order 73-6, § 173-160-130, filed 4/30/73.]

**WAC 173-160-140 Sealing of unconsolidated formations with clay beds.** In drilled wells that penetrate an aquifer overlain by clay or other unconsolidated deposits such as sand and gravel in which significant (at least 6 feet thick) interbeds of clay are present, the well casing may be terminated in such clay strata, provided that the casing be sealed in substantially the same manner as is required in the case of consolidated formations (see WAC 173-160-120 and Figure 2C at the end of this chapter).

[Order 73-6, § 173-160-140, filed 4/30/73.]

**WAC 173-160-150 Special sealing standards for artesian wells.** When artesian water is encountered in the well, an unperforated well casing shall extend into the confining stratum overlying the artesian zone. The casing shall be adequately sealed into the confining stratum so as to prevent surface and subsurface leakage from the artesian zone. If the well flows at land surface, it shall be equipped with a control valve so that the flow can be completely stopped. The well shall be completed with seals, packers or grout that will eliminate leakage around the well casing. The driller shall not move his drilling rig from the well site until the leakage has been completely stopped unless authority for temporary removal is granted by the department.

[Order 73-6, § 173-160-150, filed 4/30/73.]

**WAC 173-160-160 Artificial gravel-packed wells-- General.** In gravel-packed wells, the gravel mixture shall be placed around the screen so that bridging or size separation will not occur. The gravel pack shall be clean, chemically stable, uniform and composed of well-rounded grains, and should be no thicker than 8 inches. All gravel and water used shall be disinfected in at least 50 ppm chlorine.

[Order 73-6, § 173-160-160, filed 4/30/73.]

**WAC 173-160-170 Sealing of artificial gravel-packed wells.** (1) **Permanent surface casing not installed.** An upper drill hole having a diameter of at least 4 inches greater than the outside diameter of the production casing shall be drilled to extend from land surface into a clay or other formation of low permeability overlying the water-bearing zone. The annular space to this

depth shall be filled with cement grout or puddling clay. If the clay or other impermeable formation is at or near land surface, the upper drill hole and unperforated production casing shall extend to a minimum depth of 18 feet below land surface, provided that the casing does not pass through the impermeable zone. A suitable packer shall be installed in the annular space between the gravel pack and cement grout seal. A gravel fill pipe may be installed for injecting gravel prior to sealing the top of the gravel pack. Special care shall be taken to insure that the seal is watertight around the injection pipe. The injection pipe shall be capped with a watertight seal or plug (see Figure 3A at the end of this chapter).

(2) **Permanent surface casing installed.** When permanent surface casing is installed, the well bore shall have a diameter at least 4 inches greater than the surface casing for the introduction of sealing materials. A welded steel plate or watertight seal shall be installed at the top of the gravel pack between the permanent surface and production casing. Sealing procedures and installation of gravel fill pipes are substantially the same as in (1) above. If a temporary casing is used to maintain the oversized drill hole, the annular space to be sealed under conditions of (1) and (2) above shall be kept full with cement grout or puddling clay as the temporary casing is withdrawn (see Figure 3B at the end of this chapter).

(3) If a clay layer or other formation of low permeability is not encountered before reaching the top of the water-bearing zone, the upper drill hole and unperforated production casing shall extend to a minimum depth of 18 feet below land surface. Sealing procedures, installation of gravel fill pipes and temporary casing are substantially the same as in (1) and (2) above.

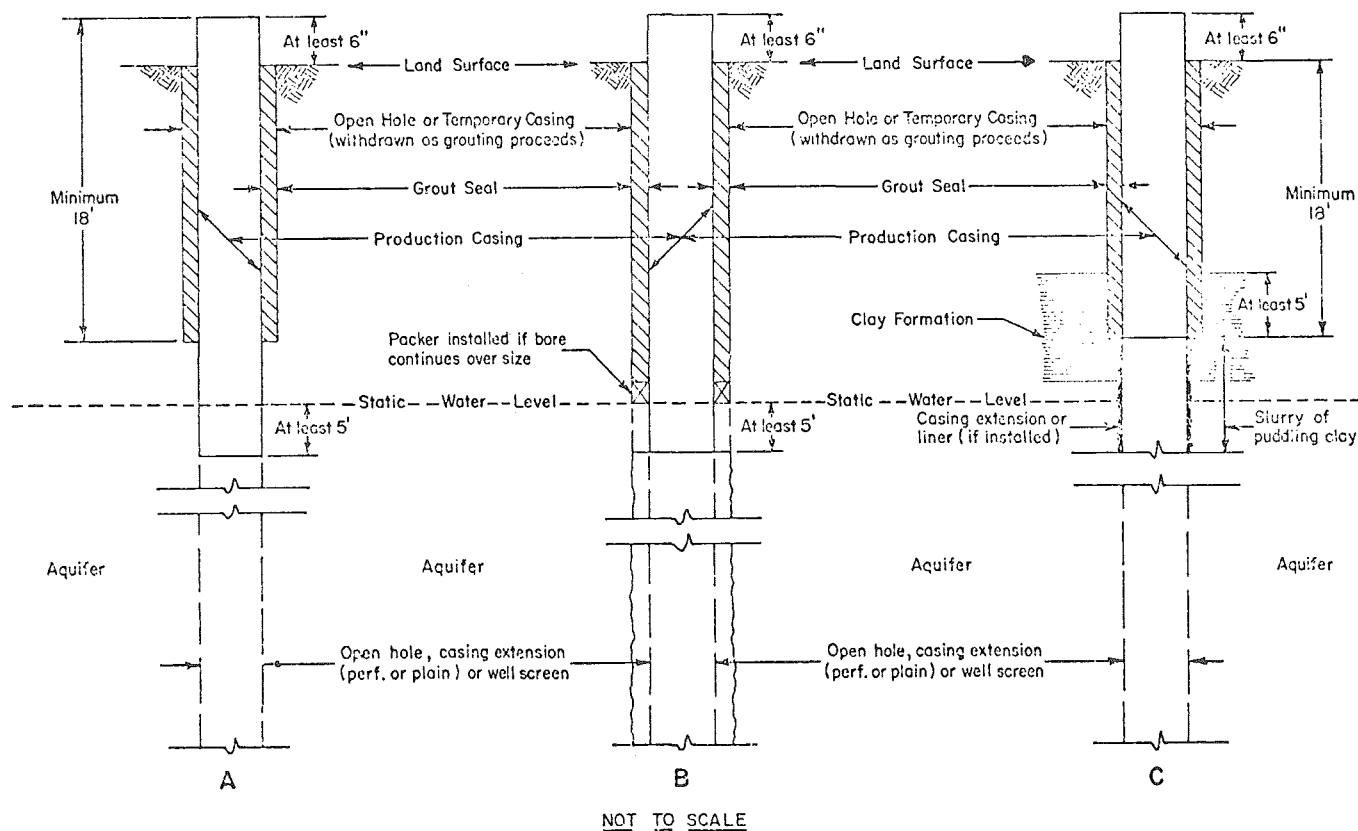


Figure 2. SEALING OF UNCONSOLIDATED FORMATIONS

[Order 73-6, § 173-160-170, filed 4/30/73.]

**WAC 173-160-180 Sealing of dug wells.** The surface curbing of all dug wells shall be constructed to effectively seal the annular space between the undisturbed native material of the upper well hole and the concrete tile, steel pipe or liner to a depth of at least 18 feet or within 3 feet of the bottom in wells that are less than 21 feet in depth.

(1) In all dug wells, other than a buried slab type, concrete at least 6 inches thick shall be used as sealing material. If wooden cribbing is used as a retaining wall to provide for a concrete surface curbing, the cribbing shall be removed from the hole after the concrete has set.

(2) In buried slab type well construction, a steel casing shall extend at least 6 inches beyond the slab into the lower well hole; the buried slab shall be sealed with cement grout and the remaining annular space to land surface shall be filled with bentonite or puddled clay (see Figure 4 at the end of this chapter).

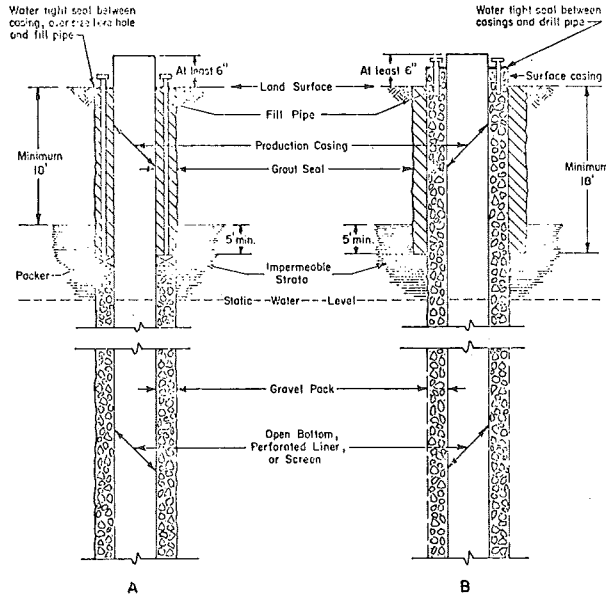
[Order 73-6, § 173-160-180, filed 4/30/73.]

**WAC 173-160-190 Special standards for driven or jetted wells.** In all driven point wells, the casing shall extend at least 5 feet below the anticipated pumping level. An upper hole at least 4 inches greater in diameter than the permanent casing shall extend a minimum of 6 feet below land surface. The annular space between the

upper oversized drill hole and the permanent casing shall be kept at least one-half full with bentonite slurry throughout all driving of the pipe. The remaining annular space to land surface shall be filled with cement grout or pudding clay (see Figure 5 at the end of this chapter).

[Order 73-6, § 173-160-190, filed 4/30/73.]

**WAC 173-160-200 Upper terminal of well.** The water-tight casing or curbing of any well shall extend not less than 6 inches above the established ground surface. In the case of public water supplies where the site is not subject to flooding, the pumphouse floor must be at least 1 foot above land surface, with a minimum of 6 inches of casing projecting above the floor; where the site is subject to flooding, the pumphouse floor must be at least 2 feet above the estimated water level of a 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

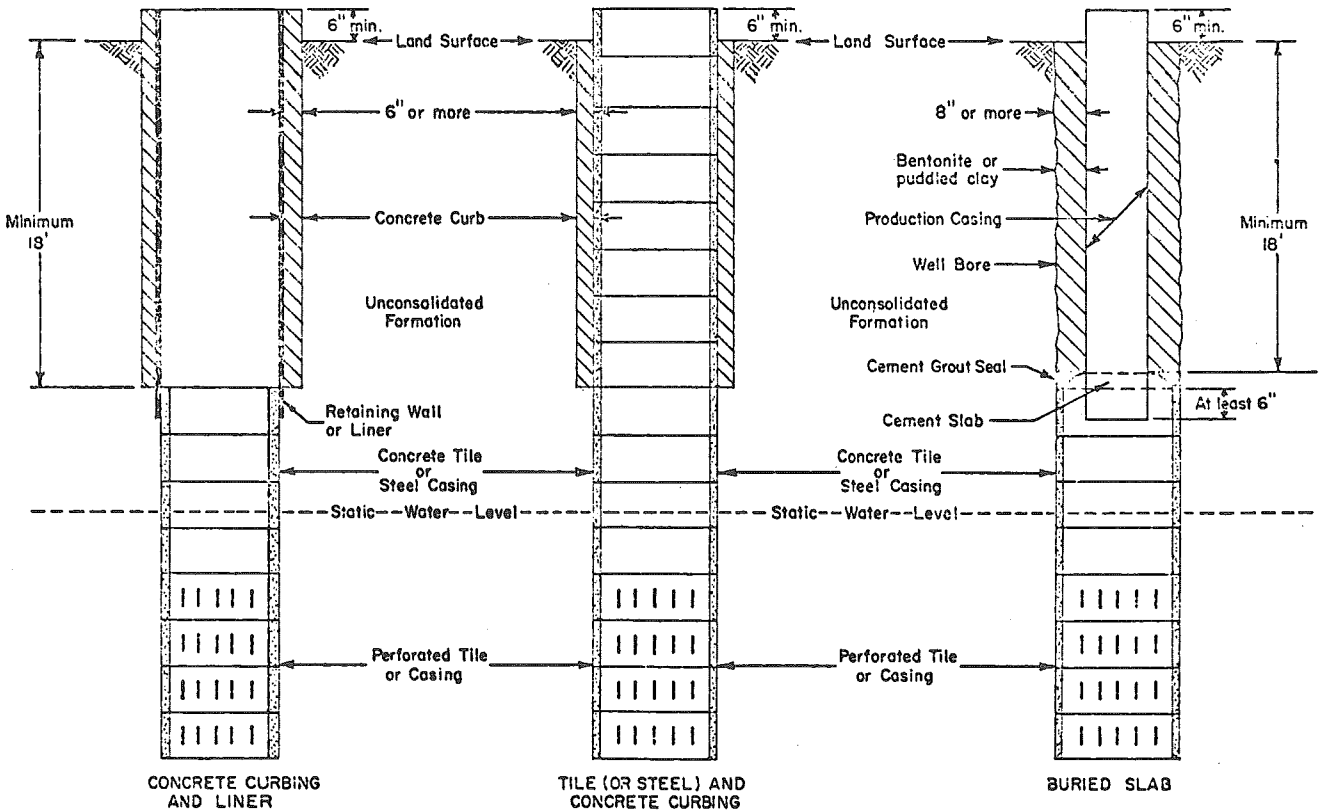
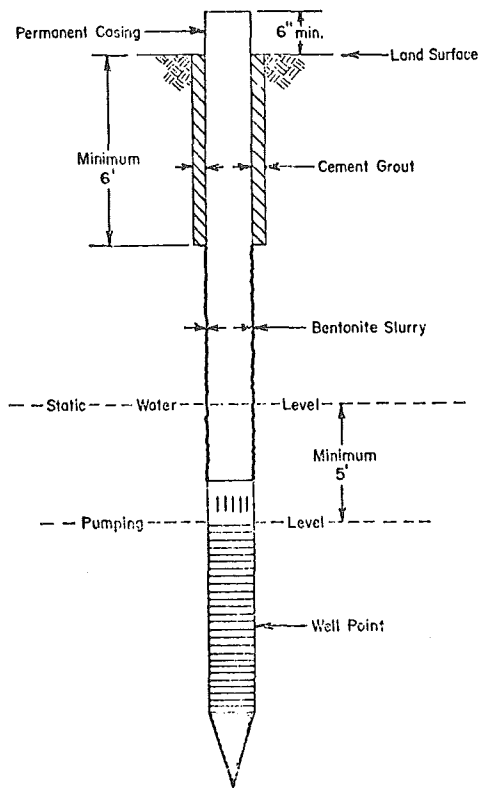


Figure 4. SEALING OF DUG WELLS



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 173-160-210 Capping.** Temporary capping of a well until pumping equipment is installed or when the well is temporarily out of service shall be accomplished by capping, such that no pollutants can enter the well. Capping shall be affixed by tack welds or equal seal to prevent unauthorized entrance.

[Order 73-6, § 173-160-210, filed 4/30/73.]

**WAC 173-160-220 Testing of well.** (1) **Well authorized by appropriation permit.** Before being put to use, each well shall be pump tested for yield and drawdown and reports submitted as required in chapter 90.44 RCW. The test pump shall have a capacity at least equal to the pumping rate at which it is expected the

well will be pumped during its usage. The test pump shall be installed to operate continuously for a minimum of 4 hours or until such time that the water level has stabilized and at which time the yield and drawdown shall be determined. Periodic water level observation should be made during drawdown and subsequent recovery periods. Periods of observation shall be more frequent during the onset of drawdown and may decrease in frequency as drawdown or recovery proceeds toward stabilization. A bailer test is not an acceptable substitute for testing wells under permit.

(2) **Wells not requiring appropriation permit.** Testing of a well not requiring an appropriation permit shall be conducted for a period of not less than one hour either by bailer or with a pump. Data must be reported to the department in the water well report.

[Order 73-6, § 173-160-220, filed 4/30/73.]

**WAC 173-160-230 Testing of well—Access port or pressure gage.** All wells shall be equipped with an access port that will allow for the measurement of the depth to water surface or a pressure gage that will indicate the shut-in pressure of an artesian well (see Figure 6 at the end of this chapter). The access ports and pressure gages or other openings in the cover shall be sealed or capped to prevent entrance of surface water or foreign material into the well.

[Order 73-6, § 173-160-230, filed 4/30/73.]

**WAC 173-160-240 Disinfection.** (1) All tools and drilling equipment shall be thoroughly disinfected with a chlorine compound prior to beginning well construction.

(2) Every new or reconditioned well, after completion of construction or repair, and before being placed in service, shall be cleared of all foreign materials.

(3) The well casing shall be swabbed and cleaned to remove oil, grease or joint dope.

(4) All pumping equipment, sand or gravel used in gravel-packed wells and the well casing shall be thoroughly sluiced with clean water and be disinfected with a solution containing at least 50 ppm of chlorine.

(5) Prior to use for drinking purposes, sufficient disinfectant (chlorine compound) shall be added to the standing water in the well to give a residual of 50 ppm free chlorine. The disinfectant should then be thoroughly mixed with the water in the well and shall remain in the well for a period of at least 24 hours, after which period there shall remain a minimum of 10 ppm free chlorine residual. The well shall then be flushed to remove all traces of chlorine. If testing indicates a presence of coliform bacteria, more stringent disinfection methods may be required by the department of social and health services or local health authority.

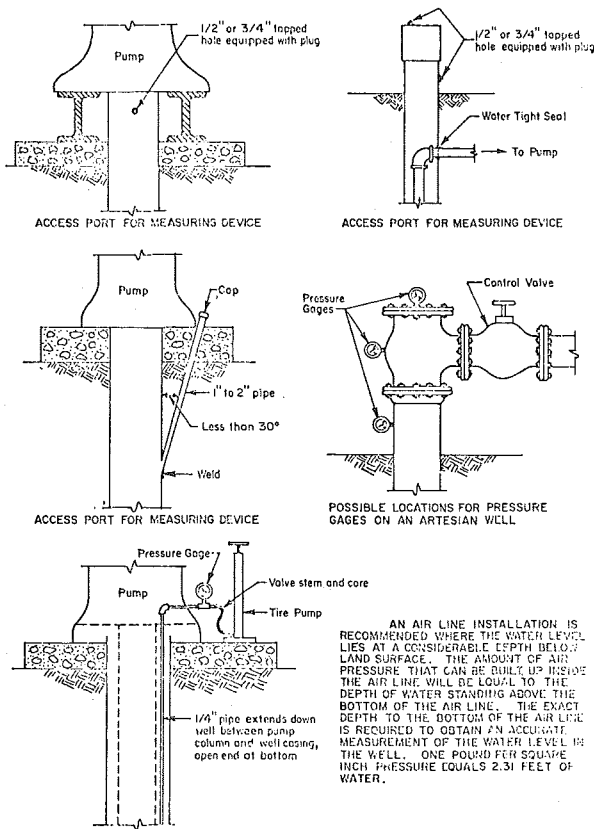


Figure 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS

[Order 73-6, § 173-160-240, filed 4/30/73.]

**WAC 173-160-250 Quality of drilling water.** All water introduced into a well for drilling purposes shall be obtained from a potable water source or be thoroughly disinfected to assure noncontamination of the water-bearing body.

[Order 73-6, § 173-160-250, filed 4/30/73.]

**WAC 173-160-260 Pump installation.** All pumps and pumping equipment shall be installed in a manner consistent with the intent and goals of these regulations.

[Order 73-6, § 173-160-260, filed 4/30/73.]

**WAC 173-160-270 Explosives.** The use of explosives in the construction, development or reconditioning of any water well shall comply with procedures developed by the department and be used under the supervision of an individual licensed under chapter 70.74 RCW.

[Order 73-6, § 173-160-270, filed 4/30/73.]

**WAC 173-160-280 Chemical conditioning.** The use of detergents, chlorine, acids or other chemicals in wells for the purpose of increasing or restoring yield shall comply with procedures developed by the department.

[Order 73-6, § 173-160-280, filed 4/30/73.]

[Title 173 WAC—p 200]

**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.]

**WAC 173-160-300 Abandonment or destruction of wells—Abandonment or destruction of drilled or jetted wells.** A cement grout or concrete plug shall be placed opposite all perforations or openings in the well casing. The remainder of the well shall be filled with cement grout, concrete or puddled clay.

[Order 73-6, § 173-160-300, filed 4/30/73.]

**WAC 173-160-310 Abandonment or destruction of wells—Abandonment or destruction of gravel-packed wells.** All gravel-packed wells shall be pressure-grouted throughout the perforated section of the well casing. The remainder of the well shall be filled with cement grout, concrete or puddled clay.

[Order 73-6, § 173-160-310, filed 4/30/73.]

**WAC 173-160-320 Abandonment or destruction of wells—Abandonment or destruction of artesian wells.** A cement grout or concrete plug shall be placed in the confining stratum overlying the artesian zone so as to prevent subsurface leakage from the artesian zone. The remainder of the well shall be filled with cement grout or concrete.

[Order 73-6, § 173-160-320, filed 4/30/73.]

**WAC 173-160-330 Abandonment or destruction of wells—Abandonment or destruction of dug wells.** Clean chlorinated sand shall be used to fill the bottom of the well to a point 2 feet above static water level. The remainder of the well to land surface shall be filled with clay, concrete or puddled clay. Piping of cementing materials directly to the point of application or placement by means of a dump bailer or tremie is recommended. If concrete, cement grout or neat cement, when used as a sealing material below the static water level in the well, it should be placed from the bottom up by methods that shall avoid segregation or dilution of the material.

[Order 73-6, § 173-160-330, filed 4/30/73.]

**WAC 173-160-340 Abandonment or destruction of wells—Plugging of test wells.** Uncased wells shall be abandoned as prescribed for dug wells. In the abandonment of cased wells in which the well casing is to be removed, the well shall be plugged as the casing is withdrawn. The well shall be sealed with grout or puddled clay.

[Order 73-6, § 173-160-340, filed 4/30/73.]



**WAC 173-160-350 Artificial recharge of ground water bodies.** Approval must be obtained from the department before starting any project related to the artificial recharge of ground water bodies.

[Order 73-6, § 173-160-350, filed 4/30/73.]

**WAC 173-160-360 Special exemptions.** (1) Development of shallow unconfined ground water bodies for other than domestic or public water supply purposes through construction of infiltration galleries, trenches, ponds, sumps or other open-hole excavations shall be exempted from compliance with the minimum construction standards: *Provided*, That the well contractor obtain a waiver from the department prior to construction: *Provided further*, That the department, at its own discretion, may require special construction standards if it determines the proposed method of construction would in any manner be adverse to the public health or welfare.

(2) Open-hole excavation for dewatering purposes in construction work shall be exempted from compliance with the minimum well construction standards, but abandonment shall conform with the meaning and intent of these regulations. Cased wells constructed for either temporary or permanent dewatering purposes are not exempted; they must be constructed and abandoned or destroyed in accordance with the most appropriate minimum well construction standards.

[Order 73-6, § 173-160-360, filed 4/30/73.]

**WAC 173-160-370 Relationship to other authorities.** Nothing in these regulations shall be construed to waive any legal requirements of other state agencies or local governmental entities relating to water well construction nor shall it preclude the adoption of more stringent minimum water well construction standards by local government.

[Order 73-6, § 173-160-370, filed 4/30/73.]

**WAC 173-160-380 Comparable construction standards.** Nothing in these regulations shall be construed to limit the department's authority to approve comparable alternative specifications for well construction as technology in the industry develops and/or new and comparable methods of construction become known to the department.

[Order 73-6, § 173-160-380, filed 4/30/73.]

### Chapter 173-162 WAC

#### REGULATION AND LICENSING OF WATER WELL CONTRACTORS AND OPERATORS

WAC	Purpose.
173-162-010	Purpose.
173-162-020	General.
173-162-030	Definitions.
173-162-040	Compliance—Requirement for licensing.
173-162-050	Exemptions.
173-162-060	License required—Qualifications for licensing.
173-162-070	Applications and fees.
173-162-080	Examinations—Time and place.

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173-162-090	Examinations—Notification of examinations.
173-162-100	Examinations—Type of examinations.
173-162-110	Examinations—Conducting examinations.
173-162-120	Examinations—Notification of examination results.
173-162-130	Licenses—General.
173-162-140	Licenses—Unconditional license.
173-162-150	Licenses—Conditional license.
173-162-160	Temporary authorization.
173-162-170	Retaking examination.
173-162-180	Water well contractors—Identification numbers.
173-162-190	Water well contractors—Responsibilities.

**WAC 173-162-010 Purpose.** These regulations are adopted pursuant to chapter 18.104 RCW in order to establish procedures for the examination, licensing and regulation of water well contractors and operators.

[Order DE 73-10, § 173-162-010, filed 6/29/73.]

**WAC 173-162-020 General.** These regulations are applicable to all water well contractors and operators who are contracting for water well construction or constructing water wells in the state of Washington.

[Order DE 73-10, § 173-162-020, filed 6/29/73.]

**WAC 173-162-030 Definitions.** As used in this chapter:

(1) "Constructing a well" or "construct a well" means and includes boring, digging, drilling, or excavating and installing casing, lining or well screens, whether in the installation of a new well or the alteration of an existing well.

(2) "Department" means department of ecology.

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

(4) "Examining board" means the board composed of three members responsible for the preparation, administration and evaluation of examinations for licenses; one named by the director from the department; the second appointed by the governor, being a person other than one employed by the state, actively engaged in water well drilling activities at the time of his appointment; the third named by the department of social and health services by the secretary thereof (RCW 18.104.090).

(5) "Operator" means any person, other than a person exempted by RCW 18.104.180, who is employed by a water well contractor for the control and supervision of the construction of a water well or for the operation of water well construction equipment.

(6) "Water well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the well is for the location, diversion, artificial recharge or withdrawal of ground water. "Water well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining, or quarrying, or for inserting media to repressure oil or natural gas-bearing formations, or for storing of petroleum, natural gas or other products.

(7) "Water well contractor" means any person, firm, partnership, co-partnership, corporation, association, or other entity engaged in the business of constructing water wells.

[Title 173 WAC—p 201]

(8) "Supervision" or "supervising" means being present at the site of well construction and responsible for proper construction at any and all times that water well construction equipment is being operated.

[Order DE 73-10, § 173-162-030, filed 6/29/73.]

**WAC 173-162-040 Compliance--Requirement for licensing.** (1) A water well construction operators license is required for all operators.

(2) A water well construction operators license is required for all water well contractors as follows:

(a) Every water well contractor shall designate one official as "liaison representative" who shall have the full responsibility and authority to act as the contractor's agent in all its dealings with the department. The "liaison representative" shall be licensed.

(b) An owner-operator who enters contracts on his own behalf is a water well contractor and must be licensed. He shall act as his own "liaison agent" in all dealings with the department.

(3) An architectural, engineering or other similar type professional consulting firm, general contractor or construction firm and highway or bridge construction firm need not have a licensed water well construction operator in its employ; provided that all water well construction associated with their various projects is conducted through a duly licensed water well contractor.

[Order DE 73-10, § 173-162-040, filed 6/29/73.]

**WAC 173-162-050 Exemptions.** A water well construction operators license shall not be required of:

(1) Any individual who personally drills a well on land which is owned or leased by him or in which he has a beneficial interest as a contract purchaser and is used by the individual for farm or noncommercial domestic use only.

(2) Any individual who performs labor or services for a water well contractor in connection with the drilling of a well at the direction and under the supervision and control of a licensed operator.

[Order DE 73-10, § 173-162-050, filed 6/29/73.]

**WAC 173-162-060 License required--Qualifications for licensing.** A person shall be qualified to receive a license if he:

(1) Has made application to the department and has paid a twenty-five dollar application fee.

(2) Has passed a written examination, except that a person who can establish his illiteracy to the satisfaction of the department shall be entitled to an oral examination in lieu of a written examination.

[Order DE 73-10, § 173-162-060, filed 6/29/73.]

**WAC 173-162-070 Applications and fees.** Applications for license or renewal of license shall be submitted on forms provided by the department.

(1) An application fee of twenty-five dollars made payable to the department must be submitted with each application for license.

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(2) A renewal fee of ten dollars made payable to the department must be submitted with each application for renewal of license.

[Order DE 73-10, § 173-162-070, filed 6/29/73.]

**WAC 173-162-080 Examinations--Time and place.** Examinations shall be held at such times and places as may be determined by the department, but not later than thirty days after a completed application with appropriate fee has been received and accepted by the department; provided that in the case where an application is received after an examination has been scheduled and there is either insufficient time for the department to duly notify the applicant of the time and place of the examination or the applicant is unable to take the examination at the scheduled time, the thirty day period will start from the scheduled examination date; provided further, however, that if an examination is not taken within ninety days after the initial receipt of the application in the department, the application shall be voided and the application fee forfeited.

[Order DE 73-10, § 173-162-080, filed 6/29/73.]

**WAC 173-162-090 Examinations--Notification of examinations.** Upon receipt of a properly completed application, the department shall notify the applicant of the date, time and place of the next scheduled examination. All incomplete application forms will be returned for completion. The applicant should notify the department if the examination schedule cannot be met and the reasons therefor.

[Order DE 73-10, § 173-162-090, filed 6/29/73.]

**WAC 173-162-100 Examinations--Type of examinations.** The examinations shall be prepared, administered and evaluated by the examining board. They shall be broken down into sections including a basic general category and specialist categories including but not necessarily limited to cable tool, rotary, driven and dug well construction technology. The examination shall be prepared to test the knowledge and understanding of the following subjects:

(1) Washington ground water laws as they relate to well construction;

(2) Sanitary standards for water well drilling and construction of water wells;

(3) Types of water well construction;

(4) Drilling tools and equipment;

(5) Underground geology as it relates to water well construction;

(6) Rules and regulations of the department and the department of social and health services relating to water well construction;

(7) Preparation of well reports;

(8) Township and range location system as it relates to location of wells; and

(9) Basic ground water hydraulics as it relates to well construction.

[Order DE 73-10, § 173-162-100, filed 6/29/73.]

**WAC 173-162-110 Examinations--Conducting examinations.** The examining board may delegate the authority to conduct and monitor examinations to any staff members of the department.

[Order DE 73-10, § 173-162-110, filed 6/29/73.]

**WAC 173-162-120 Examinations--Notification of examination results.** The department shall make a determination of the applicant's qualifications for a license within ten days after the examination and notify said applicant of the results within ten days after such determination.

[Order DE 73-10, § 173-162-120, filed 6/29/73.]

**WAC 173-162-130 Licenses--General.** It is the intent of the department and the examining board, in its implementation of the licensing phase of the Washington Water Well Construction Act to effect a smooth transition of this requirement into the water well construction industry without causing undue hardship on individuals and/or businesses whose livelihood is dependent upon continuing work in this field.

[Order DE 73-10, § 173-162-130, filed 6/29/73.]

**WAC 173-162-140 Licenses--Unconditional license.** An applicant who has passed the basic general examination and all specialist categories shall be granted a water well construction operators license without any restrictions or conditions.

[Order DE 73-10, § 173-162-140, filed 6/29/73.]

**WAC 173-162-150 Licenses--Conditional license.** An applicant who has passed the basic general examination, but not all of the specialist categories, prior to July 1, 1975, shall be granted a conditional water well construction operators license covering only those specialist categories in which he has passed the examination subject to the following conditions:

(1) His work as a licensee shall be restricted to those specialist categories authorized by the conditional license.

(2) The holder of a conditional license may, within two years after the date of original examination, apply to retake that part of the examination relating to the specialist category or categories he initially failed to pass in order to either broaden his authorization for practice under a conditional license or become qualified for an unconditional license.

(3) If more than two years has expired since the date of original examination, the holder of a conditional license shall, as in the case of a new applicant, file an application for license along with the statutory twenty-five dollar application fee and retake a complete examination if he wishes to apply for an unconditional license. A simple continuance of the conditional license will result if the complete examination is not passed.

Effective July 1, 1975, the practice of issuing conditional licenses to new applicants shall be discontinued.

[Order DE 73-10, § 173-162-150, filed 6/29/73.]

(1986 Ed.)

**WAC 173-162-160 Temporary authorization.** An applicant who fails to pass the basic general category of the examination or any of the specialist categories may request and receive a letter of temporary authorization to continue the practice of water well construction until July 1, 1974 provided that:

(1) He has had a minimum of two years' experience in water well construction.

(2) He submits a sworn statement from two licensed water well construction operators attesting to his competency in water well construction.

(a) If he is in the employ of a water well contractor, he shall submit a statement from the "liaison representative" for the contractor affirming that the responsibility for proper well construction shall be fully borne by said water well contractor.

(b) If an owner-operator, he shall substantiate, to the satisfaction of the examining board, that the public will be assured of his proper well construction.

[Order DE 73-10, § 173-162-160, filed 6/29/73.]

**WAC 173-162-170 Retaking examination.** Upon failing to qualify for an unconditional license, the applicant shall not be entitled to retake the examination or any parts thereof for a period of ninety days from the date of his original examination.

(1) An applicant who has failed to pass the basic general category or has passed the basic general category, but failed to pass any of the specialist categories, shall be considered as a new applicant in all respects.

(2) An applicant who has qualified for a license in one or more of the specialist categories will not be required to pay additional fees for retaking only a part of the examination as authorized under WAC 173-162-150(2).

[Order DE 73-10, § 173-162-170, filed 6/29/73.]

**WAC 173-162-180 Water well contractors--Identification numbers.** The department shall assign an identification number to every water well contractor.

[Order DE 73-10, § 173-162-180, filed 6/29/73.]

**WAC 173-162-190 Water well contractors--Responsibilities.** (1) Every water well contractor shall plainly mark the assigned identification number on each well drilling machine.

(2) The water well contractor shall be responsible for appointment of a "liaison representative." Any change of "liaison representative" must be immediately reported to the department in order to assure continuity of communication.

[Order DE 73-10, § 173-162-190, filed 6/29/73.]

## Chapter 173-164 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.  
 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 1st ex. sess.

[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 1st ex. sess., 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 1st ex. sess., 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. For the [1981] irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be [forty-five] dollars per acre-foot of water. An additional charge for water delivered under pressure based on the vertical distance (discharge head) from pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

Discharge Head from Pump (feet)	Price per Acre-foot
0 to 10	\$ .70
10 to 20	1.51
20 to 30	2.18
30 to 40	2.95
40 to 50	3.67

Discharge Head from Pump (feet)	Price per Acre-foot
50 to 60	4.90
60 to 70	5.15
70 to 80	5.93
80 to 90	6.63
90 to 100	7.35
100 to 110	8.10
110 to 120	8.84
120 to 130	9.58
130 to 140	10.32
140 to 150	11.06

[Statutory Authority: RCW 43.83B.345. 81-07-037 (Order DE 81-5), § 173-164-050, filed 3/13/81; 80-09-052 (Order DE 80-28), § 173-164-050, filed 7/14/80. Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-050, filed 7/13/78.]

**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 173-164-060 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.

173-164-050 Determination of rate.  
 173-164-060 Payment schedule.  
 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 1st ex. sess.

[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 1st ex. sess., 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 1st ex. sess., 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. For the [1981] irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be [forty-five] dollars per acre-foot of water. An additional charge for water delivered under pressure based on the vertical distance (discharge head) from pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

Discharge Head from Pump (feet)	Price per Acre-foot
0 to 10	\$ .70
10 to 20	1.51
20 to 30	2.18
30 to 40	2.95
40 to 50	3.67

Discharge Head from Pump (feet)	Price per Acre-foot
50 to 60	4.90
60 to 70	5.15
70 to 80	5.93
80 to 90	6.63
90 to 100	7.35
100 to 110	8.10
110 to 120	8.84
120 to 130	9.58
130 to 140	10.32
140 to 150	11.06

[Statutory Authority: RCW 43.83B.345. 81-07-037 (Order DE 81-5), § 173-164-050, filed 3/13/81; 80-09-052 (Order DE 80-28), § 173-164-050, filed 7/14/80. Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-050, filed 7/13/78.]

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**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 ex. sess., relating to implementation of chapter 1, Laws of 1977 ex. sess.

[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 chapters 1 and 339, Laws of 1977 ex. sess., 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 ex. sess., 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.

(1986 Ed.)

(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

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

173-201-020	Water use and quality criteria. [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.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.
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- 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.
- 173-201-050 Characteristic uses to be protected. [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.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. 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.
- 173-201-140 Miscellaneous. [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.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.

**WAC 173-201-010 Introduction.** (1) 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.

(2) This chapter shall be reviewed periodically by the department and appropriate revisions shall be undertaken.

(3) The water use and quality criteria set forth in WAC 173-201-035 through 173-201-085 are established in conformance with present and potential water uses of the surface waters of the state of Washington and in consideration of the natural water quality potential and limitations of the same. These shall be the sole criteria for said waters.

[Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-010, filed 6/2/82; 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 173-201-025 Definitions.** (1) **Background conditions:** The biological, chemical, and physical conditions of a water body, upstream from the point or non-point 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) **Department:** State of Washington department of ecology.

(3) **Director:** Director of the state of Washington department of ecology.

(4) **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 plus or minus 0.2 degrees Celsius.

(5) **Geometric mean:** The nth root of a product of n factors.

(6) **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.

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

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

(9) **Primary contact recreation:** Activities where a person would have direct contact with water to the point of complete submergence, including but not limited to skin diving, swimming and water skiing.

(10) **Secondary contact recreation:** Activities where a person's water contact would be limited (wading or fishing) to the extent that bacterial infections of eyes, ears, respiratory or digestive systems or urogenital areas would normally be avoided.

(11) **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.

(12) **Temperature:** Water temperature expressed in degrees Celsius (°C).

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

(14) **Upwelling:** The annual natural phenomenon where the summer prevailing, northerly winds parallel to Washington's coast produce a seaward transport of surface waters. Cold, deeper more saline waters rich in nutrients and low in dissolved oxygen rise to replace the surface water. The cold, oxygen deficient water flows into Puget Sound and other coastal estuaries replacing the deep water with lower dissolved oxygen concentrations reaching the surface during late summer and fall.

(15) **USEPA:** United States Environmental Protection Agency.

(16) **Wildlife habitat:** Waters of the state used by fish, other aquatic life and wildlife for any life history stage or activity.

[Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-025, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-025, filed 1/17/78.]

**WAC 173-201-035 General considerations.** The following general guidelines shall apply to the water quality criteria and classifications set forth in WAC 173-201-045 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 water quality standards.

(b) Permits shall be subject to modification by the department whenever it appears to the department the discharge violates water quality 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 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 through 173-201-085; 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 whenever it appears to the department that the discharge violates water quality 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) 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 waters are of a higher quality than the criteria assigned for said waters, 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 and special conditions established in WAC 173-201-045 through 173-201-085 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. The aquatic application of herbicides which result in water use restrictions shall be considered an activity for which a short-term modification generally may be issued subject to the following conditions:

(i) A request for a short-term modification shall be made to the department on forms supplied by the department. Such request generally shall be made at least thirty days prior to herbicide application.

(ii) Such herbicide application shall be in accordance with state of Washington department of agriculture regulations.

(iii) Such herbicide application shall be in accordance with label provisions promulgated by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. (7 U.S.C. 136, et seq.)



(iv) Notice, including identification of the herbicide, applicator, location where the herbicide will be applied, proposed timing and method of application, and water use restrictions shall be given according to the following requirements:

(A) Appropriate public notice as determined and prescribed by the director or his designee shall be given of any water use restrictions specified in USEPA label provisions.

(B) The appropriate regional offices of the departments of fisheries and game shall be notified twenty-four hours prior to herbicide application.

(C) In the event of any fish kills, the departments of ecology, fisheries, and game shall be notified immediately.

(v) The herbicide application shall be made at times so as to:

(A) Minimize public water use restrictions during weekends.

(B) Completely avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, July 4 weekend, and Labor Day weekend.

(vi) Any additional conditions as may be prescribed by the director or his designee.

(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) No waste discharge permit will be issued which violates established water quality criteria, 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 USEPA, and other or superseding methods published and/or approved by the department following consultation with adjacent states and concurrence of the USEPA.

(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) USEPA 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 USEPA 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).

(14) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control of the thermal component of any discharge in accordance with Section 316 of the Federal Clean Water Act (P.L. 95-217 as amended).

[Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-035, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-035, filed 1/17/78.]

**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 not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing, spawning, and harvesting.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater – fecal coliform organisms shall not exceed a geometric mean 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 geometric mean 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. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or

below 7.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature shall not exceed 16.0°C (freshwater) or 13.0°C (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°C (freshwater) and 13.0°C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.

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°C, and the maximum water temperature shall not exceed 16.3°C (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 not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing, spawning, and harvesting.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater – fecal coliform organisms shall not exceed a geometric mean 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 geometric mean 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. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 6.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature shall not exceed 18.0°C (freshwater) or 16.0°C (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°C (freshwater) and 16.0°C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.

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°C, and the maximum water temperature shall not exceed 18.3°C (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 not be limited to, the following:

(i) Water supply (industrial and agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing and spawning.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater – fecal coliform organisms shall not exceed a geometric mean 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 geometric mean 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.

(B) Marine water – dissolved oxygen shall exceed 5.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 5.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature shall not exceed 21.0°C (freshwater) or 19.0°C (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°C (freshwater) and 19.0°C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.

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°C, and the maximum water temperature shall not exceed 21.3°C (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 not be limited to, the following:

(i) Water supply (industrial).

(ii) Fish (salmonid and other fish migration).

(iii) Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(iv) Commerce and navigation.

(c) Water quality criteria – marine water.

(i) Fecal coliform organisms shall not exceed a geometric mean value of 200 organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(ii) Dissolved oxygen shall exceed 4.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 4.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Temperature shall not exceed 22.0°C due to human activities. Temperature increases shall not, at any time, exceed  $t=20/(T+2)$ .

When natural conditions exceed 22.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.

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.

(iv) pH shall be within the range of 6.5 to 9.0 with a man-caused variation within a range of less than 0.5 units.

(v) 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.

(vi) 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.

(vii) 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 shall include, but not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam and mussel rearing, spawning, and harvesting.

Crayfish rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms shall not exceed a geometric mean 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 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, 82-12-078 (Order DE 82-12), § 173-201-045, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-045, filed 1/17/78.]

**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 classified Class AA or lake class.

(2) All lakes and their feeder streams within the state are classified lake class and Class AA respectively, except for those feeder streams specifically classified 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 unclassified surface waters that are tributaries to Class AA waters are classified Class AA. All other unclassified surface waters within the state are hereby classified Class A.

[Statutory Authority: RCW 90.48.035, 82-12-078 (Order DE 82-12), § 173-201-070, filed 6/2/82; 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.  | Class AA |
| (2) Big Quilcene River and tributaries.  | Class AA |
| (3) Bumping River.   | Class AA |
| (4) Burnt Bridge Creek.  | Class A  |
| (5) Cedar River from Lake Washington to Landsburg Dam (river mile 21.6).   | Class A  |
| (6) Cedar River and tributaries from Landsburg Dam (river mile 21.6) to headwaters. Special condition – no waste discharge will be permitted.  | Class AA |
| (7) Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45" W) to Scammon Creek (river mile 65.8).  | Class A  |
| (8) Chehalis River from Scammon Creek (river mile 65.8) to Newaukum River (river mile 75.2). Special condition – dissolved oxygen shall exceed 5.0 mg/L from June 1, to September 15. For the remainder of the year, the dissolved oxygen shall meet Class A criteria.   | Class A  |
| (9) Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7).   | Class A  |
| (10) Chehalis River, from Rock Creek (river mile 106.7) to headwaters.   | Class AA |
| (11) Chehalis River, south fork.   | Class A  |
| (12) Chewack River.  | Class AA |
| (13) Chiwawa River.  | Class AA |
| (14) Cispus River.   | Class AA |
| (15) Clearwater River.   | Class A  |
| (16) Cle Elum River.   | Class AA |
| (17) Cloquallum Creek.   | Class A  |
| (18) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom.  | Class A  |
| (19) Columbia River from mouth to the Washington-Oregon border (river mile 309.3). Special conditions – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. | Class A  |
| (20) Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). Special condition from Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater   |          |

than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A	boundary of Flaming Geyser State Park, river mile 42.3) to west boundary of Sec. 13-T21N-R7E (river mile 59.1).	Class AA
(21) Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0).	Class AA	(45) Green River and tributaries (King County) from west boundary of Sec. 13-T21N-R7E (river mile 59.1) to headwaters. Special condition – no waste discharge will be permitted.	Class AA
(22) Colville River.	Class A	(46) Hamma Hamma River and tributaries.	Class AA
(23) Coweeman River from mouth to Mulholland Creek (river mile 18.4).	Class A	(47) Hanaford Creek from mouth to east boundary of Sec. 25-T15N-R2W (river mile 4.1). Special condition – dissolved oxygen shall exceed 6.5 mg/L.	Class A
(24) Coweeman River from Mulholland Creek (river mile 18.4) to headwaters.	Class AA	(48) Hanaford Creek from east boundary of Sec. 25-T15N-R2W (river mile 4.1) to headwaters.	Class A
(25) Cowlitz River from mouth to base of Riffe Lake Dam (river mile 52.0).	Class A	(49) Hoh River and tributaries.	Class AA
(26) Cowlitz River from base of Riffe Lake Dam (river mile 52.0) to headwaters.	Class AA	(50) Hoquiam River (continues as west fork above east fork) from mouth to river mile 9.3 (Dekay Road bridge) (upper limit of tidal influence).	Class B
(27) Crab Creek and tributaries.	Class B	(51) Humptulips River and tributaries from mouth to Olympic National Forest boundary on east fork (river mile 12.8) and west fork (river mile 40.4) (main stem continues as west fork).	Class A
(28) Decker Creek.	Class AA	(52) Humptulips River, east fork from Olympic National Forest boundary (river mile 12.8) to headwaters.	Class AA
(29) Deschutes River from mouth to boundary of Snoqualmie National Forest (river mile 48.2).	Class A	(53) Humptulips River, west fork from Olympic National Forest boundary (river mile 40.4) to headwaters.	Class AA
(30) Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters.	Class AA	(54) Issaquah Creek.	Class A
(31) Dickey River.	Class A	(55) Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters.	Class AA
(32) Dosewallips River and tributaries.	Class AA	(56) Klickitat River from Little Klickitat River (river mile 19.8) to headwaters.	Class AA
(33) Duckabush River and tributaries.	Class AA	(57) Lake Washington Ship Canal from Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). 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 (river mile 6.1).	Lake Class
(34) Dungeness River from mouth to Canyon Creek (river mile 10.8).	Class A	(58) Lewis River, east fork, from Multon Falls (river mile 24.6) to headwaters.	Class AA
(35) Dungeness River and tributaries from Canyon Creek (river mile 10.8) to headwaters.	Class AA	(59) Little Wenatchee River.	Class AA
(36) Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the Black River (river mile 11.0) (Duwamish River continues as the Green River above the Black River).	Class B	(60) Methow River from mouth to Chewack River (river mile 50.1).	Class A
(37) Elochoman River.	Class A	(61) Methow River from Chewack River (river mile 50.1) to headwaters.	Class AA
(38) Elwha River and tributaries.	Class AA	(62) Mill Creek from mouth to 13th street bridge in Walla Walla (river mile 6.4). Special condition – dissolved oxygen concentration shall exceed 5.0 mg/L.	Class B
(39) Entiat River from Wenatchee National Forest boundary (river mile 20.5) to headwaters.	Class AA	(63) Mill Creek from 13th Street bridge in Walla Walla (river mile 6.4) to Walla Walla Waterworks Dam (river mile 25.2).	Class A
(40) Grande Ronde River from mouth to Oregon border (river mile 37). Special condition – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A	(64) Mill Creek and tributaries from city of Walla Walla Waterworks Dam (river	
(41) Grays River from Grays River Falls (river mile 15.8) to headwaters.	Class AA		
(42) Green River (Cowlitz County).	Class AA		
(43) Green River (King County) from Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to west boundary of Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park at river mile 42.3).	Class A		
(44) Green River (King County) from west boundary of Sec. 27-T21N-R6E (west			

mile 25.2) to headwaters. Special condition – no waste discharge will be permitted.			
(65) Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters.	Class AA	(89) Satsop River, middle fork.	Class AA
(66) Naselle River from Naselle "Falls" (cascade at river mile 18.6) to headwaters.	Class AA	(90) Satsop River, west fork.	Class AA
(67) Newaukum River.	Class A	(91) Skagit River from mouth to Skiyou Slough–lower end (river mile 25.6).	Class A
(68) Nisqually River from mouth to Alder Dam (river mile 44.2).	Class A	(92) Skagit River and tributaries (includes Baker, Suak, Suiattle, and Cascade rivers) from Skiyou Slough–lower end, (river mile 25.6) to Canadian border (river mile 127.0).	Class AA
(69) Nisqually River from Alder Dam (river mile 44.2) to headwaters.	Class AA	(93) Skokomish River and tributaries.	Class AA
(70) Nooksack River from mouth to Maple Creek (river mile 49.7).	Class A	(94) Skookumchuck River from Bloody Run Creek (river mile 21.4) to headwaters.	Class AA
(71) Nooksack River from Maple Creek (river mile 49.7) to headwaters.	Class AA	(95) Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2).	Class A
(72) Nooksack River, south fork, from mouth to Skookum Creek (river mile 14.3).	Class A	(96) Skykomish River from May Creek (above Gold Bar at river mile 41.2) to headwaters.	Class AA
(73) Nooksack River, south fork, from Skookum Creek (river mile 14.3) to headwaters.	Class AA	(97) Snake River from mouth to Washington–Idaho–Oregon border (river mile 176.1). Special condition.	
(74) Nooksack River, middle fork.	Class AA	(a) Below Clearwater River (river mile 139.3). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	
(75) Okanogan River.	Class A	(b) Above Clearwater River (river mile 139.3). Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined.	Class A
(76) Palouse River from mouth to south fork (Colfax, river mile 89.6).	Class B	(98) Snohomish River from mouth and east of longitude 122°13'40"W upstream to latitude 47°56'30"N (southern tip of Ebey Island river mile 8.1). Special condition – fecal coliform organisms shall not exceed a geometric mean value of 200, organisms/100 mL. with not more than 10 percent of samples exceeding 400 organisms/100 mL.	Class A
(77) Palouse River from south fork (Colfax, river mile 89.6) to Idaho border (river mile 123.4). Special condition – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A	(99) Snohomish River upstream from latitude 47°56'30"N (southern tip of Ebey Island river mile 8.1) to confluence with Skykomish and Snoqualmie River (river mile 20.5).	Class A
(78) Pend Oreille River from Canadian border (river mile 16.0) to Idaho border (river mile 87.7). Special condition – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A	(100) Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1).	Class A
(79) Pilchuck River from city of Snohomish Waterworks Dam (river mile 26.8) to headwaters.	Class AA	(101) Snoqualmie River, middle fork.	Class AA
(80) Puyallup River from mouth to river mile 1.0.	Class B	(102) Snoqualmie River, north fork.	Class AA
(81) Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6).	Class A	(103) Snoqualmie River, south fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters.	Class AA
(82) Puyallup River from Kings Creek (river mile 31.6) to headwaters.	Class AA		
(83) Queets River and tributaries.	Class AA		
(84) Quillayute River.	Class AA		
(85) Quinault River and tributaries.	Class AA		
(86) Salmon Creek (Clark County).	Class A		
(87) Satsop River from mouth to west fork (river mile 6.4).	Class A		
(88) Satsop River, east fork.	Class AA		

(104) Soleduck River and tributaries.	Class AA	(126) Walla Walla River from Lowden (Dry Creek at river mile 27.2) to Oregon border (river mile 40). Special condition – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A
(105) Spokane River from mouth to Idaho border (river mile 96.5). Special condition – temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A Class AA	(127) Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to headwaters.	Class AA
(106) Stehekin River.	Class A	(128) White River (Pierce–King counties) from Mud Mountain Dam (river mile 29.6) to headwaters.	Class AA
(107) Stillaguamish River from mouth to north and south forks (river mile 17.8).	Class A	(129) White River (Chelan County).	Class AA
(108) Stillaguamish River, north fork, from mouth to Squire Creek (river mile 31.2).	Class A	(130) Wildcat Creek.	Class A
(109) Stillaguamish River, north fork, from Squire Creek (river mile 31.2) to headwaters.	Class AA	(131) Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8).	Class A
(110) Stillaguamish River, south fork, from mouth to Canyon Creek (river mile 33.7).	Class A	(132) Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21–T18N–R9W).	Class B
(111) Stillaguamish River, south fork, from Canyon Creek (river mile 33.7) to the headwaters.	Class AA Class B	(133) Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21–T18N–R9W) to west fork (river mile 17.7).	Class A
(112) Sulphur Creek.	Class A	(134) Wishkah River from west fork of Wishkah River (river mile 17.7) to south boundary of Sec. 33–T21N–R8W (river mile 32.0).	Class AA
(113) Sultan River from mouth to Chaplain Creek (river mile 5.9).	Class AA	(135) Wishkah River and tributaries from south boundary of Sec. 33–T21N–R8W (river mile 32.0) to headwaters. Special condition – no waste discharge will be permitted.	Class AA
(114) Sultan River and tributaries from Chaplain Creek (river mile 5.9) to headwaters. Special condition – no waste discharge will be permitted above city of Everett Diversion Dam (river mile 9.4).	Class A Class AA	(136) Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9).	Class A
(115) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23).	Class AA	(137) Wynoochee River from Olympic National Forest boundary (river mile 45.9) to headwaters.	Class AA
(116) Tieton River.	Class A	(138) Yakima River from mouth to Sunnyside Dam (river mile 103.8).	Class B
(117) Tolt River, south fork and tributaries from mouth to west boundary of Sec. 31–T26N–R9E (river mile 6.9).	Class AA	(139) Yakima River from Sunnyside Dam (river mile 103.8) to Cle Elum River (river mile 185.6). Special condition – temperature shall not exceed 21.0°C due to human activities. When natural conditions exceed 21.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A
(118) Tolt River, south fork from west boundary of Sec. 31–T26N–R9E (river mile 6.9) to headwaters. Special condition – no waste discharge will be permitted.	Class AA	(140) Yakima River from Cle Elum River (river mile 185.6) to headwaters.	Class AA
(119) Touchet River, north fork from Dayton water intake structure (river mile 3.0) to headwaters.	Class AA		
(120) Toutle River, north fork, from Green River to headwaters.	Class AA		
(121) Toutle River, south fork.	Class AA		
(122) Tucannon River from Umatilla National Forest boundary (river mile 38.1) to headwaters.	Class AA		
(123) Twisp River.	Class AA		
(124) Union River and tributaries from Bremerton Waterworks Dam (river mile 6.9) to headwaters. Special condition – no waste discharge will be permitted.	Class AA		
(125) Walla Walla River from mouth to Lowden (Dry Creek at river mile 27.2).	Class B		

[Statutory Authority: RCW 90.48.035, 82-12-078 (Order DE 82-12), § 173-201-080, filed 6/2/82; 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) Budd Inlet south of latitude 47°04'N (south of Priest Point Park). Class B
- (2) Coastal waters: Pacific Ocean from Ilwaco to Cape Flattery. Class AA
- (3) Commencement Bay 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
- (4) Commencement Bay, inner, 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
- (5) Commencement Bay, city waterway south and east of south 11th Street. Class C
- (6) Drayton Harbor, south of entrance. Class A
- (7) Dyes and Sinclair Inlets west of longitude 122°37'W. Class A
- (8) Elliott Bay east of a line between Pier 91 and Duwamish head. Class A
- (9) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth). Class B
- (10) Grays Harbor west of longitude 123°59'W. Class A
- (11) Grays Harbor east of longitude 123°59'W to longitude 123°45'45"W (Cosmopolis Chehalis River, river mile 3.1). Special condition - dissolved oxygen shall exceed 5.0 mg/L. Class B
- (12) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W and north of latitude 48°27'20"N. Class A
- (13) Hood Canal. Class AA
- (14) Mukilteo and all North Puget Sound west of longitude 122°39' W (Whidbey, Fidalgo, Guemes and Lummi islands and state highway 20 bridge at Deception Pass), except as otherwise noted. Class AA
- (15) Oakland Bay west of longitude 123°05'W (inner Shelton harbor). Class B
- (16) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook. Class A
- (17) Port Gamble south of latitude 47°51'20"N. Class A
- (18) Port Townsend west of a line between Point Hudson and Kala point. Class A
- (19) Possession Sound, south of latitude 47°57'N. Class AA
- (20) Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and state highway 20 bridge at Deception Pass between latitude 47°57'N (Mukilteo) and latitude 48°27'20"N (Similk Bay), except as otherwise noted. Class A

- (21) 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). Class AA
- (22) Sequim Bay southward of entrance. Class AA
- (23) 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
- (24) Strait of Juan de Fuca. Class AA
- (25) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8). Class A

[Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-085, filed 6/2/82; 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 to apply the various implementation and enforcement authorities at its disposal, including participation in the programs of the Federal Clean Water Act (P.L. 95-217) as appropriate. It is also the intent that cognizance will be taken of the need for participation in co-operative programs with other state agencies and private groups with respect to the management of related problems. The department's planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act. 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. 82-12-078 (Order DE 82-12), § 173-201-090, filed 6/2/82; 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 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, 82-12-078 (Order DE 82-12), § 173-201-120, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-120, filed 1/17/78; Order 73-4, § 173-201-120, filed 7/6/73.]

## Chapter 173-202 WAC

### WASHINGTON FOREST PRACTICES RULES AND REGULATIONS TO PROTECT WATER QUALITY

#### WAC

173-202-010 Authority.

173-202-020 Certain WAC sections adopted by reference.

**WAC 173-202-010 Authority.** RCW 76.09.040, a portion of the Forest Practices Act of 1974, authorizes the adoption of regulations establishing standards for forest practices. Forest practices regulations pertaining to water quality protection are to be adopted individually by the forest practices board and the department of ecology after the two state agencies have reached agreement thereon. All other forest practices regulations are to be adopted by the forest practices board.

The forest practices board has adopted forest practice regulations in chapters 222-08 through 222-50 WAC. The portions of said chapters, as set forth in WAC 173-202-020, pertain to water quality protection and have been jointly developed by the department of ecology and the forest practices board.

The purpose of this chapter is to set forth forest practice regulations pertaining to water quality protection as authorized for adoption by RCW 76.09.040.

For ease of understanding, the department of ecology has incorporated by reference in WAC 173-202-020 those regulations pertaining to water quality protection previously adopted by the forest practices board.

[Order DE 76-32, § 173-202-010, filed 7/13/76.]

**WAC 173-202-020 Certain WAC sections adopted by reference.** The following sections of the Washington Administrative Code as now promulgated are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

- WAC 222-12-010—Authority.
- WAC 222-12-070—Enforcement.
- WAC 222-12-090—Forest practice board manual.
- WAC 222-16-010—General definitions.
- WAC 222-16-020—Water categories.
- WAC 222-16-030—Water typing system.
- WAC 222-16-040—Temperature sensitive waters.
- WAC 222-16-050—Classes of forest practices.
- WAC 222-24-010—Policy.
- WAC 222-24-020(2), (3), (4)—Road location.
- WAC 222-24-025(5), (6), (7), (8), (9)—Road design.
- WAC 222-24-030(2), (4), (5), (6), (8), (9), (10)—Road construction.
- WAC 222-24-035(1)—Landing location and construction.
- WAC 222-24-040(1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060(1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy: Timber harvesting.
- WAC 222-30-020(2), (3)(c), (3)(e), (4)—Harvest unit planning and design.
- WAC 222-30-030—Streambank integrity.
- WAC 222-30-040—Temperature control.
- WAC 222-30-050(1), (2), (3), (4)—Felling and bucking.
- WAC 222-30-060(1), (2), (3), (4)(c)—Cable yarding.
- WAC 222-30-070(1), (2), (4), (6), (7), (8)—Tractor and wheeled skidding systems.
- WAC 222-30-080(1), (2)—Landing cleanup.

WAC 222-30-100(1)(c), (4), (5)—Slash disposal.  
 WAC 222-34-040—Site preparation and rehabilitation.  
 WAC 222-38-010—Policy: Forest chemicals.  
 WAC 222-38-020(1), (2), (3), (4), (5), (6), (10)—Handling,  
 storage, application.

[Statutory Authority: RCW 76.09.040, 83-15-045 (Order DE 82-37), § 173-202-020, filed 7/19/83; Order DE 76-32, § 173-202-020, filed 7/13/76.]

### Chapter 173-208 WAC

#### GRANT OF AUTHORITY SEWERAGE SYSTEMS

##### WAC

173-208-010	Authority.
173-208-020	Purpose.
173-208-030	Declaration of policy.
173-208-040	Definitions.
173-208-050	Applications for authorization.
173-208-060	Delegation procedure.
173-208-070	Scope of authorization.
173-208-080	Permits under authorized programs.
173-208-090	Conformity with department rules.
173-208-100	Withdrawal of authorization.
173-208-110	Requirement of program review.
173-208-120	Appeal.

**WAC 173-208-010 Authority.** RCW 90.48.165 empowers the department of ecology, as successor to the water pollution control commission to grant to any city, town, or municipal corporation operating a sewerage system including treatment facilities the authority to issue permits for the discharge of wastes into such system, provided that the department finds to its satisfaction that the sewerage system and inspection and control program operated and conducted by the city, town, or municipal corporation will protect the public interest in the quality of the state's water as provided in the Water Pollution Control Act, chapter 90.48 RCW. Permits for the discharge of wastes into publicly operated sewerage systems are required for commercial or industrial operations by virtue of RCW 90.48.160.

[Order DE 75-10, § 173-208-010, filed 4/30/75.]

**WAC 173-208-020 Purpose.** The purpose of this chapter is to set forth the procedures and criteria for the granting of authority for the administration of the permit program of RCW 90.48.160 as it pertains to waste discharges into publicly operated sewerage systems to the governing bodies of cities, towns, and municipal corporations operating such sewerage systems and receiving into them industrial and commercial wastes as hereinafter defined.

[Order DE 75-10, § 173-208-020, filed 4/30/75.]

**WAC 173-208-030 Declaration of policy.** (1) The department encourages qualified cities, towns, and other municipal corporations to apply for a grant of authority to conduct and operate a permit system for the regulation of commercial and industrial waste discharges into their sewerage systems in accordance with RCW 90.48.165.

(2) The department is committed to the policy of maintaining the highest possible standards of water

quality within the state in compliance with the basic aims expressed in RCW 90.48.010 and national policies and goals expressed by the Federal Water Pollution Control Act Amendments of 1972, (FWPCAA). The implementation of a permit issuance program by any city, town, or municipal corporation shall be continuously evaluated by the department for compliance with these policies, aims, and goals.

(3) In compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES), as provided for in the FWPCAA, the department shall maintain its enforcement of compliance of effluent limitation standards upon publicly owned or operated treatment works under their NPDES permits. Under such permit, any municipality granted authority hereunder to administer a permit program as hereinafter defined shall continue to be primarily responsible for its effluent quality according to the terms of such NPDES permit.

[Order DE 75-10, § 173-208-030, filed 4/30/75.]

**WAC 173-208-040 Definitions.** As used in this chapter:

(1) "Applicant" shall mean that municipality applying to the department for authority to administer the permit program pursuant to RCW 90.48.165.

(2) "Application for authorization" shall mean that application submitted by a municipality seeking permit-issuing authority pursuant to RCW 90.48.165.

(3) "Application to discharge" shall mean that information required from a discharger in acquiring a permit to discharge commercial and industrial wastes into a municipal sewerage system.

(4) "Commercial and industrial wastes" shall mean the wastes, whether solid or liquid, from any commercial or industrial operation, other than domestic sewage.

(5) "Department" shall mean the department of ecology.

(6) "Discharge" shall mean any commercial or industrial operation which results in the disposal of solid or liquid waste material into a sewerage system operated by a municipality which discharges into the public waters of the state.

(7) "Enforcement action" shall mean any administrative or judicial action initiated to achieve compliance with the conditions of a discharge permit, regulations of the department, and water pollution control laws of this state or of the federal government.

(8) "Municipality" shall mean any city, town, or municipal corporation established according to the applicable laws of this state.

(9) "Permit" shall mean the official authorization to dispose of commercial and industrial wastes into waters, to include all regulatory constraints and conditions described therein, issued to a discharger.

(10) "Permit program" shall mean the process of granting or denying by municipalities, authorized as herein provided, of approval of applications to discharge into the sewerage system of such municipalities, the monitoring and inspection of dischargers, and the taking of appropriate enforcement action.

(11) "Sewerage system" shall mean any system operated by a municipality for the collection, transfer, treatment, and disposal of sewage.

[Order DE 75-10, § 173-208-040, filed 4/30/75.]

**WAC 173-208-050 Applications for authorization.** No particular form shall be required for an application for authorization. No such decision shall be made on any such application, however, unless the applicant supplies to the department:

(1) A request from the municipality seeking authority to conduct a permit program for the discharge of commercial and industrial wastes into its sewerage system in accordance with state and federal water pollution control laws, regulations, and policies as now exist or are hereafter amended.

(2) A listing of all self-monitoring and reporting procedures to be required, and inspection and other regulatory control criteria and procedures applicant intends to use in administering the permit program.

(3) An estimate of the financial resources the applicant will commit to the permit program on an annual basis and the sources of funding therefor.

(4) A commitment showing the number of personnel who will be assigned to the permit program, either on a full-time or part-time basis, broken down by person-years or person-hours or other appropriate measure of personnel usage, and assurances that such personnel commitment is or will be adequately funded.

(5) An assurance that the background, experience and continuing training of personnel to be assigned to the permit program will be sufficient to achieve and maintain the goals and policies of state and federal water pollution control acts.

(6) A copy of the actual or proposed municipal ordinance or resolution intended for use in establishing and conducting the proposed waste discharge permit system.

(7) An outline of the procedures to be used in processing individual permit applications.

(8) Copies of the application for permit and of the proposed permit format.

(9) A description of enforcement procedures to be followed.

(10) A list of all potential dischargers into the sewerage system which will require permits pursuant to any delegation hereunder.

(11) If the applicant is the recipient of a federal grant for any phase of treatment works construction to be utilized by the discharger, it shall demonstrate to the department that it has adopted a system of charges to assure that each discharger shall pay a proportionate share of the costs of operation and maintenance of any waste treatment services provided by the applicant, and further demonstrate that it has made provision for the payment to the applicant by dischargers of that portion of the cost of construction of such treatment works which is allocable to the treatment of commercial and industrial wastes to the extent attributable to the federal share of the cost of construction.

(12) Any additional information required by the department.

[Order DE 75-10, § 173-208-050, filed 4/30/75.]

**WAC 173-208-060 Delegation procedure.** (1) Upon receipt of any application for authorization, the department shall review such application, and if necessary, require additional information to make a determination thereon.

(2) Upon notification by the department that all information required by it has been received, the applicant shall twice publish notice of the application for authorization in a newspaper of general circulation in the area to which the request relates, providing thirty days for written comments on the request to be received by the department. Such notice shall be in a form provided by the department. In addition to such publication, a copy of such notice shall be mailed by the applicant to the governing body of each sewer district and of general purpose government, all or a portion of which lies within the jurisdictional boundaries to which the request relates.

(3) After review of the completed application and of comments timely received in response to the notice provided for above, the department shall either deny the request, giving its reasons therefor, find that there is sufficient public interest to warrant holding a public hearing on the application, or issue an order approving the same in whole or in part.

(4) If a public hearing is held upon proper notice, the department shall afford interested parties the opportunity to present their views on the application, and, upon review of all information gathered, shall either deny the application or issue an order approving the same.

(5) Any approval order issued by the department hereunder shall contain conditions and restrictions relative to the administration of the permit program and shall be binding upon the municipality so long as such approval remains in effect. Said approval order may subsequently be altered or amended in whole or in part to reflect changes in applicable laws, regulations, or policies relating to water pollution control. The department shall give the municipality thirty days notice of any contemplated amendments, unless an emergency precludes the giving of such notice, and will invite comments from the municipality.

[Order DE 75-10, § 173-208-060, filed 4/30/75.]

**WAC 173-208-070 Scope of authorization.** (1) Authority granted hereunder shall be limited to the administration of the permit program within applicant's jurisdictional boundaries as now existing or as hereafter changed.

(2) Grants of authority to municipalities hereunder shall be limited to the conduct of a permit program for the discharge of commercial and industrial wastes into a sewerage system and shall confer no authority to issue permits for the discharge of such wastes into surface or groundwaters of the state. Administration of permit requirements for waste discharges other than commercial and industrial wastes entering a sewerage system, shall remain solely with the department.

(3) No authorization made hereunder shall be construed as limiting or abridging the powers or abrogating the duties required of the department. The department may initiate appropriate enforcement action against a municipality to whom authority has been granted hereunder, or against any discharger for violations of any requirements of chapter 90.48 RCW, the FWPCA, or regulations thereunder.

[Order DE 75-10, § 173-208-070, filed 4/30/75.]

**WAC 173-208-080 Permits under authorized programs.** Any municipality to which permit authority has been granted hereunder may use its own application and permit forms when the same have been approved by the department.

[Order DE 75-10, § 173-208-080, filed 4/30/75.]

**WAC 173-208-090 Conformity with department rules.** (1) It is contemplated that various applicants may present to the department differing regulatory criteria designed to cope with particular local needs and conditions. For the purposes of determining whether an applicant intends to administer the permit program in accordance with applicable state and federal laws, regulations, and policies, the department shall evaluate proposed regulatory criteria on the basis of whether such criteria, if implemented, would be at least as stringent as state or federal requirements.

(2) All implementing ordinances or resolutions shall contain a proviso requiring that the permit program as administered by any municipality be revised, as necessary and to the satisfaction of the department, to conform with any changes in applicable rules and regulations which may be adopted by the department or the federal government subsequent to the effective date of the grant of authority. All amendments of implementing ordinances or resolutions shall be submitted to the department for approval prior to passage.

(3) Any municipality granted authority hereunder to administer a permit program shall adhere to, as a minimum requirement for commercial and industrial dischargers, the state or federal pretreatment standards and regulations, as now exist or are hereafter amended. If necessary to impose more stringent standards in order to meet the effluent limitations contained in its National Pollutant Discharge Elimination System (NPDES) permit, the municipality shall impose and enforce such stricter pretreatment requirements as necessary to meet these limitations pursuant to the authority preserved to the state by section 510 of the FWPCA.

(4) Nothing in this grant of authority shall relieve the municipality of its obligation of compliance with the terms and conditions of its NPDES permit or the requirements of state and federal laws and rules pertaining to water pollution control.

[Order DE 75-10, § 173-208-090, filed 4/30/75.]

**WAC 173-208-100 Withdrawal of authorization.** Whenever the department shall determine that a municipality to which a grant of authority has been made

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hereunder is not administering the permit system in accordance with an approval order issued hereunder, state and/or federal water pollution control acts and regulations or the applicable implementing ordinance or resolution of the municipality, the department shall notify such local government and, if corrective action is not taken within a reasonable time, not to exceed sixty days, the department by order, shall withdraw the authority. Permits issued under this program shall automatically terminate if the authority to issue the same is revoked by the department and the provisions of RCW 90.48.160 shall apply.

[Order DE 75-10, § 173-208-100, filed 4/30/75.]

**WAC 173-208-110 Requirement of program review.** It is the objective of the department to place reliance for internal system controls upon any municipality granted authority hereunder and to avoid complex procedures for the measuring and evaluating the effectiveness of a municipal permit system, insofar as is consistent with statutory responsibilities of the department under the provisions of chapter 90.48 RCW. A program review shall be necessary, however, to fulfill those responsibilities and shall be accomplished through the following actions:

(1) The municipality shall immediately provide the department with a copy of each application for discharge, together with a copy of each permit issued thereupon, or notice of denial thereof.

(2) The municipality will devise and submit a quarterly written report to the department within thirty days after the end of each calendar year quarter to reflect the following:

(a) A listing of all permits issued by the municipality during the previous quarter.

(b) A report on the status of compliance by dischargers having permits that incorporate compliance schedules.

(c) A brief narrative covering violations and enforcement actions, if any, occurring during the reporting period, to include specifics as to cause and effect of the violation and preventative measures taken.

(d) Maintain copies of monitoring reports submitted by all permit holders for purposes of inspection by department personnel.

(e) Identification of problem areas or potential problem areas which may be resolved with the assistance of the department.

(3) The municipality and the department shall hold joint staff meetings involving personnel from municipal and department staff no less than semiannually for purposes of discussing functional problems and solutions related to industrial and commercial waste discharge permit systems.

[Order DE 75-10, § 173-208-110, filed 4/30/75.]

**WAC 173-208-120 Appeal.** Any person aggrieved by a final ruling by a municipality upon an application for a permit or violations of the same under a delegated program may obtain review thereof by filing an appeal, within thirty days, with the pollution control hearings

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board, pursuant to chapter 43.21B RCW and chapter 371-08 WAC. The defense of any such appeal shall be the responsibility of the municipality.

[Order DE 75-10, § 173-208-120, filed 4/30/75.]

### Chapter 173-216 WAC

#### STATE WASTE DISCHARGE PERMIT PROGRAM

##### WAC

173-216-010	Purpose.
173-216-020	Policy enunciated.
173-216-030	Definitions.
173-216-040	Authorization required.
173-216-050	Discharges not subject to permits.
173-216-060	Prohibited discharges.
173-216-070	Application for a permit.
173-216-080	Confidentiality of information.
173-216-090	Public notice.
173-216-100	Public hearings.
173-216-110	Permit terms and conditions.
173-216-120	Transfer of a permit.
173-216-130	Modification, suspension, and revocation of permits.
173-216-140	Relationship with NPDES permits.
173-216-150	Delegation of authority to issue permits for discharges into sewer systems.

**WAC 173-216-010 Purpose.** (1) The purpose of this chapter is to implement a state permit program, applicable to the discharge of waste materials from industrial, commercial, and municipal operations into ground and surface waters of the state and into municipal sewerage systems. However, this regulation excludes the point source discharge of pollutants into navigable waters of the state which is regulated by National Pollutant Discharge Elimination System (NPDES) Permit Program, chapter 173-220 WAC. This regulation also excludes the injection of fluids through wells which is regulated by underground injection control program, chapter 173-218 WAC.

(2) Permits issued under this chapter are designed to satisfy the requirement for discharge permits under the Water Pollution Control Act, chapter 90.48 RCW and to implement applicable pretreatment requirements under section 307 of the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.).

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-010, filed 3/4/86. Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-216-010, filed 2/29/84. Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-010, filed 11/18/83. Formerly chapter 372-24 WAC.]

**WAC 173-216-020 Policy enunciated.** (1) It shall be the policy of the department in carrying out the requirements of this chapter, to maintain the highest possible standards to ensure the purity of all waters of the state and to require the use of all known, available and reasonable methods to prevent and control the discharge of wastes into the waters of the state. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials shall not be allowed to enter such waters which will

reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of public interest will be served.

(2) Consistent with this policy, the discharge of waste materials into municipal sewerage systems which would interfere with, pass through, or otherwise be incompatible with such systems or which would contaminate the sludge will not be permitted.

(3) Consistent with this policy, the department will act to prevent the disposal of wastes that present a risk to human health, including the potential, chronic effects of lifetime exposure to waste materials.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-020, filed 3/4/86. Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-216-020, filed 2/29/84. Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-020, filed 11/18/83.]

**WAC 173-216-030 Definitions.** For the purposes of this chapter the following definitions shall be applicable:

(1) "Beneficial uses" shall include, but not be limited to, use for domestic water, irrigation, fish, shellfish, game, and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

(2) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means (Hazardous Waste Disposal Act, chapter 70.105 RCW).

(3) "Department" means department of ecology.

(4) "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 or surface waters as may be present (submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC).

(5) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present. In case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from:

(a) A septic tank with subsurface sewage treatment and disposal and an ultimate design capacity exceeding fourteen thousand five hundred gallons per day at any common point; or

(b) A mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity exceeding three thousand five hundred gallons per day at any common point (submission of plans and reports for

construction of wastewater facilities, chapter 173-240 WAC).

(6) "FWPCA" means Federal Water Pollution Control Act as amended by 1981 amendment (33 U.S.C. § 466 et seq.).

(7) "Industrial wastewater" means 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 feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities (Submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC).

(8) "Interfere with" means a discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the FWPCA, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D or the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

(9) "Municipal sewerage system" or "publicly owned treatment works (POTW)" means a publicly owned domestic wastewater facility or a privately owned domestic wastewater facility that is under contract to a municipality.

(10) "NPDES" means National Pollutant Discharge Elimination System permit program under section 402 of FWPCA.

(11) "New source" means any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced; after proposal of Pretreatment Standards under section 307(c) of the FWPCA which are applicable to such sources.

(12) "Pass through" means the discharge of pollutants through a municipal sewerage system into waters of the state in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of water quality standards for waters of state of Washington, chapter 173-201 WAC, or of the NPDES or state waste discharge permit, including an increase in the magnitude or duration of a violation (section 307 of FWPCA). Failure to obtain approval of an application for a new or increased discharge or change in the nature of the discharge according to WAC 173-216-110(5) would constitute such a violation.

(13) "Person" includes any political subdivision, local, state or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(14) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(15) "Pretreatment requirements" means any substantive or procedural state, local, or federal requirements or standards developed under chapter 90.48 RCW and sections 307 and/or 402 of the FWPCA.

(16) "Pretreatment standards," "categorical standards," or "standards," means any pollutant discharge limitations, including those developed under section 307(b) and (c) of the FWPCA and implemented through regulations in 40 CFR Subchapter N, that apply to the discharge of nondomestic wastes to POTWs. This term includes prohibitive discharge limits established pursuant to WAC 173-216-060.

(17) "Subsurface sewage treatment and disposal" means the physical, chemical, or biological treatment and disposal of domestic wastewater within the soil profile by placement beneath the soil surface in trenches, beds, seepage pits, mounds, or fills (Submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC).

(18) "Waste materials" means any discarded, abandoned, unwanted or unrecovered material(s), except the following are not waste materials for the purposes of this chapter:

(a) Discharges into the ground or ground water of return flow, unaltered except for temperature, from a ground water heat pump used for space heating or cooling: *Provided*, That such discharges do not have significant potential, either individually, or collectively, to affect ground water quality or uses.

(b) Discharges of stormwater that is not contaminated or potentially contaminated by industrial or commercial sources.

(19) "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.

(20) In the absence of other definitions as set forth herein, the definitions as set forth in 40 CFR Part 403.3 shall be used for circumstances concerning the discharge of waste into sewerage systems.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-030, filed 3/4/86. Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-030, filed 11/18/83.]

**WAC 173-216-040 Authorization required.** (1) No waste materials may be discharged from any commercial or industrial operation into waters of the state, or into any municipal sewerage system, nor may waste materials be discharged from any municipal sewerage system into waters of the state, except as authorized pursuant to this chapter or chapter 173-220 WAC.

(2) Any person who constructs or modifies or proposes to construct or modify wastewater facilities must first comply with the regulations for submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-040, filed 11/18/83.]

**WAC 173-216-050 Discharges not subject to permits.** (1) The following discharges are not subject to permits under this chapter:

(a) Discharges to municipal sewerage systems of domestic wastewater from residential, commercial, or industrial structures.

(b) Any industrial or commercial discharge to a municipal sewerage system for which authority to issue permits has been granted to the municipality under RCW 90.48.165.

(c) Any industrial or commercial discharge to a municipal sewerage system operating under, and in compliance with, the applicable requirements of a local pretreatment program approved under section 307 of FWPCA and WAC 173-216-150. In the event of non-compliance, this exemption no longer applies and the discharger is immediately subject to enforcement action under chapter 90.48 RCW for discharging without a waste discharge permit.

(d) Discharges to municipal sewerage systems of wastes from industrial or commercial sources whose wastewater is similar in character and strength to normal domestic wastewater: *Provided*, That such discharges do not have the potential to adversely affect performance of the system. Examples of this type of discharge sources may include hotels, restaurants, laundries and food preparation establishments.

(e) Discharges for which an NPDES permit from the department is required pursuant to chapter 173-220 WAC.

(f) Discharges of domestic wastewater from a septic tank with subsurface sewage treatment and disposal and an ultimate design capacity less than or equal to fourteen thousand five hundred gallons per day. These systems are governed by on-site sewage disposal systems, chapter 248-96 WAC which is administered by the Washington state department of social and health services.

(g) Discharges of domestic wastewater from a mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity less than or equal to three thousand five hundred gallons per day. These systems are governed by on-site sewage disposal systems, chapter 248-96 WAC which is administered by the Washington state department of social and health services.

(2) A permit is required for any source subject to pretreatment standards promulgated under section 307 of FWPCA, unless exempted under subsections (1)(b) and (c) of this section.

(3) These exemptions shall not relieve any discharger from the requirement to apply all known, available, and

reasonable methods to prevent and control waste discharges to the waters of the state, nor the requirement to obtain approval of plans and reports for the construction of wastewater facilities. Nothing herein shall limit the authority of the department to take enforcement action for any unlawful discharge of waste materials or other violations of the Water Pollution Control Act, chapter 90.48 RCW.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-050, filed 3/4/86. Statutory Authority: Chapter 90.48 RCW. 85-04-006 (Order 84-51), § 173-216-050, filed 1/25/85. Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-050, filed 11/18/83.]

**WAC 173-216-060 Prohibited discharges.** (1) The discharge restrictions and prohibitions of dangerous waste regulations, chapter 173-303 WAC shall apply to this chapter.

(2) In addition, the following are prohibited:

(a) The discharge into a municipal sewerage system of substances prohibited from such discharge by section 307 of FWPCA.

(b) All of the following discharges to a municipal sewerage system:

(i) Waste materials that pass through the treatment works untreated or interfere with its operation or performance.

(ii) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction to cause fire or explosion or be capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair or be injurious in any other way to the operation of the system or the operating personnel.

(iii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the system.

(iv) Any wastewater having a pH less than 5.0 or greater than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by a permit under this chapter.

(v) Wastewater which would cause the influent temperature to exceed 40°C (104°F), unless the system is specifically designed to accommodate such discharge and the discharge is authorized by a permit under this chapter. In any case, any wastewater having a temperature which will interfere with the biological activity in the system is prohibited.

(vi) Any waste materials, including oxygen demanding waste materials (BOD, etc.), released in either a slug load or continuous discharge of such volume or strength as to cause interference to the system.

(vii) Any of the following discharges unless approved by the department under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions:

(A) Noncontact cooling water in significant volumes.

(B) Stormwater, and other direct inflow sources.

(C) Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-060, filed 3/4/86. Statutory Authority: Chapters 43-21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-060, filed 11/18/83.]

**WAC 173-216-070 Application for a permit.** (1) Any person not exempt under WAC 173-216-050, who proposes to discharge waste materials into waters of the state or into a municipal sewerage system, must file an application with the department at least sixty days prior to discharging, or in the case of an expiring permit, at least sixty days prior to the expiration of the permit.

(2) Applications for permits shall be on forms as prescribed by the department.

(3) The applicant must pay applicable fees pursuant to Wastewater discharge permit fees, chapter 173-222 WAC.

(4) The requirement for a permit application will be satisfied, if the discharger files:

- (a) A completed permit application;
- (b) When applicable, signature of approval by an authorized representative of the municipal sewerage system; and

(c) Any other information determined as necessary by the department.

(5) The application shall be signed in case of:

- (a) Corporations, by a principal executive officer of at least the level of vice-president;
- (b) A partnership, by a general partner;
- (c) A sole proprietorship, by the proprietor;
- (d) A municipal, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

(6) In the case of application by a corporation, the principal executive officer shall personally examine the application and certify its truth, accuracy, and completeness.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-070, filed 3/4/86. Statutory Authority: Chapters 43-21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-070, filed 11/18/83.]

**WAC 173-216-080 Confidentiality of information.**

(1) Any information submitted pursuant to this chapter may be claimed as confidential by the applicant. Any such claim must be asserted at the time of application or notification by placing the words "confidential business information" or similar words, on each page containing such information. If no claim is made, the department may make the information available to the public without further notice. Claims of confidentiality for the following information will be denied:

- (a) Name and address of applicant;
- (b) Description of proposal;
- (c) Description of proposed receiving waters;
- (d) Description of quality and quantity of receiving water; and

(e) Description of project's environmental impacts as provided in the State Environmental Policy Act, chapter 43.21C RCW;

(f) Description of quantity and characteristics of the effluent.

(2) Claims of confidentiality will be handled in accordance with the provisions of Disclosure—Campaign finances—Lobbying—Records, chapter 42.17 RCW, Public records, chapter 173-03 WAC, and Request for certification of records as confidential—Procedure, RCW 43.21A.160.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-080, filed 11/18/83.]

**WAC 173-216-090 Public notice.** (1) The applicant shall publish notice for each application in such a manner to inform and seek comments from interested and potentially interested persons.

(2) The public notice shall be in a form provided by the department and shall include at least the following:

- (a) Name, address, and phone number of the office of the department issuing the public notice;
- (b) Name and address of the applicant, and if different, of the facility or activity to be permitted;
- (c) Brief description of the applicant's activities or operations which result in the discharge described in the application (e.g. municipal waste treatment plant, steel manufacturing, drainage from mining activities);
- (d) A brief description of the discharge point(s);
- (e) A statement of any tentative determination to issue or deny a permit for the discharge described in the application;
- (f) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by subsection (6) of this section and any other means by which interested persons may influence or comment upon those determinations; and

(g) Address and phone number of the office of the department at which interested persons may obtain further information.

(3) Circulation of public notice shall include at least publishing once each week for two consecutive weeks, at applicants' expense, a public notice in a newspaper of general circulation in the county of the proposal. The department shall also, in the case of a discharge into a municipal sewerage system, notify the municipality of the intent to issue or deny a permit.

(4) The department may require the following additional public notification requirements:

- (a) Mailing the notice to persons who have expressed an interest in being notified;
- (b) Mailing the notice to other state agencies and local governments with a regulatory interest in the proposal;
- (c) Posting the notice on the premises.

(5) The public notification requirements do not apply for permit renewal, if there are no increases in volume or changes in characteristics of discharge beyond those previously authorized.



(6) The public notice shall include a statement that any person may express their views in writing to the department within thirty days of the last date of publication.

(7) Any person submitting written comment or any other person may, upon request, obtain a copy of the department's final decision.

(8) The applicant shall provide the department with an affidavit of publication.

(9) The department shall add the name of any person, upon request, to a mailing list to receive copies of notices for all applications within the state or within a geographical area.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-090, filed 11/18/83.]

**WAC 173-216-100 Public hearings.** (1) Any interested person may request a public hearing with respect to permit applications for which notice is required pursuant to WAC 173-216-090. Any such request for a public hearing shall be filed within the thirty-day period prescribed in WAC 173-216-090(6) and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted.

(2) The department shall hold a hearing if it determines there is a significant public interest.

(3) Any hearing held pursuant to this subsection shall be held at a time and place deemed appropriate by the department.

(4) Public notice of any hearing held pursuant to this section shall be circulated at least as widely as was the notice of the application.

(5) Procedures for the circulation of public notice for hearings held shall include at least the following:

(a) Notice shall be published, at the applicant's expense, in at least one newspaper of general circulation within the area of the discharge;

(b) Notice shall be sent to all persons who received a copy of the notice given under WAC 173-216-090;

(c) Notice shall be mailed to any person upon request;

(d) Notice shall be given at least thirty days in advance of the hearing.

(6) The contents of public notice of any hearing held pursuant to this section shall include at least the following:

(a) Name, address, and phone number of the office of the department holding the public hearing;

(b) The purpose of the hearing;

(c) Name and address of the applicant;

(d) A brief description of the point(s) of discharge;

(e) Information regarding the time and location for the hearing;

(f) A brief description of the nature of the hearing;

(g) A concise statement of the issues raised by the persons requesting the hearing, when applicable;

(h) A brief reference to the public notice issued for each application, including identification number and date of issuance; and

(i) Address and phone number of premises at which interested persons may obtain information.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-100, filed 11/18/83.]

**WAC 173-216-110 Permit terms and conditions.**

(1) Any permit issued by the department shall specify conditions necessary to prevent and control waste discharges into the waters of the state, including the following, whenever applicable:

(a) All known, available, and reasonable methods of prevention, control, and treatment;

(b) Pretreatment requirements;

(c) Requirements pursuant to other laws, including the state's Hazardous Waste Disposal Act, chapter 70.105 RCW, the Solid waste management—Recovery and recycling, chapter 70.95 RCW, the Resource Conservation and Recovery Act of 1976, Public Law 95.190 or any other applicable local ordinances, state, or federal statute, to the extent that they pertain to the prevention or control of waste discharges into the waters of the state;

(d) Any conditions necessary to meet applicable water quality standards for surface waters or to preserve or protect beneficial uses for ground waters;

(e) Requirements necessary to avoid conflict with a plan approved pursuant to section 208(b) of FWPCA;

(f) Any conditions necessary to prevent and control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or raw material storage;

(g) Any appropriate monitoring, reporting and record keeping requirements as specified by the department, including applicable requirements under sections 307 and 308 of FWPCA;

(h) Schedules of compliance, including those required under sections 301 and 307 of FWPCA, which shall set forth the shortest reasonable time period to achieve the specified requirements; and

(i) Prohibited discharge requirements as contained in WAC 173-216-060.

(2) The permits shall be for a fixed term, not exceeding five years.

(3) Representatives of the department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours, hours during which production, treatment, or discharge occurs, or times when the department suspects a violation requiring immediate inspection. Representatives of the department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit, to inspect any monitoring equipment or method required in the permit and to sample the discharge, waste treatment processes, or internal waste streams.

(4) The permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit.

Where design criteria have been established, the permittee shall not permit flows or waste loadings to exceed approved design criteria or approved revisions thereto.

(5) A new application, or supplement to the previous application, shall be submitted, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by the current permit. Such application shall be submitted at least sixty days prior to any proposed changes.

(6) In the event the permittee is unable to comply with any of the permit terms and conditions due to any cause, the permittee shall:

(a) Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;

(b) Immediately notify the department of the failure to comply; and

(c) Submit a detailed written report to the department within thirty days, unless requested earlier by the department, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, and any other pertinent information.

(7) In the case of discharge into a municipal sewerage system, the department shall consider in the final permit documents the requirements of the municipality operating the system.

(8) Permits for domestic wastewater facilities shall be issued only to a public entity, except in the following circumstances:

(a) Facilities existing or approved for construction with private operation on or before the effective date of this chapter, until such time as the facility is expanded;

(b) Facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered single commercial establishments for the purpose of the preceding sentence.

(c) Facilities that are owned by nonpublic entities and under contract to a public entity shall be issued a joint permit to both the owner and the public entity.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-110, filed 3/4/86. Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-110, filed 11/18/83.]

**WAC 173-216-120 Transfer of a permit.** (1) A permit is automatically transferred to a new owner or operator if:

(a) A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the department; and

(b) The department does not notify the permittee of the need to modify, or revoke and reissue the permit.

(2) Unless a permit is automatically transferred according to subsection (1) of this section, a permit may be transferred only if modified or revoked and reissued

to identify the new permittee and to incorporate such other requirements as determined necessary by the department.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-120, filed 11/18/83.]

**WAC 173-216-130 Modification, suspension, and revocation of permits.** (1) Any permit issued under this chapter can be modified, suspended, or revoked, in whole or in part by the department for the following causes:

(a) Violation of any permit term or condition;

(b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;

(c) A material change in quantity or type of waste disposal;

(d) A material change in the condition of the waters of the state; or

(e) Nonpayment of permit fees assessed pursuant to RCW 90.48.460.

(2) The department may modify a permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, which includes promulgation or revisions of categorical standards.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-130, filed 3/4/86. Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-130, filed 11/18/83.]

**WAC 173-216-140 Relationship with NPDES permits.** For a given facility, permit requirements under this chapter and NPDES permit requirements under Water Pollution Control Act, RCW 90.48.260, shall under normal circumstances, be contained in a single permit document, except for general permits as provided for in NPDES permit program, WAC 173-220-045.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-140, filed 11/18/83.]

**WAC 173-216-150 Delegation of authority to issue permits for discharges into sewer systems.** Qualified cities, towns, and other municipal corporations who administer a local permit program shall fulfill the requirements of chapter 173-208 WAC and 40 CFR Part 403.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-150, filed 3/4/86.]

## Chapter 173-218 WAC

### UNDERGROUND INJECTION CONTROL PROGRAM

#### WAC

173-218-010	Purpose.
173-218-020	Policy enunciated.
173-218-030	Definitions.
173-218-040	Authorization required.
173-218-050	Class I injection wells.
173-218-060	Class II injection wells.
173-218-070	Class III injection wells.
173-218-080	Class IV injection wells.
173-218-090	Class V injection wells.
173-218-100	Permit terms and conditions.
173-218-110	Enforcement.

**WAC 173-218-010 Purpose.** (1) The purpose of this chapter is to set forth the procedures and practices applicable to the injection of fluids through wells.

(2) Permits issued in accordance with the provisions of this chapter are designed:

(a) To satisfy the intent and requirements of Part C of the Federal Safe Drinking Water Act (SDWA) 42 U.S.C. § 300h et seq. as authorized by RCW 43.21A-.445 and of the Water Pollution Control Act, chapter 90.48 RCW; and

(b) To preserve and protect ground waters, including underground sources of drinking water, for existing and future beneficial uses.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-010, filed 2/29/84.]

**WAC 173-218-020 Policy enunciated.** (1) It shall be the policy of the department of ecology in carrying out the purposes of this chapter:

(a) To maintain the highest possible standards to prevent the injection of fluids that may endanger ground waters which are obtainable for beneficial uses or which contain fewer than 10,000 mg/L of total dissolved solids;

(b) To require the use of all known, available, and reasonable methods to prevent and control the discharge of fluids and waste fluids into the waters of the state;

(c) To protect public health and welfare through preservation and protection of the quality of the state's ground waters.

(2) Consistent with this policy:

(a) The disposal of waste fluids from industrial, commercial, or municipal sources into wells will not be authorized by the department, except that existing operations are authorized providing these operations satisfy the standards and requirements of this chapter;

(b) The department will act to prevent the disposal of waste fluids that present a risk to human health, including the potential, chronic effects of lifetime exposure to waste fluids.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-020, filed 2/29/84.]

**WAC 173-218-030 Definitions.** (1) "Beneficial uses" shall include, among others, uses for domestic water, irrigation, fish, shellfish, game, and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

(2) "Class I injection well" means a well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within 1/4-mile of the well bore, an USDW.

(3) "Class II injection well" means a well used to inject fluids:

(a) Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those waters are classified as dangerous wastes at the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(4) "Class III injection well" means a well used for extraction of minerals, including but not limited to the injection of fluids for:

(a) In-situ production of uranium or other metals that have not been conventionally mined;

(b) Mining of sulfur by Frasch process; or

(c) Solution mining of salts or potash.

(5) "Class IV injection well" means a well used to inject dangerous or radioactive waste fluids.

(6) "Class V injection well" means all injection wells not included in Classes I, II, III, or IV.

(7) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides or any residues or containers of such substances, which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means (Hazardous Waste Disposal Act, chapter 70.105 RCW).

(8) "Department" means department of ecology.

(9) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

(10) "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).

(11) "Injection well" means a "well" that is used for the subsurface emplacement of fluids.

(12) "New injection well" means an injection well that is proposed subsequent to the effective date of this chapter.

(13) "Person" includes any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(14) "Radioactive waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 Code of Federal Regulations Part 20, Appendix B, Table II, Column 2.

(15) "SDWA" means Part C of the Federal Safe Drinking Water Act, 42 U.S.C. § 300f et seq.

(16) "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.

(17) "Waste fluid" means any discarded, abandoned, unwanted, or unrecovered fluid(s), except the following are not waste fluids for the purposes of this chapter:

(a) Discharges into the ground or ground water of return flow, unaltered except for temperature, from a ground water heat pump used for space heating or cooling: *Provided*, That such discharges do not have significant potential, either individually or collectively, to affect ground water quality or beneficial uses;

(b) Discharges of stormwater that are not contaminated or potentially contaminated by industrial or commercial sources.

(18) "Well" means a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-030, filed 2/29/84.]

**WAC 173-218-040 Authorization required.** No fluids may be injected through wells except as authorized pursuant to this chapter.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-040, filed 2/29/84.]

**WAC 173-218-050 Class I injection wells.** (1) New Class I injection wells are prohibited.

(2) All persons operating an existing Class I injection well operation must apply to the department for approval to operate within one year of the effective date of this chapter.

(3) The department will accept, process, and act upon the application in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-050, filed 2/29/84.]

**WAC 173-218-060 Class II injection wells.** (1) Any person, who proposes to conduct or is conducting a Class II injection well operation, as defined in WAC 173-218-030 (3)(a), must notify the oil and gas conservation committee (OGCC) in accordance with the provisions of general rules, chapter 344-12 WAC.

(2) The department shall perform review, evaluation, and approval in accordance with the provisions of general rules, chapter 344-12 WAC.

(3) The department shall process a Class II injection well application, as defined in WAC 173-218-030 (3)(a), in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

(4) At present, there appears to be no reasonable likelihood that approval will be sought for a Class II injection well for either enhanced recovery of oil or natural gas or for storage of liquid hydrocarbons; therefore, Class II injection wells as defined in 173-218-030

(3)(b) and (3)(c) are not authorized. If it appears likely that approval will be sought for either of these types of injection wells, these regulations will be amended to include an appropriate regulatory program.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-060, filed 2/29/84.]

**WAC 173-218-070 Class III injection wells.** At present, there appears to be no reasonable likelihood that approval will be sought for a Class III injection well; therefore, Class III injection wells are not authorized. If it appears likely that approval will be sought for a Class III injection well, these regulations will be amended to include an appropriate regulatory program.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-070, filed 2/29/84.]

**WAC 173-218-080 Class IV injection wells.** Class IV injection wells are prohibited regardless of proximity to USDW.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-080, filed 2/29/84.]

**WAC 173-218-090 Class V injection wells.** (1) All new Class V injection wells that inject industrial, municipal, or commercial waste fluids into or above an USDW are prohibited.

(2) All persons operating an existing Class V injection well, that inject industrial, commercial, or municipal waste fluids into or above an USDW, must apply to the department for approval to operate within one year of the effective date of this regulation. The department will accept, process, and act upon the application in accordance with the procedures and practices of the State waste discharge permit program, chapter 173-216 WAC.

(3) All other Class V injection well owners and operators must notify the department of the location of injection wells within one year of approval of the state underground injection control program by the United States Environmental Protection Agency. The notification shall be on a form as prescribed by the department and will include the information needed to satisfy the requirements of 40 Code of Federal Regulations Part 146.52.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-090, filed 2/29/84.]

**WAC 173-218-100 Permit terms and conditions.** (1) Any permit issued by the department shall specify conditions necessary to prevent and control injection of fluids into the waters of the state, including the following, whenever applicable:

(a) All known, available, and reasonable methods of prevention, control, and treatment;

(b) Applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982); and

(c) Any conditions necessary to preserve and protect USDW.

(2) Any injection well that causes or allows the movement of fluid into an USDW that may result in a violation of any primary drinking water standard under 40 Code of Federal Regulations Part 141 or that may otherwise adversely affect the beneficial use of an USDW is prohibited.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-100, filed 2/29/84.]

**WAC 173-218-110 Enforcement.** (1) For violations of this chapter, the department shall have the remedies available in the Water Pollution Control Act, chapter 90.48 RCW, and all other applicable statutes.

(2) All injection well operations not operated in accordance with the provisions of this chapter, that cause or tend to cause entry of fluids into the waters of the state as a result of a violation of these provisions, constitutes pollution of the waters of the state in violation of RCW 90.48.080.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-110, filed 2/29/84.]

#### Chapter 173-220 WAC

### NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM

#### WAC

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173-220-030	Definitions.
173-220-040	Application for permit.
173-220-045	General permits.
173-220-050	Public notice.
173-220-060	Fact sheets.
173-220-070	Notice to other government agencies.
173-220-080	Public access to information.
173-220-090	Public hearings.
173-220-100	Public notice of public hearings.
173-220-110	Permit preparation.
173-220-120	Prohibited discharges.
173-220-130	Effluent limitations, water quality standards and other requirements for permits.
173-220-135	Signing of permits.
173-220-140	Schedules of compliance.
173-220-150	Other terms and conditions.
173-220-160	Transmission to regional administrator of issued permit.
173-220-170	Relationship with non-NPDES permits.
173-220-180	Duration and replacement of existing permit.
173-220-190	Modification, suspension, and revocation of permits.
173-220-200	Transfer of permit.
173-220-210	Monitoring, recording and reporting.
173-220-220	Control of disposal of pollutants into wells.
173-220-225	Appeals.
173-220-230	Enforcement.
173-220-240	Relationship of department of ecology to permits issued by the energy facility site evaluation council.

**WAC 173-220-010 Purpose.** The purpose of this chapter is to establish a state permit program, applicable to the discharge of pollutants and other wastes and materials to the navigable waters of the state, operating under state law as a part of the National Pollutant Discharge Elimination System (NPDES) created by section

402 of the Federal Water Pollution Control Act (FWPCA). Permits issued under this chapter are designed to satisfy the requirements for discharge permits under both section 402(b) of the FWPCA and chapter 90.48 RCW.

[Order DE 74-1, § 173-220-010, filed 2/15/74.]

**WAC 173-220-020 Permit required.** No pollutants or other wastes or substances shall be discharged directly to any navigable water of the state from a point source, except as authorized by an individual or general permit issued pursuant to this chapter.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-020, filed 12/1/82; Order DE 74-1, § 173-220-020, filed 2/15/74.]

**WAC 173-220-030 Definitions.** For purposes of this chapter, the following definitions shall be applicable:

(1) "Department" means department of ecology.

(2) "Director" means the director of the department of ecology or his authorized representative.

(3) "Administrator" means the administrator of the United States Environmental Protection Agency.

(4) "Regional administrator" means the regional administrator of Region X of the Environmental Protection Agency (EPA).

(5) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(6) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

(7) "Navigable waters of the state" means all navigable waters as defined in section 502 of the FWPCA within the boundaries of the state such as lakes, rivers, ponds, streams, inland waters, ocean, bays, estuaries, sounds and inlets.

(8) "Person" includes any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(9) "Discharge of pollutant" and the term "discharge of pollutants" each means (a) any addition of any pollutant or combination of pollutants to navigable waters of the state from any point source, (b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source, other than a vessel or other floating craft which is being used as a means of transportation.

(10) "Major discharger" means any discharger appearing on the list of major dischargers appearing in the annual state-EPA agreement.

(11) "Combined waste treatment facility" means any publicly owned waste treatment facility in which the maximum monthly average influent from any one industrial category, or categories producing similar wastes, constitutes over eighty-five percent of the design load for biochemical oxygen demand or suspended solids. Each single industrial category must contribute a minimum of ten percent of the applicable load.

[Statutory Authority: Chapter 90.48 RCW. 84-11-024 (Order DE 84-19), § 173-220-030, filed 5/11/84. Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-030, filed 12/1/82; Order DE 74-1, § 173-220-030, filed 2/15/74.]

**WAC 173-220-040 Application for permit.** (1) Any person presently discharging pollutants to navigable waters of the state must file an application with the department on a form prescribed by the department. For the purpose of satisfying the requirements of this subsection, any completed application filed with the Environmental Protection Agency prior to the approval by the administrator under section 402(b) of the FWPCA of this state permit program shall constitute a filing with the department.

(2) Any person proposing to commence a discharge of pollutants to navigable waters of this state must file an application with the department on a form prescribed by the department, (a) no less than 180 days in advance of the date on which it is desired to commence the discharge of pollutants, or (b) in sufficient time prior to commencement of the discharge of pollutants to insure compliance with the requirements of section 306 of the FWPCA and any other applicable water quality standards or effluent standards and limitations.

(3) The applicant must pay applicable fees pursuant to Wastewater discharge permit fees, chapter 173-222 WAC.

(4) The requirement for permit application will be satisfied if the discharger files:

- (a) A complete refuse act application; or
- (b) A complete application form which is appropriate for the type, category, or size of discharge; or
- (c) A complete notification of coverage by a general permit; and

(d) Any additional information required by the department pertaining to pollutant discharge.

(5) The application form shall bear a certification of correctness to be signed:

- (a) In the case of corporations, by a responsible corporate officer.
- (b) In the case of a partnership, by a general partner.
- (c) In the case of sole proprietorship, by the proprietor.
- (d) In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

(6) No discharge of wastes into the navigable waters of the state is authorized until such time as an application has been approved and a permit issued consistent with the terms and conditions of this chapter.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-220-040, filed 3/4/86. Statutory Authority: RCW 90.48-.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-040, filed 12/1/82; Order DE 74-1, § 173-220-040, filed 2/15/74.]

**WAC 173-220-045 General permits.** (1) The director may issue general permits to cover categories of dischargers as described under subsection (2) of this section. The area shall correspond to existing geographic or political boundaries, such as:

- (a) Designated planning areas under section 208 of the FWPCA;
- (b) Sewer districts or other special purpose districts;
- (c) City, county or state political boundaries;
- (d) State or county highway systems;
- (e) Standard metropolitan statistical areas as defined by the Federal Office of Management and Budget;
- (f) Urbanized areas as designated by the Bureau of the Census; or
- (g) Any other appropriate division or combination of boundaries.

(2) General permits may be written to cover the following within a described area:

- (a) Separate storm sewers;
- (b) Categories of point sources which:
  - (i) Involve the same or substantially similar types of operations;
  - (ii) Discharge the same types of wastes;
  - (iii) Require the same effluent limitations, operating conditions, or similar monitoring; and
  - (iv) In the opinion of the director are more appropriately controlled under a general permit than under individual permits.

(3) General permits may be issued, modified, revoked and reissued, or terminated in accordance with the other provisions of this chapter.

(4) The director may require any discharger authorized by a general permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to the following:

- (a) The discharger is not in compliance with conditions of the general permit;
- (b) A change occurs in the technology or practices for control or abatement of pollutants applicable to the point source;
- (c) Effluent limitation guidelines are promulgated for point sources covered by the general permit;
- (d) A water quality management plan containing requirements applicable to such point sources is approved;
- (e) Effluent limitations more stringent than those contained in a general permit are necessary to meet water quality standards; or
- (f) Other causes listed in 40 CFR Part 122.62, 122.64, or 122.28 (b)(2)(A), as promulgated May 19, 1980.

(5) In cases where the director requires any owner or operator to apply for an individual permit, the owner or

operator must be notified in writing that an individual permit application is required. This notice shall include a statement of why an individual permit is being required, an application form and a time limit for submitting the application.

(6) Any discharger authorized by a general permit may request to be excluded from coverage by the general permit by applying for an individual permit. The owner or operator shall submit to the director an application as described in WAC 173-220-040, with reasons supporting the request. The director shall either issue an individual permit or deny the request with a statement explaining the reason for denial.

(7) When an individual permit is issued to a discharger otherwise subject to a general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

(8) Following issuance by the department of a general permit all dischargers who desire to be covered by the general permit shall notify the department on a form prescribed by the department. Unless the department responds in writing to the notification, coverage of a discharger by a general permit will automatically commence on the thirty-first day following the later of:

(a) The end of the thirty-day comment period required by WAC 173-220-050(2); or

(b) Receipt by the department of a completed notification of coverage.

(9) Any previously issued individual permit shall remain in effect until terminated in writing by the department, except that continuation of an expired individual permit (pursuant to WAC 173-220-180(5)), shall terminate upon coverage by the general permit.

(10) Where the department has determined that a discharger should not be covered by a general permit, it shall respond in writing within the time specified within subsection (8) of this section, to a notification of coverage stating the reason(s) why coverage cannot become effective and any actions needed to be taken by the discharger in order for coverage by the general permit to become effective.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-220-045, filed 3/4/86. Statutory Authority: RCW 90.48-.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-045, filed 12/1/82.]

**WAC 173-220-050 Public notice.** (1) Public notice of every draft permit determination or notification of coverage by a general permit, shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue or deny a permit for the proposed discharge. Circulation of public notice shall include at least the following:

(a) Notice shall be circulated within the geographical areas of the proposed discharge; for individual permits, such circulation may include any of the following, as directed by the department:

(i) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located; or

(ii) Posting near the entrance of the applicant's premises and nearby places; or

(iii) Publishing by the applicant, at his own cost within such time as the director shall prescribe, through a notice form provided by the department, in local newspapers or periodicals or, if appropriate, in a daily newspaper of general circulation;

(b) For general permits, such circulation shall include the following:

(i) Publishing by the department of a notice of intent to issue a general permit in a newspaper or newspapers of general circulation in each affected area; and

(ii) Posting or publishing by the applicant of a notice of coverage by a general permit in accordance with (i), (ii), or (iii) in paragraph (a).

(c) Notice shall be mailed to any person or group upon request; and

(d) The department shall add the name of any person or group upon request to a mailing list to receive copies of notices within the state or within a certain geographical area.

(2) The department shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written views on the draft permit determinations or a notification of coverage by a general permit. All written comments submitted during the thirty-day comment period shall be retained by the department and considered in the formulation of its final determinations with respect to the application. The period for comment may be extended at the discretion of the department.

(3) The contents of the public notice shall include at least the following:

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

(b) Except when unknown, in the case of general permit issuance, name and address of each applicant, and if different, of the facility or activity to be regulated;

(c) Brief description of each applicant's activities or operations which result in a discharge (e.g., municipal waste treatment plant, steel manufacturing, drainage from mining activities);

(d) Except in the case of general permit issuance, name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway indicating whether such discharge is a new or an existing discharge;

(e) A statement of the tentative determination to issue or deny a permit for the discharge;

(f) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by subsection (2) of this section and any other means by which interested persons may influence or comment upon those determinations; and

(g) Address and phone number of state premises at which interested persons may obtain further information.

(4) Copies of permit applications, draft permit determinations, notifications of coverage, and general permits will be provided to any person upon request by the department.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-050, filed 12/1/82; Order DE 76-20, § 173-220-050, filed 5/19/76; Order 74-7, § 173-220-050, filed 5/1/74; Order DE 74-1, § 173-220-050, filed 2/15/74.]

**WAC 173-220-060 Fact sheets.** (1) For every major discharger and general permit the department shall prepare and, following public notice, shall send, upon request to any person, a fact sheet with respect to the draft permit determination described in the public notice. The contents of such fact sheets shall include at least the following information:

(a) A brief description of the type of facility or activity which is the subject of the application;

(b) A sketch or detailed description of the location of the discharge described in the application;

(c) A quantitative description of the discharge described in the application which includes at least the following:

(i) The rate or frequency of the proposed discharge, if the discharge is continuous, the average daily flow in gallons per day or million gallons per day;

(ii) For thermal discharges subject to the jurisdiction of the department, the average summer and winter temperatures in degrees Fahrenheit; and

(iii) The average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under sections 301, 302, 306, or 307 of the FWPCA and regulations published thereunder;

(d) Tentative determination of conditions in a proposed permit;

(e) A brief summary of the basis for the draft permit determination;

(f) A brief citation, including a brief identification of the uses for which the receiving waters have been classified, of the water quality standards and effluent standards and limitations applied to the proposed discharge; and

(g) A fuller description of the procedures for the formulation of final determinations than that given in the public notice including:

(i) The 30-day comment period required by WAC 173-220-050(2);

(ii) Procedures for requesting a public hearing and the nature thereof; and

(iii) Any other procedures by which the public may participate in the formulation of the final determinations.

(2) The department shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-220-060, filed 3/4/86. Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-060, filed 12/1/82; Order DE 74-1, § 173-220-060, filed 2/15/74.]

**WAC 173-220-070 Notice to other government agencies.** The department shall notify other appropriate government agencies of each draft permit determination or notification of coverage and shall provide such agencies an opportunity to submit their written views and recommendations. Such notification shall include the following:

(1) Unless the regional administrator has agreed to waive review, transmission of an application, fact sheet if applicable (WAC 173-220-060), and draft permit to the regional administrator for comment or objection within thirty days (ninety days for general permits), or a longer period if requested up to a maximum of ninety days.

(2) At the time of issuance of public notice pursuant to WAC 173-220-050, transmission of the public notice to any other states whose waters may be affected by the issuance of a permit. Each affected state shall be afforded an opportunity to submit written recommendations to the department and to the regional administrator which the department may incorporate into the permit if issued. Should the department fail to incorporate any written recommendations thus received, it shall provide to the affected state or states (and to the regional administrator) a written explanation of its reasons for failing to accept any of the written recommendations.

(3) At the time of issuance of public notice pursuant to WAC 173-220-050, the public notice shall be sent to the appropriate district engineer of the Army Corps of Engineers.

(4) A copy of any written agreement between the department and a district engineer dispensing with requirements of the immediately preceding subsection shall be forwarded to the regional administrator and shall be made available to the public for inspection and copying.

(5) Copies of public notices shall be mailed to any other federal, state, or local agency, or any affected country, upon request. Such agencies shall have an opportunity to respond, comment, or request a public hearing pursuant to WAC 173-220-090. Such agencies shall include at least the agency responsible for the preparation of an approved plan pursuant to section 208(b) of the FWPCA.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-070, filed 12/1/82; Order DE 74-1, § 173-220-070, filed 2/15/74.]

**WAC 173-220-080 Public access to information.**

(1) Any NPDES forms or any public comment upon those forms shall be available to the public for inspection and copying. The department, at its discretion, may also make available to the public, any other records, reports, plans, or information obtained by the state, pursuant to its participation in the permit process. Nothing herein shall modify the requirements of chapter 42.17 RCW, where applicable.

(2) The department shall protect any information (other than effluent) contained in such form, or other records, reports, or plans as confidential upon a showing



by any person that such information if made public would divulge methods of processes entitled to protection as trade secrets of such person. If, however, the information being considered for confidential treatment is contained in a form, the department shall forward such information to the regional administrator for his concurrence in any determination of confidentiality. Upon arriving at his determination as to confidentiality, the regional administrator shall communicate to the department the decision. If such determination is not to concur with withholding of such information, the department and the regional administrator shall then make available to the public, upon request, that information determined not to constitute trade secrets.

(3) Any information accorded confidential status, whether or not contained in a form, shall be disclosed, upon request, to the regional administrator, or his authorized representative, who shall maintain the disclosed information as confidential.

(4) Facilities for the inspection of information relating to forms shall be provided by the department and shall insure that employees honor requests for such inspection promptly without undue requirements or restrictions. The department shall either (a) insure that a machine or device for the copying of papers and documents is available for a reasonable fee, or (b) otherwise provide for or coordinate with copying facilities or services such that requests for copies of nonconfidential documents may be honored promptly.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-080, filed 12/1/82; Order DE 74-1, § 173-220-080, filed 2/15/74.]

**WAC 173-220-090 Public hearings.** The applicant, any affected state, any affected interstate agency, any affected country, the regional administrator, or any interested agency, person, or group of persons may request a public hearing with respect to a draft permit determination or notification of coverage. Any such request for a public hearing shall be filed within the [next] 30-day period prescribed in WAC 173-220-050(2) and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted. The department shall hold a hearing if[, on the basis of requests or any other information.] it determines there is a significant public interest. Instances of doubt will be resolved in favor of holding the hearing. Any hearing brought pursuant to this subsection shall be held at a time and place deemed appropriate by the department.

[Statutory Authority: RCW 90.48.010, 90.48.035, and 90.58.260. 83-10-063 (Order DE 83-14), § 173-220-090, filed 5/4/83; Order DE 74-1, § 173-220-090, filed 2/15/74.]

**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 173-220-100 Public notice of public hearings.**

(1) Public notice of any hearing held pursuant to WAC 173-220-090 above shall be circulated at least as widely

as was the notice pursuant to WAC 173-220-050. Procedures for the circulation of public notice for hearings held under WAC 173-220-090 shall include at least the following:

(a) Notice shall be published in at least one newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies which received a copy of the notice pursuant to WAC 173-220-050 or the fact sheet;

(c) Notice shall be mailed to any person or group upon request; and

(d) Notice shall be effected pursuant to subparagraphs (a) and (c) of this paragraph at least thirty days in advance of the hearing.

(2) The contents of public notice of any hearing held in pursuant to WAC 173-220-090 shall include at least the following:

(a) Name, address, and phone number of agency holding the public hearing;

(b) A brief reference to the public notice issued pursuant to WAC 173-220-050, including identification number and date of issuance;

(c) Information regarding the time and location for the hearing;

(d) The purpose of the hearing;

(e) Address and phone number of premises at which interested persons may obtain information;

(f) A brief description of the nature of the hearing;

(g) A concise statement of the issues raised by the persons requesting the hearing, when applicable and except in the case of general permit issuance:

(i) Name and address of each applicant whose proposed discharge will be considered at the hearing;

(ii) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-100, filed 12/1/82; Order DE 74-1, § 173-220-100, filed 2/15/74.]

**WAC 173-220-110 Permit preparation.** The department will prepare tentative staff determinations with respect to a permit application or a determination that a class of dischargers is appropriately covered by a general permit, in advance of public notice of the proposed issuance or denial of a permit. Such tentative determinations shall include at least the following:

(1) A proposed determination to issue or deny a permit for the discharge described in the application; and

(2) If the determination is to issue the permit, the following shall be included in a draft permit:

(a) Proposed effluent limitations for those pollutants proposed to be limited;

(b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and

(c) A brief description of any other proposed special conditions which will have a significant impact upon the discharge described in the application.

[Statutory Authority: RCW 90.48.035 and 90.48.260, 82-24-078 (Order DE 82-39), § 173-220-110, filed 12/1/82; Order DE 74-1, § 173-220-110, filed 2/15/74.]

**WAC 173-220-120 Prohibited discharges.** No permit issued by the department shall authorize any person to:

(1) Discharge any radiological, chemical or biological warfare agent or high-level radioactive waste into navigable waters;

(2) Discharge any pollutants which the secretary of the army acting through the chief, corps of engineers, finds would substantially impair anchorage and navigation;

(3) Discharge any pollutant to which the regional administrator, not having waived his right to object pursuant to section 402(e) of the FWPCA, has objected in writing pursuant to section 402(d) of the FWPCA;

(4) Discharge from a point source any pollutant which is in conflict with the plan or amendment thereto approved pursuant to section 208(b) of the FWPCA;

(5) Discharge any pollutant subject to a toxic pollutant discharge prohibition under section 307 of FWPCA.

[Statutory Authority: RCW 90.48.035 and 90.48.260, 82-24-078 (Order DE 82-39), § 173-220-120, filed 12/1/82; Order DE 74-1, § 173-220-120, filed 2/15/74.]

**WAC 173-220-130 Effluent limitations, water quality standards and other requirements for permits.** (1) Any permit issued by the department shall apply and insure compliance with all of the following, whenever applicable:

(a) Effluent limitations under sections 301, 302, 306, and 307 of the FWPCA. The effluent limitations shall not be less stringent than those based upon the treatment facility design efficiency contained in approved engineering plans and reports or approved revisions thereto. The effluent limits shall reflect any seasonal variation in industrial loading.

For combined waste treatment facilities, the effluent limitations for biochemical oxygen demand or suspended solids may be adjusted upwards to a maximum allowed by applying effluent limitations pursuant to sections 301(b)(1)(B) or 301(h) of the FWPCA to the domestic portion of the influent and effluent limitations pursuant to sections 301(b)(1)(A)(i), 301(b)(2)(A), and 301(b)(2)(E) of the FWPCA or standards of performance pursuant to section 306 of the FWPCA to the industrial portion of the influent: *Provided*, That the following additional condition is met:

Fecal coliform levels shall not exceed a monthly average of 200 organisms per 100 ml with a maximum weekly average of 400 organisms per 100 ml, unless a waiver is granted pursuant to section 301(h) of the FWPCA;

(b) Any more stringent limitation, including those:

(i) Necessary to meet water quality standards, treatment standards or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the FWPCA; or

(ii) Necessary to meet any federal law or regulation other than the FWPCA or regulations thereunder; or

(iii) Required to implement any applicable water quality standards; such limitations to include any legally applicable requirements necessary to implement total maximum daily loads established pursuant to section 303(d) and incorporated in the continuing planning process approved under section 303(e) of the FWPCA and any regulations and guidelines issued pursuant thereto;

(iv) Necessary to prevent or control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or raw material storage;

(v) Necessary to provide all known, available and reasonable methods of treatment.

(c) Any more stringent legal applicable requirements necessary to comply with a plan approved pursuant to section 208(b) of the FWPCA; and

(d) Prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306, and 307 of the FWPCA, such conditions as the department determines are necessary to carry out the provisions of the FWPCA.

(2) In any case where an issued permit applies the effluent standards and limitations described in subparagraph (a) of paragraph (1) of this section, the department shall make a finding that any discharge authorized by the permit will not violate applicable water quality standards.

(3) In the application of effluent standards and limitations, water quality standards and other legally applicable requirements pursuant to paragraphs (1) and (2) hereof, each issued permit shall specify average and maximum daily quantitative (in terms of weight) or other such appropriate limitations for the level of pollutants and the authorized discharge.

[Statutory Authority: RCW 90.48.035 and 90.48.260, 82-24-078 (Order DE 82-39), § 173-220-130, filed 12/1/82; Order DE 74-1, § 173-220-130, filed 2/15/74.]

**WAC 173-220-135 Signing of permits.** Permits authorized for issuance under chapter 173-220 WAC may be signed by the director or any person designated in WAC 173-06-030.

[Order DE 74-1, § 173-220-135, filed 2/15/74.]

**WAC 173-220-140 Schedules of compliance.** (1) In addition to the application of the effluent standards and limitations, water quality standards, and other legally applicable requirements, all pursuant to WAC 173-220-130 (1), (2), the department shall establish schedules and permit conditions as follows to achieve compliance with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements:

(a) With respect to any discharge which is found not to be in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements listed in WAC 173-220-130, the permittee shall be required to take specific steps to achieve compliance with the following:

(i) Any legally applicable schedule of compliance contained in:

(I) Section 301 of FWPCA;

(II) Applicable effluent standards and limitations;  
 (III) If more stringent, water quality standards; or  
 (IV) If more stringent, legally applicable requirements listed in WAC 173-220-130; (b) schedules of compliance, shall set forth the shortest, reasonable period of time, to achieve the specified requirements, such period to be consistent with the guidelines and requirements of the FWPCA.

(2) In any case where the period of time for compliance specified in paragraph (1)(a) of this section exceeds one year, a schedule of compliance shall be specified in the permit which will set forth interim requirements and the dates for their achievement; however, in no event shall more than one year elapse between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than one year and is not readily divided into stages of completion, interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement.

(3) Either before or up to fourteen days following each interim date and the final date of compliance, the permittee shall provide the department with written notice of the permittee's compliance or noncompliance with the interim or final requirement.

(4) On the last day of the months of February, May, August, and November, the department shall transmit to the regional administrator a list of all instances, as of sixty days prior to the date of such report, of failure or refusal of a major permittee to comply with an interim or final requirement or to notify the department of compliance with each interim or final requirement (as required pursuant to paragraph (2) of this section). Such list shall be available to the public for inspection and copying and shall contain at least the following information with respect to each instance of noncompliance:

(a) Name and address of each noncomplying permittee;

(b) A short description of each instance of noncompliance (e.g., failure to submit preliminary plans, two-week delay in commencement of construction of treatment facility; failure to notify department of compliance with interim requirement to complete construction by June 30, etc.)

(c) A short description of any actions or proposed actions by the permittee or the department to comply or enforce compliance with the interim or final requirement; and

(d) Any details which tend to explain or mitigate an instance of noncompliance within interim or final requirement.

(5) If a permittee fails or refuses to comply with an interim or final requirement in a permit such noncompliance shall constitute a violation of the permit for which the department may modify, suspend or revoke the permit or take direct enforcement action.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-140, filed 12/1/82; Order DE 74-1, § 173-220-140, filed 2/15/74.]

**WAC 173-220-150 Other terms and conditions.** (1) In addition to the requirements of WAC 173-220-130 and 173-220-140, each issued permit shall require that:

(a) All discharges authorized by the permit shall be consistent with the terms and conditions of the permit; any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants must be reported to the department by submission of a new application or supplement thereto; or, if such discharge does not violate effluent limitations specified in the permit, by submission to the department of notice of such new or increased discharges of pollutants; any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permit may be modified, suspended or revoked in whole or in part during its terms for cause including, but not limited to, the following:

(i) Violation of any term or condition of the permit;

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(iv) To incorporate an approved local pretreatment program into a POTW's permit; and

(v) Nonpayment of permit fees assessed pursuant to RCW 90.48.460.

(c) The permittee shall allow the department or its authorized representative upon the presentation of credentials and at reasonable times:

(i) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the permit subject to any access restrictions due to the nature of the project;

(ii) To have access to and copy at reasonable cost any records required to be kept under terms and conditions of the permit;

(iii) To inspect any monitoring equipment or method required in the permit; or

(iv) To sample any discharge of pollutants.

(d) That, if the permit is for a discharge from a publicly owned treatment works, the permittee shall provide notice to the department of the following:

(i) Any new introduction of pollutants into such treatment works from a source which would be a new source as defined in section 306 of the FWPCA if such source were discharging pollutants;

(ii) Except as to such categories and classes of point sources or discharges specified by the department, any new introduction of pollutants into such treatment works from a source which would be subject to section 301 of the FWPCA if such source were discharging pollutants;

(iii) Any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit.

Such notice shall include information on:

(I) The quality and quantity of effluent to be introduced into such treatment works; and

(II) Any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

(e) The permittee shall at all times properly operate and maintain any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit. Where design criteria have been established, the permittee shall not permit flows or waste loadings to exceed approved design criteria, or approved revisions thereto.

(f) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the FWPCA for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the department shall revise or modify the permit in accordance with the toxic effluent standard of prohibition and so notify the permittee.

(2) Every permit shall be conditioned to insure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308 of the FWPCA.

(3) Permits for domestic wastewater facilities shall be issued only to a public entity, except in the following circumstances:

(a) Facilities existing or approved for construction with private operation on or before the effective date of this chapter, until such time as the facility is expanded;

(b) Facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered single commercial establishments for the purpose of the preceding sentence.

(c) Facilities that are owned by nonpublic entities and under contract to a public entity shall be issued a joint permit to both the owner and the public entity.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-220-150, filed 3/4/86. Statutory Authority: Chapter 90.48 RCW. 84-11-024 (Order DE 84-19), § 173-220-150, filed 5/11/84. Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-150, filed 12/1/82; Order DE 74-1, § 173-220-150, filed 2/15/74.]

**WAC 173-220-160 Transmission to regional administrator of issued permit.** The department shall transmit, to the regional administrator, a copy of every issued permit, immediately following issuance, along with any and all terms, conditions, requirements, or documents which are a part of such permit or which affect the authorization by the permit of the discharge of pollutants.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-160, filed 12/1/82; Order DE 74-1, § 173-220-160, filed 2/15/74.]

**WAC 173-220-170 Relationship with non-NPDES permits.** Discharges of pollutants or other wastes that

require permits from the department under RCW 90.48.160, which are not satisfied through permits issued under this chapter, shall be subject to the permit requirements of RCW 90.48.160, et seq. Except where permits under RCW 90.48.160 are issued by a municipal corporation pursuant to chapter 173-208 WAC, permit requirements under this chapter and permit requirements under RCW 90.48.160 shall be contained in a single permit document.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-170, filed 12/1/82; Order DE 74-1, § 173-220-170, filed 2/15/74.]

**WAC 173-220-180 Duration and replacement of existing permit.** (1) Permits shall be issued for fixed terms not exceeding five years.

(2) Any permittee shall make application for replacement to existing permits or continuation of discharges after the expiration date of his permit by filing with the department an application for replacement of his permit at least one hundred eighty days prior to its expiration. The filing requirement for replacement shall be satisfied by written request for replacement by the permittee to the department, unless the department, at its discretion, requires a permittee to request a replacement by submitting to the department all applicable forms.

(3) The scope and manner of any review of an application for replacement of a permit by the department shall be sufficiently detailed as to insure the following:

(a) That the permittee is in compliance with or has substantially complied with all of the terms, conditions, requirements and schedules of compliance of the expired permit;

(b) That the department has up-to-date information on the permittee's production levels, permittee's waste treatment practices, nature, content and frequencies of permittee's discharge, either pursuant to the submission of new forms and applications or pursuant to monitoring records and reports resubmitted to the department by the permittee; and

(c) That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements listed in WAC 173-220-130, including any additions to, or revisions or modifications of such effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

(4) The notice and public participation procedures specified in WAC 173-220-050 through 173-220-100 are applicable to each draft replacement permit.

(5) When a permittee has made timely and sufficient application for the renewal of a permit, an expiring permit remains in effect and enforceable until the application has been finally determined by the department.

(6) Notwithstanding any other provision in this part, any point source, the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which is so constructed as to meet all applicable standards of performance, shall not be subject insofar as the FWPCA is concerned to any more stringent standard of

performance during a ten year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-180, filed 12/1/82; Order DE 74-1, § 173-220-180, filed 2/15/74.]

**WAC 173-220-190 Modification, suspension, and revocation of permits.** (1) Any permit issued under this chapter can be modified, suspended or revoked in whole or in part by the department for cause including, but not limited to, the causes listed in WAC 173-220-150 (1)(b), or for failure or refusal of the permittee to allow entry according to RCW 90.48.090.

(2) The department may, upon request of the permittee, revise or modify a schedule of compliance or operating conditions in an issued permit if it determines good and valid cause (such as an act of God, strike, flood, materials shortage, or other event over which the permittee has little or no control) exists for such revision.

(3) The department shall modify, suspend or revoke permits only after public notice and opportunity for public hearing as provided in this chapter in those instances where changes are proposed which lessen the stringency of effluent limitations. In all other instances, the form of public notice and public participation, if any, shall be determined by the department on a case-by-case basis according to the significance of the proposed action.

(4) Nothing herein shall apply to permits remanded to the department for modification by the pollution control hearings board.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-190, filed 12/1/82; Order DE 74-1, § 173-220-190, filed 2/15/74.]

**WAC 173-220-200 Transfer of permit.** (1) A permit is automatically transferred to a new owner or operator if:

(a) A written agreement between the old and new owner or operator is submitted to the director, containing a specific date for transfer of permit responsibility, coverage, and liability; and

(b) The director does not notify the old and new owner or operator of his intent to modify, or revoke and reissue the permit. If this notice is not given, the transfer is effective on the date specified in the agreement mentioned in paragraph (a) above.

(2) Unless a permit is automatically transferred according to subsection (1) of this section, a permit may be transferred only if modified or revoked and reissued to identify the new permittee and incorporate such other requirements as may be necessary.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-200, filed 12/1/82; Order DE 74-1, § 173-220-200, filed 2/15/74.]

**WAC 173-220-210 Monitoring, recording and reporting.** (1) Monitoring.

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(a) Any discharge authorized by a permit may be subject to such monitoring requirements as may be reasonably required by the department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). These monitoring requirements would normally include:

(i) Flow (in gallons per day);

(ii) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the permit;

(iii) Pollutants which the department finds could have a significant impact on the quality of navigable waters; and

(iv) Pollutants specified by the administrator, in regulations issued pursuant to the FWPCA, as subject to monitoring.

(b) Each effluent flow or pollutant required to be monitored pursuant to subsection (a) of this section shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant. Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels which may be monitored at less frequent intervals.

(c) Monitoring of intake water, influent to treatment facilities, internal waste streams, and/or receiving waters may be required when determined necessary by the department to verify compliance with net discharge limitations or removal requirements, to verify that proper waste treatment or control practices are being maintained, or to determine the effects of the discharge on the waters of the state.

(2) Recording of monitoring activities and results. Any permit which requires monitoring of the authorized discharge shall require that:

(a) The permittee shall maintain records of all information resulting from any monitoring activities required of him in his permit;

(b) Any records of monitoring activities and results shall include for all samples:

(i) The date, exact place, and time of sampling;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods used; and

(v) The results of such analyses; and

(c) The permittee shall be required to retain for a minimum of three years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.

(3) Reporting of monitoring results.

(a) The permittee shall periodically report (at a frequency of not less than once per year) on the proper reporting form, the monitoring results obtained pursuant

to monitoring requirements in a permit. In addition to the required reporting form, the department at its discretion may require submission of such other results as it determines to be necessary.

(b) Monitoring reports shall be signed by:

(i) In the case of corporations, by a responsible corporate officer or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

(ii) In the case of a partnership, by a general partner.

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

(iv) In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

[Statutory Authority: Chapter 90.48 RCW. 84-11-024 (Order DE 84-19), § 173-220-210, filed 5/11/84. Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-210, filed 12/1/82; Order DE 74-1, § 173-220-210, filed 2/15/74.]

**WAC 173-220-220 Control of disposal of pollutants into wells.** The disposal of pollutants into wells is regulated by the Underground injection control program, chapter 173-218 WAC.

[Statutory Authority: Chapter 90.48 RCW. 84-11-024 (Order DE 84-19), § 173-220-220, filed 5/11/84. Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-220, filed 12/1/82; Order DE 74-1, § 173-220-220, filed 2/15/74.]

**WAC 173-220-225 Appeals.** (1) Individual permits are subject to appeals as specified in chapter 371-08 WAC.

(2) For general permits: (a) The terms and conditions of a general permit as they apply to the appropriate class of dischargers is subject to appeal within thirty days of issuance of a general permit; (b) the terms and conditions of a general permit as they apply to an individual discharger are subject to appeal within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that discharger. Appeal of general permit coverage of an individual discharger does not affect any other individual dischargers. If the terms and conditions of a general permit are found to be inapplicable to any discharger, the matter shall be remanded to the department for consideration of issuance of an individual permit.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-225, filed 12/1/82.]

**WAC 173-220-230 Enforcement.** (1) The department, with the assistance of the attorney general, may sue in courts of competent jurisdiction to enjoin any threatened or continuing violations of any permits or conditions thereof without the necessity of a prior revocation of the permit;

(2) The department may enter any premises in which an effluent source is located or in which records are required to be kept under terms or conditions of a permit, and otherwise be able to investigate, inspect, or monitor any suspected violations of water quality standards, or

effluent standards and limitations, or of permits or terms or conditions thereof;

(3) The department may assess or, with the assistance of the attorney general, sue to recover in court, such civil fines, penalties, and other civil relief as may be appropriate for the violation by any person of (a) any effluent standards and limitations or water quality standards, (b) any permit or term or condition thereof, (c) any filing requirements, (d) any duty to permit or carry out inspection, entry, or monitoring activities, or (e) any rules, regulations, or orders issued by the department.

(4) The department may request the prosecuting attorney to seek criminal sanctions for the violation by such persons of (a) any effluent standards and limitations or water quality standards, (b) any permit or term or condition thereof, (c) any filing requirements.

(5) The department, with the assistance of the prosecuting attorney, may seek criminal sanctions against any person who knowingly makes any false statement, representation, or certification in any form or any notice or report required by the terms and conditions of any issued permit or knowingly renders inaccurate any monitoring device or method required to be maintained by the department.

[Order DE 74-1, § 173-220-230, filed 2/15/74.]

**WAC 173-220-240 Relationship of department of ecology to permits issued by the energy facility site evaluation council.** (1) The energy facility site evaluation council (EFSEC) shall be the state agency to receive applications for, issue, and modify permits for energy facilities subject to chapter 80.50 RCW. Processing of such applications shall be controlled by chapter 463-38 WAC. Application for issuance and modification of permits for all other energy facilities shall be the responsibility of the department.

(2) Monitoring, recording, and reporting activities required of operators of all energy facilities by the terms of a permit issued by EFSEC shall be supervised and enforced by the department.

(3) The department shall carry on an inspection program for the periodic inspection (to be performed not less than once every year) of discharges of pollutants from energy facilities authorized by a permit issued by EFSEC. Such inspections shall determine compliance or noncompliance with issued permits and, in particular, compliance or noncompliance with specific effluent limitations and schedules of compliance in such permits.

(4) The department shall carry on a surveillance program with respect to energy facility discharges for the random sampling and analysis of the discharge for the purpose of identifying occasional and continuing violations of permit conditions and the accuracy of information submitted by permittees in reporting forms.

(5) Enforcement activities regarding the NPDES program, including the levying of civil and criminal fines pertaining to all thermal power plants, whether the permit is issued by the department or EFSEC, shall be undertaken by the department, EFSEC, the attorney general, or the prosecuting attorney, as appropriate.

(6) Nothing in this section shall authorize the department to undertake enforcement or monitoring activities in a manner not consistent with the terms and conditions of any EFSEC-issued NPDES permit.

[Statutory Authority: RCW 90.48.035 and 90.48.260, 82-24-078 (Order DE 82-39), § 173-220-240, filed 12/1/82; Order DE 74-1, § 173-220-240, filed 2/15/74.]

### Chapter 173-222 WAC

#### WASTEWATER DISCHARGE PERMIT FEES

##### WAC

173-222-010	Purpose and authority.
173-222-015	Applicability.
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173-222-030	Discharge categories.
173-222-040	Complexity factors.
173-222-050	Permit fees.
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173-222-080	Public notice.
173-222-090	Public hearings.
173-222-100	Agency initiated modifications.
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**WAC 173-222-010 Purpose and authority.** It is the purpose of this chapter to establish fees for permits issued by the department of ecology pursuant to RCW 90.48.160, 90.48.162, and 90.48.260. The collection of fees which reflects the administrative expenses incurred by the department of ecology in the processing of such permit applications is authorized by RCW 90.48.460. Fees are not annual operating fees but relate to the cost of application filing and processing.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-010, filed 3/4/86.]

**WAC 173-222-015 Applicability.** This chapter applies to all permit applications received by the department after July 28, 1985.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-015, filed 3/4/86.]

**WAC 173-222-020 Definitions.** (1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology or authorized representative.

(3) "NPDES permit" means the National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the federal Clean Water Act and RCW 90.48.260.

(4) "Major facility" means any NPDES permitted facility or activity classified as such by the Region 10 administrator of the Environmental Protection Agency in conjunction with the director. This list is published annually as part of the state/EPA agreement.

(5) "Minor facility" means any NPDES permitted facility or activity not classified as a major facility.

(6) "Application fee" means that fee which must accompany the permit application.

(7) "Permit fee" means that fee charged for issuance, reissuance, or modification of a permit as defined by this chapter.

(8) "Permit issuance" means the issuance of a permit for a new source or to a source not previously permitted.

(9) "Permit reissuance" means the issuance of a permit for a currently permitted source.

(10) "Substantial modification" means the modification of a permit involving at least one complexity factor.

(11) "Administrative modification" means those revisions that do not involve a complexity factor such as, changes in reporting schedules, compliance schedules, and monitoring schedules.

(12) "EPA" means the United States Environmental Protection Agency.

(13) "Permitted flow" means the daily average flow limitation contained in the permit; where a flow limit is not specified, design flow of the facility will be used.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-020, filed 3/4/86.]

**WAC 173-222-030 Discharge categories.** For the purpose of this chapter, discharges are classified according to the following categories:

(1) Category 1A is for major domestic NPDES permitted facilities with a permitted flow greater than fifteen million gallons per day.

(2) Category 1B is for major domestic NPDES permitted facilities with a permitted flow between one million and fifteen million gallons per day.

(3) Category 1C is for minor domestic NPDES permitted facilities with a permitted flow of less than one million gallons per day.

(4) Category 1D is for all domestic state waste discharge permitted facilities with a discharge to ground water.

(5) Category 2A is for major industrial NPDES permitted facilities.

(6) Category 2B is for minor industrial NPDES permitted facilities and all state waste discharge permitted facilities, requiring biological and/or chemical treatment.

(7) Category 2C is for minor industrial NPDES permitted facilities and all state waste discharge permitted facilities, not requiring biological or chemical treatment with a permitted flow greater than or equal to 0.5 million gallons per day.

(8) Category 2D is for minor industrial NPDES permitted facilities and all state waste discharge permitted facilities not requiring biological or chemical treatment, with a permitted flow less than 0.5 million gallons per day, and/or with an intermittent discharge.

(9) Category 3A is for area-wide, general NPDES permits.

(10) Category 3B is for coverage by a general NPDES permit, not included in Category 3A.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-030, filed 3/4/86.]

**WAC 173-222-040 Complexity factors.** (1) There are a number of factors that may be a component of some permit applications; processing such applications

can take substantially increased staff time. For the purpose of this chapter, these factors are identified as follows:

- (a) Combined sanitary and storm sewers.
- (b) Local industrial wastewater pretreatment program.
- (c) Excessive inflow and/or infiltration problems.
- (d) Receiving water quality considerations.
- (e) Ground water monitoring.
- (f) Solid waste management including sludge management.
- (g) Level of treatment including: (i) Facility upgrade, (ii) system design capacity, (iii) seasonal variations in loading.
- (h) Major change or variation in process or production.
- (i) Toxics monitoring, including biomonitoring.
- (j) Permit involving multiple industrial categories or subcategories.
- (k) Fundamentally different factors analysis pursuant to 40 CFR 125.30.

(l) Best professional judgment (BPJ) analysis including those pursuant to 40 CFR 125.3.

(m) Request for a nonconventional pollutant variance pursuant to Section 301(g) of the federal Clean Water Act.

(n) Request for a thermal variance pursuant to Section 316(a) of the federal Clean Water Act.

(2) For the purpose of this chapter, factors (a) through (j) of subsection (1) of this section each shall count as one complexity factor and factors (k) through (n) of subsection (1) of this section each shall count as two complexity factors. Each applies only when the department is required to expend a substantial amount of time in addressing that factor during the processing of a permit application.

(3) Any work done by the applicant to minimize the expenditure of staff time by the department shall be considered in determining the permit fee.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-040, filed 3/4/86.]

**WAC 173-222-050 Permit fees.** (1) Application fee: \$100 (nonrefundable).

(2) Permit fee:

(a) Permit fee schedule

Departmental Action	Discharge Categories							
	Domestic				Industrial			
	1A	1B	1C	1D	2A	2B	2C	2D
<b>Permit Issuance</b>								
0 Complexity Factors	\$ 2,252	\$1,468	\$1,216	\$1,300	\$ 2,336	\$1,468	\$1,216	\$ 740
1 Complexity Factor	4,044	2,476	1,972	2,140	4,212	2,476	1,972	1,020
2 Complexity Factors	5,836	3,484	2,700	2,980	6,060	3,484	2,700	1,300
3 Complexity Factors	7,628	4,492	3,484	3,820	7,964	4,492	3,484	1,580
4 Complexity Factors	9,420	5,500	4,240	4,660	9,840	5,500	4,240	1,860
5 Complexity Factors	11,212	6,508	4,996	5,500	11,716	6,508	4,996	2,140
6 Complexity Factors	13,004	7,516	5,752	6,340	13,592	7,516	5,752	2,420
<b>Permit Reissuance</b>								
0 Complexity Factors	1,720	1,104	1,020	1,048	1,636	1,104	1,020	656
1 Complexity Factor	2,980	1,748	1,580	1,636	2,812	1,748	1,580	852
2 Complexity Factors	4,240	2,364	2,140	2,224	3,988	2,364	2,140	1,020
3 Complexity Factors	5,500	3,036	2,700	2,812	5,164	3,036	2,700	1,244
4 Complexity Factors	6,760	3,680	3,260	3,400	6,340	3,680	3,260	1,440
5 Complexity Factors	8,020	4,324	3,820	3,988	7,516	4,324	3,820	1,636
6 Complexity Factors	9,280	4,968	4,380	4,576	8,692	4,968	4,380	1,832
<b>Substantial Modification</b>								
1 Complexity Factor	1,720	1,104	1,020	1,048	1,636	1,104	1,020	656
2 Complexity Factors	2,980	1,748	1,580	1,636	2,812	1,748	1,580	852
3 Complexity Factors	4,240	2,364	2,140	2,224	3,988	2,364	2,140	1,020
4 Complexity Factors	5,500	3,036	2,700	2,812	5,164	3,036	2,700	1,244
<b>Administrative Modifications</b>								
	460	460	460	460	460	460	460	460

(b) The number of complexity factors that may be charged for any given permit is limited to four, regardless of the total number of complexity factors involved, except that a facility with multiple discharge points may be charged for



up to six complexity factors. Where multiple discharge points exist, complexity factors uniquely applicable to each discharge point will be charged.

(c) General permits.

(i) Area-wide (Category 3A) permit fees will be based on an accounting of actual costs incurred by the department.

(ii) Requests for coverage by general permit (Category 3B): \$100 (nonrefundable).

(d) The fees identified in this section are based on averages of the total actual costs incurred by the department in processing each type of permit application. Total actual costs include salaries, benefits, indirect costs, and clerical costs.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-050, filed 3/4/86.]

**WAC 173-222-060 Permit fee payment.** (1) The application fee must accompany the permit application. If the application fee does not accompany the permit application, the application will be returned as incomplete.

(2) Request for coverage by a general permit must be accompanied by the fee. If the application fee does not accompany the permit application, the application will be returned as incomplete.

(3) The department will inform the applicant of applicable permit fees at least thirty days prior to permit action.

(4) The appropriate permit fee must be received by the department within sixty days of notification. Failure to pay the applicable permit fees will result in termination of any continuation of an expired permit pursuant to WAC 173-220-180(5), or of a temporary permit pursuant to RCW 90.48.200.

(5) For permits issued prior to the effective date of this chapter, to which WAC 173-222-015 applies, fees must be received by the department within one hundred eighty days of notification by the department. Failure to make payment will result in immediate action pursuant to chapter 90.48 RCW and chapters 173-216 and 173-220 WAC.

(6) The applicable permit fee shall be paid by check or money order payable to the "department of ecology." Municipalities may use purchase orders.

(7) When payment is made by check which is subsequently returned due to insufficient funds, the department will take appropriate action pursuant to chapter 90.48 RCW.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-060, filed 3/4/86.]

**WAC 173-222-070 Periodic review.** The department shall review biennially the data used to establish the fee schedule to determine if fees need to be adjusted.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-070, filed 3/4/86.]

**WAC 173-222-080 Public notice.** It will continue to be the responsibility of the permit applicant to comply with all applicable public notice requirements pursuant to chapters 173-216 and 173-220 WAC.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-080, filed 3/4/86.]

**WAC 173-222-090 Public hearings.** Public hearings required as the result of a permit application will be

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conducted by the department at no additional cost to the applicant.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-090, filed 3/4/86.]

**WAC 173-222-100 Agency initiated modifications.** There will be no charge to the permittee for modifications initiated by the department.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-100, filed 3/4/86.]

**WAC 173-222-110 Appeals.** Any person aggrieved by a determination made by the department under this chapter may appeal to the pollution control hearings board pursuant to chapter 43.21B RCW and the procedure adopted at chapter 371-08 WAC.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-222-110, filed 3/4/86.]

### Chapter 173-225 WAC FEDERAL WATER POLLUTION CONTROL ACT-- ESTABLISHMENT OF IMPLEMENTATION PROCEDURES OF APPLICATION FOR CERTIFICATION

WAC

173-225-010 Introduction.

173-225-020 Purpose.

173-225-030 Public notice and public hearings.

**WAC 173-225-010 Introduction.** Section 401 of the Federal Water Pollution Control Act (FWPCA) provides that applicants for a license or permit from the federal government relating to any activity which may result in any discharge into the navigable waters shall obtain a certification from the state in which the discharge originates, or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of the FWPCA. The department of ecology, under chapter 90.48 RCW, has been designated as the state water pollution control agency for all purposes of the FWPCA, and is authorized to participate fully in the programs of that act as well as to take all action necessary to meet the requirements thereof.

[Order 73-29, § 173-225-010, filed 11/15/73.]

**WAC 173-225-020 Purpose.** The purpose of this regulation is to establish procedures for public notice

and public hearings in relation to the processing of applications for certification required by section 401 of the FWPCA.

[Order 73-29, § 173-225-020, filed 11/15/73.]

**WAC 173-225-030 Public notice and public hearings.** Whenever an application for certification required by section 401 of FWPCA is filed with the department of ecology, the following procedures pertaining to public notice and public hearings shall apply:

(1) Public notice of an application shall be performed in relation to all applications, as follows:

(a) By mailing notice of the application for certification to persons and organizations who have requested the same and to all others deemed appropriate; and

(b) When determined by the department as desirable in the public interest, by publication of a notice twice, once each on the same day of the week in two consecutive weeks, in a newspaper of general circulation in the county in which the activity described in the application is located, and in such other counties as are deemed appropriate by the department. The applicant for a certification shall be required to cause such notice to be published in a form approved by the department and the applicant shall bear the cost of such publication and provide an affidavit of publication to the department.

(2) Any person desiring to present views on the application in relation to water pollution control considerations shall do so by providing the same in writing to the regional office of the department of ecology identified in the notice of application within 20 days after notice of the application was last published or such longer period of time as the director may determine, or, in the case where notice is provided only by WAC 173-225-030 (1)(a), within the time period stated in said notice.

(3) If the department determines there is sufficient public interest in any application, a public hearing for the submission of oral views as well as written views shall be held. When this determination is made before notice of application is performed, such notice shall set forth the time and place of the hearing; otherwise, a separate notice of public hearing shall be made and such notice shall be distributed and published in the manner provided in WAC 173-225-030(1). Whenever a public hearing is to be held, the requirement of WAC 173-225-030(2) above in relation to the timing of submitting written views shall not apply, but the deadline for submitting written views shall be set forth in the notice announcing the hearing.

[Order DE 75-6, § 173-225-030, filed 3/7/75; Order 73-29, § 173-225-030, filed 11/15/73.]

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

WAC

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

173-230-060 Applications. [Order 73-30, § 173-230-060, filed 11/9/73.] Repealed by 82-09-056 (Order DE 82-07), filed 4/16/82. Statutory Authority: Chapter 70.95B RCW.

**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) (chapter 70.95B RCW) 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: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-010, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-010, filed 10/11/78; Order 73-30, § 173-230-010, filed 11/9/73.]

**WAC 173-230-020 Definitions.** (1) "Director" means the director of the department of ecology.

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

(3) "Board" means the water and wastewater operators certification board of examiners established by RCW 70.95B.070.

(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 the state of Washington who is performing work in the actual operation of a wastewater treatment plant.

(7) "Responsible charge" means the position held by an operator working on site at a wastewater treatment plant, including weekends, holidays, and shifts, where appropriate, who is in direct charge and is responsible

for the operation of the plant or segment thereof. Responsible charge can, but is not required to, include supervisory responsibility over other employees. Responsible charge time may be accrued by the operator in charge of a shift, working alone as the only operator on duty, or when assigned as operator in charge in the absence of the designated operator in charge.

[Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-020, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-020, filed 10/11/78; Order 73-30, § 173-230-020, filed 11/9/73.]

**WAC 173-230-030 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 a valid certificate issued by the director of at least the same classification as that of the wastewater treatment plant.

(2) When a wastewater treatment plant is operated on more than one daily shift, including weekends or holidays, the operator in charge of each shift shall be certified.

[Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-040, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-040, filed 10/11/78; Order 73-30, § 173-230-040, filed 11/9/73.]

**WAC 173-230-050 Certification prerequisites.** (1) Certificates shall be issued only upon application and only after payment of fees as required herein. Except as provided in WAC 173-230-050(2), certificates in appropriate classifications shall be issued to those who are eligible for examination pursuant to WAC 173-230-061 and only after successful completion of an examination as provided for in WAC 173-230-070.

(2) Certificates shall be issued without examination under the following conditions:

(a) In appropriate classifications, to an operator who on July 1, 1973, held a certificate 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 a person verified by the governing body or owner to have been the operator in responsible charge of a wastewater treatment plant on July 1, 1973. A certificate issued to any person under this subsection shall be known as a "provisional" certificate and 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 or if the operator terminates his service with that plant.

(c) In appropriate classifications, to persons who fill a vacated position required to have a certified operator. A certificate issued under this subsection shall be known as a "temporary" certificate and shall be issued for a period of not more than twelve months from date of issue and shall be nonrenewable. If a position is vacated by the holder of a temporary certificate issued under this subsection, no additional temporary certificate shall be issued to his replacement.

[Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-050, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-050, filed 10/11/78; Order 73-30, § 173-230-050, filed 11/9/73.]

**WAC 173-230-061 Applications and certification requirements.** (1) Application for certification to the various classifications of wastewater treatment plant operator shall be filed with the secretary for wastewater treatment of the water and wastewater operator certification board. The secretary shall make application forms available upon request.

(2) Upon receipt of a completed application, the secretary shall assemble all information needed and screen the application against the following criteria to determine eligibility for examination or reciprocal certification.

(3) Certification requirements: Applicants for examination or reciprocal certification to the various wastewater treatment operator classifications must meet the following minimum requirements or equivalents:

Class	Education	Operating Experience	Responsible Charge Time
OIT	12 years	3 months	None
Group I	12 years	1 year	None
Group II	12 years	3 years	None
Group III	14 years	4 years	2 years
Group IV	16 years	4 years	2 years

At least half of the experience requirement for certification to a Class II, III, or IV operator must be on-site, day-to-day experience. At least half of the responsible charge time requirement for certification to a Class III or IV operator must have been accrued on site in a plant with a classification not less than one classification lower than the class of certification being applied for.

(4) Definitions and equivalents related to certification requirements:

(a) "College" means a college degree or course work that is relevant to the operation of a wastewater treatment plant, such as sanitary, chemical, civil, electrical,

or mechanical engineering, chemistry, biology, pharmacy, mathematics, or any of the environmental sciences. College shall also mean continuing education units CEUs in courses relevant to the operation of a wastewater treatment plant.

(b) One year of college credit shall mean thirty semester hours or forty-five quarter hours or forty-five continuing education units CEUs.

(c) Continuing education unit, (CEU) means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact lecture hours of participation in an organized continuing education experience, under responsible sponsorship, capable direction and qualified instruction. One CEU will also be awarded for twenty contact laboratory hours of training.

(d) Vocational experience shall mean work experience that is relevant to the operation of a wastewater treatment plant. Some related vocations are chemist, machinist, and electrician.

(5) Equivalent education:

(a) One year of operating experience may be substituted for one year of high school – four years maximum.

(b) One year of responsible charge time may be substituted for one year of college – one year maximum.

(6) Equivalent experience: College credit used as an equivalent for experience must be supported with a copy of college transcripts.

(a) Three CEUs relevant to the operation of a sewage treatment plant may be substituted for three months experience by an applicant for OIT.

(b) An applicant for Group I certification may not use an equivalent experience credit.

(c) An applicant for Group II certification may substitute up to one and one-half years of college for one and one-half years of experience.

(d) An applicant for Group III or IV certification may substitute up to two additional years of college for two years of experience.

(7) Equivalent responsible charge time: An applicant for Group III or IV may substitute one additional year of college for one year of responsible charge time.

(8) Equivalent experience. An applicant who does not satisfy the full amount of equivalent experience as specified under WAC 173-230-061 (3) or (6) may request the board to allow any of the following or similar work experience to be credited toward the experience maximums set forth in WAC 173-230-061(3):

(a) Operation consultant equals 0 to 50 percent of time on duty.

(b) Wastewater collection or pump station operator or specialist equals 0 to 25 percent of time on duty.

(c) Water treatment plant operator equals 50 percent of time on duty.

(d) Water distribution and management equals 0 to 50 percent of time on duty.

(e) Sewage treatment plant process control and laboratory equals 100 percent of time on duty.

(f) Sewage treatment plant operation and pump station operation equals 100 percent of time on duty.

(g) Sewage treatment plant operation and incineration operation equals 100 percent of time on duty.

(9) If no examination is required, the secretary shall present the application to the board for recommendation to the director as required by WAC 173-230-070(6) or 173-230-110.

(10) Group IV applications shall be submitted to the board for approval prior to scheduling for examination.

(11) If an examination is required, the secretary shall notify, schedule, and examine all applicants for certification.

[Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-061, filed 4/16/82.]

**WAC 173-230-070 Examination.** (1) The board shall prepare written examinations to be used in determining the competency of operators.

(2) Examinations shall be held at least three times annually at places and times set by the board with advance announcements made by the board.

(3) All examinations will be graded by the board or by others designated by the board, and the applicant shall be notified of grade attained and pass or fail. Examinations will not be returned to the applicant.

(4) An applicant who fails to pass an examination may be reexamined at the next subsequent scheduled examination with no additional application or fee.

(5) An applicant who fails to pass a second examination as provided for in WAC 173-230-070(4) must reapply for further examination as provided for in WAC 173-230-090(2). The examination will not be administered until the second scheduled examination period following the date of the applicant's last examination.

(6) The board shall forward its recommendations for certification of those examined to the director.

[Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-070, filed 4/16/82; Order 73-30, § 173-230-070, filed 11/9/73.]

**WAC 173-230-080 Certificate term and renewals.**

(1) Except as provided for in WAC 173-230-050 (2)(c), the term for any certificate or renewal thereof shall be from the first of January of the year of issuance until the thirty-first of December of the same year.

(2) Except as provided in WAC 173-230-050 (2)(c), all certificates shall be renewable annually upon presentation of satisfactory evidence that the operator demonstrates continued professional growth in the field. In order to demonstrate continued professional growth in the field, each certified operator must accomplish one of the following three activities during a three-year period ending December 31, 1979, and in each three-year period thereafter.

(a) Accumulate a minimum of three relevant continuing education units CEUs, or three relevant college quarter hour credits; or

(b) Advance in his level of wastewater certification by examination. Advancement from OIT to I does not fulfill this requirement; or

(c) Retake and satisfactorily pass the examination given by the board for the classification for which a renewable certificate is desired.

[Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-080, filed 4/16/82; Order 73-30, § 173-230-080, filed 11/9/73.]

**WAC 173-230-090 Fees.** (1) 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.]

**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 if, during the revocation notice period, renewal of the certificate is not completed, 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: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-100, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-100, filed 10/11/78; Order 73-30, § 173-230-100, filed 11/9/73.]

**WAC 173-230-110 Reciprocity.** The director shall accord an operator certified by another state reciprocal

treatment, when in his judgment, and upon advice of the board, the certification requirements of such state are substantially equivalent to the requirements of this chapter. When such reciprocity is granted, the director shall so advise the operator. However, the term of such reciprocal approval shall be as provided in WAC 173-230-080 and the operator shall be subject to the same requirement of renewal as any operator initially certified in this state.

[Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-110, filed 4/16/82; Order 73-30, § 173-230-110, filed 11/9/73.]

**WAC 173-230-120 Appeals.** Decisions of the director under this chapter may be appealed within thirty days from the date of notice thereof to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC.

[Order 73-30, § 173-230-120, filed 11/9/73.]

**WAC 173-230-130 Violations.** Violation of this chapter is a misdemeanor. Each day of operation in violation hereof constitutes a separate offense. Upon conviction, violators are subject to fines not exceeding one hundred dollars for each offense. Injunctions may be obtained for continuing violations.

[Order 73-30, § 173-230-130, filed 11/9/73.]

**WAC 173-230-140 Classification of 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) **PRETREATMENT UNITS**
  - (a) Manually cleaned screens ..... 1
  - (b) Mechanically cleaned screens ..... 2
  - (c) Grit removal ..... 3
  - (d) Preaeration ..... 1
  - (e) Comminutor, barminutors, grinders, etc. .... 1
  - (f) Plant pumping ..... 3

**Rating  
Value**

**Chapter 173-240 WAC**

**SUBMISSION OF PLANS AND REPORTS FOR  
CONSTRUCTION OF WASTEWATER FACILITIES**

(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 70.95B.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.]

**WAC**

- 173-240-010 Purpose and scope.
- 173-240-020 Definitions.

**DOMESTIC WASTEWATER FACILITIES**

- 173-240-030 Submission of plans and reports.
- 173-240-035 Restrictions—Subsurface disposal systems.
- 173-240-040 Review standards.
- 173-240-050 General sewer plan.
- 173-240-060 Engineering report.
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- 173-240-090 Declaration of construction completion.
- 173-240-095 Form—Declaration of construction of water pollution control facilities.
- 173-240-100 Requirement for certified operator.
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**INDUSTRIAL WASTEWATER FACILITIES**

- 173-240-110 Submission of plans and reports.
- 173-240-120 Review standards.
- 173-240-130 Engineering report.
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**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.

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

- 173-240-105 Form—Certificate of construction of water pollution control facilities. [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.] Repealed by 83-23-063 (Order DE 83-30), filed 11/16/83. Statutory Authority: Chapters 43.21A and 90.48 RCW.

**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," "plans and specifications," and "general sewer plans," all as defined in WAC 173-240-020. This chapter also includes provisions for review and approval of proposed methods of operation and maintenance.

[Statutory Authority: Chapters 43.21A and 90.48 RCW, 83-23-063 (Order DE 83-30), § 173-240-010, filed 11/16/83. 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) "Construction quality assurance plan" means a plan describing the methods by which the professional engineer in responsible charge of inspection of the project will determine that the facilities were constructed without significant change from the department approved plans and specifications.

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

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

(5) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present. In the case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from:

(a) A septic tank system with subsurface sewage treatment and disposal and an ultimate design capacity exceeding fourteen thousand five hundred gallons per day at any common point; or

(b) A mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity exceeding three thousand five hundred gallons per day at any common point.

Where the proposed system utilizing subsurface disposal has received a state construction grant or a federal construction grant under the Federal Water Pollution Control Act as amended, such system is a "domestic wastewater facility" regardless of size.

(6) "Engineering report" means a document which thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130. In the case of a domestic wastewater facility project, the report 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.

(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 54.16 RCW 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 solid waste facilities.

(9) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of industrial wastewater.

(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 or industrial wastewater facilities. Except as otherwise allowed, plans and specifications are preceded by an approved engineering report. For some industrial facilities final conceptual drawings for all or parts of the system may be substituted for plans and specifications with the permission of the department.

(12) "Sewerage system" means a system of sewers and appurtenances for the collection, transportation, pumping, treatment and disposal of domestic wastewater together with such industrial waste as may be present. By definition a sewerage system is a "domestic wastewater facility."

(13) "Sewer line extension" shall mean any pipe added or connected to an existing sewerage system, together with any pump stations: *Provided*, That the term does not include gravity side sewers which connect individual building or dwelling units to the sewer system when these side sewers are less than one hundred fifty feet in length and not over six inches in diameter.

(14) "Subsurface sewage treatment and disposal" means the physical, chemical, or bacteriological treatment and disposal of domestic wastewater within the soil profile by placement beneath the soil surface in trenches, beds, seepage pits, mounds, or fills.

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

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-020, filed 11/16/83. 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(5).

(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 sixty days prior to the time approval is desired.

(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 construction quality assurance plan;
- (d) Submission and approval of draft operation and maintenance manual;
- (e) Declaration of completion of construction by the project engineer; and
- (f) Submission of complete operation and maintenance manual.

(4) Where two or more years has lapsed since approval of the engineering report or plans and specifications and construction has not begun, it may be necessary to update that document to reflect changed conditions such as: Water quality, services availability, regulatory requirements, or engineering technology.

(5) 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.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-030, filed 11/16/83. 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 173-240-035 Restrictions--Subsurface disposal systems.** (1) Domestic wastewater facilities utilizing subsurface sewage treatment and disposal, as defined in WAC 173-240-020(5), are prohibited except under those extraordinary circumstances where no other reasonable alternatives exist and providing:

- (2) The facility is owned, operated, and maintained by a public entity, except as noted in WAC 173-240-104; and
- (3) Adequate facility construction oversight is provided by the public entity; and
- (4) The proposed project is consistent with local health and land use regulations; and
- (5) Loading rates do not exceed 1,570 gallons per day per acre of gross land area in medium sands or finer

grained soils and shall not exceed 900 gallons per day per acre of gross land in coarser grained soils or other soils where conditions are such that adequate treatment is not provided. For the purposes of this section gross land area is defined as the contiguous land area of a proposed development which might include the centerline of adjoining road or street right-of-ways.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-035, filed 11/16/83.]

**WAC 173-240-040 Review standards.** (1) The department will review general sewer plans, engineering reports, plans and specifications, and operation and maintenance manuals for domestic wastewater facilities to ascertain that the proposed facilities will be designed, constructed, operated, and maintained to meet effluent limitations and other requirements of an NPDES or state waste discharge permit, if applicable, and to meet the policies and requirements of chapters 90.48 and 90.54 RCW pertaining to prevention and control of pollution of waters of the state.

(2) In addition to the above, the department will review documents submitted pursuant to this chapter to ascertain that they are reasonably consistent with 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) Design Manual: Onsite Wastewater Treatment and Disposal Systems, U.S.E.P.A. October 1980.
- (h) Guidelines for Larger On-Site Sewage Disposal Systems, Washington State Department of Social and Health Services and Department of Ecology.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-040, filed 11/16/83. 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 requirements 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 (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-050, filed 11/16/83. 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 173-240-020(13) and 173-240-030(5). The facility plan described in federal regulation 40 CFR 35 is an "engineering report."

(2) The engineering report shall 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 (5).

(3) The engineering report shall include the following information together with any other relevant data as requested by the department:

(a) The name, address, and telephone number of the owner of the proposed facilities, and his authorized representative.

(b) A project description including a location map and a map of the present and proposed service area.

(c) A statement of the present and expected future quantity and quality of wastewater, including any industrial wastes which may be present or expected in the sewer system.

(d) 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.

(e) A description of the receiving water, applicable water quality standards, and how water quality standards will be met outside of any applicable dilution zone.

(f) 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.

(g) 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.

(h) 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.

(i) A flow diagram showing general layout of the various units, the location of the effluent discharge, and a hydraulic profile of the system that is the subject of the engineering report and any hydraulically related portions.

(j) A discussion of infiltration and inflow problems, overflows and bypasses, and proposed corrections and controls.

(k) A discussion of any special provisions for treating industrial wastes, including any pretreatment requirements for significant industrial sources.

(l) Detailed outfall analysis or other disposal method selected.

(m) A discussion of the method of final sludge disposal and any alternatives considered.

(n) Provision for future needs.

(o) Staffing and testing requirements for the facilities.

(p) 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.

(q) 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.

(r) A statement regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

(4) The engineering report for projects utilizing land application, including seepage lagoons, irrigation, and 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) Geohydrologic evaluation of such factors as:

(i) Depth to ground water and ground water movement during different times of the year;

(ii) Water balance analysis of the proposed discharge area;

(iii) Overall effects of the proposed facility upon the ground water in conjunction with any other land application facilities that may be present;

(c) Availability of public sewers;

(d) 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: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-060, filed 11/16/83. 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," and shall include a listing of the facility design criteria and a plan for interim operation of facilities during construction.

(2) Plans and specifications for sewer line extensions shall include, as a separate report, an analysis of the existing collection and treatment systems ability to transport and treat additional flow and loading.

(3) 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(5).

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-070, filed 11/16/83. 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 173-240-075 Construction quality assurance plan. (1)

Prior to construction a detailed plan must be submitted to the department showing how adequate and competent construction inspection will be provided.

(2) The construction quality assurance plan shall include:

(a) Construction schedule with a summary of planned construction activities, their sequence, interrelationships, durations, and terminations.

(b) Description of the construction management organization, management procedures, lines of communication, and responsibility.

(c) Description of anticipated quality control testing including type of test, frequency, and who will perform the tests.

(d) Description of the change order process including who will initiate change orders, as well as who will review, negotiate, and approve change orders.

(e) Description of the technical records handling methodology including where plans and specifications, as-built drawings, field orders, and change orders will be kept.

(f) Description of construction inspection program including inspection responsibility, anticipated inspection frequency, deficiency resolution, and inspector qualifications.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-075, filed 11/16/83.]

#### 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) In order to assure proper operation during construction and timely review and approval of the final operation and maintenance manual, a draft manual shall be submitted in the early stages of the construction of a facility. In addition, manufacturer's information on equipment must be available to the plant operator prior to unit start-up.

(4) 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 discussion of how the treatment facilities are to be operated during anticipated maintenance procedures, and under less than design loading conditions, if applicable, such as initial loading on a system designed for substantial growth.

(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 stating the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(l) Emergency plans and procedures.

(5) In those cases where the facility does not include mechanical components, an operation and maintenance manual, which may be less detailed than that described

in subsection (4) 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: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-080, filed 11/16/83. 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 Declaration of construction completion.**

(1) 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) one complete set of record drawings or as-builts (b) a declaration stating the facilities were constructed in accordance with the provisions of the construction quality assurance plan and without significant change from the department approved plans and specifications.

(2) The declaration will be furnished by the department and will be the same form as WAC 173-240-095, declaration of construction of water pollution control facilities. The submission of the declaration 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: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-090, filed 11/16/83. 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 173-240-095 Form--Declaration of construction of water pollution control facilities.**

DECLARATION 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, declaring that the project was constructed in accordance with the provisions of the construction quality assurance plan and 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 to which the declaration applies. A declaration of construction must be submitted for each phase of a project as it is completed. Additional declaration 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 declare that I am the project engineer of the above identified project and that said project was reviewed and observed by me or my authorized agent in accordance with the provisions of the construction quality assurance plan. I further declare that said project was to the best of my knowledge and information constructed and completed in accordance with the plans and specification and major change orders approved by the department of ecology and as shown on the owner's "as-built" plans.

----- SEAL
Signature or Professional Engineer OF
DATE ----- 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 3601 W. Washington Yakima, 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
Municipal Division Department of Ecology PV-11 Olympia, WA 98503

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-095, filed 11/16/83.]

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 of the facility. 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: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-100, filed 11/16/83. 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 173-240-104 Ownership and operation and maintenance. (1) Domestic sewage facilities will not be approved unless ownership and responsibility for operation and maintenance is by a public entity except as provided in subsections (2) and (3) of this section. If a

waste discharge permit is required it must be issued to the public entity. Nothing herein precludes a public entity from contracting operation and maintenance of domestic sewage facilities.

(2) Ownership by nonpublic entities may be approved if the department determines such ownership is in the public interest; provided there is an enforceable contract, approved by the department, between the nonpublic entity and a public entity with an approved sewer general plan which will assure immediate assumption of the system under the following conditions:

(a) Treatment efficiency is unsatisfactory either as a result of plant capacity or physical operation; or

(b) If such assumption is necessary for the implementation of a general sewer plan.

(3) The following domestic wastewater facilities would not require public entity ownership, operation, and maintenance:

(a) Those facilities existing or approved for construction as of the effective date of this section, until such time as the facility is expanded to accommodate additional development.

(b) Those facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered commercial establishments for the purpose of this section.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-104, filed 11/16/83.]

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 plans and specifications for the project shall be submitted to and approved by the department.

(2) All engineering reports and plans and specifications 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 (5).

(a) Submission and approval of an engineering report;

(b) Submission and approval of plans and specifications;

(c) Submission of an operation and maintenance manual.

(4) Where two or more years has elapsed since approval of the engineering report or plans and specifications, it may be necessary to update that document to reflect changed water quality conditions, regulatory requirements, or engineering technology.

(5) Upon request by the owner, the department may waive the requirement for a three step submission of documents for industrial facilities. In such a case the department will require instead conceptual plans which also include the appropriate (as determined by the department) information from the engineering report and an operation and maintenance manual.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-110, filed 11/16/83. 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.** The department will review engineering reports, plans and specifications, and operation and maintenance manuals for industrial wastewater facilities to ascertain that the proposed facilities will be designed, constructed, operated and maintained to meet effluent limitations and other requirements of an NPDES or state waste discharge permit, if applicable, and to meet the policies and requirements of chapters 90.48 and 90.54 RCW pertaining to prevention and control of pollution of waters of the state, and will be consistent with good engineering practices.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-120, filed 11/16/83. 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 plans and specifications can be developed from it without substantial changes. Two copies 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) The amount and kind of chemicals used in the treatment process, if any.
- (e) The basic design data and sizing calculations of the treatment units.
- (f) A discussion of the suitability of the proposed site for the facility.
- (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 material 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) A description of the receiving water, location of the point of discharge, applicable water quality standards, and how water quality standards will be met outside of any applicable dilution zone.
- (m) Detailed outfall analysis.
- (n) The relationship to existing treatment facilities, if any.
- (o) Where discharge is to a municipal sewerage system, a discussion of that systems ability to transport and treat the proposed industrial waste discharge without exceeding the municipality's allocated industrial capacity. Also, a discussion on the effects of the proposed industrial discharge on municipal sludge utilization or disposal.
- (p) Where discharge is through land application, including seepage lagoons, irrigation, and subsurface disposal, a geohydrologic evaluation of such factors as:
  - (i) Depth to ground water and ground water movement during different times of the year;
  - (ii) Water balance analysis of the proposed discharge area;
  - (iii) Overall effects of the proposed facility upon the ground water in conjunction with any other land application facilities that may be present.
- (q) 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 and/or pretreatment standards.
- (r) A discussion of the method of final sludge disposal selected and any alternatives considered with reasons for rejection.
- (s) A statement as to who will own, operate, and maintain the system after construction.
- (t) 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.
  - (u) Provisions for any committed future plans.
  - (v) A discussion of the various alternatives evaluated, if any, and reasons they are unacceptable.
  - (w) A timetable for final design and construction.
  - (x) A statement regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), if applicable.
- (y) 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 solid waste 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: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-130, filed 11/16/83. 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 Plans and specifications.** (1) Upon request of the owner the department may, at its discretion, allow submission of conceptual plans for industrial facilities, as noted in WAC 173-240-110(5). Two copies of the plans and specifications shall be submitted to the department for approval prior to start of construction.

(2) The plans and specifications 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 may be waived where the three step submission of documents has been waived pursuant to WAC 173-240-110(5).

(g) Instrumentation, controls, and sampling schematics.

(h) General operating procedures such as startup, shutdown, spills, etc.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-140, filed 11/16/83. 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 to be submitted to the department for review and approval. 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 discussion of how the facilities are to be operated during anticipated startups and shutdowns, maintenance procedures, and less than design loading conditions, so as to maintain efficient treatment.

(h) A section on laboratory procedures including sampling techniques, monitoring requirements, and sample analysis.

(i) Recordkeeping procedures and sample forms to be used.

(j) A maintenance schedule incorporating manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

(k) A section on safety.

(l) A section containing the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(m) Emergency plans and procedures.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-150, filed 11/16/83. 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, and plans and specifications 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 industrial wastewater facilities.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-160, filed 11/16/83. 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 or industrial wastewater facilities.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-170, filed 11/16/83. 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 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: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-180, filed 11/16/83. 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, the state construction 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 federal construction grants program may 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. 80-08-050 (Order DE 80-24), § 173-255-040, filed 6/30/80; 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 173-303 WAC

### DANGEROUS WASTE REGULATIONS

#### WAC

173-303-010	Purpose.
173-303-016	Identifying solid waste.
173-303-017	Recycling processes involving solid waste.
173-303-020	Applicability.
173-303-030	Abbreviations.
173-303-040	Definitions.
173-303-045	References to EPA's hazardous waste and permit regulations.
173-303-050	Department of ecology cleanup authority.

- 173-303-060 Notification and identification numbers.
- 173-303-070 Designation of dangerous waste.
- 173-303-071 Excluded categories of waste.
- 173-303-072 Procedures and bases for exempting and excluding wastes.
- 173-303-075 Certification of designation.
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- 173-303-081 Discarded chemical products.
- 173-303-082 Dangerous waste sources.
- 173-303-083 Infectious dangerous wastes.
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- 173-303-090 Dangerous waste characteristics.
- 173-303-100 Dangerous waste criteria.
- 173-303-101 Toxic dangerous wastes.
- 173-303-102 Persistent dangerous wastes.
- 173-303-103 Carcinogenic dangerous wastes.
- 173-303-104 Generic dangerous waste numbers.
- 173-303-110 Sampling and testing methods.
- 173-303-120 Recycled, reclaimed, and recovered wastes.
- 173-303-121 (Reserved.)
- 173-303-130 Containment and control of infectious wastes.
- 173-303-140 Disposal of extremely hazardous waste.
- 173-303-141 Treatment, storage, or disposal of dangerous waste.
- 173-303-145 Spills and discharges into the environment.
- 173-303-150 Division, dilution, and accumulation.
- 173-303-160 Containers.
- 173-303-161 Overpacked containers (labpacks).
- 173-303-170 Requirements for generators of dangerous waste.
- 173-303-180 Manifest.
- 173-303-190 Preparing dangerous waste for transport.
- 173-303-200 Accumulating dangerous waste on-site.
- 173-303-201 Special accumulation standards.
- 173-303-210 Generator recordkeeping.
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- 173-303-230 Special conditions.
- 173-303-240 Requirements for transporters of dangerous waste.
- 173-303-250 Dangerous waste acceptance, transport, and delivery.
- 173-303-260 Transporter recordkeeping.
- 173-303-270 Discharges during transport.
- 173-303-280 General requirements for dangerous waste management facilities.
- 173-303-290 Required notices.
- 173-303-300 General waste analysis.
- 173-303-310 Security.
- 173-303-320 General inspection.
- 173-303-330 Personnel training.
- 173-303-340 Preparedness and prevention.
- 173-303-350 Contingency plan and emergency procedures.
- 173-303-360 Emergencies.
- 173-303-370 Manifest system.
- 173-303-380 Facility recordkeeping.
- 173-303-390 Facility reporting.
- 173-303-395 Other general requirements.
- 173-303-400 Interim status facility standards.
- 173-303-420 Siting standards.
- 173-303-430 Performance standards.
- 173-303-440 Buffer monitoring zones.
- 173-303-500 Recycling requirements for state-only dangerous waste.
- 173-303-505 Special requirements for recyclable materials used in a manner constituting disposal.
- 173-303-510 Special requirements for dangerous wastes burned for energy recovery.
- 173-303-515 Special requirements for used oil burned for energy recovery.
- 173-303-520 Special requirements for reclaiming spent lead acid battery wastes.
- 173-303-525 Special requirements for recyclable material utilized for precious metal recovery.
- 173-303-550 Special requirements for facilities managing moderate risk waste.
- 173-303-560 Minimum standards for facilities managing moderate risk waste.
- 173-303-575 (Reserved.)
- 173-303-600 Final facility standards.
- 173-303-610 Closure and postclosure.
- 173-303-620 Financial requirements.
- 173-303-630 Use and management of containers.
- 173-303-640 Tanks.
- 173-303-645 Ground water protection.
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- 173-303-655 Land treatment.
- 173-303-660 Waste piles.
- 173-303-665 Landfills.
- 173-303-670 Incinerators.
- 173-303-700 Requirements for the Washington state extremely hazardous waste management facility at Hanford.
- 173-303-800 Permit requirements for dangerous waste management facilities.
- 173-303-801 Types of dangerous waste management facility permits.
- 173-303-802 Permits by rule.
- 173-303-804 Emergency permits.
- 173-303-805 Interim status permits.
- 173-303-806 Final facility permits.
- 173-303-807 Trial burns for dangerous waste incinerator final facility permits.
- 173-303-808 Demonstrations for dangerous waste land treatment final facility permits.
- 173-303-809 Demonstration permit for new chemical, physical, or biological treatment processes.
- 173-303-810 General permit conditions.
- 173-303-815 (Reserved.)
- 173-303-820 (Reserved.)
- 173-303-825 (Reserved.)
- 173-303-830 Permit changes.
- 173-303-840 Procedures for decision making.
- 173-303-845 Appeal of decision.
- 173-303-900 Public involvement and participation.
- 173-303-910 Petitions.
- 173-303-950 Violations and enforcement.
- 173-303-960 Special powers and authorities of the department.
- 173-303-9901 Flow chart for designating dangerous wastes.
- 173-303-9902 Narrative for designating dangerous wastes.
- 173-303-9903 Discarded chemical products list.
- 173-303-9904 Dangerous waste sources list.
- 173-303-9905 Dangerous waste constituents list.
- 173-303-9906 Toxic dangerous waste mixtures graph.
- 173-303-9907 Persistent dangerous waste mixtures graph.

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

173-303-275 Transfer facilities (or collection facilities). [Statutory Authority: Chapter 70.105 RCW and RCW 70.95-.260. 82-05-023 (Order DE 81-33), § 173-303-275, filed 2/10/82.] Repealed by 84-14-031 (Order DE 84-22), filed 6/27/84. Statutory Authority: Chapter 70.105 RCW.

**WAC 173-303-010 Purpose.** This regulation implements chapter 70.105 RCW, the Hazardous Waste Management Act of 1976 as amended in 1980 and 1983, and implements, in part, chapter 70.105A RCW, and Subtitle C of Public Law 94-580, the Resource Conservation and Recovery Act, which the legislature has empowered the department to implement. The purposes of this regulation are to:

- (1) Designate those solid wastes which are dangerous or extremely hazardous to the public health and environment;
- (2) Provide for surveillance and monitoring of dangerous and extremely hazardous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely;
- (3) Provide the form and rules necessary to establish a system for manifesting, tracking, reporting, monitoring, recordkeeping, sampling, and labeling dangerous and extremely hazardous wastes;

(4) Establish the siting, design, operation, closure, post-closure, financial, and monitoring requirements for dangerous and extremely hazardous waste transfer, treatment, storage, and disposal facilities;

(5) Establish design, operation, and monitoring requirements for managing the state's extremely hazardous waste disposal facility;

(6) Establish and administer a program for permitting dangerous and extremely hazardous waste management facilities; and

(7) Encourage recycling, reuse, reclamation, and recovery to the maximum extent possible.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-010, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-010, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-010, filed 2/10/82. Formerly WAC 173-302-010.]

**WAC 173-303-016 Identifying solid waste.** (1) Purpose and applicability.

(a) The purpose of this section is to identify those materials that are and are not solid wastes.

(b) (i) The definition of solid waste contained in this section applies only to wastes that also are dangerous for purposes of the regulations implementing chapter 70.105 RCW. For example, it does not apply to materials (such as nondangerous scrap, paper, textiles, or rubber) that are not otherwise dangerous wastes and that are recycled.

(ii) This section identifies only some of the materials which are solid wastes and dangerous wastes under chapter 70.105 RCW. A material which is not defined as a solid waste in this section, or is not a dangerous waste identified or listed in this section, is still a solid waste and a dangerous waste for purposes of these sections if reason and authority exists under chapter 70.105 RCW and WAC 173-303-960. Within the constraints of chapter 70.105 RCW, this shall include but not be limited to any material that: Is accumulated, used, re-used, or handled in a manner that poses a threat to public health or the environment; or, due to the dangerous constituent(s) in it, when used or reused would pose a threat to public health or the environment.

(c) Certain materials are solid wastes but are excluded from the requirements of this chapter by WAC 173-303-071.

(2) The following terms are used and shall have the meanings as defined in WAC 173-303-040:

(a) Boiler	WAC 173-303-040(8)
(b) By-product	WAC 173-303-040(9)
(c) Incinerator	WAC 173-303-040(41)
(d) Industrial furnace	WAC 173-303-040(43)
(e) Reclaim	WAC 173-303-040(72)
(f) Recover	WAC 173-303-040(73)
(g) Recycle	WAC 173-303-040(74)
(h) Used or reused (see reuse or use)	WAC 173-303-040(77)
(i) Sludge	WAC 173-303-040(81)
(j) Scrap metal	WAC 173-303-040(82)
(k) Spent material	WAC 173-303-040(83)

(3) Definition of solid waste.

(a) A solid waste is any discarded material that is not excluded by WAC 173-303-017(2) or that is not excluded by variance granted under WAC 173-303-017(5).

(b) A discarded material is any material which is:

(i) Abandoned, as explained in subsection (4) of this section; or

(ii) Recycled, as explained in subsection (5) of this section; or

(iii) Considered inherently waste-like, as explained in subsection (6) of this section.

(4) Materials are solid waste if they are abandoned by being:

(a) Disposed of; or

(b) Burned or incinerated; or

(c) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(5) Materials are solid wastes if they are recycled—or accumulated, stored, or treated before recycling—as specified in (a) through (d) of this subsection.

(a) Used in a manner constituting disposal. Materials noted with a "\*" in column 1 of Table 1 are solid wastes when they are:

(i)(A) Applied to or placed on the land in a manner that constitutes disposal; or

(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-100 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(b) Burning for energy recovery. Materials noted with a "\*" in column 2 of Table 1 are solid wastes when they are:

(i)(A) Burned to recover energy;

(B) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).

(C) Contained in fuels (in which case the fuel itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-100 are not solid wastes if they are themselves fuels.

(c) Reclaimed. Materials noted with a "\*" in column 3 of Table 1 are solid wastes when reclaimed.

(d)(i) Accumulated speculatively. Materials noted with a "\*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

(ii) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, or transferred to a different site for recycling, equals at least

seventy-five percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the seventy-five percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units

that would be exempt from regulation under WAC 173-303-071 (3)(n) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

TABLE 1

	Use constituting disposal WAC 173-303- 016 (5)(a)	Energy recovery/ fuel WAC 173-303- 016 (5)(b)	Reclamation WAC 173-303- 016 (5)(c)	Speculative accumulation WAC 173-303- 016 (5)(d)
Spent materials	(*)	(*)	(*)	(*)
Commercial chemical products	(*)	(*)	—	—
By-products listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
Sludges listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic <sup>1</sup> or criteria <sup>2</sup>	(*)	(*)	—	(*)
Sludges exhibiting a characteristic <sup>1</sup> or criteria <sup>2</sup>	(*)	(*)	—	(*)
Scrap metal	(*)	(*)	(*)	(*)

Note: The terms "spent materials," "sludges," "by-products," and "scrap metal" are defined in WAC 173-303-040.

<sup>1</sup> The characteristics of dangerous waste are described in WAC 173-303-090.

<sup>2</sup> The dangerous waste criteria are described in WAC 173-303-084 and 173-303-101 through 173-303-103.

(6) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

(a) Dangerous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

(b) The department will use the following criteria to add wastes to (a) of this subsection:

(i)(A) The materials are ordinarily disposed of, burned, or incinerated; or

(B) The materials contain toxic constituents listed in WAC 173-303-9905 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

(ii) The material may pose a substantial hazard to human health or the environment when recycled.

(7) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the

material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-016, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-016, filed 6/27/84.]

**WAC 173-303-017 Recycling processes involving solid waste.** (1) The purpose of this section is to identify those materials that are and are not solid wastes when recycled. Certain materials, as described in subsection (2) of this section, would not typically be considered to involve waste management and are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to the recycling requirements of WAC 173-303-120.

(2) General categories of materials that are not solid waste when recycled.

(a) Except as provided in subsection (3) of this section, materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product provided the materials are not being reclaimed; or

(ii) Used or reused as effective substitutes for commercial products; or

(iii) Returned to the original process from which they are reclaimed. The material must be returned as a substitute for raw material feedstock, and the process must use raw materials as principal feedstocks.

(b) Except as provided in subsection (3) of this section, the department has determined that the following materials when used as described are not solid wastes:

(i) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process;

(ii) Spent pickle liquor which is reused in wastewater treatment at a facility holding a national pollutant discharge elimination system (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(iii) Spent sulfuric acid used to produce virgin sulfuric acid.

(3) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (as described in subsection (2)(a) of this section):

(a) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(b) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(c) Materials accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii); or

(d) Materials listed in WAC 173-303-016(6); or

(e) Any materials that the department determines are being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment.

(4) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(5) Variances from classification as a solid waste.

(a) In accordance with the standards and criteria in (b) of this subsection and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that the following recycled materials are not solid wastes:

(i) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in WAC 173-303-016 (5)(d)(ii));

(ii) Materials that are reclaimed and then reused within the original primary production process in which they were generated;

(iii) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered.

(b) Standards and criteria for variances from classification as a solid waste.

(i) The department may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The department's decision will be based on the following standards and criteria:

(A) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);

(B) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five percent of the volume accumulated at the beginning of the year;

(C) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(D) The extent to which the material is handled to minimize loss;

(E) Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original primary production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(A) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(B) The prevalence of the practice on an industry-wide basis;

(C) The extent to which the material is handled before reclamation to minimize loss;

(D) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(E) The location of the reclamation operation in relation to the production process;

(F) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(G) Whether the person who generates the material also reclaims it;

(H) Other relevant factors.

(iii) The department may grant request for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation,

the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

- (A) The degree of processing the material has undergone and the degree of further processing that is required;
  - (B) The value of the material after it has been reclaimed;
  - (C) The degree to which the reclaimed material is like an analogous raw material;
  - (D) The extent to which an end market for the reclaimed material is guaranteed;
  - (E) The extent to which the reclaimed material is handled to minimize loss;
  - (F) Other relevant factors.
- (6) Variance to be classified as a boiler.

In accordance with the standards and criteria in WAC 173-303-040(8) (definition of "boiler"), and the procedures in subsection (7) of this section the department may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in WAC 173-303-040(8), after considering the following criteria:

- (a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and
  - (b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and
  - (c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and
  - (d) The extent to which exported energy is utilized; and
  - (e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and
  - (f) Other factors, as appropriate.
- (7) Procedures for variances from classification as a solid waste or to be classified as a boiler.

The department will use the following procedures in evaluating applications for variances from classification as a solid waste or applications to classify particular enclosed flame combustion devices as boilers:

- (a) The applicant must apply to the department. The application must address the relevant criteria contained in subsections (5)(b) or (6) of this section.
- (b) The department will evaluate the application and issue a draft public notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The department will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at its discretion. The department will issue a final decision after receipt of comments and after the hearing (if any), and this decision may not be appealed to the department.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-017, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-017, filed 6/27/84.]

**WAC 173-303-020 Applicability.** This chapter 173-303 WAC shall apply to all persons who handle dangerous wastes including, but not limited to:

- (1) Generators;
- (2) Transporters;
- (3) Owners and operators of dangerous waste recycling, transfer, storage, treatment, and disposal facilities; and
- (4) The operator of the state's extremely hazardous waste management facility.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-020, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-020, filed 2/10/82. Formerly WAC 173-302-020.]

**WAC 173-303-030 Abbreviations.** The following abbreviations are used in this regulation.

- (1) ASTM - American Society for Testing Materials
- (2) APHA - American Public Health Association
- (3) CDC - Center for Disease Control
- (4) CFR - Code of Federal Regulations
- (5) DOT - Department of Transportation
- (6) °C - degrees Celsius
- (7) DW - dangerous waste
- (8) DWS - drinking water standards of the Safe Drinking Water Act
- (9) EHW - extremely hazardous waste
- (10) EP - extraction procedure
- (11) EPA - Environmental Protection Agency
- (12) °F - degrees Fahrenheit
- (13) g - gram
- (14) IARC - International Agency for Research on Cancer
- (15) kg - kilogram (one thousand grams)
- (16) L - liter
- (17) lb - pound
- (18) LC<sub>50</sub> - lethal concentration 50 percent kill
- (19) LD<sub>50</sub> - lethal dose 50 percent kill
- (20) M - molar (gram molecular weights per liter of solution)
- (21) mg - milligram (one thousandth of a gram)
- (22) NFPA - National Fire Protection Association
- (23) NIOSH - National Institute for Occupational Safety and Health
- (24) pH - negative logarithm of the hydrogen ion concentration
- (25) POTW - publicly owned treatment works
- (26) ppm - parts per million (weight/weight)
- (27) RCRA - Resource Conservation and Recovery Act
- (28) RCW - Revised Code of Washington
- (29) TLM<sub>96</sub> - toxic limit median, 96 hours
- (30) TSD facility - transfer, treatment, storage, or disposal facility
- (31) UBC - Uniform Building Code
- (32) UFC - Uniform Fire Code
- (33) USCG - United States Coast Guard

- (34) USGS – United States Geological Survey
- (35) WAC – Washington Administrative Code
- (36) % – percent
- (37) # – number

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-030, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-030, filed 2/10/82. Formerly WAC 173-302-030.]

**WAC 173-303-040 Definitions.** When used in this regulation, the following terms have the meanings given below.

(1) "Active portion" means that portion of a facility which is not a closed portion (subsection (11) of this section), and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

(a) The effective date of the waste's designation by 40 CFR Part 261; and

(b) March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. (See also "closed portion" and "inactive portion.")

(2) "Acutely hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column.

(3) "Aquatic LC<sub>50</sub>" (same as TLM<sub>96</sub>) means a concentration in mg/L (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warm water species of fish such as *Lepomis macrochirus* (bluegill) or *Pimephales promelas* (flathead minnow), or cold water species such as salmonidae, when using the testing method described in WAC 173-303-110.

(4) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Asbestos containing waste material" means any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.

(6) "Batch" means any waste which is generated less frequently than once a month.

(7) "Berm" means the shoulder of a dike.

(8) "Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

(a)(i) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(ii) The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery

section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(iii) While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(iv) The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(b) The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

(9) "By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

(10) "Carcinogenic" means a material known to contain an IARC positive or suspected, human or animal carcinogen.

(11) "Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

(12) "Closure" means the requirements placed upon all TSD facilities to ensure that all such facilities are closed in an acceptable manner (see also "post-closure").

(13) "Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980 and 1983, and chapter 70.105A RCW, or regulations issued under authority of state law, which seeks to require compliance, or which is in the nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Management Act. A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

(14) "Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

(15) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(16) "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste or dangerous waste constituents which could threaten the public health or environment.

(17) "Contract" means the written agreement signed by the department and the state operator.

(18) "Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter (including dangerous and extremely hazardous waste), while the abbreviation "DW" will refer to that part of the regulated universe which is dangerous only, and not extremely hazardous. (See also "extremely hazardous waste" and "hazardous waste" definitions.)

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

(20) "Dermal LD<sub>50</sub>" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

(21) "Designated facility" means the facility designated by the generator on the manifest to receive a dangerous waste shipment and which is authorized pursuant to this chapter or RCRA to recycle or manage dangerous waste.

(22) "Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

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

(24) "Discharge" or "dangerous waste discharge" means the accidental or intentional release of hazardous substances, dangerous waste or dangerous waste constituents such that the substance, waste or a waste constituent may enter or be emitted into the environment. Release includes, but is not limited to, the actions of: Spilling, leaking, pumping, pouring, emitting, dumping, emptying, depositing, placing, or injecting.

(25) "Disposal" means the discharging, discarding, or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land, air, or water.

(26) "Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

(27) "Elementary neutralization unit" means a device which:

(a) Is used for neutralizing wastes which are dangerous wastes only because they exhibit the corrosivity characteristics defined in WAC 173-303-090 or are listed in WAC 173-303-081, or in 173-303-082 only for this reason; and

(b) Meets the definition of tank, container, transport vehicle, or vessel.

(28) "EPA/state identification number" or "EPA/state ID#" means the number assigned by EPA or by the department of ecology to each generator, transporter, and TSD facility.

(29) "Extremely hazardous waste" means those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

(30) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "TSD facility," "dangerous waste facility" or "waste management facility" shall be used interchangeably.

(31) "Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

(32) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

(33) "Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

(34) "Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

(35) "Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

(36) "Ground water" means water which fills voids below the land surface and in the earth's crust.

(37) "Halogenated hydrocarbons" (HH) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, iodine, or astatine. The requirements of this chapter apply to only those halogenated hydrocarbons which can be obtained using the testing method described in WAC 173-303-110, testing methods, and which are persistent dangerous wastes.

(38) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090, 173-303-101, 173-303-102, or 173-303-103.



(39) "Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW." (See also "dangerous waste" and "extremely hazardous waste" definitions.)

(40) "Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste after:

(a) The effective date of the waste's designation, for wastes designated under 40 CFR Part 261; and

(b) March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

(41) "Incinerator" means any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

(42) "Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

(43) "Industrial-furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy; cement kilns, lime kilns, aggregate kilns, phosphate kilns, blast furnaces, smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces), titanium dioxide chloride process oxidation reactors, coke ovens, methane reforming furnaces, combustion devices used in the recovery of sulfur values from spent sulfuric acid, and pulping liquor recovery furnaces. The department may decide to add devices to this list on the basis of one or more of the following factors:

(a) The device is designed and used primarily to accomplish recovery of material products;

(b) The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;

(c) The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

(d) The device burns or reduces raw materials to make a material product;

(e) The device is in common industrial use to produce a material product; and

(f) Other factors, as appropriate.

(44) "Infectious waste" means organisms or materials listed in WAC 173-303-083, infectious dangerous wastes.

(45) "Inhalation LC<sub>50</sub>" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours, kills

within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

(46) "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste.

(47) "Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805.

(48) "Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

(49) "Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste will remain after the facility is closed, this practice is disposal.

(50) "Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

(51) "Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

(52) "Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or berms of a surface impoundment, waste pile, or landfill.

(53) "Major facility" means a facility or activity classified by the department as major.

(54) "Manifest" means the shipping document, prepared in accordance with the requirements of WAC 173-303-180, which is used to identify the quantity, composition, origin, routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

(55) "Moderate risk waste" means any dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is not a regulated hazardous waste under 40 CFR Part 261, and that is designated as only DW in WAC 173-303-090, 173-303-101, 173-303-102 or 173-303-103. Any solid waste that is EHW or that is regulated by the United States EPA as hazardous waste cannot be a moderate risk waste.

(56) "NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

(57) "Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

(58) "Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

(59) "On-site" means the same, geographically contiguous, or bordering property. Travel between two properties divided by a public right of way, and owned,

operated, or controlled by the same person, shall be considered on-site travel if: (a) The travel crosses the right of way at a perpendicular intersection; or, (b) the right of way is controlled by the property owner and is inaccessible to the public.

(60) "Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

(61) "Oral LD<sub>50</sub>" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

(62) "Permit" means an authorization which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations. Permits must be issued by one of the following:

- (a) The department, pursuant to this chapter;
- (b) United States EPA, pursuant to 40 CFR Part 270; or
- (c) Another state authorized by EPA, pursuant to 40 CFR Part 271.

(63) "Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a dangerous waste permit if it meets the requirements of the provision.

(64) "Persistence" means the quality of a material which retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions.

(65) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(66) "Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the department of agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the department of agriculture by regulation. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

(67) "Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is used for treatment or storage.

(68) "Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

(69) "Polycyclic aromatic hydrocarbons" (PAH) means those hydrocarbon molecules composed of two or

more benzene rings. For the purposes of this chapter, the PAH of concern for designation are only those PAH with more than three rings and less than seven rings.

(70) "Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also "closure.")

(71) "Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

(72) "Reclaim" means to process a material in order to recover useable products, or to regenerate the material. Reclamation is the process of reclaiming.

(73) "Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

(74) "Recycle" means to use, reuse, or reclaim a material.

(75) "Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

- (a) January 26, 1983 for wastes regulated by 40 CFR Part 261;
- (b) October 31, 1984 for wastes designated only by this chapter and not regulated by 40 CFR Part 261; or
- (c) The date six months after a waste is newly identified by amendments to 40 CFR Part 261 or this chapter which cause the waste to be regulated.

(76) "Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

(77) "Reuse or use" means to employ a material either:

- (a) As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
- (b) In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

(78) "Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

(79) "Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

(80) "Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this chapter.

(81) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

(82) "Scrap metal" means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

(83) "Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

(84) "State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

(85) "Storage" means the holding of dangerous waste for a temporary period. "Accumulation" of dangerous waste, by the generator on the site of generation, is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

(86) "Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

(87) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(88) "Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed primarily of nonearthen materials to provide structural support.

(89) "Thermal treatment" means the use of a device which uses primarily elevated temperatures to treat a dangerous waste.

(90) "TLm<sub>96</sub>" means the same as "Aquatic LC<sub>50</sub>."

(91) "Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste or dangerous waste constituents into the environment during treatment.

(92) "Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

(93) "Transfer facility" or "collection facility" means a facility at which dangerous waste shipments are collected, consolidated, and stored for more than ten days before transfer to a storage, treatment, or disposal facility.

(94) "Transportation" means the movement of dangerous waste by air, rail, highway, or water.

(95) "Transporter" means a person engaged in the off-site transportation of dangerous waste.

(96) "Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

(97) "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

(98) "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

(99) "Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 (2)(b), containers.

(100) "Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

(101) "Unsaturated zone" means the zone between the land surface and the water table.

(102) "Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding ground water to wells or springs. It includes lower aquifers that are hydraulically interconnected with this aquifer within the facility property boundary.

(103) "Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

(104) "Waste water treatment unit" means a device which:

(a) Is part of a waste water treatment facility which is subject to regulation under either:

(i) Section 402 or section 307(b) of the Federal Clean Water Act; or

(ii) Chapter 90.48 RCW, State Water Pollution Control Act, provided that any dangerous waste treated at the facility is designated only by this chapter 173-303 WAC and is not regulated as hazardous waste under 40 CFR Part 261; and

(b) Handles dangerous waste as defined in WAC 173-303-070 through 173-303-103 in either of the following manner:

(i) Receives and treats or stores an influent dangerous waste water; or

(ii) Generates and accumulates or treats or stores a dangerous waste water treatment sludge; and

(c) Meets the definition of tank in WAC 173-303-040.

(105) "Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state and local statutes, regulations and ordinances and either:

(a) A continuous on-site, physical construction program has begun; or

(b) The owner or operator has entered into contractual obligation, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

(106) "New TSD facility" means a facility which began operation or for which construction commenced after November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

Any terms used in this chapter which have not been defined in this section shall have either the same meaning as set forth in Title 40 CFR Parts 260, 264, 270, and 124 or else shall have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the singular include the plural, and words in the plural include the singular.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-040, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-040, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-040, filed 2/10/82. Formerly WAC 173-302-040.]

**WAC 173-303-045 References to EPA's hazardous waste and permit regulations.** Any references in this chapter to any parts, subparts, or sections from EPA's Hazardous Waste Regulations, including 40 CFR Parts 260 through 270 and Part 124, shall be in reference to those rules as they existed on June 3, 1986, with the exception of rules adopted by EPA pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), Public Law 98-616, amending RCRA. Copies of the appropriate referenced federal requirements are available upon request from the department.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-045, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-045, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-045, filed 2/10/82.]

**WAC 173-303-050 Department of ecology cleanup authority.** The department may conduct or contract for the removal of dangerous wastes or hazardous substances where there has been or is a potential for discharge or release, regardless of quantity or concentration, which could pose a threat to public health or the environment.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-050, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-050, filed 2/10/82. Formerly WAC 173-302-060.]

**WAC 173-303-060 Notification and identification numbers.** (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who owns or operates a dangerous waste TSD facility shall have a current EPA/state identification number (EPA/state ID#). Any person who offers a dangerous waste to a transporter or to a dangerous waste TSD facility which does not have an EPA/state ID#, or whose EPA/

state ID# has been cancelled, closed, or withdrawn, shall be in violation of this regulation.

(2) Every person who must have an EPA/state ID#, and who has not already received his ID#, must notify the department by obtaining and completing a Washington state notification of dangerous waste activities, Form 2, and submitting the completed form to the department. Any person already assigned an EPA/state ID# must submit a revised notification Form 2 to the department prior to any changes to his company's name, mailing address, ownership, physical location, or type of dangerous waste activity. Any change in location will require the issuance of a new EPA/state ID#. An EPA/state ID# may not be used at new company locations. Notification of dangerous waste activities, Form 2 and instructions for its completion may be obtained by contacting the department.

(3) Any person with an EPA/state ID# may request that his ID# be withdrawn if he will no longer be handling dangerous waste at the site the ID# has been assigned to. Any person whose ID# has been withdrawn must notify the department before he uses the ID# at any later date. Notification must be in writing, except in the case of emergencies (e.g., fires, spills, etc.) such notification may be provided by telephone first, and followed within one week by a written notification. Withdrawal will only be granted if an ID# will not be used for at least two years.

(4) Any person with an EPA/state ID# may request that his ID# be cancelled or closed if he will no longer occupy the site. Notification must be in writing. An EPA/state ID# shall be considered cancelled or closed only after issuance of written confirmation by the department.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC 173-303-220 and 173-303-390. Any person that has withdrawn, closed, or cancelled their ID# and received confirmation from the department must submit an annual report for the calendar year in which their request was approved.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-060, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-060, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-060, filed 2/10/82.]

**WAC 173-303-070 Designation of dangerous waste.**

(1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

(b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter or by the department. Any person who must determine whether or not his solid waste is designated must follow the procedures set forth in subsection (3) of this section. Any person who determines by these procedures that his waste is designated DW or EHW shall be subject to all applicable requirements of this chapter.

(2)(a) Once a material has been determined to be a dangerous waste, then any solid waste generated from

the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i)(A) It does not exhibit any of the characteristics of WAC 173-303-090; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083 has been exempted pursuant to WAC 173-303-910(3); or

(ii) If originally designated only through WAC 173-303-084 or 173-303-101 through 173-303-103, does not exhibit any of the criteria of WAC 173-303-101 through 173-303-103.

Such solid waste shall include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation run-off. Precipitation run-off will not be considered a dangerous waste if it can be shown that the run-off has not been contaminated with the dangerous waste, or that the run-off is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the run-off does not exhibit any of the criteria or characteristics described in WAC 173-303-100.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(3) Designation procedures.

(a) To determine whether or not his waste is designated a person shall check his waste against the following sections, and in the following order:

(i) First, Discarded chemical products, WAC 173-303-081;

(ii) Second, Dangerous waste sources, WAC 173-303-082;

(iii) Third, Infectious dangerous wastes, WAC 173-303-083;

(iv) Fourth, Dangerous waste mixtures, WAC 173-303-084; and

(v) Last, Dangerous waste characteristics, WAC 173-303-090.

(b) In addition to the designation procedures specified in (a) of this subsection, a person may choose or may be required under subsection (4) of this section to check his waste against the following sections, and in the following order:

(i) First, Toxic dangerous wastes, WAC 173-303-101;

(ii) Second, Persistent dangerous wastes, WAC 173-303-102;

(iii) Last, Carcinogenic dangerous wastes, WAC 173-303-103.

(c) A person shall check each section, in the order set forth, until he determines that his waste is designated. Once his waste is designated through the lists or characteristics, he need not determine any other designations for his waste, except as required by subsection (4) or (5) of this section. For the purposes of designating through the criteria, if a person determines that his waste is designated DW, then he must assure that it is not also EHW by checking it against the remaining sections. If

the designation procedures identify a waste as both EHW and DW (e.g., a waste may be DW for corrosivity and EHW for EP toxicity), the waste must be designated EHW. If a person has checked his waste against each section that he is required by this section to check and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW shall comply with the requirements of WAC 173-303-072.

(4) Criteria designation required. Notwithstanding any other provisions of this chapter, the department may require any person to determine whether or not his waste is designated under the dangerous waste criteria, WAC 173-303-100 through 173-303-103, if the department has reason to believe that his waste would be designated DW or EHW by the dangerous waste criteria, or if the department has reason to believe that his waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW by the criteria). If a person, pursuant to the requirements of this subsection, determines that his waste is a dangerous waste or that its designation must be changed, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base a requirement to designate a waste by the dangerous waste criteria on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another person's already designated DW or EHW;

(c) Evidence that the person's waste has historically been a DW or EHW; or

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be DW or EHW.

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, WAC 173-303-080 through 173-303-084, and has knowledge that his waste also exhibits any of the dangerous waste characteristics, WAC 173-303-090, or that his waste also meets any of the dangerous waste criteria, WAC 173-303-101 through 173-303-103, or both, then he shall also designate his waste in accordance with those dangerous waste characteristics, or criteria, or both.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, he shall use all the dangerous waste numbers which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria. For example, if his waste is ignitable *and* contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the dangerous waste numbers of D001 and WP01. This shall not be construed as requiring a person to designate his waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified.

The QEL are used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is fully subject to the requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to certain requirements described in subsection (8) of this section.

(b) Aggregated waste quantities. A person may be generating, accumulating, or storing more than one kind of dangerous waste identified by this chapter. In such cases, the person must consider the aggregate quantity of his wastes when determining whether or not his waste amounts exceed the specific quantity exclusion limits (QEL). Waste quantities must be aggregated for all wastes with common QEL's. For the purposes of this subsection, when aggregating waste quantities, a person shall include in his calculation dangerous wastes produced by on-site treatment or recycling of dangerous wastes and dangerous wastes being accumulated or stored. For example, if a person generates, accumulates, or stores 300 pounds of an ignitable waste and 300 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (600 pounds) exceeds their common QEL of 400 pounds. On the other hand, if a person generates, accumulates, or stores one pound of an EHW discarded chemical product and 300 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 400 pounds, respective QEL's). Additional guidance on aggregating waste quantities is available from the department.

(c) The following are categories of waste that are excluded from the quantity determination and need not be aggregated as required by (b) of this subsection when calculating total waste quantities.

(i) Dangerous waste that is recycled and that is excluded from regulation under WAC 173-303-120 (2)(a), (3)(d) or (e) is not included in the quantity determinations of this section and is not subject to any requirements of this section.

(ii) (Reserved.)

(8) Small quantity generators.

(a) A person is a small quantity generator and is subject to the requirements of this subsection if his waste is designated under subsection (3) of this section, and the quantity of waste that he generates, accumulates, or stores (or the aggregated quantity if he generates more than one kind of waste) does not exceed the quantity exclusion limit for such waste (or wastes). If a person generates, accumulates, or stores any dangerous wastes that exceed the QEL, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. For example, if a person generates four pounds of an EHW discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 400 pounds), then both wastes

are fully regulated, and the person is not a small quantity generator for either waste. A small quantity generator may accumulate such listed or characteristic waste on-site, however when the quantity (or aggregate quantity) on-site at any time exceeds the quantity exclusion limit for such waste (or wastes) he will not be a small quantity generator and will be subject to all applicable requirements of this chapter. A small quantity generator who generates, accumulates, or stores waste in excess of the quantity exclusion limit and becomes subject to the full requirements of this chapter cannot again be a small quantity generator until after all dangerous waste on-site at the time he became fully regulated have been removed, treated, or disposed.

(b) A small quantity generator will not be subject to the requirements of this chapter if he:

(i) Complies with subsections (1), (2), (3), and (4) of this section; and

(ii) Either treats or disposes of his dangerous waste in an on-site facility, or ensures delivery to an off-site facility, either of which is:

(A) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

(C) Permitted to manage municipal or industrial solid waste in accordance with state or local regulations, or in accordance with another state's solid waste laws if the waste is sent out of state; or

(D) A facility that beneficially uses or reuses, or legitimately recycles or reclaims his dangerous waste, or that treats his waste prior to such recycling activities.

(c) If a small quantity generator's dangerous wastes are mixed with used oil, the mixture is subject to WAC 173-303-515 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-070, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-070, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-070, filed 2/10/82.]

**WAC 173-303-071 Excluded categories of waste.**

(1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter shall comply with the applicable requirements of WAC 173-303-072. No waste class will be

excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050:

(a) Domestic sewage, and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment;

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-084(6) or 173-303-102. For the purposes of this exclusion, asphaltic materials means materials intended and used for structural and construction purposes (e.g., roads, dikes, paving) which are produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Waste wood or wood products treated with preservatives if the waste is generated by persons who utilize the treated wood or wood products for these materials' intended end use;

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes.

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when, using EPA's PCB testing method 600/4-81-045, the waste can be shown to contain less than one part per million (ppm) PCB or when, using ASTM method D 4059-86, the waste can be shown to contain less than two parts per million (ppm) PCB;

(iii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are:

(A) Stored in a manner equivalent to the requirements of 40 CFR 761.65; and

(B) Within one year of removal from service, disposed of either in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75, in a high efficiency boiler that complies with 40 CFR 761.60 (a)(2)(iii) or (a)(3)(iii), or in a facility otherwise approved in accordance with 40 CFR 761.60(e);

(l) Samples.

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemption in (l)(i)(A) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(aa) The sample collector's name, mailing address, and telephone number;

(bb) The laboratory's name, mailing address, and telephone number;

(cc) The quantity of the sample;

(dd) The date of shipment;

(ee) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (l)(i) of this subsection;

(m) Asbestos wastes or asbestos containing wastes which would be designated only as respiratory carcinogens by WAC 173-303-084 or 173-303-103, and any other inorganic wastes which are designated only under WAC 173-303-084 or 173-303-103 because they are

respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61;

(n) Dangerous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100 through 173-303-103) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(v), (vi), (vii), (viii), or (ix).

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-071, filed 6/3/86; 85-09-042 (Order DE-85-02), § 173-303-071, filed 4/15/85; 84-09-088 (Order DE 83-36), § 173-303-071, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-071, filed 2/10/82.]

**WAC 173-303-072 Procedures and bases for exempting and excluding wastes.** (1) Purpose and applicability.

(a) The purpose of this section is to describe the procedures that will be followed by generators and the department when wastes are considered for exemption or exclusion from the requirements of this chapter. Any person(s) whose waste is exempted or excluded will not be subject to the requirements of this chapter unless the department revokes the exemption or exclusion.

(b) Any person seeking a waste exemption must submit a petition to the department according to the procedures of WAC 173-303-910(3). A petition for exemption will be assessed against the applicable bases for exemption described in subsections (3), (4), and (5) of this section.

(c) Any persons seeking to categorically exclude a class of wastes must submit a petition to the department according to the procedures of WAC 173-303-910(4). A petition for exclusion will be assessed against the applicable bases for exclusion described in subsection (6) of this section.

(2) Department procedures. When considering, granting, or denying a petition for exemption or exclusion, the department shall follow the appropriate procedures described in WAC 173-303-910(1).

(3) Bases for exempting wastes. To successfully petition the department to exempt a waste, the petitioner must demonstrate to the satisfaction of the department that:

(a) He has been able to accurately describe the variability or uniformity of his waste over time, and has been

able to obtain demonstration samples which are representative of his waste's variability or uniformity; and, either

(b) The representative demonstration samples of his waste are not designated DW or EHW by the dangerous waste criteria, WAC 173-303-100 through 173-303-103; or

(c) It can be shown, from information developed by the petitioner through consultation with the department, that his waste does not otherwise pose a threat to public health or the environment, except that this basis for exemption is not applicable to wastes which exhibit any of the characteristics specified in WAC 173-303-090.

(4) Additional bases for exempting listed wastes. In addition to the demonstrations required by subsections (3)(a) and (b) of this section, for wastes listed in WAC 173-303-081 or 173-303-082 the petitioner must also demonstrate to the satisfaction of the department that his waste is not capable of posing a substantial present or potential threat to public health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The following factors will be considered by the department when assessing such a demonstration:

(a) Whether or not the listed waste contains the constituent or constituents which caused it to be listed. (For the purposes of this subsection, the constituents referred to will include any of the dangerous waste constituents listed in WAC 173-303-9905);

(b) The nature of the threat posed by the waste constituent(s);

(c) The concentration of the constituent(s) in the waste;

(d) The potential of the constituent(s) or any degradation product of the constituent(s) to migrate from the waste into the environment under the types of improper management considered in (h) of this subsection;

(e) The persistence of the constituent(s) or any degradation product of the constituent(s);

(f) The potential for the constituent(s) or any degradation product of the constituent(s) to degrade into nonharmful constituents and the rate of degradation;

(g) The degree to which the constituent(s) or degradation product of the constituent(s) bioaccumulates in ecosystems;

(h) The plausible types of improper management to which the waste could be subjected;

(i) The quantities of the waste generated at individual generation sites or on a state-wide basis. Under this factor, the department will also consider whether or not the waste is listed under WAC 173-303-081 as a discarded chemical product and occurs in a relatively pure form. Any waste discarded chemical product which exceeds the quantity exclusion limit specified in WAC 173-303-081(2) for that waste will not be exempted;

(j) The nature and severity of the public health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent(s);



(k) Actions taken by other governmental agencies or regulatory programs based on the health or environmental threat posed by the waste or waste constituent(s); and

(l) Such other factors as may be appropriate.

(5) Bases for exempting wastes designated solely for the presence of chromium. The department will exempt a waste which is designated because of the presence of chromium if the petitioner can demonstrate that:

(a) The waste is not designated for any other characteristic under WAC 173-303-090, or for any of the criteria specified in WAC 173-303-101, 173-303-102 or 173-303-103;

(b) The waste is not listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium;

(c) The waste is typically and frequently managed in nonoxidizing environments or under nonoxidizing conditions; and

(d) Either of the following demonstrations can be made:

(i) The waste is generated from a process which uses trivalent chromium exclusively (or nearly exclusively), the process does not generate hexavalent chromium, and the chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; or

(ii) Under test procedures approved by the department, the EP extract of the waste can be shown to contain less than five milligrams per liter (5 mg/L) of hexavalent chromium.

(6) Bases for categorically excluding classes of wastes. This subsection does not apply to any waste class that includes hazardous waste regulated under 40 CFR Part 261. To successfully petition the department to categorically exclude a class of wastes, petitioners must demonstrate to the satisfaction of the department that the petition or petitions for exclusion:

(a) Accurately describe the class of wastes for which categorical exclusion is sought and show that the class of wastes does not include any wastes which would be regulated as hazardous waste under 40 CFR Part 261;

(b) Describe the variability or uniformity of the class of wastes over time and in relation to the individual wastes that comprise the class of waste;

(c) Discuss the generators and their individual wastes that belong to the class of wastes and, to the extent practical, any generators or individual wastes that, although belonging to the class of wastes, are not represented by the petition or petitions; and

(d) For each individual waste within the class of wastes, provide the demonstration described by subsection (3) of this section, except that where it is determined by consultation with the department to be impractical to provide the demonstration for each individual waste, the petitioner or petitioners shall provide the demonstration for samples of the individual wastes determined by consultation with the department to be representative of the class of wastes.

[Statutory Authority: Chapter 70.105 RCW. 84-14-031 (Order DE 84-22), § 173-303-072, filed 6/27/84.]

**WAC 173-303-075 Certification of designation.** (1) Purpose and applicability.

(a) The purpose of WAC 173-303-075 is to establish procedures by which the generator of a solid waste may apply to the department for a review of his waste, and for a determination of the designation of his waste. When a final determination is made, the department shall issue a certificate of designation which shall describe the status of the generator's waste with respect to the designation requirements of this chapter 173-303 WAC.

(b) The provisions of this section are applicable to any person who produces a solid waste, who may be subject to the requirements of this chapter 173-303 WAC as the generator of a dangerous waste and who wishes to obtain a certificate designating the status of his waste.

(2) Certification. Any person who produces a solid waste which could be a dangerous waste may apply to the department, in accordance with the guidelines published pursuant to WAC 173-303-075(4), for a certificate of designation for his waste.

(a) The certificate of designation will describe the status of the designation for a waste or wastes as follows:

(i) Either, the certificate will state that the waste or wastes listed in the certificate are designated dangerous waste; or

(ii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the designation lists or characteristics of WAC 173-303-080 through 173-303-090; or

(iii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the dangerous waste lists, characteristics or criteria, WAC 173-303-080 through 173-303-103.

(b) The certificate of designation will, at a minimum, include the following information:

(i) The name, address, telephone number and, where applicable, the EPA/state identification number of the person to whom the certificate is issued;

(ii) A statement of the status of the designation of the waste or wastes listed in the certificate and, if designated, whether DW or EHW;

(iii) A listing of the waste or wastes for which the certificate has been issued;

(iv) The signature of the director or his designee;

(v) The date on which the certificate was issued; and

(vi) The period of time or conditions for which the certificate is valid.

(c) Once a certificate of designation has been issued to a person, that person is no longer subject to the designation procedures of WAC 173-303-080 through 173-303-103, unless the period of time for which the certificate is valid expires, the conditions under which the certificate is valid change, or the department withdraws its certification of designation in accordance with WAC 173-303-075(5). If the certificate states that the waste or wastes listed in it are designated, then the person to whom the certificate is issued shall comply with all applicable requirements of this chapter 173-303 WAC. If the certificate states that the waste or wastes listed in it are not designated, then the person to whom

the certificate is issued is not subject to the requirements of this chapter 173-303 WAC, unless the certificate becomes invalid or the department withdraws its certification.

(d) While an application for a certificate of designation is pending final action by the department, the person applying for certification must comply with all applicable requirements of this chapter 173-303 WAC.

(e) While a certificate of designation is being amended, in accordance with WAC 173-303-075(5), the certificate shall remain in effect except for those parts of the certificate which the department specifically suspends.

(3) Designation. Determination of the status of designation for a waste or wastes for which a certificate of designation is being sought shall follow the procedures set forth in this subsection.

(a) A waste shall be certified as a dangerous waste if it is designated under any of the methods set forth in WAC 173-303-080 through 173-303-103.

(b) A waste shall be certified as not a dangerous waste if:

(i) It has only been checked against WAC 173-303-080 through 173-303-090 (lists and characteristics) and it is not designated; or

(ii) It has been checked against the dangerous waste lists, characteristics and criteria, WAC 173-303-080 through 173-303-103, and it is not designated.

(4) Application. Any person who wishes to apply for a certificate of designation shall do so according to the certification guidelines published by and available from the department. The department shall follow the procedures specified in the certification guidelines when considering an application for a certificate.

(5) Review of certification. Review of and changes to or withdrawal of certificates of designation shall be performed by the department according to the procedures specified in the certification guidelines, available from the department. At a minimum, the certification guidelines provide for the following procedures:

(a) The department will periodically review each certificate of designation to insure that it is current and accurately states the proper designation for the waste or wastes listed on the certificate.

(b) The department may amend, or any person with a certificate of designation may request the department to amend, any certificate in the event that changes to the certificate are necessary to keep it current or maintain its accuracy. The person will obtain concurrence of the department if he wishes to amend his certificate to reflect changes in the information on the certificate (e.g., new wastes, changes in waste properties, changes of address, etc.).

(c) The department reserves the authority to withdraw any certificate of designation if there is reason to believe that the certificate results in a threat to public health or the environment. If a certificate is withdrawn, then the waste or wastes listed on the certificate shall be subject to all applicable requirements of this chapter 173-303 WAC.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-075, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-075, filed 2/10/82.]

**WAC 173-303-080 Dangerous waste lists.** The dangerous waste lists include:

- (1) WAC 173-303-081, Discarded chemical products;
- (2) WAC 173-303-082, Dangerous waste sources;
- (3) WAC 173-303-083, Infectious dangerous wastes; and
- (4) WAC 173-303-084, Dangerous waste mixtures.

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-080, filed 2/10/82.]

**WAC 173-303-081 Discarded chemical products.**

(1) A waste shall be designated as a dangerous waste if it is handled in any of the manners described in (e) of this subsection, and if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate which has the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(c) Any containers or inner liners that have been used to hold any commercial chemical product or manufacturing chemical intermediate that has, or any off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed on the acutely dangerous chemical products list of WAC 173-303-9903, unless the containers or inner liners are empty and have been triple rinsed as described in WAC 173-303-160 (2) and (3);

(d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate which has, or of an off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(e) The materials or items described in (a), (b), (c), and (d) of this subsection are dangerous wastes when they are:

(i) Discarded or intended to be discarded as described in WAC 173-303-016 (3)(b)(i);

(ii) Burned for purposes of energy recovery in lieu of their original intended use;

(iii) Used to produce fuels in lieu of their original intended use;

(iv) Applied to the land in lieu of their original intended use; or

(v) Contained in products that are applied to the land in lieu of their original intended use.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in subsection (1) of this section, shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) per month or per batch. Such wastes are designated EHW;

(ii) For chemicals and for residues from the cleanup of spills involving chemicals designated on the moderately dangerous chemical products list of WAC 173-303-9903 - 400 lbs. (181.8 kg) per month or per batch. Such wastes are designated DW;

(iii) For containers or inner liners which held any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) of residue remaining in the containers or inner liners per month or per batch unless the containers or inner liners meet the definition of empty and have been triple rinsed as described in WAC 173-303-160 (2) and (3);

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated EHW.

(b) A person's total monthly waste quantity shall be the sum of all his wastes which share a common quantity exclusion limit (e.g., the total quantity of all EHW discarded chemical products, the total quantity of all residues contaminated by EHW discarded chemical products, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Dangerous waste numbers and mixtures. A waste which has been designated as a discarded chemical product dangerous waste shall be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals which caused the waste to be designated. If a person mixes a solid waste with a waste that would be designated as a discarded chemical product under this section, then the entire mixture shall be designated. The mixture designation shall be the same as the designation for the discarded chemical product which was mixed with the solid waste. For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004; EHW designation) and 22 lbs. (10 kg) of a solid waste, would be designated as an EHW, and would have the dangerous waste number P004.

(4) For the purposes of this chapter, the term "acutely hazardous waste" shall include discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-081, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-081, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-081, filed 2/10/82.]

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**WAC 173-303-082 Dangerous waste sources. (1)** The dangerous waste sources list appears in WAC 173-303-9904. Any waste which is listed or which is a residue from the management of a waste listed on the dangerous waste sources list shall be designated a dangerous waste, and shall be identified as DW, except that WAC 173-303-9904 includes several footnotes describing circumstances under which certain dangerous waste sources should be designated EHW rather than DW.

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. For the purposes of this chapter, the term "acutely hazardous waste" shall include dangerous waste sources F020, F021, F022, F023, F026, and F027;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection; or

(c) 400 lbs. (181.8 kg) per month or per batch for all other wastes.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. If a person mixes a solid waste with a waste that would be designated as a dangerous waste source under this section, then the entire mixture shall be designated as a dangerous waste source. The mixture shall have the same designation (DW or EHW), and shall have the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) For the purposes of this section, any dangerous waste source listed in WAC 173-303-9904 which lists more than one chemical compound must be designated as a dangerous waste if it contains any one or any combination of the listed chemical compounds. For example, a spent nonhalogenated solvent containing both xylene and acetone must be designated as dangerous waste source F003.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-082, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-082, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-082, filed 2/10/82.]

**WAC 173-303-083 Infectious dangerous wastes. (Reserved.)**

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-083, filed 2/10/82.]

**WAC 173-303-084 Dangerous waste mixtures. (1)** Purpose. It is the purpose of this section to describe the means for designating a waste mixture containing dangerous wastes which are not listed in WAC 173-303-081 through 173-303-083.

(1986 Ed.)

(2) References. The National Institute for Occupational Safety and Health's (NIOSH) *Registry of Toxic Effects of Chemical Substances* (Registry) is adopted by reference. The table in the United States EPA's regulations 40 CFR Table 302.4 (Spill Table) is adopted by reference.

(3) Waste mixture defined. For the purposes of this section, a waste mixture shall be any waste about which some or all of its constituents and concentrations are known, and which has not been designated as:

(a) A discarded chemical product under WAC 173-303-081;

(b) A dangerous waste source under WAC 173-303-082;

(c) An infectious dangerous waste under WAC 173-303-083; or

(d) A dangerous waste that has been designated by the criteria of WAC 173-303-101 through 173-303-103.

(4) A person who has a waste mixture shall use data which is available to him, and, when such data is inadequate for the purposes of this section, shall refer to the NIOSH Registry and/or to the EPA Spill Table to determine:

(a) Toxicity data or category for each known constituent in his waste;

(b) Whether or not each known constituent of his waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon with greater than three rings and less than seven rings; and,

(c) Whether or not each known constituent of his waste is an International Agency for Research on Cancer (IARC) human or animal, positive or suspected carcinogen.

(5) Toxicity.

(a) If a person has toxic constituents in his waste, he shall determine the toxic category for each known toxic constituent. The toxic category for each constituent may be determined directly from EPA'S Spill Table, or by obtaining data from the NIOSH Registry and checking this data against the toxic category table, below. If data is available for more than one of the four toxicity criteria (aquatic, oral, inhalation, or dermal), then the data of severest toxicity shall be used, and the most acutely toxic category shall be assigned to the constituent. If toxicity data for a constituent cannot be found in EPA'S Spill Table, NIOSH Registry, or other source reasonably available to a person, then he need not determine the toxic category for that constituent.

TOXIC CATEGORY TABLE

Category	TLm <sub>96</sub> (Fish) or, Aquatic (Fish) LC <sub>50</sub> (ppm)	Oral (Rat) LD <sub>50</sub> (mg/kg)	Inhalation (Rat) LC <sub>50</sub> (mg/L)	Dermal (Rabbit) LD <sub>50</sub> (mg/kg)
X	<.1	<.5	<.02	< 2
A	.1 - 1	.5 - 5	.02 - .2	2 - 20
B	1 - 10	5 - 50	.2 - 2	20 - 200
C	10 - 100	50 - 500	2 - 20	200 - 2000
D	100 - 1000	500 - 5000	20 - 200	2000 - 20,000

(b) A person whose waste mixture contains one or more toxic constituents shall determine the equivalent concentration for his waste from the following formula:

$$\text{Equivalent Concentration(\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{100000}$$

where  $\Sigma(X,A,B,C, \text{ or } D) \%$  is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste mixture contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= .01\% + \frac{0\%}{10} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10,000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So his equivalent concentration equals .031%.

(c) A person whose waste mixture contains toxic constituents shall determine his designation from the toxic dangerous waste mixtures graph in WAC 173-303-9906 by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked DW, he shall designate his waste as DW; if the plotted point is in the area marked EHW, he shall designate his waste as EHW.

(d) If a person knows only some of the toxic constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated for toxicity under this subsection.

(e) Toxic dangerous waste mixtures graph. The toxic dangerous waste mixtures graph appears in WAC 173-303-9906.

(6) Persistence.

(a) A person whose waste mixture contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of those halogenated hydrocarbons for which he knows the concentrations in his waste mixture.

Example 2. A person's waste mixture contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1-trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .02\% = .041\%$$

(b) A person whose waste mixture contains one or more polycyclic aromatic hydrocarbons with more than three rings and less than seven rings for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of those

polycyclic aromatic hydrocarbons with more than three rings and less than seven rings about which he knows the concentration in his waste mixture.

Example 3. A person's waste mixture contains: Chrysene - .08%; 3, 4 - benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

Total PAH Concentration (%) = .08% + 1.22% = 1.3%

(c) A person whose waste mixture contains halogenated hydrocarbons shall determine his designation from the persistent dangerous waste mixtures graph in WAC 173-303-9907 by finding the total halogenated hydrocarbon concentration for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total halogenated hydrocarbon concentration. If the plotted point is in the area marked DW, then he shall designate his waste DW; if the plotted point is in the area marked EHW, then he shall designate his waste EHW.

(d) A person whose waste mixture contains polycyclic aromatic hydrocarbons with more than three rings and less than seven rings shall determine his designation from the persistent dangerous waste mixtures graph in WAC 173-303-9907 by finding the total polycyclic aromatic hydrocarbon concentration of his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total polycyclic aromatic hydrocarbon concentration. If the plotted point is in the area marked EHW, then he shall designate his waste EHW. If the plotted point is outside of the area marked EHW, then his waste is not designated.

(e) If a person knows only some of the persistent constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated for persistence under this subsection.

(f) Persistent dangerous waste mixtures graph. The persistent dangerous waste mixtures graph appears in WAC 173-303-9907.

(7) Carcinogens. Any person whose waste mixture contains one or more IARC human or animal, positive or suspected carcinogen(s) shall designate his waste DW if:

(a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and

(b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.).

(c) For designation purposes, any IARC human or animal, positive or suspected carcinogen that is so rated because of studies involving implantation of the substance into test animals as sole cause for the IARC rating, shall not be carcinogenic. This additional

information is available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.

(8) Assigning dangerous waste numbers. A person whose waste is a dangerous waste mixture shall assign a dangerous waste number from the generic dangerous waste numbers table in WAC 173-303-104, Generic dangerous waste numbers. He shall assign the dangerous waste number from the table which corresponds to the designation for his dangerous waste.

[Statutory Authority: Chapter 70.105 RCW, 86-12-057 (Order DE-85-10), § 173-303-084, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-084, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-084, filed 2/10/82.]

**WAC 173-303-090 Dangerous waste characteristics.** (1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), sampling and testing methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section shall be the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910(2).

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it exhibits one or more of the dangerous waste characteristics described in subsections (5), (6), (7), and (8) of this section. If a person's solid waste exhibits one or more of these characteristics, then he shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of his waste exceeds 400 lbs. (181.8 kg.) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or,

(iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability, but is not designated as a dangerous waste

under any of the dangerous waste lists, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated DW, and shall be assigned the dangerous waste number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any one or more of the following properties:

(i) It is aqueous, and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using Method 5.2 in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*, available from the department;

(ii) It is liquid, and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*. The NACE Standard is available from the department; or

(iii) It is solid or semi-solid, and when mixed with an equal weight of water results in a solution, the liquid portion of which has the property specified in (a)(i) of this subsection. Procedures for preparing and extracting the solution and liquid are described in the test procedures of WAC 173-303-110 (3)(a).

(b) A solid waste that exhibits the characteristic of corrosivity, but is not designated as a dangerous waste under any of the dangerous waste lists, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated DW, and shall be assigned the dangerous waste number of D002.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR

173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity, but is not designated as a dangerous waste under any of the dangerous waste lists, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated DW, and shall be assigned the dangerous waste number of D003.

(8) Characteristic of EP toxicity.

(a) A solid waste exhibits the characteristic of EP toxicity if, using *Extraction Procedure Test Methods - 1981* on file with the department, the extract from a representative sample of the waste contains any of the contaminants listed in the EP toxicity list in (c) of this subsection, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract for the purposes of this subsection.

(b) A solid waste that exhibits the characteristic of EP toxicity, but is not designated as a dangerous waste under any of the dangerous waste lists, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) EP toxicity list. Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations in the EHW range shall cause that waste to be designated EHW. Any waste containing contaminants which occur at concentrations in the DW range only (i.e., no EHW contaminants), shall be designated DW.

EP TOXICITY LIST

Dangerous Waste Number	Contaminant	EHW Maximum Concentration In Extract (mg/L)	DW Maximum Concentration In Extract (mg/L)
D004	Arsenic	> 500	5 - 500
D005	Barium	> 10,000	100 - 10,000
D006	Cadmium	> 100	1 - 100
D007	Chromium	> 500	5 - 500
D008	Lead	> 500	5 - 500
D009	Mercury	> 20	0.2 - 20
D010	Selenium	> 100	1 - 100
D011	Silver	> 500	5 - 500
D012	Endrin	> 2	0.02 - 2
D013	Lindane	> 40	0.4 - 40
D014	Methoxychlor	> 1,000	10 - 1,000
D015	Toxaphene	> 50	0.5 - 50
D016	2,4-D	> 1,000	10 - 1,000
D017	2,4,5-TP Silvex	> 100	1 - 100

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-090, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-090, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-090, filed 2/10/82.]

**WAC 173-303-100 Dangerous waste criteria. (1)**  
The dangerous waste criteria consist of:

(a) Toxic dangerous wastes, WAC 173-303-101;

- (b) Persistent dangerous wastes, WAC 173-303-102;
- (c) Carcinogenic dangerous wastes, WAC 173-303-103; and
- (d) Dangerous waste characteristics, WAC 173-303-090.

(2) Applicability. Any person who has established that his waste meets any of the dangerous waste criteria is a dangerous waste generator, and shall comply with the applicable requirements set forth in this chapter. A person shall use the dangerous waste criteria to designate his waste pursuant to WAC 173-303-070 (3)(b), or (4), or to exempt his waste pursuant to WAC 173-303-072, or to otherwise establish the risk which his waste presents to public health and the environment.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-100, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-100, filed 2/10/82.]

**WAC 173-303-101 Toxic dangerous wastes.** (1)

Purpose. This section describes methods for determining the toxicity of a waste and the criteria by which a toxic waste shall be designated DW or EHW.

(2) Categorization.

(a) The following toxic category table establishes categories (X, A, B, C, or D) for particular toxicity levels. The X category is the most toxic, and the D category is least toxic. Substances which have toxicity levels below the D category are generally considered to be nontoxic.

TOXIC CATEGORY TABLE

Category	TLm96 (Fish) or Aquatic (Fish) LC50(ppm)		Oral (Rat) LD50(mg/kg)		Inhalation (Rat) LC50(mg/L)		Dermal (Rabbit) LD50 (mg/kg)	
	X	<.1		<.5		<.02		<2
A	.1 - 1		.5 - 5.02		.2 - 2		20 - 200	
B	1 - 10		5 - 50		.2 - 2		20 - 200	
C	10 - 100		50 - 500		2 - 20		200 - 2000	
D	100 - 1000		500 - 5000		20 - 200		2000 - 20,000	

(b) In order to determine the toxic categories for the constituents in his waste, a person must obtain toxicity data on the constituents either through knowledge he has about his waste, or by obtaining data from the two sources referenced in subsection (3)(a) and (b) of this section, (EPA's Spill Table and NIOSH Registry). If data obtained for a constituent is available for more than one of the toxicity criteria (aquatic, oral, inhalation, or dermal), then the data of severest toxicity shall be used to assign the most acutely toxic category to the waste constituent.

(3) Establishing waste toxicity. A person shall establish the toxicity of his waste or waste constituents by applying his knowledge about his waste, or by using the following information sources or testing methods, or all of these:

(a) The National Institute for Occupational Safety and Health (NIOSH) document *Registry of Toxic Effects of Chemical Substances* (Registry);

(b) The United States EPA's regulation 40 CFR Table 302.4 (Spill Table); and

(c) The bioassay testing methods adopted under WAC 173-303-110(3).

(4) Book designation procedure.

(a) A person may use the book designation procedure described in this paragraph only if:

(i) He knows the toxic categories (as set forth in subsection (2) of this section) for the significant toxic constituents in his waste;

(ii) He knows the concentrations of the significant toxic constituents in his waste; and

(iii) He can demonstrate to the department beyond a reasonable doubt that any waste constituents about which he has limited or no knowledge do not significantly affect the toxicity of his waste.

(b) Equivalent concentration. A person who is book designating his waste shall determine the equivalent concentration (in percent) of the toxic constituents in his waste by using the following formula:

$$\text{Equivalent Concentration (\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{1000} + \frac{\Sigma D\%}{10,000}$$

where  $\Sigma(X,A,B,C, \text{ or } D)\%$  is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{1000} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10,000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So his equivalent concentration equals .031%.

(c) Toxic dangerous waste graph. To book designate his waste, a person shall use the toxic dangerous waste mixtures graph in WAC 173-303-9906, by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked DW, he shall designate his waste DW; if the plotted point is in the area marked EHW, he shall designate his waste EHW.

(5) Designation from bioassay data. If a person has established the toxicity of his waste by means of the bioassay test methods adopted under WAC 173-303-110(3), and has determined his waste's toxicity range (C category or greater toxicity, or D category toxicity), then he shall designate his waste according to the toxic dangerous waste designation table, below.

TOXIC DANGEROUS WASTE DESIGNATION TABLE

If your waste's toxic range falls in the . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation is . . .
D Category	Greater than 400 lbs. (181.8 kg)	DW

TOXIC DANGEROUS WASTE DESIGNATION TABLE

If your waste's toxic range falls in the . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation is . . .
X, A, B, or C Category	40 - 400 lbs. (18.2 - 181.8 kg)	DW
	Greater than 400 lbs. (181.8 kg)	EHW

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-101, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-101, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-101, filed 2/10/82. Formerly chapter 173-302 WAC.]

**WAC 173-303-102 Persistent dangerous wastes. (1)**

**Purpose.** This section describes the procedures for designating wastes which contain halogenated hydrocarbons (HH) and/or polycyclic aromatic hydrocarbons with more than three rings and less than seven rings (PAH).

(2) **Concentration determination.** A person shall determine the concentration of HH and/or PAH in his waste by either testing his waste as specified in (a) of this subsection, or by the calculation procedures described in (b) of this subsection.

(a) **Concentration tests.** A person shall test his waste to determine its concentration level as follows:

(i) For HH - By using the testing methods specified in WAC 173-303-110 (3)(a)(v); and,

(ii) For PAH - By using the testing methods specified in WAC 173-303-110 (3)(a)(vi).

(b) **Concentration calculations.** If a person knows the concentrations of the significant persistent constituents in his waste, and if he can demonstrate to the department beyond a reasonable doubt that any remaining persistent constituents for which he does not know the concentrations would not contribute significantly to the total persistent concentration, then he may calculate the concentration of persistent constituents in his waste as follows:

(i) A person whose waste contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of his waste's significant halogenated hydrocarbons.

**Example 1.** A person's waste contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1-trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .02\% = .041\%$$

(ii) A person whose waste contains one or more polycyclic aromatic hydrocarbons with more than three rings and less than seven rings for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the

concentration percentages for all of his waste's significant polycyclic aromatic hydrocarbons with more than three rings and less than seven rings.

**Example 2.** A person's waste contains: Chrysene - .08%; 3, 4 - benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.3\%$$

(3) **Designation criteria and quantity.** A person whose waste contains persistent (HH or PAH) constituents shall designate his waste according to the persistent dangerous waste table, below, if his monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.).

PERSISTENT DANGEROUS WASTE TABLE

If your waste contains . . .	At a concentration level of . . .	Then your waste's designation is . . .
Halogenated	0.01 to 1.0%	DW
Hydrocarbons (HH)	greater than 1.0%	EHW
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*

\* No DW concentration level for PAH.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-102, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-102, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-102, filed 2/10/82. Formerly WAC 173-302-130.]

**WAC 173-303-103 Carcinogenic dangerous wastes.**

(1) **Criteria.** A substance which is listed in the National Institute for Occupational Safety and Health (NIOSH) document *Registry of Toxic Effects of Chemical Substances* (Registry), or any other scientific or technical documents, as an IARC (International Agency for Research on Cancer) human or animal, positive or suspected carcinogen, shall be a carcinogenic substance for the purposes of this section. Any IARC identified substance which is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a waste which easily crumbles and forms dust which can be inhaled).

(2) **Designation.** Any person whose waste contains one or more IARC carcinogen(s) shall designate his waste if:

(a) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg); and either

(b)(i) The concentration of any one IARC positive (human or animal) carcinogen exceeds 1.0% of the waste quantity. Such waste shall be designated EHW, and such designation shall take precedence over any DW designation determined by (b)(ii) or (iii) of this subsection; or

(ii) The concentration of any one IARC positive (human or animal) carcinogen exceeds 0.01% of the waste quantity. Such waste shall be designated DW; or

(iii) The total concentration summed for all IARC positive and suspected (human and animal) carcinogens exceeds 1.0% of the waste quantity. Such waste shall be designated DW.



(c) For designation purposes, any IARC human or animal, positive or suspected carcinogen that is so rated because of studies involving implantation of the substance into test animals as sole cause for the IARC rating, shall not be carcinogenic. This additional information is available in the IARC *Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans*.

[Statutory Authority: Chapter 70.105 RCW, 84-14-031 (Order DE 84-22), § 173-303-103, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-103, filed 2/10/82.]

**WAC 173-303-104 Generic dangerous waste numbers.** (1) Purpose. This section sets forth the dangerous waste number for each of the dangerous waste criteria designations.

(2) Characteristics. A waste which exhibits any of the dangerous waste characteristics, WAC 173-303-090, shall be assigned the dangerous waste number corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table shall be used for assigning dangerous waste numbers to wastes designated by the dangerous waste criteria or by WAC 173-303-084.

GENERIC DANGEROUS WASTE NUMBERS TABLE

Dangerous Waste#	Dangerous Waste Criteria and Designation
	Toxic Dangerous Wastes
WT01	EHW
WT02	DW
	Persistent Dangerous Wastes
	Halogenated Hydrocarbons
WP01	EHW
WP02	DW
	Polycyclic Aromatic Hydrocarbons
WP03	EHW
	Carcinogenic Dangerous Wastes
WC01	EHW
WC02	DW

[Statutory Authority: Chapter 70.105 RCW, 84-14-031 (Order DE 84-22), § 173-303-104, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-104, filed 2/10/82.]

**WAC 173-303-110 Sampling and testing methods.**

(1) Purpose. This section describes the testing methods which may be used in the process of designating a dangerous waste.

(2) Representative samples.

(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below, for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

- (i) Crushed or powdered material – ASTM Standard D346-75;
- (ii) Extremely viscous liquid – ASTM Standard D140-70;

- (iii) Fly ash-like material – ASTM Standard D2234-76;

- (iv) Soil-like material – ASTM Standard D1452-65;

- (v) Soil or rock-like material – ASTM Standard D420-69;

- (vi) Containerized liquid wastes – "COLIWASA" described in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985); and,

- (vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs – "Pond Sampler" described in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985).

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards which can be obtained by writing to:

ASTM  
1916 Race Street  
Philadelphia, PA 19103.

(3) Test procedures. Copies of the test procedures listed in this subsection can be obtained from the department by writing to the appropriate address below:

For copies of WDOE test methods:

Attn: Test Procedures  
Hazardous Waste Section, PV-11  
Department of Ecology  
Olympia, Washington 98504

For copies of SW 846:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20401

For copies of ASTM methods:

ASTM  
1916 Race Street  
Philadelphia, PA 19103

The document titles and included test procedures are as follows:

(a) *Chemical Testing Methods for Complying with the Dangerous Waste Regulation*, March 1982, revised July 1983, describing methods for testing:

- (i) Ignitability;
- (ii) Corrosivity, including the addendum, *Test Method for Determining pH of Solutions in Contact with Solids*, March 1984;
- (iii) Reactivity;
- (iv) EP Toxicity;
- (v) Halogenated hydrocarbons; and
- (vi) Polycyclic aromatic hydrocarbons;

(b) *Biological Testing Methods*, revised July 1981, describing procedures for:

- (i) Static acute fish toxicity test; and
- (ii) Acute oral rat toxicity test;

(c) *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, SW-846 (second edition, 1982

as amended by Update 1 (April 1984) and Update 2 (April 1985)) is adopted by reference. This includes:

(i) Method 9095 (Paint Filter Liquids Test), demonstrating the absence or presence of free liquids in either a containerized or bulk waste;

(ii) Reserved;

(d) 40 CFR Part 261 Appendix X is adopted by reference for the purpose of analysis for chlorinated dibenzo-p-dioxins and dibenzofurans;

(e)(i) The determination of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, EPA-600/4-81-045; and

(ii) Analysis of Polychlorinated Biphenyls in Mineral Insulating Oils by Gas Chromatography, ASTM Standard D 4059-86.

(4) Substantial changes to the testing methods described above shall be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent testing methods. Any person may request the department to approve an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910(2), to the department.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-110, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-110, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-110, filed 2/10/82.]

**WAC 173-303-120 Recycled, reclaimed, and recovered wastes.** (1) This section describes the requirements for persons who recycle materials that are solid wastes and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2)(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

(i) Industrial ethyl alcohol that is reclaimed;

(ii) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

(iii) Used oil that exhibits one or more of the characteristics of dangerous waste and is recycled in some other manner than being burned for energy recovery;

(iv) Scrap metal;

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

(vi) Oil reclaimed from dangerous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under WAC 173-303-515 (1)(e) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(ix) Petroleum coke produced from petroleum refinery dangerous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exhibits one or more of the characteristics of dangerous waste in WAC 173-303-090.

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The following recyclable materials are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840:

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(d) Used oil that is burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

(i) Exhibits one or more of the characteristics of a dangerous waste; or

(ii) Is designated as DW solely through WAC 173-303-084 or 173-303-101 through 173-303-103; or

(iii) Is designated solely as W001, (see WAC 173-303-515);

(e) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(f) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling.

The recycling process itself is generally exempt from regulation unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section:

(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060, and

(ii) WAC 173-303-370;

(d) Owners or operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-420 through 173-303-440,

(C) WAC 173-303-800 through 173-303-840;

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-120, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-120, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-120, filed 2/10/82.]

#### WAC 173-303-121 (Reserved.)

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-121, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-121, filed 4/18/84.]

#### WAC 173-303-130 Containment and control of infectious wastes. (Reserved.)

[Title 173 WAC—p 282]

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-130, filed 2/10/82.]

**WAC 173-303-140 Disposal of extremely hazardous waste.** No person shall dispose of designated EHW at any land disposal facility in the state other than the facility established and approved by the department for such purpose under chapter 70.105 RCW. A person is not prohibited from reclaiming, recycling, recovering, treating, detoxifying, neutralizing, or otherwise processing EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter 173-303 WAC.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-140, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-140, filed 2/10/82.]

**WAC 173-303-141 Treatment, storage, or disposal of dangerous waste.** (1) A person shall only offer a designated dangerous waste to a TSD facility which is operating either: Under a permit issued pursuant to the requirements of this chapter; or, if the TSD facility is located outside of this state, under interim status or a permit issued by United States EPA under 40 CFR Part 270, or under interim status or a permit issued by another state which has been authorized by United States EPA pursuant to 40 CFR Part 271.

(2) A person may offer a state only designated dangerous waste (not regulated as a hazardous waste by EPA) to a facility which is located outside of this state and which does not meet the requirements of subsection (1) of this section if:

(a) The facility receiving the waste will legitimately treat or recycle the dangerous waste (disposal is an unacceptable management practice);

(b) The generator has on file a letter or copy of a letter signed by the regulatory authority in the receiving state that the receiving facility may accept the waste;

(c) The generator uses a transporter with a valid EPA/state identification number;

(d) The generator complies with all other applicable requirements, including manifesting, packaging and labeling, with respect to the shipping of the waste. However, the EPA/state identification number for the receiving facility is not required on the manifest or annual report; and

(e) The generator receives from the receiving facility a signed and dated copy of the manifest.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-141, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-141, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-141, filed 2/10/82.]

**WAC 173-303-145 Spills and discharges into the environment.** (1) Purpose and applicability. This section sets forth the requirements for any person responsible for a spill or discharge into the environment, except when such release is otherwise permitted under state or federal law. For the purposes of complying with this section, a transporter who spills or discharges dangerous

waste or hazardous substances during transportation will be considered the responsible person. This section shall apply when any dangerous waste or hazardous substance is intentionally or accidentally spilled or discharged into the environment (unless otherwise permitted) such that public health or the environment are threatened, regardless of the quantity of dangerous waste or hazardous substance.

(2) Notification. Any person who is responsible for a nonpermitted spill or discharge shall immediately notify the individuals and authorities described for the following situations:

(a) For spills or discharges onto the ground or into groundwater or surface water, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, notify the appropriate regional office of the department of ecology; and

(b) For spills or discharges which result in emissions to the air, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, in western Washington notify the local air pollution control authority, or in eastern Washington notify the appropriate regional office of the department of ecology.

(3) Mitigation and control. The person responsible for a nonpermitted spill or discharge shall take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves).

(a) In addition, the department may require the person responsible for a spill or discharge to:

(i) Clean up all released dangerous wastes or hazardous substances, or to take such actions as may be required or approved by federal, state, or local officials acting within the scope of their official responsibilities. This may include complete or partial removal of released dangerous wastes or hazardous substances as may be justified by the nature of the released dangerous wastes or hazardous substances, the human and environmental circumstances of the incident, and protection required by the Water Pollution Control Act, chapter 90.48 RCW;

(ii) Designate and treat, store or dispose of all soils, waters, or other materials contaminated by the spill or discharge in accordance with this chapter 173-303 WAC. The department may require testing in order to determine the amount or extent of contaminated materials, and the appropriate designation, treatment, storage, or disposal for any materials resulting from clean-up; and

(iii) If the property on which the spill or discharge occurred is not owned or controlled by the person responsible for the incident, restore the area impacted by the spill or discharge, and replenish resources (e.g., fish, plants) in a manner acceptable to the department.

(b) Where immediate removal or temporary storage of spilled or discharged dangerous wastes or hazardous

substances is necessary to protect human health or the environment, the department may direct that removal be accomplished without a manifest, by transporters who do not have EPA/state identification numbers.

(4) Nothing in WAC 173-303-145 shall eliminate any obligations to comply with reporting requirements which may exist in a permit or under other state or federal regulations.

[Statutory Authority: Chapter 70.105 RCW, 84-09-088 (Order DE 83-36), § 173-303-145, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-145, filed 2/10/82.]

**WAC 173-303-150 Division, dilution, and accumulation.** (1) Any action taken to evade the intent of this regulation by dividing or diluting wastes to change their designation shall be prohibited, except for the purposes of treating, neutralizing, or detoxifying such wastes.

(2) Separation of a homogeneous waste into heterogeneous phases (e.g., separation of a suspension into sludge and liquid phases, or of a solvent/water mixture into solvent and water phases, etc.) shall not be considered as division, provided that the person generating the waste either:

(a) Designates the homogeneous waste before separation, and handles the entire waste accordingly; or

(b) Designates each phase of the heterogeneous waste, in accordance with the dangerous waste designation requirements of this chapter, and handles each phase accordingly.

(3) For the purposes of designation, quantities of continuously generated wastes shall be summed monthly. All wastes generated less frequently than once a month shall be considered as batch or single event wastes.

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-150, filed 2/10/82. Formerly WAC 173-302-150.]

**WAC 173-303-160 Containers.** (1) Waste quantity. Containers and inner liners shall not be considered as a part of the waste when measuring or calculating the quantity of a dangerous waste. Only the weight of the residues in nonempty or nonrinsed containers or inner liners will be considered when determining waste quantities.

(2) A container or inner liner is "empty" when:

(a) All wastes in it have been taken out that can be removed using practices commonly employed to remove materials from that type of container or inner liner (e.g., pouring, pumping, aspirating, etc.) and, whichever quantity is least, either less than one inch of waste remains at the bottom of the container or inner liner, or the volume of waste remaining in the container or inner liner is equal to one percent or less of the container's total capacity, or, if the container's total capacity is greater than one hundred ten gallons, the volume of waste remaining in the container or inner liner is no more than 0.3 percent of the container's total capacity. A container which held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure; and

(b) If the container or inner liner held acutely hazardous waste, as defined in WAC 173-303-040(2), or pesticides bearing the danger or warning label, the container or inner liner has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing shall be ten percent or more of the container's or inner liner's capacity. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (e.g., fiber or cardboard containers without inner liners), an empty container may be vacuum cleaned, struck, with the open end of the container up, three times (e.g., on the ground, with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again. Equipment used for the vacuum cleaning of residues from containers or inner liners must be decontaminated before discarding, in accordance with procedures approved by the department.

Any rinsate or vacuumed residue which results from the cleaning of containers or inner liners shall whenever possible be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner. In the case of a farmer, if the rinsate is a pesticide residue then the rinsate shall be managed or reused in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property. Otherwise, the rinsate shall be checked against the designation requirements (WAC 173-303-070 through 173-303-103) and, if designated, managed according to the requirements of this chapter.

(3) Any residues remaining in containers or inner liners that are "empty" as described in subsection (2) of this section will not be subject to the requirements of this chapter, and will not be considered as accumulated wastes for the purposes of calculating waste quantities.

(4) A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910(1).

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-160, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-160, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-160, filed 2/10/82. Formerly WAC 173-302-140.]

**WAC 173-303-161 Overpacked containers (labpacks).** Small containers of dangerous waste may be placed in overpacked drums (or labpacks) provided that the following conditions are met:

(1) Hazardous waste must be packaged in nonleaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. Inside containers must be tightly and securely sealed and, to the extent possible, should be full and have as little air as possible in them to minimize voids. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR Parts 173, 178, and 179), if those regulations specify a particular inside container for the waste;

(2) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR Parts 178 and 179) of no more than 416-liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material;

(3) The absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers in accordance with WAC 173-303-395 (1)(b);

(4) Incompatible wastes, as defined in WAC 173-303-040, must not be placed in the same outside container; and

(5) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in WAC 173-303-090 (7)(a)(v), must be treated or rendered nonreactive prior to packaging in accordance with subsections (1) through (4) of this section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (1) through (4) of this section without first being treated or rendered nonreactive.

(6) An itemized listing of the chemicals, their concentrations and quantities per labpack must be kept by the generator and must be readily available in case of an emergency during shipment, and for the purposes of preparing annual reports under WAC 173-303-220.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-161, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-161, filed 4/18/84.]

**WAC 173-303-170 Requirements for generators of dangerous waste.** (1) A person shall be a dangerous waste generator if his solid waste is designated by the requirements of WAC 173-303-070 through 173-303-103.

(a) The generator shall be responsible for designating his waste as DW or EHW.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC 173-303-072.

(2) A dangerous waste generator shall notify the department and obtain an EPA/state identification number as required by WAC 173-303-060, and shall comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) Except for the accumulation and storage of dangerous wastes for less than ninety days as allowed under WAC 173-303-200, any generator who transfers, stores, treats, or disposes of dangerous waste on-site shall perform his operations in accordance with the TSD facility requirements of this chapter.

(4) The generator of a moderate risk waste may, upon approval by the department, for moderate risk waste only:

(a) Develop and implement an alternative manifest mechanism in lieu of the requirements of WAC 173-303-180 for moderate risk waste shipments. Such alternative mechanism might employ a single manifest for multiple shipments of the same moderate risk waste,

might not require signatures or multiple copies for transporters or designated receiving facilities, and might include such other factors as the generator might develop and the department approve. The generator must, however, demonstrate to the department's satisfaction before implementing the alternative mechanism that it will assure accurate tracking and recording of waste shipments, and that the mechanism provides for the proper submission of exception reports as specified in WAC 173-303-220(2). The generator shall be responsible for assuring that all transporters and facilities involved in implementing the alternative manifest mechanism are complying with the terms and conditions of the mechanism as approved by the department; and

(b) Pursuant to the requirements of WAC 173-303-200, accumulate moderate risk waste in containers and tanks for up to one hundred eighty days, and accumulate moderate risk waste in piles for up to ninety days provided that he complies with WAC 173-303-660 (2), (3)(a), (b)(i), (ii)(A), (7), (8), and (9)(a).

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-170, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-170, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-170, filed 2/10/82.]

**WAC 173-303-180 Manifest.** Before transporting dangerous waste or offering dangerous waste for transport off the site of generation, the generator shall prepare a manifest and shall follow all applicable procedures described in this section.

(1) This subsection describes the form and contents of dangerous waste manifests. 40 CFR Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is adopted by reference. The manifest shall be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 CFR Part 262, and in addition must contain the following information in the specified shaded items of the uniform manifest:

(a) Item D, and O if the continuation sheet 8700-22A is used - The first transporter's telephone number must be provided in this space;

(b) Item F, and Q if the continuation sheet 8700-22A is used - If a second transporter is used, then the second transporter's telephone number must be provided in this space;

(c) Item H - The designated receiving facility's telephone number must be provided in this space; and

(d) Item I, and R if the continuation sheet 8700-22A is used - The dangerous waste number (e.g., F001, D006, WT02, P102) must be provided in this space for each corresponding waste entered and described under Item 11, and 28 if the continuation sheet 8700-22A is used. As discussed in subsection (5) of this section, dangerous waste numbers WL01 or WL02 may be used in this space for labpacks.

(2) The manifest shall consist of enough copies to provide the generator, transporter(s), and facility

owner/operator with a copy, and a copy for return to the generator.

(3) Manifest procedures.

(a) The generator shall:

(i) Sign and date the manifest certification by hand;

(ii) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(iii) Retain one copy in accordance with WAC 173-303-210, Generator recordkeeping.

(b) The generator shall give the remaining manifest copies to the transporter.

(c) If the transporter is unable to deliver the dangerous waste shipment to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste shipment.

(d) For shipments of dangerous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(e) For rail shipments of dangerous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

(i) The next nonrail transporter, if any; or

(ii) The designated facility if transported solely by rail; or

(iii) The last rail transporter to handle the waste in the United States if exported by rail.

(4) Special requirements for shipments to the Washington EHW facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford shall notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator shall not ship any dangerous waste without prior approval from the EHW facility. The state operator may exempt classes of waste from the requirements of WAC 173-303-180 (4)(a) and (b) where small quantities or multiple shipments of a previously approved waste are involved, or there exists an emergency and potential threat to public health and safety.

(5) Special instructions for shipment of labpacks. For purposes of completing the uniform dangerous waste manifest, dangerous waste numbers WL01 (for labpacks containing wastes designated as EHW) or WL02 (for labpacks containing wastes designated only as DW) may be used to complete Items I and R in lieu of the dangerous waste numbers that would otherwise be assigned to the contents of the labpack.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-180, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-180, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-180, filed 2/10/82. Formerly WAC 173-302-180 and 173-302-190.]

**WAC 173-303-190 Preparing dangerous waste for transport.** The generator shall fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator shall package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 CFR Parts 173, 178, and 179.

(2) Labeling. The generator shall label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator shall:

(a) Mark each package of dangerous waste in accordance with United States DOT regulations, 49 CFR Part 172; and

(b) Mark each package containing one hundred ten gallons or less of dangerous waste with the following, or equivalent words and information, displayed in accordance with 49 CFR 172.304:

HAZARDOUS WASTE - State and federal law prohibits improper disposal. If found, contact the nearest police or public safety authority, and the Washington state department of ecology or the United States Environmental Protection Agency.

Generator's Name and Address

.....  
.....  
.....

Manifest Document Number

.....

(4) Placarding. The generator shall placard, or offer to the initial transporter all appropriate placards in accordance with United States DOT regulations, 49 CFR Part 172, Subpart F.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-190, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-190, filed 2/10/82.]

**WAC 173-303-200 Accumulating dangerous waste on-site.** (1) A generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(a) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;

(b) The waste is placed in containers and the generator complies with WAC 173-303-630 (2), (3), (4), (5), (6), (8), and (9), or the waste is placed in tanks and the generator complies with WAC 173-303-640 (3), (4), (5), (6), and (7), except that in lieu of the "sufficient freeboard" requirement of WAC 173-303-640 (3)(b)(ii) for uncovered tanks, the generator must maintain a minimum freeboard of two feet. For container accumulation (including satellite areas as described in subsection (2)(c) of this section), the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas (but not including new satellite areas, unless required by the department) constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7);

(c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate); and

(e) The generator complies with the requirements for facility operators contained in WAC 173-303-330 through 173-303-360 (personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies): *Provided*, That if none of the dangerous wastes he generates are regulated as EHW under WAC 173-303-081 and no quantity of dangerous wastes he generates in one month or one batch ever exceeds 2200 pounds (1000 kilograms), then the generator need comply with the requirements of WAC 173-303-330 through 173-303-360 only if:

(i) He accumulates dangerous waste on-site for ten or more calendar days; or

(ii) He is directed by the department to so comply, due to potential threats to public health or the environment. In such case, the department may require that he comply with all of or only parts of WAC 173-303-330 through 173-303-360, as necessary to mitigate the potential threats to public health or the environment.

(2) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the quantity exclusion limit for such waste (or wastes); or

(c) The quantity of dangerous waste being accumulated in containers in a satellite area exceeds fifty-five gallons of dangerous waste or one quart of acutely hazardous waste (see WAC 173-303-040(2)). For the purposes of this section, a satellite area shall be a location at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-200, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-200, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-200, filed 2/10/82.]

**WAC 173-303-201 Special accumulation standards.**

(1) This section applies to persons who generate less than 2200 pounds (1000 kg) per month of dangerous waste. The special provisions of this section do not apply to any acutely hazardous wastes (as defined in WAC 173-303-040(2)) that are being generated or accumulated by the generator.

(2) For purposes of accumulating dangerous waste, persons who generate less than 2200 pounds (1000 kg) per month of dangerous waste are subject to all applicable provisions of WAC 173-303-200 except that in lieu of the ninety-day accumulation period, dangerous waste may be accumulated for one hundred eighty days or less.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-201, filed 6/3/86.]

**WAC 173-303-210 Generator recordkeeping.** (1)

The generator shall keep a copy of each manifest signed by the initial transporter in accordance with WAC 173-303-180(3), manifest procedures, for three years, or until he receives a signed copy from the designated facility which received the waste. The signed facility copy shall be retained for at least three years from the date the waste was accepted by the initial transporter.

(2) The generator shall keep a copy of each annual report and exception report as required by WAC 173-303-220 for a period of at least three years from the due date of each report.

(3) The generator shall keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170(1) for designating dangerous waste for at least three years from the date that the waste was last transferred for on-site or off-site TSD.

(4) Any other records required for generators accumulating wastes on-site as described in WAC 173-303-170 (4)(b) or 173-303-200 must be retained for at least three years, including, but not limited to such items as inspection logs and operating records.

(5) The periods of retention for any records described in this section shall be automatically extended during the course of any unresolved enforcement action requiring those records or upon request by the director.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-210, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-210, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-210, filed 2/10/82.]

**WAC 173-303-220 Generator reporting.** The generator shall submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual reports.

(a) A generator who holds an active EPA/state identification number shall submit annual reports to the department, on the Generator Annual Dangerous Waste Report - Form 4 according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) In addition, any generator who stores, treats, or disposes of dangerous waste on-site shall comply with the annual reporting requirements of WAC 173-303-390, Facility reporting.

(2) Exception reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The exception report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit exception reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports concerning the quantities and disposition of his dangerous waste.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-220, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-220, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-220, filed 2/10/82.]

**WAC 173-303-230 Special conditions.** (1) Exporting dangerous waste.

(a) The requirements of 40 CFR, Section 262.50 (a), (b) and (c), International Shipments, are adopted by reference.

(b) Copies of any exception reports submitted to the administrator of United States EPA shall be submitted to the director of the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer shall comply with all



the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), except that:

(a) In place of the generator's name, address and EPA/state identification number, the name and address of the foreign generator and the importer's name, address and EPA/state identification number shall be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent shall sign and date the certification and obtain the signature of the initial transporter.

(3) Triple rinsing. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use shall not be treated as a generator or as a facility owner/operator if the containers are empty as defined in WAC 173-303-160(2), and either:

(a) The rinsate is not a dangerous waste under this chapter; or

(b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide residues, he reuses or manages the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars shall handle the rinsate according to this chapter, and according to chapter 90.48 RCW, Water pollution control.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-230, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-230, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-230, filed 2/10/82.]

**WAC 173-303-240 Requirements for transporters of dangerous waste.** (1) Transporters shall comply with the requirements of WAC 173-303-060, notification and identification numbers. Transporters who are involved in interstate transport shall use the identification number assigned to their national headquarters office, unless the department requires, on a case-by-case basis, that a transporter obtain his own unique EPA/state ID#. Transporters who are involved only in intrastate transport shall use the identification number assigned to their headquarters office located within the state. Transporters who must comply with the generator requirements as a result of a spill at a terminal or during transport shall obtain a separate generator EPA/state ID# for such spill or terminal.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when such dangerous waste is required to be manifested by WAC 173-303-180.

Any person who transports moderate risk waste shall, if the generator of the waste has implemented an alternative manifest mechanism approved by the department under WAC 173-303-170 (2)(b)(i), comply with the

terms and conditions specified by the generator and approved by the department for the alternative manifest mechanism.

(3) Any person who transports a dangerous waste shall also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States DOT shipping descriptions by mixing them into a single container.

(4) These requirements shall not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or by owners/operators of permitted TSD facilities.

(5) Transporters may store manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), and (3) for ten days or less. Transporters may not accumulate or store manifested shipments of dangerous waste for more than ten days. Reference to WAC 173-303-200 in 173-303-240(3) does not constitute authority for storage in excess of ten days for transporters. Transporters who do not comply with these conditions are subject to all applicable TSD facility requirements.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-240, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-240, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-240, filed 2/10/82. Formerly WAC 173-302-210.]

**WAC 173-303-250 Dangerous waste acceptance, transport, and delivery.** (1) A transporter shall not accept dangerous waste from a generator unless it is accompanied by a manifest signed by the generator in accordance with WAC 173-303-180, Manifest.

(2) Before transporting a dangerous waste shipment, the transporter shall sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter shall return a signed copy to the generator before commencing transport.

(3) The transporter shall insure that the manifest accompanies the dangerous waste shipment.

(4) A transporter who delivers a dangerous waste to another transporter, or to the designated facility shall:

(a) Obtain the date of delivery and the handwritten signature of that transporter or designated facility owner/operator on the manifest;

(b) Retain one copy of the manifest in accordance with WAC 173-303-260, Transporter recordkeeping; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The transporter shall deliver the entire quantity of dangerous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or

(b) The alternate designated facility, if the dangerous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6) If the dangerous waste cannot be delivered in accordance with subsection (5) of this section, the transporter shall contact the generator for further directions, and shall revise the manifest according to the generator's instructions.

(7) The requirements of subsections (3), (4), and (8) of this section do not apply to water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by water (bulk shipment) to the designated facility;

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

(d) The person delivering the dangerous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with WAC 173-303-260(2).

(8) For shipments involving rail transportation, the requirements of subsections (3), (4), and (7) of this section do not apply and the following requirements do apply.

(a) When accepting dangerous waste from a nonrail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the dangerous waste;

(ii) Return a signed copy of the manifest to the nonrail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next nonrail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with WAC 173-303-260(2).

(b) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste at all times.

(c) When delivering dangerous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with WAC 173-303-260(2).

(d) When delivering dangerous waste to a nonrail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with WAC 173-303-260(2).

(e) Before accepting dangerous waste from a rail transporter, a nonrail transporter must sign and date the manifest and provide a copy to the rail transporter.

(9) Transporters who transport dangerous waste out of the United States shall:

(a) Indicate on the manifest the date the dangerous waste left the United States;

(b) Sign the manifest and retain one copy in accordance with WAC 173-303-260(3), Transporter recordkeeping; and

(c) Return a signed copy of the manifest to the generator.

[Statutory Authority: Chapter 70.105 RCW, 84-09-088 (Order DE 83-36), § 173-303-250, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-250, filed 2/10/82. Formerly WAC 173-302-220 and 173-302-230.]

**WAC 173-303-260 Transporter recordkeeping. (1)**

A transporter of dangerous waste shall keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(2) Water (bulk shipment) and rail transporter recordkeeping.

(a) For shipments delivered to the designated facility by rail or water (bulk shipment), each rail or water (bulk shipment) transporter shall retain a copy of a shipping paper containing all the information required on a manifest (excluding the EPA/state identification numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(b) For shipments of dangerous waste by rail within the United States:

(i) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required on a manifest (excluding the EPA/state identification numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter; and

(ii) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(3) A transporter who transports dangerous waste out of the United States shall keep a copy of the manifest, indicating that the dangerous waste left the United States, for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the director.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-260, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-260, filed 2/10/82.]

**WAC 173-303-270 Discharges during transport.** In the event of a spill or discharge of dangerous waste during transportation, the transporter shall comply with the requirements of WAC 173-303-145, Spills and discharges into the environment. In addition to the notices required by WAC 173-303-145, the transporter shall provide the following notifications:

(1) Give notice to the generator of the waste that a discharge has occurred;

(2) Give notice to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15;

(3) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington D.C., 20590; and,

(4) For a water (bulk shipment) transporter, give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-270, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-270, filed 2/10/82.]

**WAC 173-303-280 General requirements for dangerous waste management facilities.** (1) Applicability. The requirements of WAC 173-303-280 through 173-303-395 apply to all owners and operators of facilities which store, treat, or dispose of dangerous wastes and which must be permitted under the requirements of this chapter 173-303 WAC, unless otherwise specified in this chapter. The owner or operator of a facility which manages moderate risk waste may comply with the special requirements specified in WAC 173-303-550 through 173-303-560 in lieu of the general requirements of WAC 173-303-280 through 173-303-395, but only for those moderate risk wastes which he manages. Whenever a shipment of dangerous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements for generators, WAC 173-303-170 through 173-303-230.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of a facility present an imminent and substantial hazard to the public health and the environment, regardless of the quantity or concentration of a dangerous waste.

(3) Identification numbers. Every facility owner or operator shall apply for an EPA/state identification number from the department in accordance with WAC 173-303-060.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-280, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-280, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-280, filed 2/10/82.]

**WAC 173-303-290 Required notices.** (1) The facility owner or operator who is receiving dangerous waste from a foreign source shall notify the department in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter 173-303 WAC.

(3) The owner or operator of a facility that receives dangerous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record required under WAC 173-303-380(1).

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-290, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-290, filed 2/10/82.]

**WAC 173-303-300 General waste analysis.** (1) Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

(2) The owner or operator shall obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before he stores, treats, or disposes of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter 173-303 WAC. The analysis may include or consist of existing published or documented data on the dangerous waste, or on waste generated from similar processes, or data obtained by testing, if necessary.

(3) The owner or operator of an off-site facility shall confirm, by analysis if necessary, that each dangerous waste received at the facility matches the identity of the waste specified on the accompanying manifest or shipping paper.

(4) Analysis shall be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

(a) When the owner or operator has been notified, or has reason to believe, that the process or operation generating the dangerous waste has significantly changed; and

(b) When a dangerous waste received at an off-site facility does not match the identity of the waste specified on the manifest or the shipping paper.

(5) Waste analysis plan. The owner or operator shall develop and follow a written waste analysis plan which describes the procedures he will use to comply with the waste analysis requirements of subsections (1), (2), (3), and (4) of this section. He must keep this plan at the facility, and the plan must contain at least:

(a) The parameters for which each dangerous waste will be analyzed, and the rationale for selecting these parameters;

(b) The methods of obtaining or testing for these parameters;

(c) The methods for obtaining representative samples of wastes for analysis (representative sampling methods are discussed in WAC 173-303-110(2));

(d) The frequency with which analysis of a waste will be reviewed or repeated to ensure that the analysis is accurate and current;

(e) The waste analyses which generators have agreed to supply;

(f) Where applicable, the methods for meeting the additional waste analysis requirements for specific waste management methods as specified in 40 CFR Part 265 Subparts F through R for interim status facilities and in WAC 173-303-630 through 173-303-670 for final status facilities; and

(g) For off-site facilities, the procedures for confirming that each dangerous waste received matches the identity of the waste specified on the accompanying manifest or shipping paper. This includes at least:

(i) The procedures for identifying each waste movement at the facility; and

(ii) The method for obtaining a representative sample of the waste to be identified, if the identification method includes sampling.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-300, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-300, filed 2/10/82.]

**WAC 173-303-310 Security.** (1) The owner or operator shall comply with the requirements of this section, unless he can demonstrate to the department that:

(a) Physical contact with wastes or equipment within the active portion of the facility will not injure persons or livestock; and

(b) Disturbance of the wastes or equipment within the active portion of the facility by persons or livestock will not result in violations of this chapter 173-303 WAC.

(2) A facility must have:

(a) Signs posted at each entrance to the active portion, and at other locations, in sufficient numbers to be seen from any approach to the active portion. Signs must bear the legend, "Danger-Unauthorized personnel keep out," or an equivalent legend, written in English, and must be legible from a distance of twenty-five feet or more; and either

(b) A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or

(c) An artificial or natural barrier, or a combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times.

(3) In lieu of WAC 173-303-310(2), above, the owner or operator of a totally enclosed treatment facility

or an elementary neutralization or wastewater treatment unit (as defined in WAC 173-303-040) must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into or onto the totally enclosed treatment facility or the elementary neutralization or wastewater treatment unit.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-310, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-310, filed 2/10/82. Formerly WAC 173-302-290.]

**WAC 173-303-320 General inspection.** (1) The owner or operator shall inspect his facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of dangerous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that help prevent, detect, or respond to hazards to the public health or the environment. In addition:

(a) He must keep the schedule at the facility;

(b) The schedule must identify the types of problems which are to be looked for during inspections;

(c) The schedule shall indicate the frequency of inspection for specific items. The frequency should be based on the rate of possible deterioration of equipment, and the probability of an environmental or human health incident. Areas subject to spills must be inspected daily when in use. The inspection schedule shall also include the applicable items and frequencies required for the specific waste management methods described in 40 CFR Part 265 Subparts F through R for interim status facilities and in WAC 173-303-630 through 173-303-670 for final status facilities; and

(d) The owner or operator shall keep an inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made, and the date and nature of any repairs or remedial actions taken. The log or summary must be kept at the facility for at least three years from the date of inspection.

(3) The owner or operator shall remedy any problems revealed by the inspection, on a schedule which prevents hazards to the public health and environment. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-320, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-320, filed 2/10/82.]

**WAC 173-303-330 Personnel training.** (1) Training program. The facility owner or operator shall provide a program of classroom instruction or on-the-job training

for facility personnel. This program must teach personnel to perform their duties in a way that ensures the facility's compliance with this chapter 173-303 WAC, must teach facility personnel dangerous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed, must ensure that facility personnel are able to respond effectively to emergencies, and shall include those elements set forth in the training plan required in subsection (2) of this section. In addition:

(a) The training program shall be directed by a person knowledgeable in dangerous waste management procedures, and must include training relevant to the positions in which the facility personnel are employed;

(b) Facility personnel must participate in an annual review of the training provided in the training program;

(c) This program must be successfully completed by the facility personnel:

(i) Within six months after these regulations become effective; or

(ii) Within six months after their employment at or assignment to the facility, or to a new position at the facility, whichever is later.

Employees hired after the effective date of these regulations must be supervised until they complete the training program; and

(d) At a minimum, the training program shall familiarize facility personnel with emergency equipment and systems, and emergency procedures. The program shall include other parameters as set forth by the department, but at a minimum shall include, where applicable:

(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(ii) Key parameters for automatic waste feed cut-off systems;

(iii) Communications or alarm systems;

(iv) Response to fires or explosions;

(v) Response to ground-water contamination incidents; and

(vi) Shutdown of operations.

(2) Written training plan. The owner or operator shall develop a written training plan which must be kept at the facility and which must include the following documents and records:

(a) For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position;

(b) A written description of the type and amount of both introductory and continuing training required for each position; and

(c) Records documenting that facility personnel have received and completed the training required by this section.

(3) Training records. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at

the facility. Personnel training records may accompany personnel transferred within the same company.

[Statutory Authority: Chapter 70.105 RCW, 84-09-088 (Order DE 83-36), § 173-303-330, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-330, filed 2/10/82. Formerly WAC 173-302-320.]

#### **WAC 173-303-340 Preparedness and prevention.**

Facilities shall be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, or surface or ground water which could threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(1) Required equipment. All facilities must be equipped with the following, unless it can be demonstrated to the department that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel;

(b) A device, such as a telephone or a hand-held, two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(2) Access to communications or alarms. Personnel must have immediate access to the signalling devices described in the situations below:

(a) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (1) of this section;

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (1) of this section.

(3) Aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be

demonstrated to the department that aisle space is not needed for any of these purposes.

(4) Arrangements with local authorities. The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations, unless the hazards posed by wastes handled at the facility would not require these arrangements:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of dangerous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

(b) Arrangements to familiarize local hospitals with the properties of dangerous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

(c) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Where more than one party might respond to an emergency, agreements designating primary emergency authority and agreements with any others to provide support to the primary emergency authority.

(5) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-340, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-340, filed 2/10/82.]

**WAC 173-303-350 Contingency plan and emergency procedures.** (1) Purpose. The purpose of this section and WAC 173-303-360 is to lessen the potential impact on the public health and the environment in the event of an emergency circumstance, including a fire, explosion, or unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, surface water, or ground water by a facility. A contingency plan must be developed to lessen the potential impacts of such emergency circumstances, and the plan shall be implemented immediately in such emergency circumstances.

(2) Contingency plan. Each owner or operator must have a contingency plan at his facility for use in emergencies or sudden or nonsudden releases which threaten the public health and the environment. If the owner or operator has already prepared a spill prevention control and countermeasures (SPCC) plan in accordance with Part 112 of Title 40 CFR or Part 1510 of chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of this section and WAC 173-303-360.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with this section and WAC 173-303-360;

(b) A description of the actions which shall be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported, pursuant to the requirements of WAC 173-303-370(5), Manifest system, reasons for not accepting dangerous waste shipments;

(c) A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services;

(d) A current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1). Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates. For new facilities only, this list may be provided to the department at the time of facility certification (as required by WAC 173-303-810 (14)(a)(i)), rather than as part of the permit application;

(e) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

(f) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(4) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan shall be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendments. The owner or operator shall review and immediately amend the contingency plan, if necessary, whenever:

(a) Applicable regulations or the facility permit are revised;

(b) The plan fails in an emergency;

(c) The facility changes (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of dangerous waste or dangerous waste constituents, or in a way that changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-350, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-350, filed 2/10/82. Formerly chapter 173-302 WAC.]

**WAC 173-303-360 Emergencies.** (1) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location and properties of all wastes handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures shall be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials.

(c) Concurrently, the emergency coordinator shall assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with (i) of this subsection before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

(i) Name, address, and telephone number of the owner or operator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident (e.g., fire, explosion);

(iv) Name and quantity of material(s) involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(vii) Estimated quantity and disposition of recovered material that resulted from the incident.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-360, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-360, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-360, filed 2/10/82. Formerly chapter 173-302 WAC.]

**WAC 173-303-370 Manifest system.** (1) Applicability. The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources.

(2) If a facility receives dangerous waste accompanied by a manifest, the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest to certify that the dangerous waste covered by the manifest was received;

(b) Note any significant discrepancies in the manifest, as described in subsection (4) of this section, on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within thirty days after the delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a manifest or shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest or shipping paper to certify that the dangerous waste covered by the manifest or shipping paper was received;

(b) Note any significant discrepancies in the manifest or shipping paper, as described in subsection (4) of this section, on each copy of the manifest or shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper;

(d) Within thirty days after the delivery, send a copy of the signed and dated manifest or shipping paper to the generator. However, if the manifest is not received within thirty days after the delivery, the owner or operator, or his agent, must send a copy of the signed and dated shipping paper to the generator; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

(4) Manifest discrepancies.

(a) Manifest discrepancies are significant discrepancies between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a facility actually receives. Significant discrepancies in quantity are variations greater than ten percent in weight for bulk quantities (e.g., tanker trucks, railroad tank cars, etc.), or any variations in piece count for nonbulk quantities (i.e., any missing container or package would be a significant discrepancy). Significant discrepancies in type are obvious physical or chemical differences which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(5) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by his facility.

(a) The following shall be acceptable reasons for denying receipt of a dangerous waste shipment:

(i) The facility is not capable of properly managing the type(s) of dangerous waste in the shipment;

(ii) There is a significant discrepancy (as described in subsection (4) of this section) between the shipment and the wastes listed on the manifest or shipping paper; or

(iii) The shipment has arrived in a condition which the owner or operator believes would present an unreasonable hazard to facility operations, or to facility personnel handling the dangerous waste(s) (including, but not limited to, leaking or damaged containers, and improperly labeled containers).

(b) The owner or operator may send the shipment on to the alternate facility designated on the manifest or shipping paper, or contact the generator to identify another facility capable of handling the waste and provide for its delivery to that other facility, unless, the containers are damaged to such an extent, or the dangerous waste is in such a condition as to present a hazard to the public health or the environment in the process of further transportation.

(c) If the dangerous waste shipment cannot leave the facility for the reasons described in (b) of this subsection, then the owner or operator shall take those actions described in the contingency plan, WAC 173-303-350 (3)(b).

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-370, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-370, filed 2/10/82. Formerly chapter 173-302 WAC.]

**WAC 173-303-380 Facility recordkeeping.** (1) Operating record. The owner or operator of a facility shall keep a written operating record at his facility. The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) A description of and the quantity of each dangerous waste received or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by subsection (2) of this section, recordkeeping instructions;

(b) The location of each dangerous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each dangerous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(c) Records and results of waste analyses required by WAC 173-303-300, General waste analysis;

(d) Summary reports and details of all incidents that require implementing the contingency plan, as specified in WAC 173-303-360 (2)(k);

(e) Records and results of inspections as required by WAC 173-303-320 (2)(d), General inspection (except such information need be kept only for three years);

(f) Monitoring, testing, or analytical data where required by 40 CFR Part 265 Subparts F through R for interim status facilities, and by WAC 173-303-630 through 173-303-670 for final status facilities;

(g) All closure and post-closure cost estimates required for the facility; and

(h) For off-site facilities, copies of notices to generators informing them that the facility has all appropriate



permits, as required by WAC 173-303-290, Required notices.

(2) Recordkeeping instructions. This paragraph provides instructions for recording the portions of the operating record which are related to describing the types, quantities, and management of dangerous wastes at the facility. This information shall be kept in the operating record, as follows:

(a) Each dangerous waste received or managed shall be described by its common name and by its dangerous waste number(s) from WAC 173-303-080 through 173-303-104. Where a dangerous waste contains more than one process waste or waste constituent the waste description must include all applicable dangerous waste numbers. If the dangerous waste number is not listed then the waste description shall include the process which generated the waste;

(b) The waste description shall include the waste's physical form (i.e., liquid, solid, sludge, or gas);

(c) The weight, or volume and density, of the dangerous waste shall be recorded, using one of the units of measure specified in Table 1, below;

TABLE 1

Unit of Measure	Symbol	Density
Pounds.....	P	
Short tons (2000 lbs).....	T	
Gallons (U.S.).....	G	P/G
Cubic yards.....	Y	T/Y
Kilograms.....	K	
Tonnes (1000 kg).....	M	
Liters.....	L	K/L
Cubic meters.....	C	M/C

(d) And, the date(s) and method(s) of management for each dangerous waste received or managed (treated, recycled, stored, or disposed of) shall be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2

1. Storage
  - S01 Container (barrel, drum, etc.)
  - S02 Tank
  - S03 Waste pile
  - S04 Surface impoundment
  - S05 Other (specify)
2. Treatment
  - (a) Thermal treatment
    - T06 Liquid injection incinerator
    - T07 Rotary kiln incinerator
    - T08 Fluidized bed incinerator
    - T09 Multiple hearth incinerator
    - T10 Infrared furnace incinerator
    - T11 Molten salt destructor
    - T12 Pyrolysis
    - T13 Wet air oxidation
    - T14 Calcination
    - T15 Microwave discharge

- T16 Cement kiln
- T17 Lime kiln
- T18 Other (specify)
  - (b) Chemical treatment
    - T19 Absorption mound
    - T20 Absorption field
    - T21 Chemical fixation
    - T22 Chemical oxidation
    - T23 Chemical precipitation
    - T24 Chemical reduction
    - T25 Chlorination
    - T26 Chlorinolysis
    - T27 Cyanide destruction
    - T28 Degradation
    - T29 Detoxification
    - T30 Ion exchange
    - T31 Neutralization
    - T32 Ozonation
    - T33 Photolysis
    - T34 Other (specify)
      - (c) Physical treatment
        - (i) Separation of components
          - T35 Centrifugation
          - T36 Clarification
          - T37 Coagulation
          - T38 Decanting
          - T39 Encapsulation
          - T40 Filtration
          - T41 Flocculation
          - T42 Flotation
          - T43 Foaming
          - T44 Sedimentation
          - T45 Thickening
          - T46 Ultrafiltration
          - T47 Other (specify)
            - (ii) Removal of specific components
              - T48 Absorption-molecular sieve
              - T49 Activated carbon
              - T50 Blending
              - T51 Catalysis
              - T52 Crystallization
              - T53 Dialysis
              - T54 Distillation
              - T55 Electrodialysis
              - T56 Electrolysis
              - T57 Evaporation
              - T58 High gradient magnetic separation
              - T59 Leaching
              - T60 Liquid ion exchange
              - T61 Liquid-liquid extraction
              - T62 Reverse osmosis
              - T63 Solvent recovery
              - T64 Stripping
              - T65 Sand filter
              - T66 Other (specify)
                - (d) Biological treatment
                  - T67 Activated sludge
                  - T68 Aerobic lagoon
                  - T69 Aerobic tank
                  - T70 Anaerobic lagoon or tank
                  - T71 Composting

- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Trickling filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 (Reserved)

3. Disposal

- D80 Underground injection
- D81 Landfill
- D82 Land treatment
- D83 Ocean disposal
- D84 Surface impoundment  
(to be closed as a landfill)
- D85 Other (specify)

(3) Availability, retention and disposition of records.

(a) All facility records, including plans, required by this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

(c) A copy of records of waste disposal locations and quantities under this section must be submitted to the United States EPA regional administrator, the department, and the local land use and planning authority upon closure of the facility.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-380, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-380, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-380, filed 2/10/82. Formerly chapter 173-302 WAC.]

**WAC 173-303-390 Facility reporting.** The owner or operator of a facility is responsible for preparing and submitting the reports described in this section.

(1) Unmanifested waste reports. If a facility accepts any dangerous waste from an off-site source without an accompanying manifest or shipping paper, and if the waste is not excluded from the manifest requirements of this chapter 173-303 WAC, then the owner or operator must prepare and submit a single copy of a report to the department within fifteen days after receiving the waste. The report form and instructions in the Unmanifested Dangerous Waste Report - Form 6 (which may be obtained from the department) must be used for this report. The report must include at least the following information:

- (a) The EPA/state identification number, name, and address of the facility;
- (b) The date the facility received the waste;
- (c) The EPA/state identification number, name, and address of the generator and the transporter, if available;
- (d) A description and the quantity of each unmanifested dangerous waste the facility received;
- (e) The method of management for each dangerous waste;

(f) The certification signed by the owner or operator of the facility or his authorized representative; and

(g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual reports. The owner or operator of a facility that holds an active EPA/state identification number shall prepare and submit a single copy of an annual report to the department by March 1 of each year. The report form and instructions in the TSD Facility Annual Dangerous Waste Report - Form 5 (which may be obtained from the department) must be used for this report. In addition, any facility which ships dangerous waste off-site must comply with the annual reporting requirements of WAC 173-303-220. The annual report must cover facility activities during the previous calendar year and must include, but is not limited to the following information:

(a) The EPA/state identification number, name, and address of the facility;

(b) The calendar year covered by the report;

(c) For off-site facilities, the EPA/state identification number of each dangerous waste generator from which the facility received a dangerous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each dangerous waste the facility received during the year. For off-site facilities, this information must be listed by EPA/state identification number of each generator;

(e) The method of treatment, storage, or disposal for each dangerous waste;

(f) The most recent closure cost estimate under WAC 173-303-620(3) (or 40 CFR 265.142 for interim status facilities), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5) (or 40 CFR 265.144 for interim status facilities); and

(g) The certification signed in accordance with the requirements of WAC 173-303-810(12).

(3) Additional reports. The owner or operator shall also report to the department releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360 (2)(k) and interim status groundwater monitoring data, as specified in 40 CFR 265.94 (a)(2) and (b)(2).

In addition, the owner or operator shall submit any other reports required by the department.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-390, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-390, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-390, filed 2/10/82.]

**WAC 173-303-395 Other general requirements.** (1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from

heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter 173-303 WAC, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;

(iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(iv) Damage the structural integrity of the facility or device containing the waste; or

(v) Through other like means, threaten human health or the environment.

(c) When required to comply with (a) and (b) of this subsection, the owner or operator must document that compliance in the operating record required under WAC 173-303-380(1). This documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(d) At least yearly, the owner or operator shall inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection shall be performed in the presence of a professional person who is familiar with the Uniform Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator shall enter the following information in his inspection log or operating record as a result of this inspection:

(i) The date and time of the inspection;

(ii) The name of the professional inspector or fire marshal;

(iii) A notation of the observations made; and

(iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling, treating, processing, or disposing of dangerous wastes, the owner/operator shall design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or sanitary water discharge, control of volatile air emissions, etc.).

(3) Asbestos dangerous waste disposal requirements. All asbestos containing waste material shall be disposed of at waste disposal sites which are operated in accordance with 40 CFR Part 61 Subpart M. Such sites will not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR Part 61.

(4) Loading and unloading areas. TSD facilities which receive or ship manifested shipments of liquid dangerous waste for treatment, storage or disposal must provide for and use an area (or areas) for loading and unloading waste shipments. The loading and unloading area(s) must be designed, constructed, operated and maintained to:

(a) Contain spills and leaks that might occur during loading or unloading;

(b) Prevent release of dangerous waste or dangerous waste constituents to ground or surface waters;

(c) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

(d) Allow for removal, as soon as possible, of collected wastes resulting from spills, leaks and equipment cleaning (if any) in a manner which assures compliance with (b) of this subsection.

(5) Storage time limit for impoundments and piles.

(a) Except as provided in (b) or (c) of this subsection, dangerous waste shall not be stored in a surface impoundment or waste pile for more than five years after the waste was first placed in the impoundment or pile. For the purposes of this requirement, the five-year limit, for waste regulated under this chapter and being stored in impoundments or piles on the effective date of this requirement, will begin on August 1, 1984. The age of stored wastes must be determined on a monthly basis.

The owner/operator of a surface impoundment or waste pile used for storing dangerous waste must develop a written plan, to be kept at the facility, for complying with the five-year storage limit. The plan must describe the operating conditions, waste identification procedures (for keeping track of the age of the wastes), and a waste removal schedule, and at a minimum the plan must include the following elements:

(i) Methods for identifying the age of dangerous wastes placed in the impoundment or pile;

(ii) Where practical, procedures for segregating wastes of different ages. If the wastes cannot be practically segregated, then the age of all wastes placed in the impoundment or pile shall be deemed the same age as the oldest waste in the impoundment or pile;

(iii) A schedule for removing dangerous waste from the impoundment or pile, or for disposing of them in a timely manner to assure compliance with the five-year limit;

(iv) A description of the actions to be taken according to the schedule required by (a)(iii) of this subsection;

(v) Procedures for noting in the operating record required by WAC 173-303-380(1) that the requirements of this subsection have been satisfied; and

(vi) Such other requirements as the department specifies.

(b) If the owner/operator of a surface impoundment or waste pile can develop a written plan and schedule for developing and implementing a recycling or treatment process for the wastes stored in his impoundment or pile, then the department may grant an extension to the storage time limit required in (a) of this subsection. Such extension will be granted only once, will only apply to

those dangerous wastes covered by the recycling or treatment plan and which are less than five years old on the date that the plan is approved by the department, and will not exceed five years: *Provided*, That on a case-by-case basis the department may grant an extension of longer than five years, but in no case will any extension be granted for longer than ten years, if the owner/operator of the impoundment or pile can demonstrate to the department's satisfaction that an extension of more than five years will not pose a threat to public health or the environment, and is necessary because: Other treatment or recycling options of shorter durations are not available; the treatment or recycling plan developed by the owner/operator cannot be implemented within five years due to technological circumstances; or, such other reasons as are determined acceptable by the department. Until the department grants the extension by approving the recycling or treatment plan, the owner/operator must continue to comply with the requirements of (a) of this subsection. The recycling or treatment plan and schedule, at a minimum, must:

(i) Specify the wastes which will be recycled or treated in accordance with the plan;

(ii) Describe in detail the recycling or treatment which the owner/operator intends to perform. If the recycling or treatment will involve physical changes to the owner's/operator's facility, the plan must include descriptions of all necessary equipment, processes to be used, site plans, and maps to show any new structures, pipes, channels, waste handling areas, roads, etc.;

(iii) Discuss any permit actions (including issuance or modification) necessary under this chapter, and any other permits which will be required under other federal, state or local laws;

(iv) Establish a schedule for complying with the plan. The schedule must, at a minimum, cover:

(A) The rate at which wastes will be recycled or treated in order to comply with the extension granted by the department;

(B) Construction and equipment installation times as appropriate;

(C) Timing for complying with all required permit actions; and

(D) Such other elements as the department might require;

(v) Describe how the owner/operator will continue to comply with the requirements of (a) of this subsection for all wastes not specified in (b)(i) of this subsection;

(vi) Identify any future occurrences or situations which the owner/operator could reasonably expect to occur and which might cause him to fail to comply with his recycling or treatment plan. The owner/operator must also describe what actions he would take in the event that such occurrences or situations happen;

(vii) Be approved by the department. The plan shall not be implemented until it is approved by the department including, if necessary, issuance or modification of a facility permit as required by this chapter. Any extension granted by the department will begin on the date that the plan is approved, or the date five years after the effective date of this subsection, whichever is later; and

(viii) Include any other elements that the department might require.

(c) The owner/operator of a surface impoundment or waste pile is exempted from the requirements of (a) and (b) of this subsection if:

(i) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that the impoundment or pile is not used primarily for storage, but that it is primarily used to actively and effectively neutralize, detoxify, or otherwise treat dangerous waste; or

(ii) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that dangerous waste is removed on a frequent basis (at least four times a year) for treatment, recycling or disposal, provided that the amount of waste removed during any five-year period must equal or exceed the amount of waste placed in the impoundment or pile during that five-year period. However, this exemption does not apply to waste removal which is being performed pursuant to a recycling or treatment plan developed and approved under (b) of this subsection; or

(iii) The owner/operator of a surface impoundment or waste pile has demonstrated, through his permit, closure plan or other instrument, that the impoundment or pile is being operated as a land disposal unit and that it will be closed as a landfill.

(6) Labeling for containers and tanks. The owner or operator must label containers and tanks in a manner which adequately identifies the major risk(s) associated with the contents for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320. For tanks, the label or sign shall be legible at a distance of at least fifty feet. For containers, the owner or operator must affix labels upon transfer of dangerous waste from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-395, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-395, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-395, filed 2/10/82.]

**WAC 173-303-400 Interim status facility standards.** (1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(2) Applicability.

(a) The interim status standards apply to owners and operators of facilities which treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section,

interim status shall apply to all facilities which comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-805. The interim status standards shall also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). Interim status shall end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-805(7).

(b) Interim status facilities must meet the interim status standards by November 19, 1980, except that:

(i) Interim status facilities which handle only state designated wastes (i.e., not designated by 40 CFR Part 261) must meet the interim status standards by August 9, 1982; and

(ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c)(ii), (iii) and (v), of this section, by August 9, 1982.

(c) The requirements of the interim status standards do not apply to:

(i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;

(ii) Persons disposing of dangerous waste by underground injection which is permitted under the Safe Drinking Water Act;

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes;

(iv) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that he complies with the permit by rule requirements of WAC 173-303-802(5);

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200 provides otherwise; and

(vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b).

(d) The owner or operator of an interim status facility which manages moderate risk waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the interim status facility standards of this section, but only for those moderate risk wastes which he manages and only after the owner or operator has requested and the department has issued a notice of interim status modification.

### (3) Standards.

(a) Interim status standards shall be standards set forth by the Environmental Protection Agency in 40

CFR Part 265 Subparts F through R which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

(i) WAC 173-303-280 through 173-303-440;

(ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7).

(iii) WAC 173-303-640 (2)(c), for tanks; and

(iv) WAC 173-303-805.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R to the state of Washington facilities, the federal terms shall have (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, shall be replaced with) the following state of Washington meanings:

(i) "Regional administrator" shall mean the "department";

(ii) "Hazardous" shall mean "dangerous"; and

(iii) "Compliance procedure" shall have the meaning set forth in WAC 173-303-040, Definitions.

(c) In addition to the changes described in (b) of this subsection, the following modifications shall be made to interim status standards of 40 CFR Part 265 Subparts F through R:

(i) The words "the effective date of these regulations" shall mean:

(A) November 19, 1980, for facilities which manage any wastes designated by 40 CFR Part 261; and

(B) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-103 and not designated by 40 CFR Part 261;

(ii) "Subpart N - landfills" shall have an additional section added which reads: "An owner/operator shall not landfill an organic carcinogen or an EHW, as defined by WAC 173-303-080 to 173-303-103, except at the EHW facility at Hanford";

(iii) "Subpart R - underground injection" shall have an additional section which reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-103";

(iv) "Subpart M - land treatment," section 265.273(b) shall be modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";

(v) "Subpart F - ground water monitoring," section 265.91(c) shall include the requirement that: "Ground-water monitoring wells shall be designed, constructed,

and operated so as to prevent groundwater contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells"; and

(vi) "Subpart H - financial requirements" shall have an additional section which reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620 will be deemed to be in compliance with 40 CFR Part 265 Subpart H."

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-400, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-400, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-400, filed 2/10/82.]

**WAC 173-303-420 Siting standards.** (1) Purpose. This section provides criteria for the siting of dangerous waste facilities. The criteria are to be viewed as standards which a facility owner/operator shall meet in siting his facility.

(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-805 and 173-303-806, or as otherwise limited in each of the applicable paragraphs of this section.

(3) Earthquake fault criteria.

(a) Active portions of new TSD facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. For facilities managing moderate risk waste only, engineering efforts, as approved by the department, may be substituted for the 200-foot buffer zone.

(b) As used in (a) of this subsection:

(i) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side;

(ii) "Displacement" means the relative movement of any two sides of a fault measured in any direction; and

(iii) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

(c) Facilities which are located in counties other than those listed below are assumed to be in compliance with this subsection.

|         |              |          |           |
|---------|--------------|----------|-----------|
| Chelan  | Grant        | Lewis    | Skagit    |
| Clallam | Grays Harbor | Mason    | Skamania  |
| Clark   | Jefferson    | Okanogan | Snohomish |
| Cowlitz | King         | Pacific  | Thurston  |
| Douglas | Kitsap       | Pierce   | Wahkiakum |
| Ferry   | Kittitas     | San Juan | Whatcom   |
|         |              |          | Yakima    |

(4) Floodplain criteria.

(a) A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a 100-year flood, unless, in the case of facilities which manage DW only, the owner or operator has included in his contingency plan (WAC 173-303-350) procedures which will cause the waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes will be removed must be a facility permitted according to this chapter.

(b) For facilities which manage EHW, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any EHW by a 100-year flood. Contingency procedures for removal of EHW will not be deemed equivalent to engineered flood proofing.

(c) As used in (a) and (b) of this subsection:

(i) "100-year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source;

(ii) "Washout" means the movement of dangerous waste from the active portion of the facility as a result of flooding; and

(iii) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW).

(a) Areas defined as "wetlands" under RCW 90.58-.030 (2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste.

(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or residential shall not be considered for the location of a dangerous waste facility.

(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(e) of the Safe Drinking Water Act (Public Law 93-523).

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-420, filed 4/18/84.]

**WAC 173-303-430 Performance standards.** (1) Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities.

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-840. These general performance standards shall be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280 through 173-303-400 and 173-303-600 through 173-303-670.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator shall design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

(a) Degradation of ground water quality;

(b) Degradation of air quality by open burning or other activities;

(c) Degradation of surface water quality;

- (d) Destruction or impairment of flora and fauna outside the active portion of the facility;
- (e) Excessive noise;
- (f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;
- (g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;
- (h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible; and
- (i) Endangerment of the health of employees, or the public near the facility.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-430, filed 4/18/84.]

**WAC 173-303-440 Buffer monitoring zones.** (1) Buffer zones.

(a) The owner/operator of a dangerous waste facility which treats or stores ignitable or reactive waste, except for those reactive wastes with buffer zones specified in (b) of this subsection in covered tanks must treat or store his ignitable waste in a manner equivalent with the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of *The Flammable and Combustible Liquids Code-1981*.

(b) The owner/operator of a dangerous waste facility which treats or stores reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) must provide a buffer zone for his reactive waste equivalent with the Uniform Fire Code's *American Table of Distances for Storage of Explosives*, Table 77-201, 1979 edition. Where this requirement conflicts with the buffer zone of (a) of this subsection, the larger of the two buffer zones determined under (a) and (b) of this subsection must be used.

(c) Within the practical limits of the best available management technology, the owner/operator of a new dangerous waste impoundment, pile, landfarm, or landfill should attempt to locate his facility so that the travel time (as defined in WAC 173-303-040) from the active portion of the facility to the nearest downstream well or surface water used for drinking purposes is at least:

- (i) Three years, for DW; and
- (ii) Ten years, for EHW.

(2) Monitoring zones.

(a) The owner/operator of a new dangerous waste facility handling DW only may at his discretion provide a monitoring zone around surface impoundment, waste pile, land treatment, and landfill areas as follows:

$$D = \frac{wv}{N} \text{ (ft)}$$

Where

- D = the minimum width of the monitoring zone
  - w = 3, a constant
  - v = velocity of surface soil migration, ft/yr
  - N = number of times the surface soil is sampled at one spot in a year.
- Samples shall be taken a distance of

$$S = D \text{ (ft) from the active portion of the facility}$$

Where

- D = the monitoring zone width in feet and
- w = 3.

(b) The same monitoring zone determinations may be made for new facilities handling EHW, except that the value W = 10 shall be used.

(c) Additional information and assistance on choosing monitoring zones is available from the department.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-440, filed 4/18/84.]

**WAC 173-303-500 Recycling requirements for state-only dangerous waste.** (1) Applicability. This section applies to the recycling of state-only dangerous waste that are not regulated as hazardous wastes (defined in WAC 173-303-040(39)) by EPA.

(2) Standards.

(a) If state-only dangerous wastes are recycled in any of the ways described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the respective requirements of WAC 173-303-505 through 173-303-525, except as provided in (c) of this subsection.

(b) If state-only dangerous wastes are recycled in any way not specifically described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the requirements of WAC 173-303-120(4), except as provided in (c) of this subsection.

(c) Recyclers who receive state-only dangerous wastes from off-site and who store the wastes in containers or tanks may, in lieu of the provisions for storing dangerous wastes prior to recycling, comply with:

(i) WAC 173-303-060;

(ii) WAC 173-303-370 (if the dangerous waste received must be accompanied by a manifest); and

(iii) The following requirements, provided that the dangerous waste is recycled within ninety days of the date it is received by the recycler:

(A) WAC 173-303-330 through 173-303-360;

(B) WAC 173-303-630 (2), (3), (4), (5), (6), (8) and (9), for containers;

(C) WAC 173-303-640 (3), (4), (5), (6) and (7), for tanks; and

(D) WAC 173-303-630(7) for new container areas installed after September 30, 1986, and WAC 173-303-640(2) for new tanks installed after September 30, 1986.

(d) The department may require a recycler who is storing his waste under the provisions of (c) of this subsection to comply with the provisions for storing dangerous waste prior to recycling specified in WAC 173-303-505 through 173-303-525 and 173-303-120(4) if:

(i) The recycler fails to comply with the requirements of (c) of this subsection; or

(ii) The department determines, on a case-by-case basis, that the requirements of (c) of this subsection do not adequately protect public health or the environment.

(3) Relief from standards. The owner/operator of a facility recycling dangerous wastes under the provisions of this section may ask the department to provide relief from any of the applicable requirements of this section. Requests for relief must be submitted as described in (a) of this subsection. Requests for relief will be approved or denied as described in (b) of this subsection.

(a) A request for relief must be submitted by the recycler to the department in writing and must describe the standards from which the recycler is seeking relief. The request must include:

(i) The facility name, EPA/state identification number, address, telephone number, and a contact person at the facility;

(ii) The waste(s) managed at the facility and the type(s) recycling;

(iii) The specific standards from which the owner/operator seeks relief;

(iv) A description, for each standard, demonstrating:

(A) Why the owner/operator believes the standard to be unnecessary;

(B) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(C) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(v) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810 (12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to provide any of the information required may result in the department's denying the owner's/operator's request.

(b) The department will review any requests submitted pursuant to (a) of this subsection, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the recycler of its decision in writing. If the department decides to approve all or part of the request and the recycler agrees with the department's decision, then the department will proceed to grant the approval as described below. No approval shall be effective until the procedures described below have been completed.

(i) For facilities which are required to have a final facility permit, the department shall follow the procedures for issuing (or, for facilities which already have a final

facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The new or modified final facility permit shall include the standards the owner/operator must meet.

(ii) For all other types of recycling facilities, the department shall issue a notice of modification stating what standards will be applied. Before issuing the notice of modification, the department shall provide public notice of its intent, shall allow thirty days for public comment, and shall hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing shall be provided at least fifteen days in advance, and the public comment period shall be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department shall, based on comments received, issue, modify and issue, or deny the notice of modification.

(c) Failure to comply with the conditions and standards as stated in the permit or notice of modification issued under (b) of this subsection shall form a basis for modifying or revoking the permit or notice of modification.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-500, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-500, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-500, filed 2/10/82.]

**WAC 173-303-505 Special requirements for recyclable materials used in a manner constituting disposal.**

(1) Applicability.

(a) This section applies to recyclable materials that are applied to or placed on the land:

(i) Without mixing with any other substance(s); or

(ii) After mixing with any other substance(s), unless the recyclable material undergoes a chemical reaction so as to become inseparable from the other substance(s) by physical means; or

(iii) After combination with any other substance(s) if the resulting combined material is not produced for the general public's use. These materials will be referred to as "materials used in a manner that constitutes disposal."

(b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means. Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation.

(2) Recyclable materials used in a manner that constitutes disposal are dangerous wastes and are subject to the following requirements:

(a) For generators, WAC 173-303-170 through 173-303-230;

(b) For transporters, WAC 173-303-240 through 173-303-270; and



(c) For facilities that store or use dangerous wastes in a manner constituting disposal, the applicable requirements of WAC 173-303-280 through 173-303-840 (except that users of such products are not subject to these standards if the products meet the requirements of subsection (1)(b) of this section).

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-505, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-505, filed 4/18/84.]

**WAC 173-303-510 Special requirements for dangerous wastes burned for energy recovery. (1) Applicability.**

(a) This section applies to dangerous wastes that are burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except as provided by (b) of this subsection. Such dangerous wastes burned for energy recovery are termed "dangerous waste fuel." Fuel produced from dangerous waste by processing, blending, or other treatment is also dangerous waste fuel. (These regulations do not apply, however, to gas recovered from dangerous waste management activities when such gas is burned for energy recovery.)

(b) The following dangerous wastes are not subject to regulation under this section:

(i) Used oil burned for energy recovery if it is a dangerous waste because it:

(A) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or

(B) Is designated as DW only through the criteria of WAC 173-303-101 through 173-303-103; or

(C) Is a dangerous waste designated solely as W001.

Such used oil is subject to regulation under WAC 173-303-515 rather than this section.

Note: Used oil burned for energy recovery containing a listed waste (unless such listed waste is only state source W001) or a waste designated as EHW through the criteria of WAC 173-303-101 through 173-303-103 is subject to this section.

(ii) (Reserved.)

(2) Prohibitions.

(a) A person may market dangerous waste fuel only:

(i) To persons who have notified the department of their dangerous waste fuel activities under WAC 173-303-060 and have an EPA/state identification number; and

(ii) If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in (b) of this subsection.

(b) Dangerous waste fuel may be burned for energy recovery in only the following devices;

(i) Industrial furnaces identified in WAC 173-303-040;

(ii) Boilers, as defined in WAC 173-303-040, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any dangerous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

(3) Standards applicable to generators of dangerous waste fuel.

(a) Generators of dangerous waste that is used as a fuel or used to produce a fuel are subject to WAC 173-303-170 through 173-303-230.

(b) Generators who market dangerous waste fuel to a burner also are subject to subsection (5) of this section.

(c) Generators who are burners also are subject to subsection (6) of this section.

(4) Standards applicable to transporters of dangerous waste fuel. Transporters of dangerous waste fuel (and dangerous waste that is used to produce a fuel) are subject to the requirements of WAC 173-303-240 through 173-303-270.

(5) Standards applicable to marketers of dangerous waste fuel.

Persons who market dangerous waste fuel are termed "marketers," and are subject to the following requirements. Marketers include generators who market dangerous waste fuel directly to a burner, persons who receive dangerous waste from generators and produce, process, or blend dangerous waste fuel from these dangerous wastes, and persons who distribute but do not process or blend dangerous waste fuel.

(a) Prohibitions. The prohibitions under subsection (2) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Even if a marketer has previously notified the department of his dangerous waste management activities and obtained an EPA/state identification number, he must renotify to identify his dangerous waste fuel activities.

(c) Storage.

(i) For short term accumulation by generators who are marketers of dangerous waste fuel, the applicable provisions of WAC 173-303-200 or 173-303-201;

(ii) For all marketers who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-420 through 173-303-440;

(C) WAC 173-303-800 through 173-303-840;

(iii) For marketers with interim status permits who store dangerous waste fuel, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iv) For marketers with final status permits who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650; and

(B) WAC 173-303-660.

(d) Off-site shipment. The standards for generators in WAC 173-303-170 through 173-303-230 when a marketer initiates a shipment of dangerous waste fuel;

(e) Required notices.

(i) Before a marketer initiates the first shipment of dangerous waste fuel to a burner or another marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(A) The burner or marketer has notified the department under WAC 173-303-060 and identified his waste-as-fuel activities; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (2)(b) of this section.

(ii) Before a marketer accepts the first shipment of dangerous waste fuel from another marketer, he must provide the other marketer with a one-time written and signed certification that he has notified the department under WAC 173-303-060 and identified his dangerous waste fuel activities; and

(f) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-210 and 173-303-380, a marketer must keep a copy of each certification notice he receives or sends for three years from the date he last engages in a dangerous waste fuel marketing transaction with the person who sends or receives the certification notice.

(g) Standards applicable to burners of dangerous waste fuel.

Owners and operators of industrial furnaces and boilers identified in subsection (2)(b) of this section that burn dangerous fuel are "burners" and are subject to the following requirements:

(a) Prohibitions. The prohibitions under subsection (2)(b) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Even if a burner has previously notified the department of his dangerous waste management activities and obtained an EPA/state identification number, he must renotify to identify his dangerous waste fuel activities.

(c) Storage.

(i) For short term accumulation by generators who burn their dangerous waste fuel on site, the applicable provisions of WAC 173-303-200 or 173-303-201.

(ii) For all burners who store dangerous waste fuel, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-420 through 173-303-440; and

(C) WAC 173-303-800 through 173-303-840;

(iii) For burners under interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iv) For burners with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650; and

(B) WAC 173-303-660.

(d) Required notices. Before a burner accepts the first shipment of dangerous waste fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(i) He has notified the department under WAC 173-303-060 and identified his waste-as-fuel activities; and

(ii) He will burn the fuel only in a boiler or furnace identified in subsection (2)(b) of this section.

(e) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-380, a burner must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives dangerous waste fuel from that marketer.

(f) Local requirements. Any person who burns dangerous waste for energy recovery must comply with air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-510, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-510, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-510, filed 2/10/82.]

**WAC 173-303-515 Special requirements for used oil burned for energy recovery. (1) Applicability.**

(a) This section applies to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

(i) Exhibits any characteristic of a dangerous waste identified in WAC 173-303-090; or

(ii) Is designated as DW solely through WAC 173-303-084 or 173-303-101 through 173-303-103; or

(iii) Is designated solely as W001; or

(iv) Contains dangerous waste generated only by a person subject to the special requirements for small quantity generators under WAC 173-303-070(8).

(b)(i) This section does not apply to used oil burned for energy recovery that is mixed with a listed waste (except as provided in (a) (iii) and (iv) of this subsection) or that is designated as EHW through WAC 173-303-084 or 173-303-101 through 173-303-103. Such used oil is subject to the requirements of WAC 173-303-510.

(ii) Used oil containing more than 1000 ppm of total halogens is presumed to be a dangerous waste because it has been mixed with halogenated dangerous waste listed in WAC 173-303-9903 or 173-303-9904. Such dangerous wastes are subject to the requirements of WAC 173-303-510. Persons may rebut this presumption by demonstrating that the used oil does not contain dangerous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated dangerous constituents listed in WAC 173-303-9905).

(iii) This section does not apply to used oil burned for energy recovery in marine or diesel engines, except that marketers of such used oil are subject to the notification requirements of WAC 173-303-060, and the presumptive test of (b)(ii) of this subsection.

(c) If a used oil subject to this section does not exceed any of the specifications of Table 1, it is subject only to the analysis and recordkeeping requirements under subsection (4)(b)(i) and (vi) of this section; otherwise, it is subject to all applicable provisions of this section.

(d) For the purposes of this chapter:

(i) "Used oil" means any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities;

(ii) Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatments;

(iii) Used oil fuel that exceeds any specification level (described in Table 1) is termed "off-specification used oil fuel."

TABLE 1

USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SECTION WHEN BURNED FOR ENERGY RECOVERY<sup>a</sup>

| Constituent/property            | Allowable level            |
|---------------------------------|----------------------------|
| Arsenic.....                    | 5 ppm maximum              |
| Cadmium.....                    | 2 ppm maximum              |
| Chromium .....                  | 10 ppm maximum             |
| Lead.....                       | 100 ppm maximum            |
| Flash Point .....               | 100° F minimum             |
| Total Halogens.....             | 4,000 ppm maximum          |
| Polychlorinated Biphenyls ..... | 2 ppm maximum <sup>b</sup> |

<sup>a</sup>The specification does not apply to used oil fuel mixed with a dangerous waste other than small quantity generator dangerous waste.

<sup>b</sup>Used oil containing more than 1,000 ppm total halogens is presumed to be a dangerous waste under the rebuttable presumption provided under WAC 173-303-515 (1)(b)(ii). Such used oil is subject to WAC 173-303-510 rather than this section when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(2) Prohibitions.

(a) A person may market off-specification used oil for energy recovery only:

(i) To burners or other marketers who have notified the department of their used oil management activities stating the location and general description of such activities, and who have an EPA/state identification number; and

(ii) To burners who burn the used oil in an industrial furnace or boiler identified in (b) of this subsection.

(b) Off-specification used oil may be burned for energy recovery in only the following devices:

(i) Industrial furnaces identified in WAC 173-303-040; or

(ii) Boilers, as defined in WAC 173-303-040 that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale; or

(C) Used oil-fired space heaters provided that:

(I) The heater burns only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste;

(II) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and

(III) The combustion gases from the heater are vented to the ambient air.

(3) Standards applicable to generators of used oil burned for energy recovery.

(a) Except as provided in (b) and (c) of this subsection generators of used oil are not subject to this section.

(b) Generators who market used oil directly to a burner are subject to subsection (4) of this section.

(c) Generators who burn used oil are subject to subsection (5) of this section.

(4) Standards applicable to marketers of used oil burned for energy recovery.

(a) Persons who market used oil fuel are termed "marketers." However, the following persons are not marketers subject to this section:

(i) Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners are not marketers subject to this section;

(ii) Persons who market only used oil fuel that meets the specification under Table 1 of subsection (1) of this section and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel).

(b) Marketers are subject to the following requirements:

(i) Analysis of used oil fuel. Used oil fuel is subject to regulation under this section unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under Table 1 of subsection (1) of this section.

(ii) Prohibitions. The prohibitions under subsection (2)(a) of this section;

(iii) Notification. Notification to the department stating the location and general description of used oil management activities. Even if a marketer has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an EPA/state identification number, he must renotify to identify his used oil management activities.

(iv) Invoice system. When a marketer initiates a shipment of off-specification used oil, he must prepare and send the receiving facility an invoice containing the following information:

(A) An invoice number;

(B) His own EPA/state identification number and the EPA/state identification number of the receiving facility;

(C) The names and addresses of the shipping and receiving facilities;

(D) The quantity of off-specification used oil to be delivered;

(E) The date(s) of shipment or delivery; and

(F) The following statement: "This used oil subject to Washington state department of ecology regulation under WAC 173-303-515;

Note—Used oil that meets the definition of combustible liquid (flash point below 200° F but at or greater than 100° F) or flammable liquid (flash point below 100° F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 100-177.

(v) Required notices.

(A) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(I) The burner or marketer has notified the department stating the location and general description of his used oil management activities; and

(II) If the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(B) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of this subsection, he must provide the marketer with a one-time written and signed notice certifying that he has notified the department of his used oil management activities; and

(vi) Recordkeeping.

(A) Used oil fuel that meets the specification. A marketer who first claims under (b)(i) of this subsection that used oil fuel meets the specification must keep copies of analysis (or other information used to make the determination) of used oil for three years. Such marketers must also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with dangerous waste or unless it is mixed with used oil so that it no longer meets the specification.

(I) The name and address of the facility receiving the shipment;

(II) The quantity of used oil fuel delivered;

(III) The date of shipment or delivery; and

(IV) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under (b)(vi)(A) of this subsection.

(B) Off-specification used oil fuel. A marketer who receives or initiates an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received or prepared.

In addition, a marketer must keep a copy of each certification notice that he receives or sends for three years from the date he last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.

(5) Standards applicable to burners of used oil burned for energy recovery.

Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:

(a) Prohibition. The prohibition under subsection (2)(b) of this section;

(b) Notification. Burners of off-specification used oil fuel must notify the department stating the location and general description of used oil management activities, except that owners and operators of used oil-fired space heaters that burn used oil fuel under the provisions of subsection (2)(b)(ii) of this section are exempt from these notification requirements. Even if a burner has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an identification number, he must renotify to identify his used oil management activities.

(c) Required notices. Before a burner accepts the first shipment of off-specification used oil fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(i) He has notified the department stating the location and general description of his used oil management activities; and

(ii) He will burn the used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(d) Used oil fuel analysis.

(i) Used oil fuel burned by the generator is subject to regulation under this section unless the burner obtains analysis (or other information) documenting that the used oil meets the specification provided under Table 1 of subsection (1) of this section.

(ii) Burners who treat off-specification used oil fuel by processing, blending, or other treatment to meet the specification provided under Table 1 of subsection (1) of this section must obtain analyses (or other information) documenting that the used oil meets the specification.

(e) Recordkeeping. A burner who receives an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received. Burners must also keep for three years copies of analyses of used oil fuel as may be required by (d) of this subsection. In addition, he must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives off-specification used oil from that marketer.

(f) Local requirements. Any person who burns used oil for energy recovery, except for burning in used oil-fired space heaters that meet the provisions of subsection (2)(b)(ii) of this section, must comply with the air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

[Statutory Authority: Chapter 70.105 RCW, 86-12-057 (Order DE-85-10), § 173-303-515, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-515, filed 6/27/84.]

**WAC 173-303-520 Special requirements for reclaiming spent lead acid battery wastes.** This section applies to persons who reclaim spent lead-acid batteries that are recyclable materials ("spent batteries").

(1) Persons who generate, transport, or who store spent batteries but do not reclaim them are subject only to the requirements of WAC 173-303-050, 173-303-145 and 173-303-960 if such spent batteries are going to a battery reclaimer.

(2) Owners and operators of battery reclaiming facilities that store spent lead acid batteries prior to reclaiming them are subject to the following requirements:

(a) For all reclaimers, the applicable storage provisions of:

- (i) WAC 173-303-280 (2) and (3);
- (ii) WAC 173-303-290;
- (iii) WAC 173-303-310 through 173-303-360;
- (iv) WAC 173-303-380;
- (v) WAC 173-303-390 (2) and (3);
- (vi) WAC 173-303-395;
- (vii) WAC 173-303-420 through 173-303-440; and
- (viii) WAC 173-303-800 through 173-303-840.

(b) For reclaimers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(c) For reclaimers with final facility permits, the applicable storage provisions of:

- (i) WAC 173-303-600 through 173-303-650; and
- (ii) WAC 173-303-660.

[Statutory Authority: Chapter 70.105 RCW, 86-12-057 (Order DE-85-10), § 173-303-520, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-520, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-520, filed 2/10/82.]

**WAC 173-303-525 Special requirements for recyclable material utilized for precious metal recovery.** (1) Applicability and requirements.

(a) This section applies to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, irridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this section are subject to the following requirements:

(i) Notification requirements under WAC 173-303-060;

(ii) WAC 173-303-180 (for generators), 173-303-250 (for transporters), and 173-303-370 (for persons who store).

(c) Persons who store recycled materials that are regulated under this section must keep the following records to document that they are not accumulating these materials speculatively (as defined in WAC 173-303-016 (5)(d)(ii));

(i) Records showing the volume of these materials stored at the beginning of the calendar year;

(ii) The amount of these materials generated or received during the calendar year; and

(iii) The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under this section that are accumulated speculatively (as defined in WAC 173-303-016 (5)(d)(ii)) are dangerous wastes and are subject to all applicable provisions of this chapter.

(2) Additional regulation of recyclable materials utilized for precious metal recovery on a case-by-case basis.

The department may decide on a case-by-case basis that persons accumulating or storing recyclable materials utilized for precious metal recovery should be regulated under WAC 173-303-120(4). The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the department will consider the following factors:

(a) The types of materials accumulated or stored and the amounts accumulated or stored;

(b) The method of accumulation or storage;

(c) The length of time the materials have been accumulated or stored before being reclaimed;

(d) Whether any contaminants are being released into the environment, or are likely to be so released; and

(e) Other relevant factors.

The procedures for this decision are set forth in subsection (3) of this section.

(3) Procedures for case-by-case regulation of recyclable materials utilized for precious metal recovery.

The department will use the following procedures when determining whether to regulate recyclable materials utilized for precious metal recovery under the provisions of WAC 173-303-120(4), rather than under the provisions of subsection (1) of this section.

(a) If a generator is accumulating the waste, the department will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of WAC 173-303-170 and 173-303-190 through 173-303-230. The notice will become final within thirty days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the department will hold a public hearing. The department will provide notice of the hearing to the public and allow public participation at the hearing. The department will issue a final order after the hearing stating whether or not compliance with WAC 173-303-170 and 173-303-190 through 173-303-230 is required. The order becomes effective thirty days after service of the decision unless the department specifies a later date or unless review by the department is requested. The order may be appealed to the pollution control hearings board, in accordance with WAC 173-303-845, by any person who participated in the public hearing.

(b) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person must obtain a permit in accordance with all applicable provisions of WAC 173-303-800 through 173-303-840. The owner or operator of the facility must apply for a permit within no less than sixty days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the department's decision he may do so in his permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the department's determination. The question of whether the department's decision was proper will remain open for consideration during the public comment period discussed under WAC 173-303-840 (4)(d) and in any subsequent hearing.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-525, filed 6/3/86.]

**WAC 173-303-550 Special requirements for facilities managing moderate risk waste.** (1) Purpose. Moderate risk wastes (as defined in WAC 173-303-040(55)) pose less risk to public health and the environment than do other dangerous wastes, therefore, they do not require as high a level of regulation. The purpose of WAC 173-303-550 through 173-303-560 is to set forth those mandatory standards which are minimally acceptable for managing moderate risk waste, and the criteria and selective standards which will be applied based on the specific risks posed by such wastes.

(2) Applicability. The requirements of WAC 173-303-550 through 173-303-560 apply to owners and operators of facilities which manage moderate risk waste, and are only applicable to such moderate risk wastes as are being managed. Whenever a moderate risk waste is shipped from a facility, the owner or operator must comply with WAC 173-303-170 through 173-303-230, requirements for generators.

(3) Standards. The owner/operator of a facility managing moderate risk wastes must comply with all applicable standards of this chapter unless he requests (as described in subsection (4) of this section) and the department approves (as described in subsection (5) of this section) the application of less stringent standards to his facility. The owner/operator may request relief from any standards except those minimum standards specified in WAC 173-303-560. Failure to comply with an approval issued by the department pursuant to subsection (5) of this section, will be a violation of this chapter. Failure to comply with all applicable requirements of this chapter while the department is considering a request or after a request has been denied will be a violation of this chapter.

(4) Request. The owner/operator may request that less stringent standards be applied to his moderate risk waste management activities in any manner or form that he chooses. His request must be submitted in writing to the department, and must include:

(a) The facility name, EPA/state identification #, address, telephone number, and a contact person at the facility;

(b) The moderate risk waste(s) managed at the facility and the type(s) of management applied to them;

(c) The specific standards from which the owner/operator seeks relief;

(d) A description, for each standard, demonstrating:

(i) Why the owner/operator believes the standard to be unnecessary;

(ii) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(iii) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(e) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810 (12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to provide any of the information required by this subsection may result in the department's denying the owner's/operator's request.

(5) Approval or denial. The department will review any requests submitted pursuant to subsection (4) of this section, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the owner/operator of its decision in writing. Approval of a request will not be final until the permit has been modified or issued as described in (a) or (b) of this subsection. If the department decides to approve all or part of the request and the owner/operator agrees with the department's decision, then the department will proceed to grant such approval as follows:

(a) Interim status facilities. For a facility which qualifies for interim status (as described in WAC 173-303-805), the department shall issue a notice of interim status modification in accordance with WAC 173-303-805(8) stating what standards the owner/operator must meet;

(b) Final facilities.

(i) For facilities which are required to have a final facility permit, the department shall follow the procedures for issuing (or, for facilities which already have a final facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The

new or modified final facility permit shall include the standards the owner/operator must meet.

(ii) The department may request that an applicant for a final facility permit submit his planned moderate risk demonstrations (prepared in accordance with subsection (4) of this section) a maximum of three months prior to submittal of his Part B application.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-550, filed 4/18/84.]

**WAC 173-303-560 Minimum standards for facilities managing moderate risk waste.** In no case will the department approve standards for facilities managing moderate risk waste which do not include, at a minimum, the following applicable requirements:

- (1) WAC 173-303-060;
- (2) WAC 173-303-350;
- (3) WAC 173-303-360;
- (4) WAC 173-303-370;
- (5) WAC 173-303-380;
- (6) WAC 173-303-390; and
- (7) WAC 173-303-430.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-560, filed 4/18/84.]

**WAC 173-303-575 (Reserved.)**

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-575, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-575, filed 2/10/82.]

**WAC 173-303-600 Final facility standards.** Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-670, is to establish minimum state-wide standards which describe the acceptable management of dangerous waste. In addition to WAC 173-303-600 through 173-303-670, the final facility standards include WAC 173-303-280 through 173-303-395, and 173-303-420 through 173-303-440.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the Underground Injection Control Program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) Owners or operators of POTWs which treat, store, or dispose of dangerous waste provided they follow the permit-by-rule requirement of WAC 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter 173-301 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8);

(f) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160 (2)(b);

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240(5);

(h) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of his final facility permit;

(j) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit as defined in WAC 173-303-040, provided that he complies with the permit by rule requirements of WAC 173-303-802(5); and

(k) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b).

(4) The owner or operator of a final status TSD facility which manages moderate risk waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the final facility standards of WAC 173-303-600 through 173-303-670, but only for those moderate risk wastes which he manages and only after the department has issued or modified his final facility permit in accordance with WAC 173-303-800 through 173-303-840 to incorporate the special requirements.

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through 173-303-525 in lieu of the final facility standards.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-600, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-600, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-600, filed 2/10/82.]

**WAC 173-303-610 Closure and postclosure.** (1) Applicability.

(a) Subsections (2) to (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities.

(b) Subsections (7) to (10) of this section, (which concern postclosure care), apply to the owners and operators of all regulated units (as defined in WAC 173-303-040(75)) at which dangerous waste will remain after closure, to surface impoundments and waste piles as

specified in WAC 173-303-650(6) and 173-303-660(9), and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) For the purposes of the closure and postclosure requirements, any portion of a facility which closes is subject to the applicable closure and postclosure standards even if the rest of the facility does not close and continues to operate.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a)(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates to the extent necessary to prevent threats to human health and the environment, postclosure escape of dangerous waste, dangerous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground, surface water, ground water, or the atmosphere; and

(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(b) Where the closure requirements of this section, or of WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), or 173-303-670(8) call for the removal or decontamination of dangerous wastes, waste residues, or equipment, bases, liners, soils or other materials containing or contaminated with dangerous wastes or waste residue, then such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(i) Background environmental levels, for any dangerous waste, managed at the facility, which either is listed under WAC 173-303-081 or 173-303-082 or is designated by the characteristics of WAC 173-303-090; and

(ii) At least the designation limits of WAC 173-303-084, or 173-303-101 through 173-303-103 for any dangerous waste, managed at the facility, which is not listed under WAC 173-303-081 or 173-303-082 and is not designated by the characteristics of WAC 173-303-090. In addition to these limits, the department may specify in the closure plan for a facility any lower limits for removal or decontamination which the department deems appropriate.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8). A copy of the approved plan and all revisions to the plan must be kept at the facility until closure is completed and certified in

accordance with subsection (6) of this section. The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include at least:

(i) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility and how the requirements of subsections (2) to (6) of this section, and the applicable closure requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8) will be met;

(ii) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iii) A description of the steps needed to decontaminate facility equipment during closure; and

(iv) An estimate of the expected year of closure and a schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must be included.)

(b) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically managed on-site or received from off-site.) The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, he must request a modification of the closure plan at the same time. If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within sixty days after the change in plans or design occurs.

(c) The owner or operator must notify the department at least one hundred eighty days prior to the date he expects to begin closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, the owner or operator must treat, remove from the site, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, and either:

(i) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or



(ii)(A) The facility has the capacity to receive additional wastes;

(B) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(C) Closure of the facility would be incompatible with continued operation of the site.

(b) The owner or operator must complete closure activities in accordance with the approved closure plan within one hundred eighty days after receiving the final volume of wastes. The department may approve a longer closure period if the owner or operator demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, and either:

(i) The closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii) (A) The facility has the capacity to receive additional wastes;

(B) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(C) Closure of the facility would be incompatible with continued operation of the site.

(5) Disposal or decontamination of equipment. When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all dangerous waste and residues.

(6) Certification of closure. When closure is completed, the owner or operator must submit to the department certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

(7) Postclosure care and use of property.

(a) Postclosure care must continue for thirty years after the date of completing closure and must consist of at least the following:

(i) Ground water monitoring and reporting as applicable; and

(ii) Maintenance of monitoring and waste containment systems as applicable.

(b) During the one hundred eighty-day period preceding closure (see subsection (3)(c) of this section) or at any time thereafter, the department may reduce the postclosure care period to less than thirty years if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the facility is secure).

Prior to the time that the postclosure care period is due to expire the department may extend the postclosure care period if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of waste at levels which may be harmful to human health and the environment).

(c) The department may require, at closure, continuation of any of the security requirements of WAC 173-

303-310 during part or all of the postclosure period after the date of completing closure when:

(i) Wastes may remain exposed after completion of closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health or may disturb the postclosure monitoring or waste containment systems.

(d) Postclosure use of property on or in which dangerous wastes remain after closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All postclosure care activities must be in accordance with the provisions of the approved postclosure plan as specified in subsection (8) of this section.

(8) Postclosure plan; amendment of plan.

(a) The owner or operator of a disposal facility must have a written postclosure plan. In addition, certain piles and certain surface impoundments are required by WAC 173-303-650 and 173-303-660, respectively, to have written postclosure plans. The plan must be submitted with the permit application in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved postclosure plan will become a condition of any permit issued. The department's decision must assure that the approved postclosure plan is consistent with subsections (7), (8), (9), and (10) of this section, and the applicable requirements of WAC 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6). A copy of the approved plan and all revisions to the plan must be kept at the facility until the postclosure care period begins. This plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

(A) The integrity of the cap and final cover or other containment structures where applicable; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the disposal facility during the postclosure period. This person or office must keep an updated postclosure plan during the postclosure period.

(b) The owner or operator may amend his postclosure plan at any time during the active life of the disposal facility or during the postclosure care period. The owner or operator must amend his plan whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the

postclosure period, affect his postclosure plan. He must also amend his plan whenever there is a change in the expected year of closure.

(c) When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design which affects the postclosure plan, modification of the postclosure plan must be requested at the same time. In all other cases the request for modification of the postclosure plan must be made within sixty days after the change in operating plans or facility design or the events which affect his postclosure plan occur.

(9) Notice to local land authority. Within ninety days after closure is completed, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in subsection (7)(d) of this section. In addition, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility. For wastes disposed of before November 19, 1980 (March 12, 1982, for facilities subject to this chapter but not subject to 40 CFR Part 264), the owner or operator must identify the type, location, and quantity of the wastes to the best of his knowledge and in accordance with any records he has kept (including, but not limited to, records kept in compliance with 40 CFR Part 265). Any changes in the type, location, or quantity of dangerous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed must be reported to the local zoning authority or the authority with jurisdiction over local land use and to the department.

(10) Notice in deed to property.

(a) The owner of the property on which a disposal facility is located must record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(i) The land has been used to manage dangerous wastes;

(ii) Its use is restricted under subsection (7)(d) of this section; and

(iii) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility required in subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department.

(b) If at any time the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, he may remove the notation on the deed to the facility property or other instrument normally examined during title search, or he may add a notation to the deed or instrument indicating the removal of the waste.

[Statutory Authority: Chapter 70.105 RCW. 84-14-031 (Order DE 84-22), § 173-303-610, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-610, filed 2/10/82.]

**WAC 173-303-620 Financial requirements. (1) Applicability.**

(a) The requirements of subsections (3), (4), (7), (8), (9), and (10) of this section, apply to owners and operators of all dangerous waste facilities, except as provided otherwise in this section.

(b) The requirements of subsections (5) and (6) of this section apply only to owners and operators of dangerous waste disposal facilities, and piles and surface impoundments to the extent that WAC 173-303-650 and 173-303-660, respectively, require that such facilities comply with this section.

(c) States and the federal government are exempt from the requirements of this section, except that operators of facilities who are under contract with the state or federal government must meet the requirements of this section.

(2) Definitions. As used in this section, the following listed or referenced terms shall have the meanings given below:

(a) "Closure plan" means the plan for closure prepared in accordance with the requirements of WAC 173-303-610(3);

(b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (3) of this section;

(c) "Current postclosure cost estimate" means the most recent of the estimates prepared in accordance with subsection (5) of this section;

(d) "Parent corporation" means a corporation which directly owns at least fifty percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation;

(e) "Postclosure plan" means the plan for postclosure care prepared in accordance with the requirements of WAC 173-303-610 (7), (8), (9), and (10);

(f) "Regional administrator" means the department;

(g) "Hazardous waste" means dangerous waste; and

(h) The additional terms listed and defined in 40 CFR 264.141 (f) and (g) are adopted by reference.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in WAC 173-303-610 (2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-

650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8). The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610 (3)(a)).

(b) The owner or operator must prepare a new closure cost estimate whenever a change in the closure plan increases the cost of closure.

(c) The owner or operator must adjust the closure cost estimate for inflation within thirty days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment must be made as specified in (c) (i) and (ii) of this subsection, using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted closure cost estimate.

(4) Financial assurance for facility closure.

(a) An owner or operator of a TSD facility must establish financial assurance for closure of the facility. The owner or operator must choose from the following options or combination of options:

(i) Closure trust fund;

(ii) Surety bond guaranteeing payment into a closure trust fund;

(iii) Surety bond guaranteeing performance of closure;

(iv) Closure letter of credit;

(v) Closure insurance; or

(vi) Financial test and corporate guarantee for closure.

(b) In satisfying the requirements of financial assurance for facility closure in this subsection, the owner or operator shall meet all the requirements set forth in 40 CFR 264.143.

(5) Cost estimate for postclosure monitoring and maintenance.

(a) The owner or operator of a facility subject to postclosure monitoring or maintenance requirements must have a written estimate, in current dollars, of the annual cost of postclosure monitoring and maintenance of the facility in accordance with the applicable postclosure regulations in WAC 173-303-610 (7) through (10), 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6). The postclosure cost estimate is calculated by multiplying the annual

postclosure cost estimate by the number of years of postclosure care required by WAC 173-303-610.

(b) The owner or operator must prepare a new annual postclosure cost estimate whenever a change in the postclosure plan increases the cost of postclosure care.

(c) During the operating life of the facility, the owner or operator must adjust the postclosure cost estimate for inflation within thirty days after each anniversary of the date on which the first postclosure cost estimate was prepared. The adjustment must be made as specified in (c)(i) and (ii) of this subsection using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the postclosure cost estimate by the inflation factor. The result is the adjusted postclosure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted postclosure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest postclosure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted postclosure cost estimate.

(6) Financial assurance for postclosure monitoring and maintenance.

(a) An owner or operator of a facility subject to postclosure monitoring or maintenance requirements must establish financial assurance for postclosure care in accordance with the approved postclosure care plan. He must choose from the following options or combination of options:

(i) Postclosure trust fund;

(ii) Surety bond guaranteeing payment into a postclosure trust fund;

(iii) Surety bond guaranteeing performance of postclosure care;

(iv) Postclosure letter of credit;

(v) Postclosure insurance; or

(vi) Financial test and corporate guarantee for postclosure care.

(b) In satisfying the requirements of financial assurance for facility postclosure care in this subsection, the owner or operator shall meet all the requirements set forth in 40 CFR 264.145.

(7) Use of a mechanism for financial assurance of both closure and postclosure care. An owner or operator may satisfy the requirements for financial assurance for both closure and postclosure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both 40 CFR 264.143 and 264.145. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate

mechanism had been established and maintained for financial assurance of closure and of postclosure care.

(8) Liability requirements.

(a) An owner or operator of a TSD facility or a group of such facilities must demonstrate financial responsibility for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(a) or, when applicable, (f).

(b) An owner or operator of a facility with a regulated unit or units (as defined in WAC 173-303-040(75)) used to manage dangerous waste or a group of such facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(b) or, when applicable, (f).

(c) Request for variance. If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the application under WAC 173-303-806(4) for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-830 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by (a) or (b) of this subsection. Any request for a variance for a permitted facility will be treated as a request for a permit modification under WAC 173-303-830.

(d) Adjustments by the department. If the department determines that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the department may adjust the level of financial responsibility required under (a) or (b) of this subsection as may be necessary to protect human health and the environment. This adjusted level will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that has no regulated units (as defined in WAC 173-303-040(75)), it may require that the owner or operator

of the facility comply with (b) of this subsection. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this subsection until certifications of closure of the facility, as specified in WAC 173-303-610(6), are received by the department.

(9) Incapacity of owners or operators, guarantor or financial institutions.

(a) An owner or operator must notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in 40 CFR 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h)).

(b) An owner or operator who fulfills the requirements of 40 CFR 264.143, 264.145, or 264.147 (a) or (b) by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within sixty days after such an event.

(10) Wording of the instruments. The financial instruments required by this section shall contain the wording specified by 40 CFR 264.151, except that:

(a) The words "regional administrator" and "environmental protection agency" must be replaced with the word "department";

(b) The words "hazardous waste" must be replaced with the words "dangerous waste"; and

(c) Any other words specified by the department shall be changed as necessary to assure financial responsibility of the facility in accordance with the requirements of this section.

Copies of the financial instruments with the appropriate word changes will be available from the department by June 30, 1984.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-620, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-620, filed 2/10/82. Formerly WAC 173-302-340.]

**WAC 173-303-630 Use and management of containers.** (1) Applicability. The regulations in this section apply to owners and operators of all dangerous waste facilities that store containers of dangerous waste.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC.

(3) Identification of containers. The owner or operator must label containers in a manner which adequately identifies the major risk(s) associated with the contents of the containers for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must affix labels upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility. The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320.

(4) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(5) Management of containers.

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

(b) A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(6) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills and leaks. In addition to the necessary leak containment capacity, uncovered storage areas must be capable of holding the additional volume that would result from the precipitation of a maximum twenty-five year storm of twenty-four hours duration. The containment system must:

(i) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated rainfall until the collected material is detected and removed. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(ii) Be designed for positive drainage control (such as a locked drainage valve) to prevent release of contaminated liquids and so that uncontaminated precipitation can be drained promptly for convenience of operation. Spilled or leaked waste and accumulated precipitation must be removed from the containment system in as timely a manner as is necessary to prevent overflow; and

(iii) Have sufficient capacity to contain ten percent of the volume of all containers or the volume of the largest container, whichever is greater. Only containers holding free liquids, or holding wastes designated as F020, F021, F022, F023, F026, or F027 need to be considered in this determination.

(b) Run-on into the containment system must be prevented, unless the department waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in (a)(iii) of this subsection to accommodate any run-on which might enter the system.

(c) Storage areas that store containers holding only wastes that do not contain free liquids, do not exhibit either the characteristic of ignitability or reactivity as described in WAC 173-303-090 (5) or (7), and are not designated as F020, F021, F022, F023, F026, or F027, need not have a containment system as described in this subsection: *Provided, That:*

(i) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(ii) The containers are elevated or are otherwise protected from contact with accumulated liquids.

(d) EHW in containers must be protected from the elements by means of a building or other protective covering that otherwise allows adequate inspection under subsection (6) of this section.

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) must be stored in a manner equivalent to the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 edition.

(b) The owner or operator shall design, operate, and maintain ignitable waste and reactive waste (other than a reactive waste which must meet (a) of this subsection) container storage in a manner equivalent with the Uniform Fire Code. Where no specific standard or requirements are specified in the Uniform Fire Code, or in existing state or local fire codes, applicable sections of the NFPA Pamphlet # 30, "Flammable and Combustible Liquids Code," shall be used. The owner/operator shall also comply with the requirements of WAC 173-303-395 (1)(d).

(9) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(c) A storage container holding a dangerous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. Containment systems for incompatible wastes shall be separate.

(10) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

[Statutory Authority: Chapter 70.105 RCW, 86-12-057 (Order DE-85-10), § 173-303-630, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-630, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-630, filed 2/10/82.]

**WAC 173-303-640 Tanks.** (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tanks to treat or store dangerous waste, except as (b) of this subsection provides otherwise.

(b) Facilities shall not treat or store dangerous waste in covered underground tanks that cannot be entered for inspection, unless such tanks are used for treating or storing only moderate risk wastes (as defined in WAC 173-303-040(55)) and can be externally inspected or have secondary containment structures that allow for monitoring, containment and removal of leaks or can be tested for leakage using methods and testing frequencies approved by the department.

(2) Design of tanks.

(a) The owner or operator shall design tanks including the foundation, structural support, seams and pressure controls to assure that they will not collapse or rupture, by providing sufficient shell strength, pressure controls for closed tanks, earthquake resistance etc. The owner/operator shall submit a statement with his permit application specified in WAC 173-303-806(4), stating the basis for selecting minimum shell thickness, such as:

- (i) Underwriters Laboratories Inc. standards;
- (ii) American Petroleum Institute standards;
- (iii) American Concrete Institute standards; or
- (iv) American Society of Mechanical Engineers standards.

The statement shall be certified by a licensed professional engineer. The department will review and approve tank design.

(b) New tanks holding dangerous waste shall be constructed above ground and shall be protected against spills, leaks, and precipitation by a containment system which must include an impervious base underlying the tanks in the storage area, unless state or local fire codes require otherwise. The containment system shall have adequate capacity to contain one hundred ten percent of the volume of the largest tank in the storage area and, for uncovered areas, have sufficient capacity to contain additionally the precipitation of a maximum twenty-five year storm of twenty-four hours duration.

(c) All tanks holding dangerous waste shall be marked with labels or signs to identify the waste contained in the tank. The label or sign shall be legible at a distance of at least fifty feet, and shall bear a legend which identifies the waste in a manner which adequately warns employees, emergency response personnel, and the public of the major risk(s) associated with the waste being stored or treated in the tanks (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate).

(d) All tanks holding EHW which is acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air.

(3) General operating requirements.

(a) Wastes and other materials (e.g., treatment reagents) which are incompatible with the material of construction of the tank must not be placed in the tank unless the tank is protected from accelerated corrosion, erosion, or abrasion through the use of:

- (i) An inner liner or coating which is compatible with the waste or material and which is free of leaks, cracks, holes, or other deterioration; or
- (ii) Alternative means of protection (e.g., cathodic protection or corrosion inhibitors).

(b) The owner or operator must use appropriate controls and practices to prevent overfilling. These must include:

- (i) Controls to prevent overfilling (e.g., waste feed cut-off system or by-pass system to a standby tank); and
- (ii) For uncovered tanks, maintenance of sufficient freeboard to prevent overtopping by wave or wind action or precipitation.

(4) Inspections.

(a) The owner or operator must inspect:

- (i) Overfilling control equipment (e.g., waste feed cut-off systems and by-pass systems) at least once each operating day to ensure that it is in good working order;
- (ii) Data gathered from monitoring equipment (e.g., pressure, level, volume, and temperature gauges) where present, at least once each operating day to ensure that the tank is being operated according to its design;
- (iii) For uncovered tanks, the level of waste in the tank, at least once each operating day or before each filling to ensure compliance with subsection (3)(b) of this section;

(iv) The construction materials of the above-ground portions of the tank, at least weekly to detect corrosion or erosion and leaking of fixtures and seams; and

(v) The area immediately surrounding the tank, at least weekly, to detect obvious signs of leakage (e.g., wet spots or dead vegetation).

(b) As part of the inspection schedule required in WAC 173-303-320(2), and the specific requirements of this subsection, the owner or operator must develop a schedule and procedure for assessing the condition of the tank. The schedule and procedure must be adequate to detect cracks, leaks, corrosion, or erosion which may lead to cracks or leaks, or wall thinning to less than the

thickness specified in subsection (2) of this section. Procedures for emptying a tank to allow entry and inspection of the interior must be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments must be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections, and the nature of the waste being treated or stored.

(c) As part of the contingency plan required under WAC 173-303-350, the owner or operator must specify the procedures he intends to use to respond to tank spills or leakage, including procedures and timing for expeditious removal of leaked or spilled waste and repair of the tank.

(5) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from tanks, discharge control equipment, containment systems and underlying bases (where present), and discharge confinement structures. Any tanks, bases, liners and soils containing or contaminated with dangerous waste or dangerous waste residues must be removed or decontaminated.

(6) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in a tank unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090, and 173-303-395 (1)(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

(iii) The tank is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of the NFPA-30 *Flammable and Combustible Liquids Code* - 1981, or as required by state and local fire codes when such codes are more stringent. The owner or operator shall also comply with the requirements of WAC 173-303-395 (1)(d).

(7) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless WAC 173-303-395 (1)(b) is complied with.

(8) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

In addition to the other requirements of this section, the following requirements apply to tanks storing or treating dangerous wastes F020, F021, F022, F023, F026, or F027.

(a) Tanks must have systems designed and operated to detect and adequately contain spills or leaks. The design and operation of any containment system must reflect consideration of all relevant factors, including:

(i) Capacity of the tank;

(ii) Volumes and characteristics of wastes stored or treated in the tank;

(iii) Method of collection of spills or leaks;

(iv) The design and construction materials of the tank and containment system; and

(v) The need to prevent precipitation and run-off from entering into the system.

(b) As part of the contingency plan required by WAC 173-303-350, the owner or operator must specify such procedures for responding to a spill or leak from the tank into the containment system as may be necessary to protect human health and the environment. These procedures shall include measures for immediate removal of the waste from the system and replacement or repair of the leaking tank.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-640, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-640, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-640, filed 2/10/82. Formerly chapter 173-302 WAC.]

**WAC 173-303-645 Ground water protection. (1) Applicability.**

(a) Except as provided in (b) of this subsection, the regulations in this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste in surface impoundments, waste piles, land treatment units, or landfills. The owner or operator must satisfy the requirements of this section for all wastes (or constituents thereof) contained in any such waste management unit at the facility that is a "regulated unit" (as defined in WAC 173-303-040(75)). Any waste or waste constituent migrating beyond the waste management area under subsection (6)(b) of this section, is assumed to originate from a regulated unit unless the owner or operator can prove to the satisfaction of the department that such waste or waste constituent originated from another source.

(b) The owner or operator is not subject to regulation under this section if:

(i) He designs and operates a surface impoundment in compliance with WAC 173-303-650(3) (except as provided for surface impoundments treating or storing EHW), a pile in compliance with WAC 173-303-660 (1)(c), (3), or (4), or a landfill in compliance with WAC 173-303-665(3);

(ii) The department finds, pursuant to WAC 173-303-655 (8)(d), that the treatment zone of a land treatment unit does not contain levels of dangerous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of WAC 173-303-655(6) has not shown a statistically significant increase in dangerous constituents below the treatment zone during the

operating life of the unit. An exemption under this subsection can only relieve an owner or operator of responsibility to meet the requirements of this section during the postclosure care period; or

(iii) The department finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the postclosure care period. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under this subsection on assumptions that maximize the rate of liquid migration.

(c) The regulations under this section apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this section:

(i) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure in accordance with the removal or decontamination limits specified in WAC 173-303-610 (2)(b);

(ii) Apply during the postclosure care period if the owner or operator is conducting a detection monitoring program under subsection (9) of this section; and

(iii) Apply during the compliance period under subsection (7) of this section, if the owner or operator is conducting a compliance monitoring program under subsection (10) of this section, or a corrective action program under subsection (11) of this section.

(2) Required programs.

(a) Owners and operators subject to this section must conduct a monitoring and response program as follows:

(i) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit are detected at the compliance point under subsection (6) of this section, the owner or operator must institute a compliance monitoring program under subsection (10) of this section;

(ii) Whenever the ground water protection standard under subsection (3) of this section, is exceeded, the owner or operator must institute a corrective action program under subsection (11) of this section;

(iii) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section and the downgradient facility property boundary, the owner or operator must institute a corrective action program under subsection (11) of this section; and

(iv) In all other cases, the owner or operator must institute a detection monitoring program under subsection (9) of this section.

(b) The department will specify in the facility permit the specific elements of the monitoring and response program. The department may include one or more of the programs identified in (a) of this subsection, in the facility permit as may be necessary to protect human

health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the department will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(3) Ground water protection standard. The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that dangerous constituents under subsection (4) of this section, entering the ground water from a regulated unit do not exceed the concentration limits under subsection (5) of this section, in the uppermost aquifer underlying the waste management area beyond the point of compliance under subsection (6) of this section, during the compliance period under subsection (7) of this section. To the extent practical, the department will establish this ground water protection standard in the facility permit at the time the permit is issued. If the department determines that an established standard is not protective enough, or if the department decides that it is not practical to establish standards at the time of permit issuance, the department will establish the groundwater protection standard in the facility permit when dangerous constituents have entered the groundwater from a regulated unit.

(4) Dangerous constituents.

(a) The department will specify in the facility permit the dangerous constituents to which the ground water protection standard of subsection (3) of this section, applies. Dangerous constituents are constituents identified in WAC 173-303-9905, and any other constituents not listed there which have caused a waste to be regulated under this chapter, that may be or have been detected in ground water in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the department has excluded them under (b) of this subsection.

The department may also specify in the permit indicator parameters (e.g., specific conductance, pH, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents or reaction products as identified in the detection monitoring program under subsection (9)(a) of this section, that provide a reliable indication of the presence of dangerous constituents in the ground water.

(b) The department will exclude a WAC 173-303-9905 or other identified constituent from the list of dangerous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the department will consider the following:

(i) Potential adverse effects on ground water quality, considering:



(A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of ground water and the direction of ground water flow;

(D) The proximity and withdrawal rates of ground water users;

(E) The current and future uses of ground water in the area;

(F) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(I) The persistence and permanence of the potential adverse effects;

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering:

(A) The volume and physical and chemical characteristics of the waste in the regulated unit;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of ground water, and the direction of ground water flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the regulated unit to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects; and

(iii) Any identification of underground sources of drinking water and exempted aquifers made pursuant to chapter 90.48 RCW, chapter 270, Laws of 1983, and other applicable state laws and regulations.

(5) Concentration limits.

(a) The department will specify in the facility permit concentration limits in the ground water for dangerous constituents established under subsection (4) of this section. The concentration of a dangerous constituent:

(i) Must not exceed the background level of that constituent in the ground water at the time that limit is specified in the permit; or

(ii) For any of the constituents listed in Table 1 of this subsection, must not exceed the respective value given in that table if the background level of the constituent is below the value given in Table 1; or

(iii) Must not exceed an alternate limit established by the department under (b) of this subsection.

Table 1. Maximum Concentration of Constituents for Ground Water Protection

| Constituent     | Maximum Concentration <sup>1</sup> |
|-----------------|------------------------------------|
| Arsenic         | 0.05                               |
| Barium          | 1.0                                |
| Cadmium         | 0.01                               |
| Chromium        | 0.05                               |
| Lead            | 0.05                               |
| Mercury         | 0.002                              |
| Selenium        | 0.01                               |
| Silver          | 0.05                               |
| Endrin          | 0.0002                             |
| Lindane         | 0.004                              |
| Methoxychlor    | 0.1                                |
| Toxaphene       | 0.005                              |
| 2,4-D           | 0.1                                |
| 2,4,5-TP Silvex | 0.01                               |

<sup>1</sup>Milligrams per liter.

(b) The department will establish an alternate concentration limit for a dangerous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will consider the same factors listed in subsection (4)(b) (i) through (iii) of this section.

(6) Point of compliance.

(a) The department will specify in the facility permit the point of compliance at which the ground water protection standard of subsection (3) of this section, applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units. Alternatively, the point of compliance may be any closer points identified by the department at the time the permit is issued, considering the risks of the facility, the wastes and constituents managed there, the potential for waste constituents to have already migrated past the alternate compliance point, and the potential threats to ground and surface waters.

(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(7) Compliance period.

(a) The department will specify in the facility permit the compliance period during which the ground water protection standard of subsection (3) of this section applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period).

(b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of subsection (10) of this section.

(c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in (a) of this subsection, the compliance period is extended until the owner or operator can demonstrate that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(8) General ground water monitoring requirements.

The owner or operator must comply with the requirements of this subsection for any ground water monitoring program developed to satisfy subsections (9), (10), or (11) of this section.

(a) The ground water monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that:

(i) Represent the quality of background water that has not been affected by leakage from a regulated unit; and

(ii) Represent the quality of ground water passing the point of compliance.

(b) If a facility contains more than one regulated unit, separate ground water monitoring systems are not required for each regulated unit, provided that provisions for sampling the ground water in the uppermost aquifer will enable detection and measurement at the compliance point of dangerous constituents from the regulated units that have entered the ground water in the uppermost aquifer.

(c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata.

(d) The ground water monitoring program must include at a minimum, procedures and techniques for:

- (i) Decontamination of drilling and sampling equipment;
- (ii) Sample collection;
- (iii) Sample preservation and shipment;
- (iv) Analytical procedures and quality assurance; and
- (v) Chain of custody control.

(e) The ground water monitoring program must include consistent sampling and analytical methods that ensure reliable ground water sampling, accurately measure dangerous constituents and indicator parameters in ground water samples, and provide a reliable indication

of groundwater quality below the waste management area.

(f) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(g) Where appropriate, the ground water monitoring program must establish background ground water quality for each of the dangerous constituents or monitoring parameters or constituents specified in the permit.

(i) In the detection monitoring program under subsection (9) of this section, background ground water quality for a monitoring parameter or constituent must be based on data from quarterly sampling of wells upgradient from the waste management area for one year.

(ii) In the compliance monitoring program under subsection (10) of this section, background ground water quality for a dangerous constituent must be based on data from upgradient wells that:

(A) Is available before the permit is issued;

(B) Accounts for measurement errors in sampling and analysis; and

(C) Accounts, to the extent feasible, for seasonal fluctuations in background ground water quality if such fluctuations are expected to affect the concentration of the dangerous constituent.

(iii) Background ground water quality may be based on sampling of wells that are not upgradient from the waste management area where:

(A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are upgradient; or

(B) Sampling at other wells will provide an indication of background ground water quality that is as representative or more representative than that provided by the upgradient wells.

(iv) In developing the data base used to determine a background value for each parameter or constituent, the owner or operator must take a minimum of one sample from each well and a minimum of four samples from the entire system used to determine background ground water quality, each time the system is sampled.

(h) The owner or operator must use the following statistical procedure in determining whether background values or concentration limits have been exceeded:

(i) If, in a detection monitoring program, the level of a constituent at the compliance point is to be compared to the constituent's background value and that background value has a sample coefficient of variation less than 1.00:

(A) The owner or operator must take at least four portions from a sample at each well at the compliance point and determine whether the difference between the mean of the constituent at each well (using all portions taken) and the background value for the constituent is significant at the 0.05 level using the Cochran's Approximation to the Behrens-Fisher Student's t-test as described in Appendix IV of 40 CFR Part 264. If the test indicates that the difference is significant, the owner or operator must repeat the same procedure (with at least the same number of portions as used in the first test) with a fresh sample from the monitoring well. If this second round of analyses indicates that the difference is

significant, the owner or operator must conclude that a statistically significant change has occurred; or

(B) The owner or operator may use an equivalent statistical procedure for determining whether a statistically significant change has occurred. The department will specify such a procedure in the facility permit if it finds that the alternative procedure reasonably balances the probability of falsely identifying a noncontaminating regulated unit and the probability of failing to identify a contaminating regulated unit in a manner that is comparable to that of the statistical procedure described in (h)(i)(A) of this subsection; and

(ii) In all other situations in a detection monitoring program and in a compliance monitoring program, the owner or operator must use a statistical procedure providing reasonable confidence that the migration of dangerous constituents from a regulated unit into and through the aquifer will be indicated. The department will specify a statistical procedure in the facility permit that it finds:

(A) Is appropriate for the distribution of the data used to establish background values or concentration limits; and

(B) Provides a reasonable balance between the probability of falsely identifying a noncontaminating regulated unit and the probability of failing to identify a contaminating regulated unit.

(9) Detection monitoring program. An owner or operator required to establish a detection monitoring program under this subsection must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor for indicator parameters (e.g., pH, specific conductance, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents, or reaction products that provide a reliable indication of the presence of dangerous constituents in ground water. The department will specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:

(i) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;

(ii) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

(iii) The detectability of indicator parameters, waste constituents, and reaction products in ground water; and

(iv) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the ground water background.

(b) The owner or operator must install a ground water monitoring system at the compliance point, as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The owner or operator must establish a background value for each monitoring parameter or constituent specified in the permit pursuant to (a) of this subsection. The permit will specify the background values for each parameter or specify the procedures to be used to calculate the background values. The owner or

operator must comply with subsection (8)(g) of this section, in developing the data base used to determine background values. The owner or operator must express background values in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section. In taking samples used in the determination of background values, the owner or operator must use a ground water monitoring system that complies with subsection (8)(a)(i), (b), and (c) of this section.

(d) The owner or operator must determine ground water quality at each monitoring well at the compliance point at least semiannually during the active life of a regulated unit (including the closure period) and the postclosure care period. The owner or operator must express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section.

(e) The owner or operator must determine the ground water flow rate and direction in the uppermost aquifer at least annually.

(f) The owner or operator must use procedures and methods for sampling and analysis that meet the requirements of subsection (8)(d) and (e) of this section.

(g) The owner or operator must determine whether there is a statistically significant increase over background values for any parameter or constituent specified in the permit pursuant to (a) of this subsection, each time he determines ground water quality at the compliance point under (d) of this subsection.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the ground water quality at each monitoring well at the compliance point for each parameter or constituent to the background value for that parameter or constituent, according to the statistical procedure specified in the permit under subsection (8)(h) of this section.

(ii) The owner or operator must determine whether there has been a statistically significant increase at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(h) If the owner or operator determines, pursuant to (g) of this subsection, that there is a statistically significant increase for parameters or constituents specified pursuant to (a) of this subsection, at any monitoring well at the compliance point, he must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what parameters or constituents have shown statistically significant increases;

(ii) Immediately sample the ground water in all monitoring wells and determine the concentration of all constituents identified in WAC 173-303-9905, and all other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit

pursuant to subsection (4)(a) of this section, that are present in ground water;

(iii) Establish a background value for each constituent identified in WAC 173-303-9905, and all other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section, that has been found at the compliance point under (h)(ii) of this subsection, as follows:

(A) The owner or operator must comply with subsection (8)(g) of this section, in developing the data base used to determine background values;

(B) The owner or operator must express background values in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section; and

(C) In taking samples used in the determination of background values, the owner or operator must use a ground water monitoring system that complies with subsection (8)(a)(i), (b), and (c) of this section;

(iv) Within a maximum of forty-five days, submit to the department an application for a permit modification to establish a compliance monitoring program meeting the requirements of subsection (10) of this section. The application must include the following information:

(A) An identification of the concentration of any constituents identified in WAC 173-303-9905, and any other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section, found in the ground water at each monitoring well at the compliance point;

(B) Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of subsection (10) of this section;

(C) Any proposed changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical procedures used at the facility necessary to meet the requirements of subsection (10) of this section;

(D) For each dangerous constituent found at the compliance point, a proposed concentration limit under subsection (5)(a)(i) or (ii) of this section, or a notice of intent to seek a variance under subsection (5)(b) of this section; and

(v) Within ninety days, submit to the department:

(A) All data necessary to justify any variance sought under subsection (5)(b) of this section; and

(B) An engineering feasibility plan necessary to meet the requirements of subsection (11) of this section, unless:

(I) All dangerous constituents identified under (h)(ii) of this subsection, are listed in Table 1 of subsection (5) of this section, and their concentrations do not exceed the respective values given in that table; or

(II) The owner or operator has sought a variance under subsection (5)(b) of this section, for every dangerous constituent identified under (h)(ii) of this subsection.

(i) If the owner or operator determines, pursuant to (g) of this subsection, that there is a statistically significant increase of parameters or constituents specified pursuant to (a) of this subsection, at any monitoring well

at the compliance point, he may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection in addition to, or in lieu of, submitting a permit modification application under (h)(iv) of this subsection, he is not relieved of the requirement to submit a permit modification application within the time specified in (h)(iv) of this subsection, unless the demonstration made under this subsection successfully shows that a source other than his regulated unit(s) caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days of determining a statistically significant increase at the compliance point that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility; and

(iv) Continue to monitor in accordance with the detection monitoring program established under this section.

(j) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(k) The owner or operator must assure that monitoring and corrective action measures necessary to achieve compliance with the ground water protection standard under subsection (3) of this section, are taken during the term of the permit.

(10) Compliance monitoring program. An owner or operator required to establish a compliance monitoring program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the ground water to determine whether regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must install a ground water monitoring system at the compliance point as specified

under subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) Where a concentration limit established under (a)(ii) of this subsection, is based on background ground water quality, the department will specify the concentration limit in the permit as follows:

(i) If there is a high temporal correlation between upgradient and compliance point concentrations of the dangerous constituents and parameters, the owner or operator may establish the concentration limit through sampling at upgradient wells each time ground water is sampled at the compliance point. The department will specify the procedures used for determining the concentration limit in this manner in the permit. In all other cases, the concentration limit will be the mean of the pooled data on the concentration of the dangerous constituent or parameter;

(ii) If a dangerous constituent from Table 1 under subsection (5) of this section is identified and the difference between the respective concentration limit in Table 1 and the background value of that constituent under subsection (8)(g) of this section is not statistically significant, the owner or operator must use the background value of the constituent as the concentration limit. In determining whether this difference is statistically significant, the owner or operator must use an approved statistical procedure providing reasonable confidence that a real difference will be indicated. The statistical procedure must:

(A) Be appropriate for the distribution of the data used to establish background values; and

(B) Provide a reasonable balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference; and

(iii) The owner or operator must:

(A) Comply with subsection (8)(g) of this section, in developing the data base used to determine background values;

(B) Express background values in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section; and

(C) Use a ground water monitoring system that complies with subsection (8)(a)(i), (b), and (c) of this section.

(d) The owner or operator must determine the concentration of dangerous constituents and parameters in ground water at each monitoring well at the compliance point at least quarterly during the compliance period. The owner or operator must express the concentration at each monitoring well in a form necessary for the determination of statistically significant increases under subsection (8)(h) of this section.

(e) The owner or operator must determine the rate and direction of ground water flow in the uppermost aquifer at least annually.

(f) The owner or operator must analyze samples from all monitoring wells at the compliance point for constituents identified in WAC 173-303-9905, and any other

dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section at least annually to determine whether additional dangerous constituents are present in the uppermost aquifer. If the owner or operator finds constituents identified in WAC 173-303-9905, and any other dangerous constituents not listed in WAC 173-303-9905 but which are specified in the facility permit pursuant to subsection (4)(a) of this section in the ground water that are not identified in the permit as dangerous constituents, he must report the concentrations of these additional constituents to the department within seven days after completion of the analysis.

(g) The owner or operator must use procedures and methods for sampling and analysis that meet the requirements of subsection (8)(d) and (e) of this section.

(h) The owner or operator must determine whether there is a statistically significant increase over the concentration limits for any dangerous constituents specified in the permit each time he determines the concentration of dangerous constituents in ground water at the compliance point.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the ground water quality at each monitoring well at the compliance point for each dangerous constituent to the concentration limit for that constituent according to the statistical procedures specified in the permit under subsection (8)(h) of this section.

(ii) The owner or operator must determine whether there has been a statistically significant increase at each monitoring well at the compliance point, within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(i) If the owner or operator determines, pursuant to (h) of this subsection, that the ground water protection standard is being exceeded at any monitoring well at the point of compliance, he must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded;

(ii) Submit to the department an application for a permit modification to establish a corrective action program meeting the requirements of subsection (11) of this section, within ninety days, or within sixty days if an engineering feasibility study has been previously submitted to the department under subsection (9)(h)(v) of this section. For regulated units managing EHW, time frames of sixty days and forty-five days, respectively will apply. However, if the department finds that the full extent of the ninety/sixty-day or the sixty/forty-five-day time periods will increase the likelihood to cause a threat to public health, or the environment, it can at its discretion reduce their duration. In specifying shorter limits, the department will consider the following factors:

(A) The physical and chemical characteristics of the dangerous constituents and parameters in the ground water;

(B) The hydrogeological characteristics of the facility and of the surrounding land;

(C) The rate of movement and direction of flow of the affected ground water;

(D) The proximity to and withdrawal rates of ground water users downgradient; and

(E) The current and future uses of ground water in the concerned area; and

(iii) The application must at a minimum include the following information:

(A) A detailed description of corrective actions that will achieve compliance with the ground water protection standard specified in the permit; and

(B) A plan for a ground water monitoring program that will demonstrate the effectiveness of the corrective action.

(j) If the owner or operator determines, pursuant to (h) of this subsection, that the ground water protection standard is being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection in addition to, or in lieu of, submitting a permit modification application under (i)(ii) of this subsection, he is not relieved of the requirement to submit a permit modification application within the time specified in (i)(ii) of this subsection, unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make appropriate changes to the compliance monitoring program at the facility; and

(iv) Continue to monitor in accord with the compliance monitoring program established under this section.

(k) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(l) The owner or operator must assure that monitoring and corrective action measures necessary to achieve compliance with the ground water protection standard under subsection (3) of this section, are taken during the term of the permit.

(11) Corrective action program. An owner or operator required to establish a corrective action program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section, for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must implement a corrective action program that prevents dangerous constituents and parameters from exceeding their respective concentration limits at the compliance point by removing the dangerous waste constituents and parameters or treating them in place. The permit will specify the specific measures that will be taken.

(c) The owner or operator must begin corrective action within a reasonable time period after the ground water protection standard is exceeded. The department will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of subsection (10)(i)(ii) of this section.

(d) In conjunction with a corrective action program, the owner or operator must establish and implement a ground water monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under subsection (10) of this section, and must be as effective as that program in determining compliance with the ground water protection standard under subsection (3) of this section, and in determining the success of a corrective action program under (e) of this subsection, where appropriate.

(e) In addition to the other requirements of this section, the owner or operator must conduct a corrective action program to remove or treat in place any dangerous constituents or parameters under subsection (4) of this section, that exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section, and the downgradient facility property boundary. The permit will specify the measures to be taken.

(i) Corrective action measures under this subsection must be initiated at the effective date of the modified permit and completed without time delays considering the extent of contamination.

(ii) Corrective action measures under this subsection may be terminated once the concentration of dangerous constituents and parameters under subsection (4) of this section, is reduced to levels below their respective concentration limits under subsection (5) of this section.

(f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the ground water protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, he must continue that corrective action for as long as necessary to achieve compliance with the ground water protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if he can demonstrate, based on data from the ground water monitoring program under (d) of this subsection, that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(g) The owner or operator must report in writing to the department on the effectiveness of the corrective action program. The owner or operator must submit these reports semiannually.

(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-645, filed 4/18/84.]

**WAC 173-303-650 Surface impoundments.** (1) Applicability. The regulations in this section apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of dangerous waste.

(2) Design and operating requirements.

(a)(i) A surface impoundment (except for an existing portion of a surface impoundment) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with subsection (6)(a)(i) of this section. For impoundments that will be closed in accordance with subsection (6)(a)(ii) of this section, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical

contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift;

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(D) For EHW management, the owner or operator shall submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report shall be certified by a licensed professional engineer.

(ii) The owner or operator of a new surface impoundment installed after October 31, 1984, and in which liquid EHW is managed must:

(A) Install a double lined system which incorporates the specifications of subsection (3)(a), (b), and (c) of this section; and

(B) Must comply with either the ground water monitoring requirements of WAC 173-303-645, or the unsaturated zone monitoring requirements of WAC 173-303-655(6).

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents listed in WAC 173-303-9905, or which otherwise cause his wastes to be regulated under this chapter, into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

(d) A surface impoundment must be designed so that any flow of waste into the impoundment can be immediately shut off in the event of overtopping or liner failure.

(e) A surface impoundment must be designed to repel birds.

(f) A surface impoundment shall be located so as to meet the buffer zone requirements of WAC 173-303-440.

(g) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent their failure. In ensuring structural integrity, it must not be presumed that the

liner system will function without leakage during the active life of the unit.

(h) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could weaken its structural integrity; and

(ii) Burrowing mammals which could weaken its structural integrity or create leaks through burrows.

(i) Earthen dikes must have a protective cover, such as grass, shale or rock to minimize wind and water erosion and to preserve their structural integrity.

(j) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined surface impoundments; exemption from WAC 173-303-645, ground water protection requirements.

(a) Except as provided in subsection (2)(a)(ii) of this section, the owner or operator of a double-lined surface impoundment is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The impoundment (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The impoundment must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) A leachate detection, collection and removal system must be designed and operated to remove accumulated liquids from the system as quickly as possible so as to avoid unnecessary buildup of hydrostatic pressure in the system.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(4) Monitoring and inspection.

(a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from subsection (2)(a)(i) of this section) and cover systems (e.g., membranes, sheets, or coatings)

must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of overtopping control systems;

(ii) Sudden drops in the level of the impoundment's contents;

(iii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section; and

(iv) Severe erosion or other signs of deterioration in dikes or other containment devices.

(c) Prior to the issuance of a permit, and after any extended period of time (at least six months) during which the impoundment was not in service, the owner or operator must obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification must establish, in particular, that the dike:

(i) Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

(ii) Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

(5) Emergency repairs; contingency plans.

(a) A surface impoundment must be removed from service in accordance with (b) of this subsection when:

(i) Unexpected changes of liquid levels occur; or

(ii) The dike leaks.

(b) When a surface impoundment must be removed from service as required by (a) of this subsection, the owner or operator must:

(i) Immediately shut off the flow or stop the addition of wastes into the impoundment;

(ii) Immediately contain any surface leakage which has occurred or is occurring;

(iii) Immediately stop the leak;

(iv) Take any other necessary steps to stop or prevent catastrophic failure;

(v) Empty the impoundment, if a leak cannot be stopped by any other means; and

(vi) Notify the department of the problem in writing within seven days after detecting the problem.

(c) As part of the contingency plan required in WAC 173-303-340 through 173-303-360, the owner or operator must specify:

(i) A procedure for complying with the requirements of (b) of this subsection; and



(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; description of a schedule of actions to be taken in the event of a possible failure; and the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the impoundment to be removed from service.

(d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment which was failing is repaired and the following steps are taken:

(i) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be recertified in accordance with subsection (4)(c) of this section;

(ii) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then:

(A) For any existing portion of the impoundment, a liner must be installed in compliance with subsection (2)(a)(i) or (3) of this section; and

(B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.

(e) A surface impoundment that has been removed from service in accordance with the requirements of this section and that is not being repaired must be closed in accordance with the provisions of subsection (6) of this section.

(6) Closure and postclosure care.

(a) At closure, the owner or operator must:

(i) Remove or decontaminate all dangerous waste and dangerous waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with dangerous waste and leachate, and manage them as dangerous waste; or

(ii) If the surface impoundment will be closed as a landfill, except that this option is prohibited if EHW would remain in the closed unit(s):

(A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

(B) Stabilize remaining wastes to a bearing capacity sufficient to support a final cover; and

(C) Cover the surface impoundment with a final cover designed and constructed to:

(I) Provide long-term minimization of the migration of liquids through the closed impoundment with a material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the final cover; and

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained.

(b) If some waste residues or contaminated materials are left in place at final closure (except that no EHW may ever be left in place), the owner or operator must comply with all postclosure requirements contained in WAC 173-303-610 (7), (8), (9), and (10), including maintenance and monitoring throughout the postclosure care period (specified in the permit). The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsection (3) of this section, where such a system is present between double liner systems;

(iii) Maintain and monitor the ground water monitoring system and comply with all applicable requirements of WAC 173-303-645; and

(iv) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(c)(i) If an owner or operator plans to close a surface impoundment in accordance with (a)(i) of this subsection, and the impoundment does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (2)(b) of this section, then:

(A) The closure plan for the impoundment under WAC 173-303-610(3) must include both a plan for complying with (a)(i) of this subsection, and a contingent plan for complying with (a)(ii) of this subsection in case not all contaminated subsoils can be practicably removed at closure; and

(B) The owner or operator must prepare a contingent postclosure plan under WAC 173-303-610(8) for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and postclosure care of an impoundment subject to (c) of this subsection must include the cost of complying with the contingent closure plan and the contingent postclosure plan, but are not required to include the cost of expected closure under (a)(i) of this subsection.

(d) During the postclosure care period, if liquids leak into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will then modify the permit to require compliance with applicable requirements of WAC 173-303-645, or, if so requested by the owner or operator, to require removal of all materials in accordance with (a)(i) of this subsection.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090; and

(ii) WAC 173-303-395 (1)(b) is complied with; or  
 (b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

(c) The surface impoundment is used solely for emergencies.

(8) Special requirements for incompatible wastes. Incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395 (1)(b) is complied with.

(9) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) The wastes F020, F021, F022, F023, F026, or F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this section. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-650, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-650, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-650, filed 2/10/82.]

**WAC 173-303-655 Land treatment.** (1) Applicability. The regulations in this subpart apply to owners and operators of facilities that treat or dispose of dangerous waste in land treatment units, except as WAC 173-303-600 provides otherwise.

(2) Treatment program.

(a) An owner or operator subject to this section must establish a land treatment program that is designed to ensure that dangerous constituents placed in or on the treatment zone are degraded, transformed, or immobilized within the treatment zone. The department will specify in the facility permit the elements of the treatment program, including:

(i) The wastes that are capable of being treated at the unit based on a demonstration under subsection (3) of this section;

(ii) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with subsection (4)(a) of this section; and

(iii) Unsaturated zone monitoring provisions meeting the requirements of subsection (6) of this section.

(b) The department will specify in the facility permit the dangerous constituents that must be degraded, transformed, or immobilized under this section. Dangerous constituents are constituents identified in WAC 173-303-9905, and any other constituents which, although not listed in WAC 173-303-9905, cause a waste to be regulated under this chapter, that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(c) The department will specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below, and including, the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of dangerous constituents. The maximum depth of the treatment zone must be:

(i) No more than 1.5 meters (5 feet) below the initial soil surface; and

(ii) More than 3 meters (10 feet) above the seasonal high water table; except that the owner or operator may demonstrate to the satisfaction of the department that a distance of less than 3 meters will be adequate. In no case shall the distance be less than 1 meter.

(3) Treatment demonstration.

(a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that dangerous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.

(b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data, or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under (a) of this subsection, he must obtain a land treatment demonstration permit under WAC 173-303-808. The department will specify in this permit the testing, analytical, design, and operating requirements (including the duration of the tests and analyses, and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in (c) of this subsection.

(c) Any field test or laboratory analysis conducted in order to make a demonstration under (a) of this subsection must:

(i) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:

(A) The characteristics of the waste and of dangerous constituents present;

(B) The climate in the area;

(C) The topography of the surrounding area;

(D) The characteristics and depth of the soil in the treatment zone; and

(E) The operating practices to be used at the unit;

(ii) Be likely to show that dangerous constituents in the waste to be tested will be completely degraded,

transformed, or immobilized in the treatment zone of the proposed land treatment unit; and

(iii) Be conducted in a manner that protects human health and the environment considering:

(A) The characteristics of the waste to be tested;

(B) The operating and monitoring measures taken during the course of the test;

(C) The duration of the test;

(D) The volume of waste used in the test; and

(E) In the case of field tests, the potential for migration of dangerous constituents to ground water or surface water.

(4) Design and operating requirements. The department will specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this subsection.

(a) The owner or operator must design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of dangerous constituents in the treatment zone. The owner or operator must design, construct, operate, and maintain the unit in accordance with all design and operating conditions that were used in the treatment demonstration under subsection (3) of this section. At a minimum, the department will specify in the facility permit:

(i) The rate and method of waste application to the treatment zone;

(ii) Measures to control soil pH;

(iii) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling); and

(iv) Measures to control the moisture content of the treatment zone.

(b) The owner or operator must design, construct, operate, and maintain the treatment zone to minimize run-off of dangerous constituents during the active life of the land treatment unit.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain the design capacity of the system.

(f) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator must control wind dispersal.

(g) The owner or operator must inspect the unit weekly and after storms to detect evidence of:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and

(ii) Improper functioning of wind dispersal control measures.

(5) Food chain crops. The department may allow the growth of food chain crops in or on the treatment zone

only if the owner or operator satisfies the conditions of this subsection. The department will specify in the facility permit the specific food chain crops which may be grown.

(a)(i) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that dangerous constituents other than cadmium:

(A) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food chain animals (e.g., by grazing); or

(B) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.

(ii) The owner or operator must make the demonstration required under (a)(i) of this subsection prior to the planting of crops at the facility for all dangerous constituents that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(iii) In making such a demonstration, the owner or operator may use field tests, greenhouse studies, available data, or, in the case of existing units, operating data, and must:

(A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and

(B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.

(iv) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration he must obtain a permit for conducting such activities.

(b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone;

(i)(A) The pH of the waste and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

(B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate must not exceed:

| Time period                             | Annual Cd application rate (kilograms per hectare) |
|---|--|
| Present to June 30, 1984 . . . . .      | 2.0  |
| July 1, 1984 to Dec. 31, 1986 . . . . . | 1.25   |
| Beginning Jan. 1, 1987 . . . . .        | 0.5  |

(C) The cumulative application of cadmium from waste must not exceed 5kg/ha if the waste and soil mixture has a pH of less than 6.5; and

(D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 5 meq/100g; 10 kg/ha if soil CEC is 5-15 meq/100g; and 20 kg/ha if soil CEC is greater than 15 meq/100g; or

(ii)(A) Animal feed must be the only food chain crop produced;

(B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food chain crops are grown;

(C) There must be an operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

(D) Future property owners must be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops must not be grown except in compliance with (b)(ii) of this subsection.

(6) Unsaturated zone monitoring. An owner or operator subject to this section must establish an unsaturated zone monitoring program to discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the soil and soil-pore liquid to determine whether dangerous constituents migrate out of the treatment zone.

(i) The department will specify the dangerous constituents to be monitored in the facility permit. The dangerous constituents to be monitored are those specified under subsection (2)(b) of this section.

(ii) The department may require monitoring for principal dangerous constituents (PDCs) in lieu of the constituents specified under subsection (2)(b) of this section. PDCs are dangerous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The department will establish PDCs if it finds, based on waste analyses, treatment demonstrations, or other data, that effective degradation, transformation, or immobilization of the PDCs will assure treatment at at least equivalent levels for the other dangerous constituents in the wastes.

(b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that:

(i) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and

(ii) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

(c) The owner or operator must establish a background value for each dangerous constituent to be monitored under (a) of this subsection. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

(i) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

(ii) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

(iii) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(iv) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with (b)(i) of this subsection.

(d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The department will specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application, and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for:

- (i) Sample collection;
- (ii) Sample preservation and shipment;
- (iii) Analytical procedures; and
- (iv) Chain of custody control.

(f) The owner or operator must determine whether there is a statistically significant change over background values for any dangerous constituent to be monitored under (a) of this subsection, below the treatment zone each time he conducts soil monitoring and soil-pore liquid monitoring under (d) of this subsection.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under (d) of this subsection, to the background value for that constituent according to the statistical procedure specified in the facility permit under this subsection.

(ii) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

(iii) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The department will specify a statistical procedure in the facility permit that it finds:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.

(g) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he must:

(i) Notify the department of his finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases;

(ii) Within forty-five days, submit to the department an application for a permit modification to amend the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone; and

(iii) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(h) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection, he is not relieved of the requirement to submit concurrently a permit modification application within the forty-five-day period, unless the demonstration made under this subsection successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

(iv) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(7) Recordkeeping. The owner or operator must include dangerous waste application dates and rates in the operating record required under WAC 173-303-380.

(8) Closure and postclosure care.

(a) During the closure period the owner or operator must:

(i) Continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of dangerous constituents within the treatment zone as required under subsection (4)(a) of this section, except to the extent such measures are inconsistent with (a)(viii) of this subsection;

(ii) Continue all operations in the treatment zone to minimize run-off of dangerous constituents as required under subsection (4)(b) of this section;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section;

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated ninety days after the last application of waste to the treatment zone; and

(viii) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of dangerous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

(b) For the purpose of complying with WAC 173-303-610(6) when closure is completed, the owner or operator may submit to the department a certification by an independent qualified soil scientist, in lieu of a licensed professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

(c) During the postclosure care period the owner or operator must:

(i) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of dangerous constituents in the treatment zone to the extent that such measures are consistent with other postclosure care activities;

(ii) Maintain a vegetative cover over closed portions of the facility;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste, if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section; and

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated one hundred eighty days after the last application of waste to the treatment zone.

(d) The owner or operator is not subject to regulation under (a)(viii) and (c) of this subsection, if the department finds that the level of dangerous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in (d)(iii) of this subsection. The owner or operator may submit such a demonstration to the department at any time during the closure or postclosure care periods. For the purposes of this subsection:

(i) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all dangerous constituents specified in the facility permit under subsection (2)(b) of this section;

(A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone;

(B) The owner or operator must express background values and values for dangerous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under (d)(iii) of this subsection;

(ii) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively;

(iii) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying dangerous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

(e) The owner or operator is not subject to regulation under WAC 173-303-645 if the department finds that the owner or operator satisfies (d) of this subsection, and if unsaturated zone monitoring under subsection (6) of

this section, indicates that dangerous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(9) Special requirements for ignitable or reactive waste. The owner or operator must not apply ignitable or reactive waste to the treatment zone unless:

(a) The waste is immediately incorporated into the soil so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) and (7); and

(ii) WAC 173-303-395 is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(10) Special requirements for incompatible wastes. The owner or operator must not place incompatible wastes, or incompatible wastes and materials, in or on the same treatment zone, unless WAC 173-303-395 (1)(b) is complied with.

(11) Special requirements for extremely hazardous waste. Under no circumstances will EHW be allowed to remain in a closed land treatment unit after concluding the postclosure care period. If EHW remains at the end of the scheduled postclosure care period specified in the permit, then the department will either extend the postclosure care period, or require that all EHW be disposed of off-site or that it be treated. In deciding whether to extend postclosure care or require disposal or treatment, the department will take into account the likelihood that the waste will or will not continue to degrade in the land treatment unit to the extent that it is no longer EHW. For the purposes of this subsection, EHW will be considered to remain in a land treatment unit if representative samples of the treatment zone are designated as EHW. Procedures for representative sampling and testing will be specified in the permit.

(12) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, or F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for land treatment facilities managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order

to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-655, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-655, filed 4/18/84.]

**WAC 173-303-660 Waste piles.** (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that store or treat dangerous waste in piles.

(b) The regulations in this section do not apply to owners or operators of waste piles that will be closed with wastes left in place. Such waste piles are subject to regulation under WAC 173-303-665 (Landfills).

(c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under subsection (2) of this section, or under WAC 173-303-645, provided that:

(i) Liquids or materials containing free liquids are not placed in the pile;

(ii) The pile is protected from surface water run-on by the structure or in some other manner;

(iii) The pile is designed and operated to control dispersal of the waste by wind, by means other than wetting; and

(iv) The pile will not generate leachate through decomposition or other reactions.

(d) All EHW and respiratory carcinogens stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(2) Design and operating requirements.

(a) A waste pile (except for an existing portion of a waste pile) must have:

(i) A liner that is designed, constructed, installed and maintained to prevent any migration of wastes out of the pile into the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed,

maintained, and operated to collect and remove leachate from the pile. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the pile and to the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying wastes, waste cover materials, and by any equipment used at the pile; and

(B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

(b) A liner and leachate collection and removal system must be protected from plant growth which could adversely affect any component of the system.

(c) For EHW management, the owner or operator shall submit an engineering report with his permit application stating the basis for selecting the liner required in subsection (2)(a)(i) of this section. The statement shall be certified by a licensed professional engineer.

(d) The owner or operator will be exempted from the requirements of (a), (b), and (c) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents identified under WAC 173-303-645(4) into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(e) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto any portion of the pile during peak discharge from at least a twenty-five-year storm.

(f) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(g) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(h) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined piles; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined waste pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) and (c) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) The pile must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii) (A) Within the period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(4) Inspection of liners; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liner) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by a liner (base) that meets all the specifications of subsection (2)(a)(i) of this section;

(iii) The wastes in the pile must be removed periodically, and the liner must be inspected for deterioration, cracks, or other conditions that may result in leaks. The frequency of inspection will be specified in the inspection plan required in WAC 173-303-320 and must be based on the potential for the liner (base) to crack or otherwise deteriorate under the conditions of operation;

(iv) The liner must be of sufficient strength and thickness to prevent failure due to puncture, cracking,

tearing, or other physical damage from equipment used to place waste in or on the pile or to clean and expose the liner surface for inspection; and

(v) The pile must have a leachate collection and removal system above the liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If deterioration, cracking, or other condition is identified that is causing or could cause a leak, the owner or operator must:

(i) Notify the department of the condition in writing within seven days after detecting the condition; and

(ii)(A) Repair or replace the liner (base) and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the liner (base) has been repaired and leakage will not occur; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(5) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of piles exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;

(iii) Proper functioning of wind dispersal control systems; and

(iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(6) Containment system repairs—Contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by (d) of this subsection. Indications of possible failure of the containment system include liquid detected in the leachate detection system, evidence of leakage or the



potential for leakage in the base, erosion of the base, or apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.

(b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed from service. Indications of positive failure of the containment system include waste detected in the leachate detection system, or a breach (e.g., a hole, tear, crack, or separation) in the base.

(c) If the waste pile must be removed from service as required by (b) of this subsection, the owner or operator must:

- (i) Immediately stop adding wastes to the pile;
- (ii) Immediately contain any leakage which has occurred or is occurring;
- (iii) Immediately cause the leak to be stopped; and
- (iv) If the leak cannot be stopped by any other means, remove the waste from the base.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of (c) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW piles, the owner or operator must submit with his permit application a statement signed by a licensed professional engineer of the basis on which the evaluation and repair plan has been established.

(e) No waste pile that has been removed from service pursuant to (b) of this subsection, may be restored to service unless:

- (i) The containment system has been repaired; and
- (ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A waste pile that has been removed from service pursuant to (b) of this subsection, and will not be repaired, must be closed in accordance with subsection (9) of this section.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a pile, unless:

(a) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090, and complies with WAC 173-303-395 (1)(b); or

(b)(i) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and

(ii) The generator complies with WAC 173-303-395 (1)(d).

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395 (1)(b) is complied with.

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of incompatible wastes must not be served by the same containment system.

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395 (1)(b).

(9) Closure and postclosure care.

(a) At closure, the owner or operator must remove or decontaminate all dangerous waste, waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them in accordance with this chapter.

(b) If, after removing or decontaminating all residues and making all reasonable efforts regarding removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated (except that no EHW may ever be left in place), he must close the facility and perform postclosure care in accordance with the closure and postclosure care requirements that apply to landfills, WAC 173-303-665(6).

(c) (i) The owner or operator of a waste pile that does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (1)(c) or (2)(d) of this section, must:

(A) Include in the closure plan for the pile under WAC 173-303-610(3) both a plan for complying with (a) of this subsection, and a contingent plan for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent postclosure plan under WAC 173-303-610(8) for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620(3) and (5) for closure and postclosure care of a pile must include the cost of complying with the contingent closure plan and the contingent postclosure plan.

(10) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in subsection (1)(c) of this section) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with

all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, to surface water, or air so as to protect human health and the environment.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-660, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-660, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-660, filed 2/10/82.]

**WAC 173-303-665 Landfills.** (1) Applicability. The regulations in this section apply to owners and operators of facilities that dispose of dangerous waste in landfills, except as WAC 173-303-600 provides otherwise. No landfill shall be permitted to dispose of EHW, except for the Hanford facility under WAC 173-303-700.

(2) Design and operating requirements.

(a) A landfill (except for an existing portion of a landfill) must have:

(i) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground water or surface water at anytime during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The owner or operator must submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report must be certified by a licensed professional engineer. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The department will specify design and operating conditions in the permit to ensure that the

leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent failure under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(B) Designed and operated to function without clogging through the scheduled closure of the landfill.

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(f) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

(g) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined landfills; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined landfill is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The landfill (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The landfill must be underlain by two liners which are designed and constructed in a manner to prevent the migration of liquids into or out of the space between the

liners. Both liners must meet the specifications of subsection (2)(a)(i) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquid into the space between the liners; and

(iv) The landfill must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within the time period specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the time period specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(4) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of landfills exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;

(iii) Proper functioning of wind dispersal control systems; and

(iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(5) Surveying and recordkeeping. The owner or operator of a landfill must maintain the following items in the operating record required under WAC 173-303-380:

(a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

(b) The contents of each cell and the approximate location of each dangerous waste type within each cell.

(6) Closure and postclosure care.

(a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

(i) Provide long-term minimization of migration of liquids through the closed landfill;

(ii) Function with minimum maintenance;

(iii) Promote drainage and minimize erosion or abrasion of the cover;

(iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(b) After final closure, the owner or operator must comply with all postclosure requirements contained in WAC 173-303-610 (7), (8), (9), and (10) including maintenance and monitoring throughout the postclosure care period. The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsection (3) of this section, where such a system is present between double liner systems;

(iii) Continue to operate the leachate collection and removal system until leachate is no longer detected;

(iv) Maintain and monitor the ground water monitoring system and comply with all other applicable requirements of WAC 173-303-645;

(v) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(vi) Protect and maintain surveyed benchmarks used in complying with subsection (5) of this section.

(c) During the postclosure care period, if liquid leaks into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will modify the permit to require compliance with the requirements of WAC 173-303-645.

(7) Special requirements for ignitable or reactive waste.

(a) Except as provided in (b) of this subsection, and in subsection (10) of this section, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in a landfill so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) and (7); and

(ii) WAC 173-303-395 (1)(b) is complied with.

(b) Ignitable wastes in containers may be landfilled without meeting the requirements of (a) of this subsection, provided that the wastes are disposed of in such a

way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes: Must be disposed of in nonleaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other noncombustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

(8) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same landfill cell, unless WAC 173-303-395 (1)(b) is complied with.

(9) Special requirements for liquid waste.

(a) Bulk or noncontainerized liquid waste or waste containing free liquids must not be placed in a landfill unless, before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.

(b) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in *Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods*. (EPA Publication No. SW-846).

(c) Containers holding free liquids must not be placed in a landfill unless:

(i) All free-standing liquid:

(A) Has been removed by decanting, or other methods;

(B) Has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or

(C) Has been otherwise eliminated; or

(ii) The container is very small, such as an ampule; or  
(iii) The container is a lab pack as defined in subsection (10) of this section, and is disposed of in accordance with that subsection.

(10) Special requirements for containers.

(a) Unless they are very small, such as an ampule, containers must be either:

(i) At least ninety percent full when placed in the landfill; or

(ii) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

(b) Small containers of dangerous waste in overpacked drums (lab packs) may be placed in a landfill if the procedures of WAC 173-303-161 are met.

(11) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, or F027 must not be placed in a landfill unless the owner or operator operates the landfill in accord with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring requirements.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for landfills managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

[Statutory Authority: Chapter 70.105 RCW, 86-12-057 (Order DE-85-10), § 173-303-665, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-665, filed 4/18/84.]

**WAC 173-303-670 Incinerators. (1) Applicability.**

(a) Except as WAC 173-303-600 provides otherwise, the regulations in this section apply to owners and operators of facilities that incinerate dangerous waste and to owners and operators who burn dangerous waste in boilers or industrial furnaces in order to destroy them, or who burn dangerous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this section.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of this section except subsection (2) of this section, waste analysis, and subsection (8) of this section, closure, if the department finds, after an examination of the waste analysis included with Part B of the owner/operator's permit application, that the waste to be burned:

(i)(A) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090; or

(B) Is either listed in WAC 173-303-080 or is designated under WAC 173-303-090 solely because it is reactive for the characteristics described in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) and (viii), and will not be burned when other dangerous wastes are present in the combustion zone; and

(ii) Contains none of the dangerous constituents listed in WAC 173-303-9905 above significant concentration limits; and

(iii) Is not designated by the dangerous waste criteria of WAC 173-303-101, Toxic dangerous wastes, nor of WAC 173-303-102, Persistent dangerous wastes, nor of WAC 173-303-103, Carcinogenic dangerous wastes.

(c) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC 173-303-807, trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-807, or with Part B of his permit application, the owner or operator must have included an

analysis of his waste feed sufficient to provide all information required by WAC 173-303-807 or 173-303-806 (3) and (4).

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under subsection (6)(b) of this section).

(3) Designation of principal organic dangerous constituents and dangerous combustion byproducts. Principal organic dangerous constituents (PODCs) and dangerous combustion byproducts must be treated to the extent required by the performance standards specified in subsection (4) of this section. For each waste feed to be burned, one or more PODCs and dangerous combustion byproducts will be specified in the facility's permit from among those constituents listed in WAC 173-303-9905 and, to the extent practical, from among those constituents which contribute to the toxicity, persistence, or carcinogenicity of wastes designated under WAC 173-303-084 or 173-303-101 through 173-303-103. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts and their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents or byproducts which represent the greatest degree of difficulty of incineration will be those most likely to be designated as PODCs and dangerous combustion byproducts. Constituents are more likely to be designated as PODCs or dangerous combustion byproducts if they are present in large quantities or concentrations. Trial PODCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-807 for obtaining trial burn permits. Trial dangerous combustion byproducts may be designated under the same procedures.

(4) Performance standards. An incinerator burning dangerous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under subsection (6) of this section, it will meet the following performance standards:

(a)(i) Except as provided in (a)(ii) of this subsection, an incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each PODC designated (under subsection (3) of this section) in its permit for each waste feed. DRE is determined for each PODC from the following equation:

$$DRE = \frac{(w_{in} - w_{out})}{w_{in}} \times 100\%$$

Where:

$w_{in}$  = Mass feed rate of one PODC in the waste stream feeding the incinerator, and

$w_{out}$  = Mass emission rate of the same PODC present in exhaust emissions prior to release to the atmosphere.

(ii) An incinerator burning dangerous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic dangerous constituent (PODCs) designated (under subsection (3) of this section) in its permit. This performance must be demonstrated on PODCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each PODC from the equation in subsection (4)(a)(i) of this section. In addition, the owner or operator of the incinerator must notify the department of his intent to incinerate dangerous wastes F020, F021, F022, F023, F026, or F027.

(b) Incinerators burning dangerous waste must destroy dangerous combustion byproducts designated under subsection (3) of this section so that the total mass emission rate of these byproducts emitted from the stack is no more than .01 percent of the total mass feed rate of PODCs fed into the incinerator.

(c)(i) An incinerator burning dangerous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

(ii) An incinerator burning dangerous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = P_m \times \frac{14}{21 - Y}$$

Where  $P_c$  is the corrected concentration of particulate matter,  $P_m$  is the measured concentration of particulate matter, and  $Y$  is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR Part 60, Appendix A (Method 3). This correction procedure is to be used by all dangerous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the department will select an appropriate correction procedure to be specified in the facility permit.

(d) The emission standards specified in (c) of this subsection shall be met when no other more stringent standards exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous wastes shall comply with the applicable air pollution control authority's emission standards (including limits based on best available control technology).

(e) For purposes of permit enforcement, compliance with the operating requirements specified in the permit (under subsection (6) of this section), will be regarded as compliance with subsection (4) of this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance

requirements of subsection (4) of this section, may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-830.

(5) Trial burns and permit modifications.

(a) The owner or operator of a dangerous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under subsection (6) of this section, except:

(i) In approved trial burns under WAC 173-303-807; or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) New dangerous wastes may be burned only after operating conditions have been specified in a trial burn permit or a permit modification has been issued, as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under WAC 173-303-806(4).

(c) The permit for a new dangerous waste incinerator must establish appropriate conditions for each of the applicable requirements of this section, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of subsection (6) of this section, sufficient to comply with the following standards:

(i) For the period beginning with initial introduction of dangerous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in (c)(ii) of this subsection, not to exceed a duration of seven hundred twenty hours operating time for treatment of dangerous waste. The operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment. The department may extend the duration of this period once for up to seven hundred twenty additional hours when good cause for the extension is demonstrated by the applicant;

(ii) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of subsection (4) of this section, and must be in accordance with the approved trial burn plan;

(iii) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the department, the operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment;

(iv) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in WAC 173-303-806 (4)(f)(iii)(G), as sufficient to ensure compliance with the performance standards of subsection (4) of this section.

(6) Operating requirements.

(a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in subsection (5)(b) of this section and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of subsection (4) of this section.

(b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirement of subsection (4) of this section) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

(i) Carbon monoxide (CO) level in the stack exhaust gas;

(ii) Waste feed rate;

(iii) Combustion temperature;

(iv) An appropriate indicator of combustion gas velocity;

(v) Allowable variations in incinerator system design or operating procedures; and

(vi) Such other operating requirements as are necessary to ensure that the performance standards of subsection (4) of this section are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except waste exempted in accordance with subsection (1)(b) of this section) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

(d) Fugitive emissions from the combustion zone must be controlled by:

(i) Keeping the combustion zone totally sealed against fugitive emissions;

(ii) Maintaining a combustion zone pressure lower than atmospheric pressure; or

(iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under (a) of this subsection.

(f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(7) Monitoring and inspections.

(a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating dangerous waste:

(i) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis;

(ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and

(iii) As required by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the performance standards of subsection (4) of this section.

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be tested at least weekly to verify proper operation, unless the owner or operator demonstrates to the department that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, emergency cutoff and alarm systems must be tested at least monthly.

(c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).

(8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site. Remaining equipment, bases, liners, soil, and debris containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-670, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-670, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-670, filed 2/10/82.]

**WAC 173-303-700 Requirements for the Washington state extremely hazardous waste management facility at Hanford.** (1) Purpose and applicability. The purpose of this section is to set forth the requirements for the Washington EHW management (EHWM) facility located at Hanford, Washington. It is the only facility within the state that is allowed under law to dispose of EHW (RCW 70.105.050).

(2) Waste acceptance at Hanford.

(a) The state operator shall accept EHW for treatment, storage, or disposal when:

(i) The waste has been specified in the state operator's permit as not requiring prior approval from the department and the state operator sends a copy of each written request for disposal of waste at the EHWM facility to the department, not later than one week after receiving the request; or

(ii) If the waste has not been specified in the state operator's permit, then the department provides written approval that the waste may be accepted at the EHWM facility. Notices of approval or disapproval shall be provided as soon as possible, but not later than 15 days, after the state operator has notified the department. Written approval from the department is not required in emergencies, as specified; and

(iii) The generator has obtained prior written approval for waste acceptance from the state operator;

(iv) The waste is accompanied by a manifest specified in the generator requirements of WAC 173-303-180, Manifest; and

(v) Waste containers meet the labeling and container condition requirements of WAC 173-303-190.

(b) The state operator may accept DW, as defined in this regulation, for storage, treatment, or disposal when:

(i) All the conditions of EHW acceptance, (a) of this subsection, are met;

(ii) The generator and/or operator shows that no other permitted TSD facility in the state will handle such DW. The generator and/or operator shall refer to:

(A) County or municipal ordinances or solid waste permits forbidding DW disposal at nearby sites;

(B) The EHWM site being the shortest economical haul distance where other remotely located, DW sites may be available; and

(C) Specific rejection or disapproval, in writing, by nearby DW site operators, public or private; and

(iii) The EHWM facility is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste.

(c) The state operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the acceptance procedures of this subsection until the facts are ascertained, including but not limited to:

(i) The requirement that samples of waste be taken and analyzed; or

(ii) The condition of the containers by physical inspection of the delivery load.

(d) The state operator may accept dangerous waste under emergency conditions if:

(i) An emergency and potential threat to the public health and safety exists;

(ii) the state operator notifies the department as soon as possible;

(iii) The state operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(iv) The generator is fully apprised that the waste remains his liability until approved under (d)(iii) of this subsection.

(3) Other applicable requirements. The EHWM facility at Hanford shall meet all other requirements of chapter 173-303 WAC, including specific requirements for storage, treatment, transfer and disposal of EHW, and siting, performance, and operation of facilities. The EHWM facility shall also meet the following requirements:

(a) The state operator shall not remove any dangerous waste from the facility without the department's approval;

(b) The state operator shall maintain facilities for telephone and radio contact with the Hanford Reservation security patrol, and include this information with the contingency plan required in WAC 173-303-350;

(c) As a minimum, the state operator shall provide personnel having knowledge and background in the following areas:

(i) Inspecting and checking manifests for completeness and accuracy;

(ii) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and

(iii) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures;

(d) The state operator shall ensure that new personnel have a complete physical examination and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. The medical records shall be made a part of the state operator's records as required in WAC 173-303-380(1); and

(e) The state operator shall submit copies of all fee schedules to the department for yearly review and approval. The state operator shall supply, and the department shall use, the following criteria to review such disposal fees:

(i) Their relationship to other fees charged for similar services;

(ii) Reasonable return on investment and profit for the operator; and

(iii) The cost of administration, development, operation, maintenance, and perpetual management of the EHW facility, including administrative costs and perpetual management costs of the department.

(4) Department surveillance.

(a) In addition to the reports required under WAC 173-303-390, facility reports, the EHW facility operator shall report the following to the department:

(i) Copies of all environmental sampling results during the previous quarter;

(ii) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-303-360; and

(iii) Complete financial reports during the previous year.

(b) The state operator shall admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

(i) The site and facilities;

(ii) The waste being delivered, stored, processed, or buried, including the taking of samples, a portion of each sample being given to the operator upon his request;

(iii) The environment, by the drilling of test wells and obtaining of samples; and

(iv) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the state operator.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-700, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-700, filed 2/10/82.]

**WAC 173-303-800 Permit requirements for dangerous waste management facilities.** (1) The purpose of WAC 173-303-800 through 173-303-840 is to establish the requirements for permits which will allow a dangerous waste facility to operate without endangering the public health and the environment.

(2) The owner/operator of a dangerous waste facility that transfers, treats, stores, or disposes (TSD) or recycles dangerous waste shall, when required by this chapter, obtain a permit covering the active life, closure period, ground water protection compliance period, and for any regulated unit (as defined in WAC 173-303-040(75)), and for any facility which at closure does not meet the removal or decontamination limits of WAC 173-303-610 (2)(b), post-closure care period in accordance with WAC 173-303-800 through 173-303-840.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-420 and 173-303-430 are met.

(4) Permits shall be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 shall have the same meanings as set forth in 40 CFR 270.2.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-800, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-800, filed 2/10/82.]

**WAC 173-303-801 Types of dangerous waste management facility permits.** The following types of permits may be issued by the department to carry out the purpose of this regulation.

(1) Permits by rule:

(a) Ocean disposal - See WAC 173-303-802(2);

(b) Underground injection wells - See WAC 173-303-802(3);

(c) Publicly owned treatment works - See WAC 173-303-802(4); and

(d) Totally enclosed treatment facilities and elementary neutralization and wastewater treatment units - See WAC 173-303-802(5).

(2) Emergency permits - See WAC 173-303-804.

(3) Interim status permits - See WAC 173-303-805.

(4) Final facility permits:

(a) Final status TSD permits - See WAC 173-303-806;

(b) Moderate risk permits - See WAC 173-303-806; and

(c) Recycling permits - See WAC 173-303-806.

(5) Trial burns for dangerous waste incinerator final facility permits - See WAC 173-303-807.

(6) Demonstrations for dangerous waste land treatment final facility permits - See WAC 173-303-808.

(7) Demonstration permit for new chemical, physical or biological treatment processes - See WAC 173-303-809.



[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-801, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-801, filed 2/10/82.]

**WAC 173-303-802 Permits by rule.** (1) Purpose and applicability. This section provides for permit by rule for particular facilities and activities managing dangerous wastes, provided that certain conditions are met. These facilities, activities, and conditions are listed in this section. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit.

(2) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, shall have a permit by rule if the owner or operator:

(a) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);

(b) Complies with the conditions of that permit; and

(c) Complies with the following dangerous waste regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste report.

(3) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection shall have a permit by rule if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control, and complies with the conditions of the permit and requirements of 40 CFR 144.14 and applicable state waste discharge rules. All underground injection wells must comply with WAC 173-303-060, notification and identification numbers. However, underground injection wells disposing of EHW are prohibited.

(4) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, shall have a permit by rule if the owner or operator:

(a) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(b) Complies with the conditions of that permit;

(c) Complies with the following regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste reports;

(d) Accepts the waste only if it meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(e) Accepts no EHW for disposal at the POTW.

(5) Totally enclosed treatment facilities and elementary neutralization or wastewater treatment units.

(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit shall have a permit by rule, except as provided in (b) or (c) of this subsection, if he complies with:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-310, 173-303-350, 173-303-360, 173-303-370, 173-303-380 (1)(d), and 173-303-390 of the general facility standards; and

(iii) WAC 173-303-430, performance standards.

(b) A facility is not required to have a permit by rule under this subsection if the owner or operator can demonstrate to the department's satisfaction that:

(i) The facility already has an existing permit (or permits) issued under federal, state or local authority (such as NPDES, state waste discharge, pretreatment, etc.); and

(ii) The permit (or permits) include, either separately or jointly in the case of multiple permits, all requirements specified in (a) of this subsection.

(c) The department may require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit subject to either (a) or (b) of this subsection to apply for and obtain a final facility permit in accordance with WAC 173-303-800 through 173-303-840, if:

(i) The owner or operator violates the general facility or performance requirements specified in (a) of this subsection;

(ii) The owner or operator is conducting other activities which require him to obtain a final facility permit; or

(iii) The department determines that the general facility or performance requirements specified in (a) of this subsection, are not sufficient to protect public health or the environment and that additional requirements under chapter 173-303 WAC are necessary to provide such protection.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-802, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-802, filed 4/18/84.]

**WAC 173-303-804 Emergency permits.** Requirements for an emergency permit. In the event the department finds that an imminent and substantial endangerment to human health or the environment exists, the department may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal (TSD) of dangerous waste at a nonpermitted facility, or at a facility covered by an effective permit that does not otherwise allow treatment, storage, or disposal of such dangerous waste. Notice of the issuance of an

emergency permit shall be given to the fire marshal, police department, and other local emergency service agencies with jurisdiction near the location of the facility. The emergency permit:

(1) May be oral or written. If oral, it shall be followed within five days by a written emergency permit;

(2) Shall not exceed ninety days in duration for dangerous wastes;

(3) Shall not exceed one hundred eighty days in duration for moderate risk wastes;

(4) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

(5) May be terminated by the department at any time without following the decisionmaking procedures of WAC 173-303-840 if the department determines that termination is appropriate to protect public health and the environment;

(6)(a) Shall be accompanied by a public notice that includes:

(i) The name and address of the department;

(ii) The name and location of the permitted TSD facility;

(iii) A brief description of the wastes involved;

(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) The duration of the emergency permit; and

(b) Shall be given public notice by:

(i) Publication in a daily newspaper within the area affected;

(ii) By radio broadcast within the area affected;

(iii) By mailing a copy of the public notice to the persons described in WAC 173-303-840 (3)(e)(i); and

(iv) Any other method reasonably determined to give actual notice of the emergency permit to persons potentially affected by it; and

(7) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-804, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-804, filed 4/18/84.]

**WAC 173-303-805 Interim status permits.** (1) Applicability. This section applies to all facilities eligible for an interim status permit. When a facility is owned by one person but is operated by another person, it is the operator's duty to qualify for interim status, except that the owner must also sign an interim status application.

(2) Failure to qualify for interim status. If the department has reason to believe upon examination of a Part A application that it fails to provide the required information, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the department's belief that the application is deficient. The owner or operator shall have thirty days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity

for response, the department determines that the application is deficient it may take appropriate enforcement action.

(3) Interim status for facilities under RCRA interim status. Any existing facility operating under interim status gained under section 3005 of RCRA shall be deemed to have an interim status permit under chapter 173-303 WAC provided that the owner/operator complies with the applicable requirements of WAC 173-303-400 and this section.

(4) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which does not satisfy subsection (3) of this section, but which is only managing dangerous wastes that are not hazardous wastes under 40 CFR Part 261, shall be deemed to have an interim status permit provided that the owner/operator of the facility has complied with the notification requirements of WAC 173-303-060 by May 11, 1982 and has submitted Part A of his permit application by August 9, 1982. If an existing facility becomes subject to this chapter due to amendments to this chapter and the facility was not previously subject to this chapter, then the owner/operator of an existing facility may qualify for an interim status permit by complying with the notification requirements of WAC 173-303-060 within three months, and submitting Part A of his permit application within six months, after the adoption date of the amendments which cause the facility to be subject to the requirements of this chapter. Facilities qualifying for interim status under this subsection shall not be deemed to have interim status under section 3005 of RCRA, and may only manage non-RCRA wastes until they either qualify separately for interim status under section 3005 of RCRA or receive a final status facility permit allowing them to manage RCRA wastes.

(5) Maintaining the interim status permit.

(a) Timely notification and submission of a Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department terminates interim status pursuant to subsection (8) of this section.

(b) Interim status for the existing TSD facility shall be maintained while the department makes final administrative disposition of a final facility permit pursuant to WAC 173-303-806 if:

(i) The owner/operator has submitted his final facility permit application (as described in WAC 173-303-806) within six months of the written request by the department to submit such application; and

(ii) Grounds for terminating interim status (as described in subsection (8) of this section) do not exist.

(c) The owner/operator of an interim status facility must update his Part A whenever he is managing wastes that are newly regulated under this chapter, and as necessary to comply with subsection (7) of this section. Failure to comply with this updating requirement is a violation of interim status.

(6) Prohibitions for interim status permits. Facilities with an interim status permit shall not:

(a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;

(b) Employ processes not specified in Part A of the permit application; or

(c) Exceed the design capacities specified in Part A of the permit application.

(7) Changes during interim status.

(a) Dangerous wastes not previously identified in Part A of the application may be treated, stored, or disposed at a facility with interim status if the owner/operator submits to the department a revised Part A permit application prior to accepting the new dangerous wastes.

(b) Increases in the design capacity of processes used at a facility with interim status may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the department approves the change because of a lack of available treatment, storage, or disposal capacity at other permitted TSD facilities.

(c) Changes in the processes for the treatment, storage, or disposal of dangerous waste may be made at a facility with interim status, or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such changes (along with a justification explaining the need for the change) and the department approves the change because:

(i) It is necessary to prevent a threat to public health or the environment because of an emergency situation; or

(ii) It is necessary to comply with state, local, or federal regulations.

(d) Changes in the ownership or operational control of a facility with interim status may be made if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the interim status financial requirements of 40 CFR Part 265 subpart H (as referenced in WAC 173-303-400), until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. All other interim status permit duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with the interim status financial requirement, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status financial requirements as of the date of demonstration.

(e) In no event shall changes be made to a TSD facility under the interim status permit which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new TSD facility.

(f) Any revisions to an existing interim status permit must be made on the applicable Part A form(s), (forms 1 or 3 are available from the department). The owner

and operator certification page must be signed and included with those sections completed.

(8) Termination of interim status permit. The following are causes for terminating an interim status permit:

(a) Final administrative disposition of a final facility permit application is made pursuant to WAC 173-303-806;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the applicable standards of this chapter, it may notify the owner or operator that the application is deficient and that the interim status permit has been revoked. The owner or operator will then be subject to enforcement for operating without a permit;

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application; or

(d) Violation of applicable interim status standards.

(9) Moderate risk waste facilities. If the department determines, pursuant to WAC 173-303-550 through 173-303-560, that interim status standards can be reduced, the department will issue a notice of interim status modification stating what standards will be applied. Failure to comply with the conditions and standards as stated in the notice of modification or with the requirements of this section shall form a basis for revoking the notice. Upon revocation of the notice of interim status modification by the department, the owner or operator shall be subject to all of the requirements applicable to interim status dangerous waste management facilities. Before issuing the notice of modification, the department shall provide public notice of its intent, shall allow thirty days for public comment, and shall hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing shall be provided at least fifteen days in advance, and the public comment period shall be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department shall, based on comments received, issue, modify and issue, or deny the notice of interim status modification.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-805, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-805, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-805, filed 2/10/82.]

**WAC 173-303-806 Final facility permits.** (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

(a) Final status TSD facilities;

(b) Moderate risk waste management facilities; and

(c) Certain recycling facilities that are not exempt from the permit requirements.

(2) Application. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must apply for a final facility permit. The

department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit shall complete, sign, and submit an application to the department. An application shall consist of a Part A permit form (which can be obtained from the department), and the contents of Part B as specified in subsection (4) of this section.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the application for the permit is submitted to the department. If new regulations become effective between the date that the permit application is submitted and the date that public notice of the draft permit is issued under WAC 173-303-840(3), then the permit applicant may, at his option, request that the final facility permit include the new regulatory requirements and provide the additional information necessary to do so. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(4) Contents of Part B. Part B of a permit application shall consist of the information required in (a) through (h) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the department and signed in accordance with requirements in WAC 173-303-810(12). Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300 (5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2): Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-395 (1)(d), 173-303-630(6), 173-303-640(4), 173-303-650(4), 173-303-660 (4) and (5), 173-303-665(4), and 173-303-670(7).

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-640(8), 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);

(B) Prevent run-off from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages; and

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing).

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395 (1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(xi) Facility location information;

(A) In order to determine the applicability of the earthquake fault criteria (WAC 173-303-420(3)) the owner or operator of a new facility must identify the county in which the facility is proposed to be located.

(Comment: If the county is not listed in WAC 173-303-420 (3)(c), no further information is required to demonstrate compliance with WAC 173-303-420(3).)

(B) If the facility is proposed to be located in a county listed in WAC 173-303-420 (3)(c), the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

(I) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in

Holocene time) within three thousand feet of a facility are present, based on data from: Published geologic studies; aerial reconnaissance of the area within a five-mile radius from the facility; an analysis of aerial photographs covering a three thousand foot radius of the facility; and if needed to clarify the above data, a reconnaissance based on walking portions of the area within three thousand feet of the facility; or

(II) If faults (to include lineations) which have had displacement in Holocene time are present within three thousand feet of a facility, no faults pass within two hundred feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within two hundred feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than two hundred feet from portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within three thousand feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.

(C) Owners and operators of all facilities shall provide an identification of whether the facility is located within a one hundred-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the one hundred-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one hundred-year flood.

(Comment: Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the one hundred-year floodplain. However, if the FIA map excludes an area (usually areas of the floodplain less than two hundred feet in width), these areas must be considered and a determination made as to whether they are in the one hundred-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the one hundred-year floodplain, and if so located, what the one hundred-year flood elevation would be.)

(D) Owners and operators of facilities located in the one hundred-year floodplain must provide the following information:

(I) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as the consequence of a one hundred-year flood;

(II) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

(III) If applicable, and in lieu of (a)(xi)(D)(I) and (II) of this subsection, a detailed description of procedures to be followed to remove dangerous waste to safety before the facility is flooded, including: Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility; a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive dangerous waste in accordance with the regulations under this chapter; the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and the potential for accidental discharges of the waste during movement.

(E) Existing facilities **not** in compliance with WAC 173-303-420(4) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(F) Owners and operators of all facilities shall provide all information necessary to demonstrate compliance with the shoreline siting standards of WAC 173-303-420(5).

(G) The owner or operator of a new disposal facility must provide all information necessary to demonstrate compliance with the sole source aquifer siting standards of WAC 173-303-420(6).

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330 (1)(d).

(xiii) A copy of the closure plan and, where applicable, the postclosure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6).

(xiv) For existing disposal facilities, documentation that a notice has been placed in the deed or appropriate alternate instrument as required by WAC 173-303-610(10).

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) plus a copy of the financial assurance mechanism adopted in compliance with WAC 173-303-620(4).

(xvi) Where applicable, the most recent postclosure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the financial assurance mechanism adopted in compliance with WAC 173-303-620(6).

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620 (8)(a) and, if applicable, WAC 173-303-620 (8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620 (8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

- (A) Map scale and date;
- (B) One hundred-year floodplain area;
- (C) Surface waters including intermittent streams;
- (D) Surrounding land uses (residential, commercial, agricultural, recreational);
- (E) A wind rose (i.e., prevailing windspeed and direction);
- (F) Orientation of the map (north arrow);
- (G) Legal boundaries of the TSD facility site;
- (H) Access control (fences, gates);
- (I) Injection and withdrawal wells both on-site and off-site;
- (J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- (K) Barriers for drainage or flood control; and
- (L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas).

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(xix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste surface impoundments, waste piles, land treatment units, and landfills except as otherwise provided in WAC 173-303-645 (1)(b):

(A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;

(B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

(C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;

(D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in the plume. (Constituents are those listed in WAC 173-303-9905, and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-303-645 (9)(h)(v). To demonstrate compliance with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(III) A list of constituents and parameters for which compliance monitoring will be undertaken in accordance with WAC 173-303-645 (8) and (10);

(IV) Proposed concentration limits for each dangerous constituent and parameter, based on the criteria set forth in WAC 173-303-645 (5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents or parameters have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table 1, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645 (10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(II) The concentration limit for each dangerous constituent and parameter found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken; and

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630 (7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) A description of the procedures for labeling containers;

(iv) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630 (9)(c) (location of incompatible wastes), where applicable; and

(v) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630 (9)(a) and (b), and 173-303-395 (1)(b) and (c).

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide the following information:

(i) References to design standards or other available information used (or to be used) in design and construction of the tank;

(ii) A description of design specifications including identification of construction materials and lining materials (include pertinent characteristics such as corrosion or erosion resistance);

(iii) Tank dimensions, capacity, and the basis for selecting shell thickness, certified by a licensed professional engineer;

(iv) A diagram of piping, instrumentation, and process flow;

(v) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(vi) Description of procedures for handling incompatible ignitable, or reactive wastes, including the use of buffer zones;

(vii) A description of the containment system to demonstrate compliance with WAC 173-303-640 (2)(b)

and, where applicable, WAC 173-303-640(8). Show at least the following:

(A) Drawings and a description of the basic design parameters, dimensions, and materials of construction of the containment system;

(B) Capacity of the containment system relative to the design capacity of the tank(s) within the system;

(C) Description of the system to detect leaks and spills, and how precipitation and run-on will be prevented from entering into the detection system;

(viii) A description of the marking and/or labeling of tanks; and

(ix) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store, treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-650(2). This submission must address the following items as specified in WAC 173-303-650(2):

(A) The liner system (except for an existing portion of a surface impoundment), including the certification required by WAC 173-303-650 (2)(a)(i)(D) for EHW management. If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping; and

(C) Structural integrity of dikes;

(iii) If any exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-650(3), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liners;

(iv) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650 (4)(a) and (b). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650 (4)(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650 (5)(b) and (c). This information should be included in the contingency plan submitted under (a)(vii) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650 (6)(a)(i). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650 (6)(a)(ii) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the postclosure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with;

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how the surface impoundment is or will be designed to meet the requirements of WAC 173-303-650(9).

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and 173-303-645 as provided by WAC 173-303-660 (1)(c), an explanation of how the standards of WAC 173-303-660 (1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(2). This submission must address the following items as specified in WAC 173-303-660(2):

(A) The liner system (except for an existing portion of a pile), including the licensed engineer's certification when required by WAC 173-303-660 (2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660 (2)(d), the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding units associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;



(iv) If an exemption from WAC 173-303-645 is sought as provided by WAC 173-303-660 (3) or (4), submit detailed plans and an engineering report describing how the requirements of WAC 173-303-660 (3)(a) or (4)(a) will be complied with;

(v) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-660(5). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan how the inspection requirements of WAC 173-303-660 (4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how dangerous waste, waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660 (9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665 (6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the postclosure plan submitted under (a)(xiii) of this subsection;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a waste pile that is not enclosed (as defined in WAC 173-303-660 (1)(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(10).

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) provides otherwise, owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) of this subsection.

(i) When seeking an exemption under WAC 173-303-670 (1)(b) (ignitable or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive for characteristics other than those listed in WAC 173-303-090 (7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability, as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110(3), or their equivalent;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110(3); and

(V) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in (f)(iii)(A) of this

subsection. This analysis should specify the principal organic dangerous constituents (PODC's) which the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit principal organic dangerous constituents (permit PODC's) those constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department shall approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(g) Specific Part B information requirements for land treatment facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655 (4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions; and

(IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;

(III) Analytical procedures;

(IV) Chain of custody control;

(V) Procedures for establishing background values;

(VI) Statistical methods for interpreting results; and

(VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655 (6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of run-off;

(C) Minimization of run-off of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and run-off control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655 (5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the postclosure care period, as required under WAC 173-303-655 (8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the postclosure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(viii) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-655(12).

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of WAC 173-303-665(2). This submission must address the following items as specified in WAC 173-303-665(2):

(A) The liner system and leachate collection and removal system (except for an existing portion of a landfill), including the licensed engineer's certification required by WAC 173-303-665 (2)(a)(i). If an exemption from the requirements for a liner and a leachate collection and removal system is sought, as provided by

WAC 173-303-665 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding facilities associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iii) If an exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-665(3), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;

(iv) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of WAC 173-303-665(4). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665 (6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665 (6)(b) and (c). This information should be included in the closure and postclosure plans submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of WAC 173-303-665(7) will be complied with;

(vii) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(8) will be complied with;

(viii) If bulk of noncontainerized liquid waste or wastes containing free liquids is to be landfilled, an explanation of how the requirements of WAC 173-303-665(9) will be complied with;

(ix) If containers of dangerous waste are to be landfilled, an explanation of how the requirements of WAC 173-303-665(10) will be complied with; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-665(11).

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805(7)), only after submitting Part A and Part B of the permit application and receiving a final facility permit. All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility permit shall submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date provided that such date will never be later than the expiration date of the effective permit.

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit and the application is determined by the department to be complete pursuant to subsection (8) of this section, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; and/or

(iv) Take other actions authorized by this chapter.

(8) Completeness. The department shall not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been submitted to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(9) Recordkeeping. Applicants shall keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(10) General permit conditions. All final facility permits shall contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit shall not be extended beyond ten years, unless otherwise authorized under WAC 173-303-806(7).

(12) Grounds for termination. The following are causes for terminating a final facility permit during its term, or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and the hazard can only be controlled by permit modification or termination.

(13) Permit changes. All final facility permits shall be subject to the requirements of permit changes, WAC 173-303-830.

(14) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(15) Other requirements for final moderate risk and recycling facility permits. In lieu of issuing a final moderate risk or recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90.48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500 through 173-303-520 for recycling facilities or WAC 173-303-550 through 173-303-560 for moderate risk facilities.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-806, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-806, filed 4/18/84.]

**WAC 173-303-807 Trial burns for dangerous waste incinerator final facility permits.** (1) Purpose and applicability. For purposes of determining operational readiness and establishing conditions in final facility permits for dangerous waste incinerators, the department may approve trial burns. Trial burns shall not exceed seven hundred twenty hours operating time, except that the department may extend the duration of this operational period once, up to seven hundred twenty additional hours, at the request of the owner/operator of the incinerator when good cause is shown. The procedures for requesting and approving trial burns are described in:

(a) Subsection (10) of this section for existing incinerators with interim status permits; and

(b) Subsection (11) of this section for new incinerators and for incinerators with final facility permits in which the owner/operator wishes to burn new wastes not currently included in the permit.

(2) Trial burn plan. The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:

(a) An analysis of each waste or mixture of waste to be burned which includes:

(i) Heating value of the waste in the form and composition in which it will be burned;

(ii) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(iii) An analysis identifying any dangerous organic constituents listed in WAC 173-303-9905, and any other dangerous constituents which, although not listed, caused the waste to be regulated as a dangerous waste, which are reasonably expected to be present in the waste

to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified or referenced in WAC 173-303-110, or their equivalent;

(iv) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified or referenced in WAC 173-303-110; and

(v) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);

(b) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(i) Manufacturer's name and model number of incinerator (if available);

(ii) Type of incinerator;

(iii) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(iv) Description of the auxiliary fuel system (type/feed);

(v) Capacity of the prime air mover;

(vi) Description of automatic waste feed cutoff system(s);

(vii) Stack gas monitoring and pollution control equipment;

(viii) Nozzle and burner design;

(ix) Construction materials; and

(x) Location and description of temperature, pressure, and flow indicating and control devices;

(c) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(d) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the department's decision under subsection (5) of this section;

(e) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(f) A description of, and planned operating conditions for, any emission control equipment which will be used;

(g) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

(h) A detailed test protocol to sample and analyze the following for designation under WAC 173-303-070:

(i) Any incinerator ash residue collected in the incinerator; and

(ii) Any residues collected in the air pollution control devices; and

(i) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this section.

(3) Additional information required. The department, in reviewing the trial burn plan, shall evaluate the adequacy of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Trial PODCs. Based on the waste analysis data in the trial burn plan, the department will specify as trial principal organic dangerous constituents (trial PODCs) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial PODCs will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified in WAC 173-303-9905, or identified as causing the waste to be regulated as a dangerous waste.

(5) Approval of the plan. The department shall approve a trial burn plan if it finds that:

(a) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(b) The trial burn itself will not present an imminent hazard to public health or the environment;

(c) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-670(6); and

(d) The information sought in (a), (b), and (c) of this subsection cannot reasonably be developed through other means.

(6) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(a) A quantitative analysis of the trial PODCs in the waste feed to the incinerator;

(b) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial PODCs, O<sub>2</sub>, hydrogen chloride (HCl), carbon monoxide (CO) and dangerous combustion byproducts, including the total mass emission rate of byproducts as a percent of the total mass feed rate of PODCs fed to the incinerator;

(c) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial PODCs and whether they are designated according to WAC 173-303-070;

(d) A total mass balance of the trial PODCs in the waste;

(e) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670 (4)(a);

(f) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with WAC 173-303-670 (4)(c)(i);

(g) A computation of particulate emissions, in accordance with WAC 173-303-670 (4)(c)(ii);

(h) An identification of sources of fugitive emissions and their means of control;

(i) A measurement of average, maximum, and minimum temperatures, and combustion gas velocity;

(j) A continuous measurement of carbon monoxide in the exhaust gas;

(k) An identification of any existing air emission standards where a state or local air pollution control authority has established emission standards and such standards are applicable to the incinerator; and

(l) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(7) Certification. The applicant shall submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all determinations required by subsection (6) of this section. This submission shall be made within thirty days of the completion of the trial burn, or later if approved by the department.

(8) Submission of data. All data collected during any trial burn must be submitted to the department following the completion of the trial burn.

(9) Signatures required. All submissions required under this section shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application under WAC 173-303-810(12).

(10) Existing incinerators with interim status permits.

(a) The owner/operator of an existing incinerator currently operating under an interim status permit may, when required by the department (or when he chooses) to apply for a final facility permit, request the department to approve of a trial burn. The trial burn may be requested for the purposes of determining feasibility of compliance with the performance standards of WAC 173-303-670(4) and the operating conditions of WAC 173-303-670(6). If a trial burn is requested, the owner/operator shall prepare and submit a trial burn plan and, upon approval by the department, perform a trial burn in accordance with subsections (2) through (9) of this section.

(b) If the department approves the trial burn, it shall issue a notice of interim status modification granting such approval and specifying the conditions applicable to the trial burn. The notice of modification shall be a condition of the interim status permit. Note: The national emission standards for hazardous air pollutants may require review for a notice of construction. Owners and operators should consult chapter 173-400 WAC or local air pollution control agency regulations for applicability.

(c) If the trial burn is approved before submitting a final facility permit application, the owner/operator shall complete the trial burn and submit the information described in subsection (6) of this section, with Part B of the permit application. If completion of this process conflicts with the date set for submission of Part B of the final facility permit application, the owner/operator must contact the department to extend the date for submitting the Part B or the trial burn results. If the applicant submits a trial burn plan with Part B of the final facility permit application, the department will specify in

the notice of interim status modification issued under (b) of this subsection, a time period for conducting the trial burn and submitting the results.

(11) New incinerators and new wastes.

(a)(i) The owner/operator of a new incinerator may submit with Part B of a final facility permit application a request for approval of a trial burn. This request shall include a statement of why the trial burn is desirable, and a trial burn plan prepared in accordance with subsection (2) of this section.

(ii) The department shall proceed to issue a final facility permit in accordance with WAC 173-303-806. The permit shall include the trial burn plan, and shall establish operating conditions for the trial burn including but not limited to those described in WAC 173-303-670(6). The time period for conducting the trial burn and submitting the results shall also be specified in the permit.

(iii) After the trial burn has been completed and the results submitted to the department, the final facility permit shall be modified in accordance with WAC 173-303-830 (including minor modifications, if applicable) to establish the final operating requirements and performance standards for the incinerator.

(b) The owner/operator of an incinerator with a final facility permit who wishes to burn new wastes not currently included in his permit may request approval of a trial burn for the new wastes. The request and approval shall be handled in the same way as described in (a) of this subsection, except that in lieu of issuing an entirely new final facility permit the department will modify the existing final facility permit in accordance with WAC 173-303-830.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-807, filed 4/18/84.]

**WAC 173-303-808 Demonstrations for dangerous waste land treatment final facility permits.** (1) Purpose and applicability. This section is applicable to the owner/operator of a land treatment facility who must demonstrate that his proposed treatment will be successful. The purpose of this section is to allow the department to issue a land treatment demonstration permit.

(2) Permit issuance. The department may issue a land treatment demonstration permit either in advance of or as part of a final facility permit so that the owner/operator of a land treatment facility can make the demonstration required in WAC 173-303-655(3). If issued in advance of the final facility permit, the land treatment demonstration permit shall be issued as described in subsection (3) of this section, as a demonstration permit only. If issued as part of the final facility permit, the land treatment demonstration and final facility permit shall be issued as described in subsection (4) of this section, as a phased permit. The determination for which procedure to follow will be made by the department based on the information submitted by the owner/operator in Part B of the final facility permit application.

(3) Demonstration permit only.

(a) If the department finds that the Part B does not contain enough information regarding the proposed

treatment to allow the department to establish permit conditions necessary for compliance with all requirements of WAC 173-303-655, it may issue a land treatment demonstration permit only. The demonstration permit will be issued in accordance with the decision-making procedures of WAC 173-303-840. The demonstration permit may be issued either as a treatment or disposal permit, will cover only the field test or laboratory analyses, shall contain only those requirements necessary to meet the standards in WAC 173-303-655(3), and shall provide a specific time period for the demonstration. The department may extend the demonstration period as a modification (or minor modification, if applicable) to the demonstration permit.

(b) Within thirty days (unless the department approves a later date) of the end of the treatment demonstration, the owner/operator shall submit a revised Part B to the department containing the results of the field tests or laboratory analyses and all data developed during the demonstration period. The department shall then use the information and Part B to determine whether or not there is adequate information to issue a final facility permit which will incorporate conditions sufficient to provide compliance with all requirements of WAC 173-303-655. If the information is adequate, the department will proceed under WAC 173-303-806 to issue a final facility permit. If the information is not adequate, the department may, as the situation warrants, either issue a modification to the demonstration permit in accordance with the procedures of subsection (3)(a) of this section, or deny the final facility permit application.

(4) Phased permit.

(a) The department may issue a two-phase final facility permit if it finds that, based on information submitted in Part B of the permit application, substantial (although incomplete and inconclusive) information exists upon which to base the issuance of a final facility permit. The phased permit will be issued in the same manner as a final facility permit under WAC 173-303-806, except that it shall contain a first phase for making a land treatment demonstration, and a second phase (to become effective after completion of the first phase) for establishing conditions for operation of the land treatment facility.

(b) If the department finds that a phased permit may be issued, it will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration cleanup activities, and any other conditions which the department finds may be necessary under WAC 173-303-655 (3)(c). The department will include conditions in the second phase of the facility permit to attempt to meet all WAC 173-303-655 requirements pertaining to unit design, construction, operation, and maintenance. The department will establish these conditions in the second phase of the permit based

upon the substantial but incomplete or inconclusive information contained in the Part B application.

(i) The first phase of the permit will be effective as provided in WAC 173-303-840 (8)(b).

(ii) The second phase of the permit will be effective as provided in (d) of this subsection.

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the department a certification, signed by a person authorized to sign a permit application or report under WAC 173-303-810(12), that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within thirty days of completion of those tests or analyses unless the department approves a later date.

(d) If the department determines that the results of the field tests or laboratory analyses meet the requirements of WAC 173-303-655(3), it will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with WAC 173-303-655, based upon the results of the field tests or laboratory analyses.

(i) This permit modification may proceed as a minor modification under WAC 173-303-830(4), provided any such change is minor, or otherwise will proceed as a modification under WAC 173-303-830(3).

(ii) If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made, the department will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in WAC 173-303-840 (8)(b).

(iii) If modifications under WAC 173-303-830(3) are necessary, the second phase of the permit will become effective only after those modifications have been made.

(e) If the department determines that the results of the field tests or laboratory analyses do not meet the requirements of WAC 173-303-655(3), the second phase of the permit will not become effective, and the department will, as the situation warrants, either:

(i) Modify the permit according to WAC 173-303-830(3) to allow for additional field tests or laboratory analyses; or

(ii) Proceed to terminate the permit according to WAC 173-303-840.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-808, filed 4/18/84.]

**WAC 173-303-809 Demonstration permit for new chemical, physical, or biological treatment processes.** (1) Purpose and applicability. This section applies to TSD facilities which will be chemically, physically, or biologically treating dangerous waste through new processes, and which are applying for a final facility permit. The purpose of this section is to provide permits which will

allow new treatment processes (NTP) to operate and demonstrate the conditions of operation. The department will use the demonstration information developed under permits issued pursuant to this section to specify the final operating conditions in the final facility permit. Demonstration permits will not be issued under this section to applicants whose NTP will be treating dangerous waste which is also designated as hazardous waste under 40 CFR Part 261. Demonstration permits for trial burns or land treatment will not be issued under this section; they must be issued under WAC 173-303-807 and 173-303-808 respectively.

(2) Permit issuance. The department may issue a NTP demonstration permit either in advance of or as part of a final facility permit. The demonstration permit will include the demonstration and performance standards of subsection (3) of this section. If issued in lieu of the final facility permit, the NTP demonstration permit shall be issued as described in subsection (4) of this section. If issued as part of the final facility permit, the NTP demonstration permit and final facility permit shall be issued as described in subsection (5) of this section. The department will decide which permit issuance procedure will be followed based on information provided by the NTP applicant in Part B of the facility permit application.

(3) Demonstration and performance standards. This subsection describes the standards that will be included in a NTP demonstration permit to determine and establish the effectiveness of the NTP and the necessary final facility operating conditions. These standards will also assure that the NTP demonstration will be performed in a manner which will not pose a threat to public health and the environment.

(a) Demonstration. The NTP demonstration must be likely to show whether or not the NTP will effectively treat the dangerous waste. If the information provided by the applicant in his Part B application is determined by the department to be inadequate or to provide insufficient information regarding the likelihood of effective treatment, then a permit will not be issued under subsection (4) or (5) of this section. At a minimum, the NTP demonstration must:

(i) Accurately simulate the operating conditions of the NTP;

(ii) Specify the wastes and waste quantities to be treated and the duration of the demonstration;

(iii) Be likely to result in effective treatment; and

(iv) Obtain the following information during the demonstration:

(A) Data on the concentrations and quantities of dangerous and nondangerous wastes and constituents before and after treatment;

(B) Recommended changes in operating conditions that could provide for more effective treatment;

(C) Identification of situations which resulted in not meeting the operating conditions, or in releases of dangerous waste or constituents to the environment;

(D) Data from any required monitoring equipment and process control instruments, such as temperature or

pressure gauges, level indicators, waste feed rate and flow meters, etc.;

(E) The effectiveness of any emergency control equipment or measures, when tested or implemented, such as shut off valves, spill containment systems, cleanup actions, etc.; and

(F) Such other information or data as required by the department.

(b) Performance. The NTP demonstration must be performed in a manner which will not pose a threat to public health or the environment. If the department determines, from the information provided by the applicant in his Part B application, that the NTP demonstration would pose a threat to public health or the environment, then a permit will not be issued under subsection (4) or (5) of this section. The NTP demonstration will be considered to pose a threat if it cannot comply with the performance standards of WAC 173-303-430(3).

(4) Demonstration permit only. If the department finds that the Part B application does not contain enough information regarding the NTP to establish the full final facility operating conditions, then the department will issue a demonstration permit only. This permit will be issued in accordance with the decision-making procedures of WAC 173-303-840, and will cover only the NTP demonstration. The duration of the demonstration, and applicable operating conditions and performance standards will be specified in the permit. The department may extend the demonstration as a modification (or minor modification, if applicable) to the permit.

Within thirty days of the end of the demonstration, the owner/operator shall provide to the department the information obtained under subsection (2)(a)(iv) of this section, and a revised Part B application covering any necessary changes or new operating conditions. Based on the adequacy of the information and the revised Part B application, the department will either:

(a) Issue a final facility permit under WAC 173-303-806, if the available information is sufficient to establish all necessary operating conditions; or

(b) Issue a phased permit under subsection (5) of this section, if the available information is nearly sufficient to establish the necessary operating conditions; or

(c) Deny the final facility permit under WAC 173-303-840, if the available information indicates that the NTP cannot operate without posing a threat to public health or the environment.

(5) Phased permit. If the department finds that the Part B application contains substantial information regarding the NTP that would be sufficient to establish nearly all final operating conditions, then the department may issue a two-phase final facility permit. This phased permit will be issued in the same manner as a final facility permit under WAC 173-303-806, except that it shall contain a first phase for a NTP demonstration, and a second phase (to become effective as described in (b) of this subsection) for establishing the NTP facility operating conditions.

(a) First phase. The department will establish, as requirements in the first phase of the permit, conditions



for conducting the NTP demonstration. The NTP demonstration may be conducted, if approved by the department, as an actual trial run of the NTP facility itself. The demonstration conditions will include design and operating parameters, demonstration duration, monitoring procedures, information to be collected pursuant to subsection (2)(a)(iv) of this section, performance standards, and such other conditions deemed appropriate by the department.

Upon completion of the first phase, the owner/operator must submit to the department a certification, signed by a person authorized to sign a permit application or report under WAC 173-303-810(12), that the NTP demonstration has been carried out in accordance with the conditions specified in the first phase of the permit. The owner/operator must also submit a report containing all information and data collected and identifying any significant problems encountered during the demonstration. The owner/operator shall not implement the second phase of his permit until after the certification and report have been submitted to the department, and he has been notified by the department in accordance with (b) of this subsection that the second phase of his permit is effective.

(b) Second phase. The department will establish, as requirements in the second phase of the permit, final operating conditions for the NTP facility. These conditions will, to the maximum extent possible given the information available and provided in the Part B application, include all applicable requirements necessary to comply with the final facility standards of this chapter (including, but not limited to, WAC 173-303-600 through 173-303-670 and 173-303-806). The second phase shall also identify those operating conditions which are reasonably expected to change as a result of information developed during the first phase demonstration, and the maximum extent to which those conditions are expected to change. The second phase shall also specify what criteria, if met, will result in a need to terminate the permit or to make a major modification to the permit under WAC 173-303-830 because of new information developed during the first phase.

Upon completion of the first phase, the department will review the certification and report submitted pursuant to (a) of this subsection. Based on the new information provided in the certification and report, the department will either:

(i) Notify the owner/operator that the second phase of his permit is effective immediately, if the new information indicates that the second phase is adequate and no changes are necessary; or

(ii) Notify the owner/operator that the second phase of his permit will not be effective until changes to the second phase are made, if the new information indicates that the requirements of the second phase must be changed.

(A) If the necessary changes have already been identified in the second phase prior to permit issuance and the changes are no greater in extent than already identified in the second phase, then the department shall immediately make the appropriate changes to the

requirements in the second phase of the permit. Upon completing the changes, the department shall notify the owner/operator of the changes and that, as soon as the owner/operator has included the new requirements into his facility operations, the second phase of his permit is effective.

(B) If the necessary changes are not already identified, or are greater than the extent specified in the second phase so that the changes cannot be included as provided in (b)(ii)(A) of this subsection, or if the necessary changes meet the criteria already specified in the second phase as being cause for major modification of the permit, then the department will proceed to modify the permit in accordance with WAC 173-303-830(3). The second phase of the permit will be effective only after the permit modifications have been made and the department has notified the owner/operator that his permit is effective; or

(iii) Notify the owner/operator that the second phase will not be effective and that his permit will be terminated, if the new information indicates radical problems with the NTP that cannot be addressed through a permit modification, or if the new information meets the criteria already specified in the second phase as being cause for termination of the permit. Permit termination will proceed in accordance with WAC 173-303-830(5).

[Statutory Authority: Chapter 70.105 RCW. 84-14-031 (Order DE 84-22), § 173-303-809, filed 6/27/84.]

**WAC 173-303-810 General permit conditions.** (1) Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits, except interim status permits and permits by rule, to assure compliance with this chapter. If the conditions of this section are incorporated in a permit by reference, a specific citation to this section must be given in the permit.

(2) Duty to comply. The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) Duty to halt or reduce activity. A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activities in order to maintain compliance with the conditions of the permit.

(5) Duty to mitigate. The permittee shall take all steps required by the department to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) Effect of a permit. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee shall allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) Monitoring and monitoring records.

(a) All permits shall specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods; and

(ii) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(c) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time.

(d) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee shall maintain all records of ground water quality and ground water surface elevations for the active life of the facility, and for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department shall be signed in accordance with WAC 173-303-810(12) and shall be certified according to WAC 173-303-810(13).

(a) Applications. When a dangerous waste facility is owned by one person, but is operated by another person, it is the duty of the operator and owner to obtain and cosign the permit application. The permit application shall be signed as follows:

(i) For a corporation: By a responsible corporate officer. For the purposes of this subsection, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency; or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) Reports. All reports required by permits and other information requested by the department shall be signed

by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in (a) of this subsection;

(ii) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(iii) The written authorization is submitted to the department.

(c) Changes to authorization. If an authorization under (b) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) of this subsection must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(13) Certification. Any person identified in subsection (12) of this section as appropriate for signing the documents required for a permit application shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(14) Reporting. The following reports shall be provided:

(a) Planned changes. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new or modified portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and either

(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results (including monitoring of the facility's impacts as required by the applicable sections of this chapter) shall be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirements contained in any compliance schedule shall be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment. Information shall be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Information which must be reported immediately shall include:

(i) Release of dangerous waste that may cause an endangerment to drinking water supplies or ground or surface waters;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility;

(iii) The following description of any such occurrence:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under (d), (e), and (f) of this subsection, at the time monitoring

reports are submitted. The reports shall contain the information listed in (f) of this subsection.

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he shall promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest discrepancy report as required by WAC 173-303-370(5);

(ii) Unmanifested waste report as required by WAC 173-303-390(1); and

(iii) Annual report as required by WAC 173-303-390(2).

(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if the owner/operator indicates to the department the degree of harm if the information is made to the public.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions. Claims of confidentiality for the name and address of any permit applicant will be denied.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department shall place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidentiality information criteria.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-810, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-810, filed 2/10/82.]

**WAC 173-303-815 (Reserved.)**

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-815, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-815, filed 2/10/82.]

**WAC 173-303-820 (Reserved.)**

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-820, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-820, filed 2/10/82.]

**WAC 173-303-825 (Reserved.)**

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-825, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-825, filed 2/10/82.]

**WAC 173-303-830 Permit changes.** (1) Purpose and applicability. This section describes the types of

permit changes that may be made to all permits issued by the department. This section does not apply to permits by rule or interim status permits.

(2) Transfer of permits. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under subsection (3) of this section, or a minor modification has been made to identify the new permittee and incorporate such other requirements as stipulated under subsection (4) of this section.

(3) Modification or revocation and reissuance of permits. When the department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for modification or revocation and reissuance, or conducts a review of the permit file), the department may determine whether or not one or more of the causes listed in (a) and (b) of this subsection for modification or revocation and reissuance or both exist. If cause exists, the department may modify or revoke and reissue the permit accordingly and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. If cause does not exist under subsection (3) or (4) of this section, the department shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in subsection (4) of this section for "minor modifications," the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and public review provided in accordance with WAC 173-303-840.

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, unless agreed to or requested by the permittee:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the department receives information that was not available at the time of permit issuance and which would have justified the application of different permit conditions at the time of issuance;

(iii) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only when:

(A) The permit condition requested to be modified was based on an effective regulation; and

(B) The department has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; and either

(I) The department decides to modify the permit because there would be a potential threat to public health or the environment if the permit does not incorporate the requirements of the amended regulation; or

(II) A permittee requests modification within ninety days after the date the regulation amendments are adopted;

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy;

(v) Closure plans or postclosure. When modification of a closure or postclosure plan is required under WAC 173-303-610 (3) or (8);

(vi) Revocation of changes approved prior to notice of closure. After the department receives the notification of expected closure under WAC 173-303-610(3), the department may determine that previously approved changes are no longer warranted. These include:

(A) Extension of the ninety or one hundred eighty day periods under WAC 173-303-610(4);

(B) Modification of the thirty year postclosure period under WAC 173-303-610(7);

(C) Continuation of security requirements under WAC 173-303-610(7); or

(D) Permission to disturb the integrity of the containment system under WAC 173-303-610(7);

(vii) When the permittee has filed a request under WAC 173-303-620 for a variance to the level of financial responsibility or when the department demonstrates under WAC 173-303-620 that an upward adjustment of the level of financial responsibility is required;

(viii) When the corrective action program specified in the permit under WAC 173-303-645 has not brought the regulated unit into compliance with the ground water protection standard within a reasonable period of time;

(ix) To include a detection monitoring program meeting the requirements of WAC 173-303-645, when the owner or operator has been conducting a compliance monitoring program under WAC 173-303-645 or a corrective action program under WAC 173-303-645 and compliance period ends before the end of the postclosure care period for the unit;

(x) When a permit requires a compliance monitoring program under WAC 173-303-645, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the ground water protection standard;

(xi) To include conditions applicable to units at a facility that were not previously included in the facility's permit; or

(xii) When a land treatment unit is not achieving complete treatment of dangerous constituents under its current permit conditions.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC 173-303-806(11) for final facility permits, and the department determines that modification or revocation and reissuance is appropriate; or

(ii) The department has received notification of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

(4) Minor modifications of permits. Unless the permittee indicates otherwise, the department may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section without following the procedures of WAC 173-303-840. Any permit modification not processed as a minor modification under this section must be made for cause and with a draft permit and public notice as required in WAC 173-303-840. Minor modifications may only be made to:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than one hundred twenty days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(d) Allow for a change in ownership or operational control of a facility where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the department;

(e) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan;

(f) Change the following:

(i) Estimates of maximum inventory under WAC 173-303-610 (3)(a)(ii);

(ii) Estimates of expected year of closure or schedules for final closure under WAC 173-303-610 (3)(a)(iv); or

(iii) Approve periods longer than ninety days or one hundred eighty days under WAC 173-303-610 (4)(a) or (b);

(g) Change the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided that the change is minor;

(h) Change the operating requirements set in the permit for conducting a trial burn, provided that the change is minor;

(i) Grant one extension of the time period for determining operational readiness following completion of construction, for up to seven hundred twenty hours operating time for treatment of dangerous waste in an incinerator;

(j) Change the treatment program requirements for land treatment units under WAC 173-303-655(2) to improve treatment of dangerous constituents, provided that the change is minor;

(k) Change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with WAC 173-303-808, provided that the change is minor; and

(l) Allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by WAC 173-303-655, provided that the conditions for the second demonstration are substantially the same as the conditions for the first demonstration.

(5) Permit termination. The department shall follow the applicable procedures in WAC 173-303-840, procedures for decision making, in terminating any permit. The following are causes for terminating a permit during its term or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and can only be regulated to acceptable levels by permit modification or termination.

(6) Schedules of compliance.

(a) General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with chapter 173-303 WAC.

(b) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.

(c) Interim dates. If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement as follows;

(i) The time between interim dates shall not exceed one year; or

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(d) Reporting. The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the department in writing of its compliance or noncompliance with the interim or final requirements.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-830, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-830, filed 2/10/82.]

**WAC 173-303-840 Procedures for decision making.**

(1) Application and completeness.

(a) The department will not begin the processing of a permit until the applicant has fully complied with the application requirements for the permit. Permit applications must comply with the signature and certification requirements of WAC 173-303-810 (12) and (13).

(b) The department shall review for completeness each application for a permit under this chapter. Each application for a permit should be reviewed for completeness within sixty days of its receipt. Upon completing the review, the department shall notify the applicant in writing whether or not the application is complete. If the application is incomplete, the department shall list the information necessary to make the application complete, and shall specify in the notice of deficiency a date for submitting the necessary information. After the application is completed, the department may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

(c) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under chapter 70.105 RCW.

(d) If the department decides that a site visit is necessary for any reason in conjunction with the processing of an application, then the department shall notify the applicant and a date shall be scheduled.

(e) The effective date of an application is the date on which the department notifies the applicant that the application is complete as provided in (b) of this subsection.

(2) Draft permits.

(a) A draft permit is a document prepared by the department indicating the tentative decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) When an application is completed, the department shall tentatively decide whether to prepare a draft permit, or to deny the application.

(c) If the department tentatively decides to deny the permit application, then the department shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this subsection. If the department's final decision is that the tentative decision to deny was incorrect, then the department shall withdraw the notice of intent to deny and proceed to prepare a draft permit under this subsection.

(d) If the department decides to prepare a draft permit, it shall contain the following information:

(i) All conditions applicable to permits under WAC 173-303-810;

(ii) Applicable conditions under WAC 173-303-830; and

(iii) All applicable standards for storage, treatment and disposal, and other permit conditions.

(e) All draft permits must be accompanied by a fact sheet that is supported by administrative record and made available for public comment.

(f) Fact sheet; statement of basis.

(i) A fact sheet shall be prepared for every draft permit for a major dangerous waste management facility, and for every draft permit which the department finds is the subject of wide-spread public interest or raises major issues.

(ii) The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The department shall send this fact sheet to the applicant and, on request, to any other person.

(iii) The fact sheet shall include, when applicable:

(A) A brief description of the type of facility or activity which is the subject of the draft permit;

(B) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed, injected, emitted, or discharged;

(C) A brief summary of the basis for the draft permit conditions including supporting references;

(D) Reasons why any requested variances or alternatives to required standards do or do not appear justified; and

(E) A description of the procedures for reaching a final decision on the draft permit including:

(I) The beginning and ending dates of the comment period and the address where comments will be received;

(II) Procedures for requesting a hearing and the nature of that hearing;

(III) Any other procedures by which the public may participate in the final decision; and

(IV) Name and telephone number of a person to contact for additional information.

(iv) The department shall prepare a statement of basis for every draft permit for which a fact sheet is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

(3) Public notice and involvement.

(a) The department shall give public notice that the following actions have occurred:

(i) A draft permit has been prepared or an application is tentatively being denied;

(ii) A hearing on a permit has been scheduled; or

(iii) An appeal on a permit has been filed with the pollution control hearings board.

(b) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied. A written notice of the denial shall be given to the person who requested the permit change and to the permittee.

(c) The public notice may describe more than one permit or permit action.

(d) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application shall allow at least forty-five days for public comment. Public notice of a public hearing shall be given at least thirty days before the hearing.

(e) Public notice of activities described in this subsection shall be given by the following methods:

(i) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

(A) The applicant;

(B) Any other agency which the department knows has issued or is required to issue a permit for the same activity or facility;

(C) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the advisory council on historic preservation, state historic preservation officers, and other appropriate government authorities, including any affected states;

(D) Persons on the mailing list developed by:

(I) Including those who request in writing to be on the list;

(II) Soliciting persons for an area list from participants in past permit proceedings in that area; and

(III) Notifying the public of the opportunity to be put on the mailing list through periodic publications in the public press and in appropriate publications of the department;

(E) Any unit of local government having jurisdiction over the area where the facility is proposed to be located, and each state agency having any authority under state law with respect to construction or operation of such facility;

(ii) For major permits, by publication of a notice in a daily or weekly newspaper within the area affected by the facility;

(iii) For all permits, by publication of notice in a daily or weekly major local newspaper of general circulation, and local radio broadcast of the public notice; and

(iv) By any other method reasonably calculated to give notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(4) Contents of the public notice.

(a) All public notices issued shall contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(iii) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(iv) Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet or statement of basis, and the application;

(v) A brief description of the comment procedures and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

(vi) And any additional information considered necessary or proper.

(b) In addition to the general public notice described in (a) of this subsection, public notice of a hearing under subsection (5) of this section shall contain the following information:

(i) Date, time, and place of the hearing;

(ii) Reference to the date of the previous public notice relating to the permit; and

(iii) A brief description of the nature and purpose of the hearing including the applicable rules and procedures.

(c) In addition to the general public notice all persons identified in WAC 173-303-840 (3)(e)(i)(A), (B), and (C) shall be mailed a copy of the fact sheet, the permit application (if any), and the draft permit (if any).

(d) Public comments and request for public hearings. During the public comment period any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered according to WAC 173-303-840(9).

(5) Public hearings.

(a) The department shall hold a public hearing whenever, on the basis of requests, there is a significant degree of public interest in a draft permit or there is written notice of opposition and the director receives a request for a hearing during the forty-five day comment period. The department also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in WAC 173-303-840(3). Whenever possible, the department shall schedule a public hearing under this subsection at a location convenient to the nearest population center to the proposed facility.

(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under WAC 173-303-840(3) shall automatically be extended to the close of any public hearing under this subsection. The hearing officer may also extend the comment period by so stating at the hearing.

(c) A tape recording or written transcript of the hearing shall be made available to the public.

(6) Obligation to raise issues and provide information during the public comment period.

(a) All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under WAC 173-303-840(3).

(b) All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters

shall make supporting material not already included in the administrative record available to the department. A comment period longer than thirty days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this subsection. Commenters may request a longer comment period.

(7) Reopening of the public comment period. If any data, information, or arguments submitted during the public comment period, including information or arguments required under subsection (6) of this section, appear to raise substantial new questions concerning a permit, the department may take one or more of the following actions:

(a) Prepare a new draft permit, appropriately modified;

(b) Prepare a revised statement of basis, a fact sheet or revised fact sheet, and reopen the comment period; or

(c) Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice shall define the scope of the reopening.

(8) Issuance and effective date of permit.

(a) After the close of the public comment period under WAC 173-303-840(5) on a draft permit, the department shall issue a final permit decision. The department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. For purposes of this section, a final permit means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision shall become effective thirty days after the service of notice of the decision, unless:

(i) A later effective date is specified in the decision; or

(ii) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

(9) Response to comments. At the time that any final permit is issued, the department shall issue a response to comments. This response shall specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reason for the change, and briefly describe and respond to all significant comments of the draft permit raised during the public comment period or during any hearing. The response to comments shall be available to the public.

(10) Decision-making procedure for modification, revocation and reissuance, or termination of permits.

(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the department's initiative. However, permits may only be modified or revoked and reissued for the reasons specified in WAC 173-303-830 (3) and (4), or terminated for the reasons specified in WAC 173-303-805 or 173-303-806. All requests shall be in writing and shall contain facts or reasons supporting the request.



(b) If the department tentatively decides to modify or revoke and reissue a permit under WAC 173-303-830(3), it shall prepare the draft permit under WAC 173-303-840(2), incorporating the proposed changes. The department may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the department shall require the submission of a new application.

(c) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(d) "Minor modifications" as defined in WAC 173-303-830(4) are not subject to the requirements of this section.

(e) If the department tentatively decides to terminate an interim status permit under WAC 173-303-805 or a final permit under WAC 173-303-806, it shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under WAC 173-303-840(2).

[Statutory Authority: Chapter 70.105 RCW, 84-14-031 (Order DE 84-22), § 173-303-840, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-840, filed 2/10/82.]

**WAC 173-303-845 Appeal of decision.** Any person who is adversely affected by a decision of the department under chapter 173-303 WAC may appeal the decision to the pollution control hearings board pursuant to chapter 43.21B RCW.

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-845, filed 2/10/82.]

**WAC 173-303-900 Public involvement and participation.** (1) Intent. Public involvement and participation plays a significant role in the decision making process. The department intends to foster public awareness, information and consultation, and to respond actively to public concerns. The department will inform the public of major issues, proposed projects, and regulatory changes, and will consult interested and affected segments of the public before making important decisions. The overall goal of the department is to provide knowledge to the public about dangerous waste issues that vitally affect the state, to encourage broader understanding of the public role in dangerous wastes and their proper management, and to promote an open dialogue between the public, industry, and government.

(2) Applicable requirements. In fulfilling the intent of public involvement and participation in the decision making process, the department will refer to and, where

applicable, follow the requirements and guidance set forth in the following:

(a) Chapter 34.04 RCW, Administrative Procedure Act;

(b) Chapter 34.08 RCW, Washington State Register Act of 1977;

(c) Chapter 42.17 RCW, Public Records Act;

(d) Chapter 197-10 WAC, Guidelines Interpreting and Implementing the State Environmental Policy Act;

(e) 40 CFR Part 25, Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act; and

(f) The Washington state solid waste management plan, December 1980.

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-900, filed 2/10/82.]

**WAC 173-303-910 Petitions.** (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. This subsection sets forth general requirements which apply to all such petitions. The remaining subsections of this section describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and

(iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice shall be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period shall be a minimum of forty-five days.

(d) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold a conference.

(e) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060 or 34.04.080. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, initiate rule-making proceedings in accordance with RCW 34.04.025.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by subsection (1) of this section:

(i) A full description of the proposed method, including all procedural steps and equipment used in the method;

(ii) A description of the types of wastes or waste matrices for which the proposed method may be used;

(iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;

(iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and

(v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-103.

(b) To be successful, the generator must make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4) and (5).

(c) Each petition must include, in addition to the information required by subsection (1) of this section:

(i) The name and address of the laboratory facility performing the sampling or tests of the waste;

(ii) The names and qualifications of the persons sampling and testing the waste;

(iii) The dates of sampling and testing;

(iv) The location of the generating facility;

(v) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

(vi) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in WAC 173-303-072(3) and, where applicable, (4) and (5);

(viii) A description of the methodologies and equipment used to obtain the representative samples;

(ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests and the date of the last calibration for instruments which must be calibrated according to manufacturer's instructions; and

(xii) The following statement signed by the generator of the waste or his authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) After receiving a petition for a dangerous waste exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

(e) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

(f) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

(g) The department may (but shall not be required to) grant a temporary exemption before making a final decision under subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(h) Any waste for which an exemption is sought will remain designated and be subject to the applicable requirements of this chapter until the generator of the waste is notified by the department that his waste is exempt.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of a class of similar or identical wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator(s) must make the demonstrations required in WAC 173-303-072(6) for all those wastes generated in the state which might be excluded pursuant to granting a petition submitted under this subsection. No class of wastes will be excluded if any of the wastes are regulated as hazardous waste under 40 CFR Part 261.

(b) Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section and any other information required by the department.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

(5) Petition for designation change. The provisions of (a)(i) of this subsection do not apply to any dangerous waste which is also designated as a hazardous waste under 40 CFR Part 261 Subpart D.

(a) A generator may petition the department to change the designation of his waste as follows:

(i) A waste which is designated only for toxicity pursuant to WAC 173-303-084 or 173-303-101 but which is toxic solely because it is highly acidic or basic (i.e., due to high or low pH) may be subject only to the requirements for corrosive dangerous wastes, provided that the generator can demonstrate this fact to the department's satisfaction through information provided under (b) of this subsection; and

(ii) A waste which is designated EHW may be redesignated DW, provided that the generator can demonstrate that such redesignation is appropriate through information provided under (b) of this subsection.

(b) A petition under this subsection must include:

(i) The information required by subsections (1) and (3)(c) of this section; and

(ii) Such other information as required by the department.

(c) A designation change under this subsection will become effective only after the department has approved the change and notified the generator of such approval.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-910, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-910, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-910, filed 2/10/82.]

**WAC 173-303-950 Violations and enforcement.**

Any violation of this chapter may be subject to the enforcement and penalty sanctions of chapter 70.105 RCW. Such violations include, but are not limited to:

(1) Offering or transporting dangerous waste to a facility which does not have a permit;

(2) Transferring, treating, storing, or disposing of dangerous waste without a permit; or

(3) Falsely representing information in any application, label, manifest, record, report, permit, petition, or other document filed, maintained or used for the purpose of compliance with this chapter.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-950, filed 4/18/84.]

**WAC 173-303-960 Special powers and authorities of the department.**

(1) Applicability. This section applies to departmental powers and authorities when taking actions against activities that may present an imminent and substantial endangerment to health or the environment.

(2) Notwithstanding any other provision of this chapter, upon receipt of evidence or with due cause the department believes that the handling, storage, treatment, transportation, recycling, or disposal of any dangerous

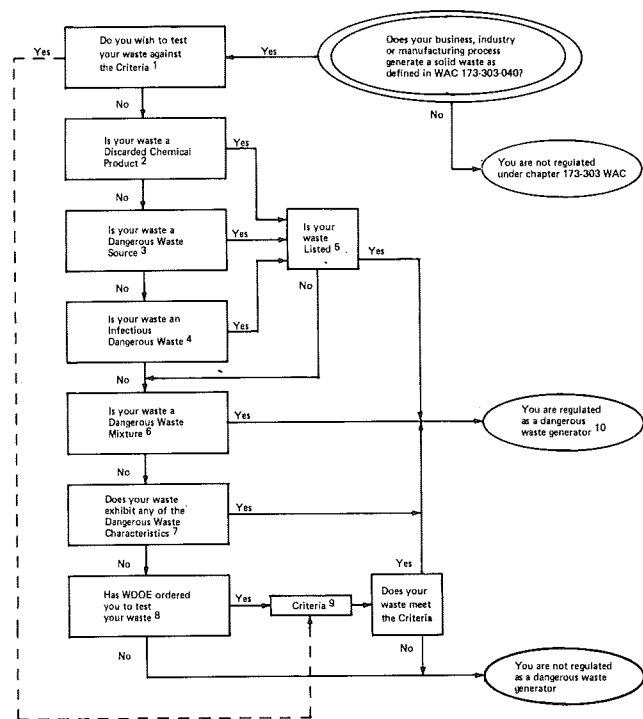
waste or solid waste may present an imminent and substantial endangerment to health or the environment, the department may:

(a) Authorize an agency inspector to enter at reasonable times establishments regulated under this chapter for the purposes of inspection, monitoring, and sampling; and

(b) Direct the attorney general to bring suit on behalf of the state to immediately restrain any person contributing to such handling, storage, treatment, transportation, recycling, or disposal to immediately stop such handling, storage, treatment, transportation, recycling, or disposal or to take such other action as may be necessary.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-960, filed 6/3/86.]

**WAC 173-303-9901 Flow chart for designating dangerous wastes.**



1. Voluntary testing, allowed under WAC 173-303-070 (2)(b).
2. See WAC 173-303-081.
3. See WAC 173-303-082.
4. This section, WAC 173-303-083, is reserved, and is not applicable at the publication date of this chapter.
5. The discarded chemical products list appears in WAC 173-303-9903, and the dangerous waste sources list appears in WAC 173-303-9904.
6. See WAC 173-303-084.
7. See WAC 173-303-090. The dangerous waste characteristics include the properties

of ignitability, corrosivity, reactivity, and EP toxicity.

8. Washington department of ecology may order testing pursuant to WAC 173-303-070(4).
9. See WAC 173-303-100.
10. As a dangerous waste generator you must comply with the requirements set forth under WAC 173-303-170.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-9901, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9901, filed 2/10/82.]

**WAC 173-303-9902 Narrative for designating dangerous wastes. (Reserved.)**

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-9902, filed 6/3/86. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9902, filed 2/10/82.]

**WAC 173-303-9903 Discarded chemical products list.**

**DISCARDED CHEMICAL PRODUCTS LIST**

| Dangerous Waste No. | Substance | WDOE Hazard Designation | Reason for Designation* |
|---------------------|-----------|-------------------------|-------------------------|
|---------------------|-----------|-------------------------|-------------------------|

**ACUTELY DANGEROUS CHEMICAL PRODUCTS**

|      |  |     |         |
|------|--|-----|---------|
| P023 | Acetaldehyde, chloro-  | EHW | B H     |
| U001 | Acetaldehyde   | EHW | C       |
| U034 | Acetaldehyde, trichloro-   | EHW | H       |
| P002 | Acetamide, N-(aminothioxomethyl)-  | EHW | B       |
| P057 | Acetamide, 2-fluoro-   | EHW | B H     |
| P058 | Acetic acid, fluoro-, sodium salt  | EHW | A H     |
| U144 | Acetic acid, lead salt   | EHW | D EP    |
| P066 | Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester   | EHW | B       |
| U003 | Acetonitrile   | EHW | C I     |
| P001 | 3-(alpha-Acetonyl-benzyl)-4-hydroxycoumarin and salts  | EHW | A       |
| P002 | 1-Acetyl-2-thiourea  | EHW | B       |
| U006 | Acetyl chloride  | EHW | C H O R |
| P003 | Acrolein   | EHW | X I     |
| U007 | Acrylamide   | EHW | C       |
| U008 | Acrylic acid   | EHW | C O I   |
| U009 | Acrylonitrile  | EHW | C + I   |
| P070 | Aldicarb   | EHW | B       |
| P004 | Aldrin   | EHW | X H     |
| P005 | Allyl alcohol  | EHW | B I     |
| P006 | Aluminum phosphide   | EHW | B R     |
| P007 | 5-(Aminomethyl)-3-isoxazolol   | EHW | B       |
| P008 | 4-Aminopyridine  | EHW | B       |
| P009 | Ammonium picrate   | EHW | R       |
| P119 | Ammonium vanadate  | EHW | B       |
| U012 | Aniline  | EHW | C I     |
| P010 | Arsenic acid   | EHW | B       |
| P012 | Arsenic (III) oxide  | EHW | B +     |
| P011 | Arsenic (V) oxide  | EHW | B       |
| P011 | Arsenic pentoxide  | EHW | B       |
| P012 | Arsenic trioxide   | EHW | B +     |
| P038 | Arsine, diethyl-   | EHW | B       |
| U015 | Azaserine  | EHW | C +     |
| P054 | Aziridine  | EHW | B +     |
| U010 | Azirino(2',3':3,4)pyrrolo(1,2a)indole-4,7-dione, 6-amino-8[(aminocarbonyl)oxy]methyl-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl- | EHW | B +     |
| P013 | Barium cyanide   | EHW | A       |
| U157 | Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-  | EHW | H P     |
| U017 | Benzal chloride  | EHW | D H     |

| Dangerous Waste No. | Substance   | WDOE Hazard Designation | Reason for Designation* |
|---------------------|---|-------------------------|-------------------------|
| U018                | Benz[a]anthracene   | EHW                     | P +                     |
| U018                | 1,2-Benzanthracene  | EHW                     | P +                     |
| U094                | 1,2-Benzanthracene, 7,12-dimethyl-  | EHW                     | C P                     |
| U012                | Benzenamine   | EHW                     | C I                     |
| P024                | Benzenamine, 4-chloro-  | EHW                     | C H                     |
| U049                | Benzenamine, 4-chloro-2-methyl-   | EHW                     | H                       |
| U093                | Benzenamine, N,N-dimethyl-4-(phenylazo)-                                      | EHW                     | C +                     |
| U158                | Benzenamine, 4,4-methylenebis(2-chloro-                                       | EHW                     | H +                     |
| P077                | Benzenamine, 4-nitro-   | EHW                     | D ?                     |
| P028                | Benzene, (chloromethyl)-  | EHW                     | B H +                   |
| U019                | Benzene   | EHW                     | C + I                   |
| U038                | Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester | EHW                     | H                       |
| U030                | Benzene, 1-bromo-4-phenoxy-   | EHW                     | H                       |
| U037                | Benzene, chloro-  | EHW                     | B H I                   |
| U190                | 1,2-Benzenedicarboxylic acid anhydride  | EHW                     | C                       |
| U070                | Benzene, 1,2-dichloro-  | EHW                     | B H                     |
| U071                | Benzene, 1,3-dichloro-  | EHW                     | B H                     |
| U072                | Benzene, 1,4-dichloro-  | EHW                     | B H                     |
| U017                | Benzene, (dichloromethyl)-  | EHW                     | D H                     |
| U223                | Benzene, 1,3-diisocyanatomethyl-  | EHW                     | B R                     |
| U239                | Benzene, dimethyl-  | EHW                     | C I                     |
| U201                | 1,3-Benzenediol   | EHW                     | C                       |
| U127                | Benzene, hexachloro-  | EHW                     | H                       |
| U056                | Benzene, hexahydro-   | EHW                     | C I                     |
| U188                | Benzene, hydroxy-   | EHW                     | C                       |
| U220                | Benzene, methyl-  | EHW                     | C I                     |
| U105                | Benzene, 1-methyl-1,2,4-dinitro   | EHW                     | C                       |
| U106                | Benzene, 1-methyl-2,6-dinitro-  | EHW                     | C                       |
| U055                | Benzene, (1-methylethyl)-   | EHW                     | C I                     |
| U169                | Benzene, nitro-   | EHW                     | C I                     |
| U183                | Benzene, pentachloro  | EHW                     | H                       |
| U185                | Benzene, pentachloronitro-  | EHW                     | D H +                   |
| U020                | Benzenesulfonic acid chloride   | EHW                     | D H O R                 |
| U020                | Benzenesulfonyl chloride  | EHW                     | D H O R                 |
| U207                | Benzene, 1,2,4,5-tetrachloro-   | EHW                     | D H                     |
| U023                | Benzene, (trichloromethyl)-   | EHW                     | H O R                   |
| P042                | 1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-                          | EHW                     | B                       |
| P014                | Benzenethiol  | EHW                     | A                       |
| U021                | Benzidine   | EHW                     | B +                     |
| U022                | Benzo[a]pyrene  | EHW                     | P +                     |
| U022                | 3,4-Benzopyrene   | EHW                     | P +                     |
| U197                | p-Benzoquinone  | EHW                     | C                       |
| U023                | Benzotrichloride  | EHW                     | H O R                   |
| U050                | 1,2-Benzphenanthrene  | EHW                     | P +                     |
| P028                | Benzyl chloride   | EHW                     | B H +                   |
| P015                | Beryllium dust  | EHW                     | C +                     |
| U085                | 2,2'-Bioxirane  | EHW                     | B I                     |
| U021                | '1,1''-Biphenyl)-4,4''-diamine  | EHW                     | B +                     |
| U073                | (1,1''-Biphenyl)-4,4''-diamine, 3,3''-dichloro-                               | EHW                     | H +                     |
| U095                | (1,1''-Biphenyl)-4,4''-diamine, 3,3''-dimethyl-                               | EHW                     | C +                     |
| U024                | Bis(2-chloroethoxy) methane   | EHW                     | C H                     |
| U027                | Bis(2-chloroisopropyl) ether  | EHW                     | C H O                   |
| P016                | Bis(chloromethyl) ether   | EHW                     | B H +                   |
| U246                | Bromine cyanide   | EHW                     | C H                     |
| P017                | Bromoacetone  | EHW                     | C H                     |
| U225                | Bromoform   | EHW                     | H                       |
| U030                | 4-Bromophenyl phenyl ether  | EHW                     | H                       |
| P018                | Brucine   | EHW                     | A                       |
| U128                | 1,3-Butadiene, 1,1,2,3,4,4-hexachloro-  | EHW                     | C H                     |
| U035                | Butanoic acid, 4-[bis(2-chloroethyl)amino] benzene-                           | EHW                     | H +                     |
| U160                | 2-Butanone peroxide   | EHW                     | B R                     |
| U053                | 2-Butenal   | EHW                     | B I                     |
| U074                | 2-Butene, 1,4-dichloro-   | EHW                     | C H I                   |
| U032                | Calcium chromate  | EHW                     | C + EP                  |
| P021                | Calcium cyanide   | EHW                     | B                       |
| P123                | Camphene, octachloro-   | EHW                     | X H                     |
| U178                | Carbamic acid, methylnitroso-, ethyl ester                                    | EHW                     | C +                     |
| U176                | Carbamide, N-ethyl-N-nitroso-   | EHW                     | C +                     |
| U177                | Carbamide, N-methyl-N-nitroso-  | EHW                     | C +                     |
| U219                | Carbamide, thio-  | EHW                     | C +                     |
| P103                | Carbamimidoseleonic acid  | EHW                     | B                       |
| U097                | Carbamoyl chloride, dimethyl-   | EHW                     | D H +                   |
| P022                | Carbon bisulfide  | EHW                     | D I ?                   |
| P022                | Carbon disulfide  | EHW                     | D I ?                   |
| U156                | Carbonochloridic acid, methyl ester   | EHW                     | B H I                   |

| Dangerous Waste No. | Substance  | WDOE Hazard Designation | Reason for Designation* | Dangerous Waste No. | Substance   | WDOE Hazard Designation | Reason for Designation* |
|---------------------|--|-------------------------|-------------------------|---------------------|---|-------------------------|-------------------------|
| U033                | Carbon oxyfluoride   | EHW                     | B H R                   | U093                | Dimethylaminoazobenzene   | EHW                     | C +                     |
| U211                | Carbon tetrachloride   | EHW                     | C H +                   | U094                | 7,12-Dimethylbenz[a]anthracene  | EHW                     | C P                     |
| P095                | Carbonyl chloride  | EHW                     | B H                     | U095                | 3,3'-Dimethylbenzidine  | EHW                     | C +                     |
| U033                | Carbonyl fluoride  | EHW                     | B H R                   | U096                | alpha,alpha-Dimethylbenzylhydroperoxide                                 | EHW                     | C R                     |
| U035                | Chlorambucil   | EHW                     | H +                     | U097                | Dimethylcarbamoyl chloride  | EHW                     | D H +                   |
| U036                | Chlordane, technical   | EHW                     | X H                     | U099                | 1,2-Dimethylhydrazine   | EHW                     | C + I                   |
| P033                | Chlorine cyanide   | EHW                     | A H                     | P045                | 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime | EHW                     | B                       |
| U026                | Chloronaphazine  | EHW                     | H +                     | P071                | O,O-Dimethyl O-p-nitrophenyl phosphorothioate                           | EHW                     | A                       |
| P023                | Chloroacetaldehyde   | EHW                     | B H                     | P082                | Dimethylnitrosamine   | EHW                     | B +                     |
| P024                | p-Chloroaniline  | EHW                     | C H                     | P046                | alpha, alpha-Dimethylphenethylamine                                     | EHW                     | C                       |
| U037                | Chlorobenzene  | EHW                     | B H I                   | U103                | Dimethyl sulfate  | EHW                     | C O +                   |
| U039                | 4-Chloro-m-cresol  | EHW                     | H                       | P047                | 4,6-Dinitro-o-cresol and salts  | EHW                     | B                       |
| U041                | 1-Chloro-2,3-epoxypropane  | EHW                     | C H + I                 | P034                | 4,6-Dinitro-o-cyclohexylphenol  | EHW                     | C                       |
| U042                | 2-Chloroethyl vinyl ether  | EHW                     | C H                     | P048                | 2,4-Dinitrophenol   | EHW                     | B                       |
| U044                | Chloroform   | EHW                     | C H +                   | U105                | 2,4-Dinitrotoluene  | EHW                     | C                       |
| U046                | Chloromethyl methyl ether  | EHW                     | D H + I                 | U106                | 2,6-Dinitrotoluene  | EHW                     | C                       |
| U047                | beta-Chloronaphthalene   | EHW                     | D H                     | P020                | Dinoseb   | EHW                     | B                       |
| U048                | o-Chlorophenol   | EHW                     | D H                     | U109                | 1,2-Diphenylhydrazine   | EHW                     | C                       |
| P026                | 1-(o-Chlorophenyl)thiourea   | EHW                     | A H                     | P035                | Diphosphoramidate, octamethyl   | EHW                     | ?                       |
| P027                | 3-Chloropropionitrile  | EHW                     | B H                     | U110                | Dipropylamine   | EHW                     | C I                     |
| U049                | 4-Chloro-o-toluidine, hydrochloride                                | EHW                     | H                       | U111                | Di-n-propylnitrosamine  | EHW                     | C +                     |
| U032                | Chromic acid, calcium salt   | EHW                     | C + EP                  | P039                | Disulfoton  | EHW                     | A                       |
| U050                | Chrysene   | EHW                     | P +                     | P049                | 2,4-Dithiobiuret  | EHW                     | A                       |
| P029                | Copper cyanides  | EHW                     | B                       | P109                | Dithiopyrophosphoric acid, tetraethyl ester                             | EHW                     | A                       |
| U052                | Cresols  | EHW                     | B                       | P050                | Endosulfan  | EHW                     | X H                     |
| U052                | Cresylic acid  | EHW                     | B                       | P088                | Endothall   | EHW                     | B                       |
| U053                | Crotonaldehyde   | EHW                     | B I                     | P051                | Endrin  | EHW                     | X H                     |
| U055                | Cumene   | EHW                     | C I                     | P042                | Epinephrine   | EHW                     | B                       |
| P030                | Cyanides (soluble cyanide salts), not elsewhere specified          | EHW                     | A                       | U001                | Ethanal   | EHW                     | C                       |
| P031                | Cyanogen   | EHW                     | B I                     | U174                | Ethylamine, N-ethyl-N-nitroso-  | EHW                     | C +                     |
| U246                | Cyanogen bromide   | EHW                     | C H                     | P046                | Ethylamine, 1,1-dimethyl-2-phenyl-                                      | EHW                     | C                       |
| P033                | Cyanogen chloride  | EHW                     | A H                     | U067                | Ethane, 1,2-dibromo-  | EHW                     | C H +                   |
| U197                | 1,4-Cyclohexadienedione  | EHW                     | C                       | U076                | Ethane, 1,1-dichloro-   | EHW                     | D H                     |
| U056                | Cyclohexane  | EHW                     | C I                     | U077                | Ethane, 1,2-dichloro-   | EHW                     | D H                     |
| U057                | Cyclohexanone  | EHW                     | C I                     | U114                | 1,2-Ethanediybiscarbamodithioic acid                                    | EHW                     | B                       |
| U130                | 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexa-chloro-                      | EHW                     | X H                     | U131                | Ethane, 1,1,1,2,2-hexachloro-   | EHW                     | H                       |
| U058                | Cyclophosphamide   | EHW                     | C H + I                 | U024                | Ethane, 1,1'-[methylenebis(oxy)] bis[2-chloro-                          | EHW                     | C H                     |
| U240                | 2,4-D, salts and esters  | EHW                     | B H                     | U247                | Ethane, 1,1,1-trichloro-2,2-bis(p-methoxy phenyl)                       | EHW                     | D H                     |
| U060                | DDD  | EHW                     | C H +                   | U003                | Ethanenitrile   | EHW                     | C                       |
| U061                | DDT  | EHW                     | X H +                   | U025                | Ethane, 1,1'-oxybis[2-chloro-   | EHW                     | C H                     |
| U142                | Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one | EHW                     | X H                     | U184                | Ethane, pentachloro-  | EHW                     | A H                     |
| U062                | Diallate   | EHW                     | C H +                   | U208                | Ethane, 1,1,1,2-tetrachloro-  | EHW                     | H                       |
| U133                | Diamine  | EHW                     | B + R                   | U209                | Ethane, 1,1,2,2-Tetrachloro-  | EHW                     | H                       |
| U063                | Dibenz[a,h]anthracene  | EHW                     | A P +                   | U227                | Ethane, 1,1,2-trichloro-  | EHW                     | C H                     |
| U063                | 1,2:5,6-Dibenzanthracene   | EHW                     | P + A                   | P084                | Ethanamine, N-methyl-N-nitroso  | EHW                     | B +                     |
| U064                | 1,2:7,8-Dibenzopyrene  | EHW                     | P +                     | U043                | Ethene, chloro-   | EHW                     | D H +                   |
| U064                | Dibenz[a,i]pyrene  | EHW                     | P +                     | U042                | Ethane, 2-chloroethoxy-   | EHW                     | C H                     |
| U066                | 1,2-Dibromo-3-chloropropane  | EHW                     | C H +                   | U078                | Ethene, 1,1-dichloro-   | EHW                     | C H +                   |
| U062                | S-(2,3-Dichloroallyl) diisopropylthiocarbamate                     | EHW                     | C H +                   | U079                | Ethene, trans-1,2-dichloro-   | EHW                     | D H                     |
| U070                | o-Dichlorobenzene  | EHW                     | B H                     | U210                | Ethene, 1,1,2,2-tetrachloro-  | EHW                     | C H                     |
| U071                | m-Dichlorobenzene  | EHW                     | B H                     | U006                | Ethanoyl chloride   | EHW                     | C H O R                 |
| U072                | p-Dichlorobenzene  | EHW                     | B H                     | P101                | Ethyl cyanide   | EHW                     | B                       |
| U073                | 3,3'-Dichlorobenzidine   | EHW                     | H +                     | U038                | Ethyl 4,4'-dichlorobenzilate  | EHW                     | D H                     |
| U074                | 1,4-Dichloro-2-butene  | EHW                     | C H I                   | U114                | Ethylenebis(dithiocarbamic acid), salts and esters                      | EHW                     | B                       |
| U075                | Dichlorodifluoromethane  | EHW                     | H                       | U067                | Ethylene dibromide  | EHW                     | C H                     |
| U060                | Dichloro diphenyl dichloroethane                                   | EHW                     | C H +                   | U077                | Ethylene dichloride   | EHW                     | D H                     |
| U061                | Dichloro diphenyl trichloroethane                                  | EHW                     | X H +                   | U115                | Ethylene oxide  | EHW                     | C I                     |
| U078                | 1,1-Dichloroethylene   | EHW                     | C H +                   | P054                | Ethylamine  | EHW                     | B +                     |
| U079                | 1,2-Dichloroethylene   | EHW                     | D H                     | U076                | Ethylidene dichloride   | EHW                     | D H                     |
| U025                | Dichloroethyl ether  | EHW                     | C H                     | P097                | Famphur   | EHW                     | A                       |
| U081                | 2,4-Dichlorophenol   | EHW                     | D H                     | P056                | Fluorine  | EHW                     | B                       |
| U082                | 2,6-Dichlorophenol   | EHW                     | D H                     | P057                | Fluoroacetamide   | EHW                     | B H                     |
| U240                | 2,4-Dichlorophenoxyacetic acid, salts and esters                   | EHW                     | B H                     | P058                | Fluoroacetic acid, sodium salt  | EHW                     | A H                     |
| P036                | Dichlorophenylarsine   | EHW                     | B H                     | U122                | Formaldehyde  | EHW                     | C                       |
| U083                | 1,2-Dichloropropane  | EHW                     | C H I                   | P065                | Fulminic acid, mercury (II) salt  | EHW                     | R ?                     |
| U084                | 1,3-Dichloropropane  | EHW                     | C H                     | U125                | 2-Furancarboxaldehyde   | EHW                     | C I                     |
| P037                | Dieldrin   | EHW                     | X H +                   | U147                | 2,5-Furandione  | EHW                     | C                       |
| U085                | 1,2:3,4-Diepoxybutane  | EHW                     | B I                     | U125                | Furfural  | EHW                     | C I                     |
| P038                | Diethylarsine  | EHW                     | B                       | U126                | Glycidylaldehyde  | EHW                     | C +                     |
| P039                | O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate              | EHW                     | A                       | U163                | Guanidine, N-nitroso-N-methyl-N'nitro-                                  | EHW                     | C +                     |
| U087                | O,O-Diethyl-S-methyl-dithiophosphate                               | EHW                     | B                       | P059                | Heptachlor  | EHW                     | X H +                   |
| P041                | Diethyl-p-nitrophenyl phosphate                                    | EHW                     | A                       | U127                | Hexachlorobenzene   | EHW                     | H                       |
| P040                | O,O-Diethyl O-pyrazenyl phosphorothioate                           | EHW                     | A                       | U128                | Hexachlorobutadiene   | EHW                     | C H                     |
| P043                | Diisopropyl fluorophosphate  | EHW                     | B H                     | U129                | Hexachlorocyclohexane (gamma isomer)                                    | EHW                     | H +                     |
| P044                | Dimethoate   | EHW                     | A                       | U130                | Hexachlorocyclopentadiene   | EHW                     | X H                     |
| U092                | Dimethylamine  | EHW                     | C I                     | P051                | 1,2,3,4,10-Hexachloro-6,7-epoxy-  | EHW                     | X H                     |

Dangerous Waste Regulations

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| Dangerous Waste No. | Substance  | WDOE Hazard Designation | Reason for Designation* | Dangerous Waste No. | Substance  | WDOE Hazard Designation | Reason for Designation* |
|---------------------|--|-------------------------|-------------------------|---------------------|--|-------------------------|-------------------------|
| P037                | 1,4,4a,5,6,7,8,8a-octahydro-endo, endo-1,4,5,8-dimethanonaphthalene                      | EHW                     | X H +                   | U166                | 1,4-Naphthalenedione   | EHW                     | C                       |
|                     | 1,4,4a,5,6,7,8,8a-octahydro-endo, exo-1,4,5,8-dimethanonaphthalene                       |                         |                         | U236                | 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)]-bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt | EHW                     | H +                     |
| U131                | Hexachloroethane   | EHW                     | H                       | U166                | 1,4-Naphthaquinone   | EHW                     | C                       |
| P060                | 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, endo-dimethanonaphthalene | EHW                     | B H                     | U167                | 1-Naphthylamine  | EHW                     | B +                     |
| P004                | 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, exodimethanonaphthalene   | EHW                     | B H                     | U168                | 2-Naphthylamine  | EHW                     | B +                     |
| P060                | Hexachlorohexahydro-endo, endo-dimethanonaphthalene                                      | EHW                     | B H                     | U167                | alpha-Naphthylamine  | EHW                     | B +                     |
| U132                | Hexachlorophene  | EHW                     | C H                     | U168                | beta-Naphthylamine   | EHW                     | B +                     |
| U243                | Hexachloropropene  | EHW                     | H                       | U026                | 2-Naphthylamine, N,N'-bis(2-chloromethyl)-   | EHW                     | H +                     |
| P062                | Hexaethyl tetraphosphate   | EHW                     | B                       | P072                | alpha-Naphthylthiourea   | EHW                     | B                       |
| U133                | Hydrazine  | EHW                     | B + R                   | P073                | Nickel carbonyl  | EHW                     | B                       |
| P116                | Hydrazinecarbothioamide  | EHW                     | B                       | P074                | Nickel cyanide   | EHW                     | D R ?                   |
| U099                | Hydrazine, 1,2-dimethyl-   | EHW                     | C + I                   | P074                | Nickel (II) cyanide  | EHW                     | D R ?                   |
| U109                | Hydrazine, 1,2-diphenyl-   | EHW                     | C                       | P073                | Nickel tetracarbonyl   | EHW                     | B                       |
| P068                | Hydrazine, methyl-   | EHW                     | A I                     | P075                | Nicotine and salts   | EHW                     | B                       |
| P063                | Hydrocyanic acid   | EHW                     | A                       | P076                | Nitric oxide   | EHW                     | B                       |
| P063                | Hydrogen cyanide   | EHW                     | A                       | P077                | p-Nitroaniline   | EHW                     | D ?                     |
| P096                | Hydrogen phosphide   | EHW                     | B I                     | U169                | Nitrobenzene   | EHW                     | C I                     |
| U135                | Hydrogen sulfide   | EHW                     | B I                     | P078                | Nitrogen dioxide   | EHW                     | A                       |
| U096                | Hydroperoxide, 1-methyl-1-phenylethyl-   | EHW                     | C R                     | P076                | Nitrogen (II) oxide  | EHW                     | B                       |
| U245                | Indomethacin   | EHW                     | B H                     | P078                | Nitrogen (IV) oxide  | EHW                     | A                       |
| P064                | Isocyanic acid, methyl ester   | EHW                     | I ?                     | P081                | Nitroglycerine   | EHW                     | R ?                     |
| P007                | 3(2H)-Isoxazolone, 5-(aminomethyl)-  | EHW                     | B                       | U170                | p-Nitrophenol  | EHW                     | C                       |
| U142                | Kepone   | EHW                     | X H                     | U171                | 2-Nitropropane   | EHW                     | C I                     |
| U143                | Lasiocarpine   | EHW                     | C +                     | U174                | N-Nitrosodiethylamine  | EHW                     | C +                     |
| U144                | Lead acetate   | EHW                     | D EP                    | P082                | N-Nitrosodimethylamine   | EHW                     | B +                     |
| U129                | Lindane  | EHW                     | H +                     | U176                | N-Nitroso-N-ethylurea  | EHW                     | C +                     |
| U147                | Maleic anhydride   | EHW                     | C                       | U177                | N-Nitroso-N-methylurea   | EHW                     | C +                     |
| U149                | Malononitrile  | EHW                     | C                       | U178                | N-Nitroso-N-methylurethane   | EHW                     | C +                     |
| U151                | Mercury  | EHW                     | EP                      | P084                | N-Nitrosomethylvinylamine  | EHW                     | B +                     |
| P092                | Mercury, (acetato-O)phenyl-  | EHW                     | B                       | U179                | N-Nitrosopiperidine  | EHW                     | C +                     |
| P065                | Mercury fulminate  | EHW                     | R ?                     | U111                | N-Nitroso-N-propylamine  | EHW                     | C +                     |
| U152                | Methacrylonitrile  | EHW                     | B I                     | P050                | 5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite  | EHW                     | X H                     |
| U092                | Methanamine, N-methyl-   | EHW                     | C I                     | P085                | Octamethylpyrophosphoramidate  | EHW                     | A                       |
| P016                | Methane, oxybis(chloro)-   | EHW                     | B H +                   | P087                | Osmium oxide   | EHW                     | B                       |
| P112                | Methane, tetranitro-   | EHW                     | A R                     | P087                | Osmium tetroxide   | EHW                     | B                       |
| U029                | Methane, bromo-  | EHW                     | H                       | P088                | 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid   | EHW                     | B                       |
| U045                | Methane, chloro-   | EHW                     | H I                     | U058                | 2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloro-ethyl)amino]tetrahydro-, oxide 2-   | EHW                     | C H I +                 |
| U046                | Methane, chloromethoxy-  | EHW                     | D H + I                 | U115                | Oxirane  | EWB                     | C I                     |
| U068                | Methane, dibromo-  | EHW                     | C H +                   | U041                | Oxirane, 2-(chloromethyl)-   | EHW                     | C H + I                 |
| U080                | Methane, dichloro-   | EHW                     | C H                     | P089                | Parathion  | EHW                     | X                       |
| U075                | Methane, dichlorodifluoro-   | EHW                     | H                       | U183                | Pentachlorobenzene   | EHW                     | H                       |
| U138                | Methane, iodo-   | EHW                     | H +                     | U184                | Pentachloroethane  | EHW                     | A H                     |
| U211                | Methane, tetrachloro-  | EHW                     | C H +                   | U185                | Pentachloronitrobenzene  | EHW                     | D H +                   |
| P118                | Methanethiol, trichloro-   | EHW                     | H                       | See F027            | Pentachlorophenol  | EHW                     | A H                     |
| U153                | Methanethiol   | EHW                     | B I                     | U188                | Phenol   | EHW                     | C                       |
| U225                | Methane, tribromo  | EHW                     | H                       | P034                | Phenol, 2-cyclohexyl-4,6-dinitro-  | EHW                     | C                       |
| U121                | Methane, trichlorofluoro-  | EHW                     | H                       | P048                | Phenol, 2,4-dinitro-   | EHW                     | B                       |
| U044                | Methane, trichloro-  | EHW                     | C H +                   | P047                | Phenol, 2,4-dinitro-6-methyl-, and salts   | EHW                     | B                       |
| P059                | 4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-                   | EHW                     | X H +                   | P020                | Phenol, 2,4-dinitro-6-(1-methylpropyl)-  | EHW                     | B                       |
| U036                | 4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-                       | EHW                     | X H                     | P009                | Phenol, 2,4,6-trinitro-, ammonium salt   | EHW                     | R                       |
| P066                | Methomyl   | EHW                     | B                       | U048                | Phenol, 2-chloro-  | EHW                     | D H                     |
| P067                | 2-Methylaziridine  | EHW                     | B + I                   | U039                | Phenol, 4-chloro-3-methyl-   | EHW                     | H                       |
| P068                | Methyl hydrazine   | EHW                     | A I                     | U081                | Phenol, 2,4-dichloro-  | EHW                     | D H                     |
| P064                | Methyl isocyanate  | EHW                     | I ?                     | U082                | Phenol, 2,6-dichloro-  | EHW                     | D H                     |
| P069                | 2-Methylactonitrile  | EHW                     | A                       | U170                | Phenol, 4-nitro-   | EHW                     | C                       |
| P071                | Methyl parathion   | EHW                     | A                       | See F027            | Phenol, pentachloro-   | EHW                     | A H                     |
| U029                | Methyl bromide   | EHW                     | H                       | See F027            | Phenol, 2,3,4,6-tetrachloro-   | EHW                     | C H                     |
| U045                | Methyl chloride  | EHW                     | H I                     | See F027            | Phenol, 2,4,5-trichloro-   | EHW                     | A H                     |
| U156                | Methyl chlorocarbonate   | EHW                     | B H I                   | See F027            | Phenol, 2,4,6-trichloro-   | EHW                     | A H                     |
| U226                | Methylchloroform   | EHW                     | C H                     | P036                | Phenyl dichloroarsine  | EHW                     | B H                     |
| U157                | 3-Methylcholanthrene   | EHW                     | H P                     | P092                | Phenylmercuric acetate   | EHW                     | B                       |
| U158                | 4,4'-Methylenebis(2-chloroaniline)   | EHW                     | H +                     | P093                | N-Phenylthiourea   | EHW                     | A                       |
| U132                | 2,2'-Methylenebis(3,4,6-trichlorophenol)   | EHW                     | C H                     | P094                | Phorate  | EHW                     | X                       |
| U068                | Methylene bromide  | EHW                     | C H +                   | P095                | Phosgene   | EHW                     | B H                     |
| U080                | Methylene chloride   | EHW                     | C H                     | P096                | Phosphine  | EHW                     | B I                     |
| U122                | Methylene oxide  | EHW                     | C                       | P041                | Phosphoric acid, diethyl p-nitrophenyl ester   | EHW                     | A                       |
| U160                | Methyl ethyl ketone peroxide   | EHW                     | B R                     | P044                | Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester  | EHW                     | A                       |
| U138                | Methyl iodide  | EHW                     | H +                     | P043                | Phosphorofluoridic acid, bis(1-methyl-ethyl)-ester   | EHW                     | B H                     |
| U163                | N-Methyl-N'-nitro-N-nitrosoguanidine   | EHW                     | C + R                   | P094                | Phosphorothiac acid, O,O-diethyl   | EHW                     | X                       |
| U010                | Mitomycin C  | EHW                     | B +                     |                     |  |                         |                         |
| U165                | Naphthalene  | EHW                     | B                       |                     |  |                         |                         |
| U047                | Naphthalene, 2-chloro-   | EHW                     | D H                     |                     |  |                         |                         |

| Dangerous Waste No. | Substance  | WDOE Hazard Designation | Reason for Designation* | Dangerous Waste No.                           | Substance  | WDOE Hazard Designation | Reason for Designation* |
|---------------------|--|-------------------------|-------------------------|---|--|-------------------------|-------------------------|
|                     | S-(ethylthio)methyl ester  |                         |                         | P045  | Thiofanox  | EHW                     | B                       |
| P097                | Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)-sulfonyl)phenyl]ester | EHW                     | A                       | P049  | Thioimidodicarbonic diamide                              | EHW                     | A                       |
| P089                | Phosphorothioic acid, O,O-diethyl O-(p-ni-trophenyl)ester                      | EHW                     | X                       | U153  | Thiomethanol   | EHW                     | B I                     |
| P040                | Phosphorothioic acid, O,O-diethyl O-pyra-zinyl ester                           | EHW                     | A                       | P014  | Thiophenol   | EHW                     | A                       |
| U189                | Phosphorous sulfide  | EHW                     | B I R                   | P116  | Thiosemicarbazide  | EHW                     | B H +                   |
| U190                | Phthalic anhydride   | EHW                     | C                       | U219  | Thiourea   | EHW                     | C +                     |
| U191                | 2-Picoline   | EHW                     | C                       | P026  | Thiourea, (2-chlorophenyl)-                              | EHW                     | A H                     |
| P110                | Plumbane, tetraethyl-  | EHW                     | A                       | P072  | Thiourea, 1-naphthalenyl-                                | EHW                     | B                       |
| P098                | Potassium cyanide  | EHW                     | A                       | P093  | Thiourea, phenyl-  | EHW                     | A                       |
| P099                | Potassium silver cyanide   | EHW                     | A                       | U220  | Toluene  | EHW                     | C I                     |
| P070                | Propanal, 2-methyl-2(methylthio)-O-[(methylamino)carbonyl]oxime                | EHW                     | B                       | U223  | Toluene diisocyanate                                     | EHW                     | B R                     |
| U194                | 1-Propanamine  | EHW                     | C I                     | P123  | Toxaphene  | EHW                     | X H                     |
| U110                | 1-Propanamine, N-propyl-   | EHW                     | C I                     | U226  | 1,1,1-Trichloroethane                                    | EHW                     | C H                     |
| U066                | Propane, 1,2-dibromo-3-chloro-   | EHW                     | C H +                   | U227  | 1,1,2-Trichloroethane                                    | EHW                     | C H                     |
| U149                | Propanedinitrile   | EHW                     | C                       | U228  | Trichloroethene  | EHW                     | C H +                   |
| P101                | Propanenitrile   | EHW                     | B                       | U228  | Trichloroethylene  | EHW                     | C H +                   |
| P027                | Propanenitrile, 3-chloro-  | EHW                     | B H                     | P118  | Trichloromethanethiol                                    | EHW                     | H                       |
| P079                | Propanenitrile, 2-hydroxy-2-methyl-  | EHW                     | A                       | U121  | Trichloromonofluoromethane                               | EHW                     | H                       |
| U171                | Propane, 2-nitro-  | EHW                     | C I                     | See F027 2,4,5-Trichlorophenol                | EHW  | A H                     |                         |
| U027                | Propane, 2,2'oxybis[2-chloro-  | EHW                     | C H O                   | See F027 2,4,6-Trichlorophenol                | EHW  | A H                     |                         |
| P081                | 1,2,3-Propanetriol, trinitrate-  | EHW                     | R ?                     | See F027 2,4,5-Trichlorophenoxyacetic acid    | EHW  | B H +                   |                         |
| U235                | 1-Propanol, 2,3-dibromo-, phosphate (3:1)                                      | EHW                     | D H                     | U235  | Tris(2,3-disbromopropyl) phosphate                       | EHW                     | D H                     |
| U126                | 1-Propanol, 2,3-epoxy-   | EHW                     | C +                     | U236  | Trypan blue  | EHW                     | H +                     |
| P017                | 2-Propanone, 1-bromo-  | EHW                     | C H                     | U237  | Uracil, 5[bis(2-chloromethyl)amino]-                     | EHW                     | B H +                   |
| P102                | Propargyl alcohol  | EHW                     | X                       | U237  | Uracil mustard   | EHW                     | B H +                   |
| P003                | 2-Propenal   | EHW                     | X                       | P119  | Vanadic acid, ammonium salt                              | EHW                     | B                       |
| U007                | 2-Propenamide  | EHW                     | C                       | P120  | Vanadium pentoxide                                       | EHW                     | B                       |
| U084                | Propene, 1,3-dichloro-   | EHW                     | C H                     | P120  | Vanadium (V) oxide                                       | EHW                     | B                       |
| U243                | 1-Propene, 1,1,2,3,3,3-hexachloro-   | EHW                     | H                       | U043  | Vinyl chloride   | EHW                     | D H +                   |
| U009                | 2-Propenenitrile   | EHW                     | C + I                   | P001  | Warfarin   | EHW                     | A                       |
| U152                | 2-Propenenitrile, 2-methyl-  | EHW                     | B I                     | U239  | Xylene   | EHW                     | C I                     |
| U008                | 2-Propenoic acid   | EHW                     | C O I                   | P121  | Zinc cyanide   | EHW                     | C                       |
| P005                | 2-Propen-1-ol  | EHW                     | B I                     | P122  | Zinc phosphide   | EHW                     | B R                     |
| See F027            | Propionic acid, 2-(2,4,5-trichlorophenoxy)-                                    | EHW                     | B H                     | <b>MODERATELY DANGEROUS CHEMICAL PRODUCTS</b> |  |                         |                         |
| U194                | n-Propylamine  | EHW                     | C I                     | U187  | Acetamide, N-(4-ethoxyphenyl)-                           | DW                      | D +                     |
| U083                | Propylene dichloride   | EHW                     | C H I                   | U005  | Acetamide, N-9H-fluoren-2-yl-                            | DW                      | ?                       |
| P067                | 1,2-Propylenimine  | EHW                     | B + I                   | U112  | Acetic acid, ethyl ester                                 | DW                      | D I                     |
| P102                | 2-Propyn-1-ol  | EHW                     | X                       | U214  | Acetic acid, thallium(I) salt                            | DW                      | ?                       |
| P008                | 4-Pyridinamine   | EHW                     | B                       | U002  | Acetone  | DW                      | D I                     |
| P075                | Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts                          | EHW                     | B                       | U004  | Acetophenone   | DW                      | D                       |
| U196                | Pyridine   | EHW                     | C I                     | U005  | 2-Acetylaminofluorene                                    | DW                      | ?                       |
| U179                | Pyridine, hexahydro-N-nitroso-   | EHW                     | C +                     | U150  | Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-        | DW                      | +                       |
| U191                | Pyridine, 2-methyl-  | EHW                     | C                       | U328  | 2-Amino-1-methylbenzene                                  | DW                      | D +                     |
| P111                | Pyrophosphoric acid, tetraethyl ester  | EHW                     | A                       | U353  | 4-Amino-1-methylbenzene                                  | DW                      | D                       |
| U201                | Resorcinol   | EHW                     | C                       | U011  | Amitrole   | DW                      | D +                     |
| P103                | Selenourea   | EHW                     | B                       | U014  | Auramine   | DW                      | +                       |
| U015                | L-Serine, diazoacetate (ester)   | EHW                     | C +                     | U016  | Benz[c]acridine  | DW                      | +                       |
| P104                | Silver cyanide   | EHW                     | C                       | U016  | 3,4-Benzacridine   | DW                      | +                       |
| See F027            | Silvex   | EHW                     | B H                     | U014  | Benzenamine, 4,4-carbonimidoylbis(N,N-dimethyl-          | DW                      | +                       |
| P105                | Sodium azide   | EHW                     | A                       | U222  | Benzenamine, 2-methyl-, hydrochloride                    | DW                      | D +                     |
| P106                | Sodium cyanide   | EHW                     | A                       | U181  | Benzenamine, 2-methyl-5-nitro                            | DW                      | D                       |
| P107                | Strontium sulfide  | EHW                     | R                       | U028  | 1,2-Benzenedicarboxylic acid, [bis(2-ethyl-hexyl)] ester | DW                      | ?                       |
| P108                | Strychnidin-10-one, and salts  | EHW                     | B                       | U069  | 1,2-Benzenedicarboxylic acid, dibutyl ester              | DW                      | D                       |
| P018                | Strychnidin-10-one, 2,3-dimethoxy-   | EHW                     | A                       | U088  | 1,2-Benzenedicarboxylic acid, diethyl ester              | DW                      | ?                       |
| P108                | Strychnine and salts   | EHW                     | B                       | U102  | 1,2-Benzenedicarboxylic acid, dimethyl ester             | DW                      | ?                       |
| U135                | Sulfur hydride   | EHW                     | B I                     | U107  | 1,2-Benzenedicarboxylic acid, di-n-octyl ester           | DW                      | ?                       |
| U103                | Sulfuric acid, dimethyl ester  | EHW                     | C O +                   | U203  | Benzene, 1,2-methylenedioxy-4-allyl-                     | DW                      | D +                     |
| P115                | Sulfuric acid, thallium (I) salt   | EHW                     | B                       | U141  | Benzene, 1,2-methylenedioxy-4-propenyl-                  | DW                      | D +                     |
| U189                | Sulfur phosphide   | EHW                     | B I R                   | U090  | Benzene, 1,2-methylenedioxy-4-propyl-                    | DW                      | D +                     |
| See F027            | 2,4,5-T  | EHW                     | B H +                   | U234  | Benzene, 1,3,5-trinitro-                                 | DW                      | D R                     |
| See F027            | 1,2,4,5-Tetrachlorobenzene   | EHW                     | D H                     | U202  | 1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts       | DW                      | +                       |
| U208                | 1,1,1,2-Tetrachloroethane  | EHW                     | H                       | U120  | Benzo[j,k]fluorene                                       | DW                      | D                       |
| U209                | 1,1,2,2-Tetrachloroethane  | EHW                     | H                       | U091  | (1,1'-Biphenyl)-4'-diamine, 3,3'-dimeth-oxy-             | DW                      | D +                     |
| U210                | Tetrachloroethylene  | EHW                     | C H +                   | U244  | Bis(dimethylthiocarbomoyl) disulfide                     | DW                      | D                       |
| U212                | 2,3,4,6-Tetrachlorophenol  | EHW                     | C H                     | U028  | Bis(2-ethoxythio) phthalate                              | DW                      | ?                       |
| P109                | Tetraethylthiopyrophosphate  | EHW                     | A                       | U172  | 1-Butanamine, N-butyl-N-nitroso-                         | DW                      | D +                     |
| P110                | Tetraethyl lead  | EHW                     | A                       | U031  | 1-Butanol  | DW                      | D I                     |
| P111                | Tetraethylpyrophosphate  | EHW                     | A                       | U159  | 2-Butanone   | DW                      | D I                     |
| P112                | Tetranitromethane  | EHW                     | A R                     | U031  | n-Butyl alcohol  | DW                      | D I                     |
| P062                | Tetraphosphoric acid, hexaethyl ester  | EHW                     | B                       |   |  |                         |                         |
| P113                | Thallic oxide  | EHW                     | B                       |   |  |                         |                         |
| P113                | Thallium (III) oxide   | EHW                     | B                       |   |  |                         |                         |
| P114                | Thallium (I) selenide  | EHW                     | C                       |   |  |                         |                         |
| P115                | Thallium (I) sulfate   | EHW                     | B                       |   |  |                         |                         |

Dangerous Waste Regulations

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| Dangerous Waste No. | Substance   | WDOE Hazard Designation | Reason for Designation* | Dangerous Waste No. | Substance  | WDOE Hazard Designation | Reason for Designation* |
|---------------------|---|-------------------------|-------------------------|---------------------|--|-------------------------|-------------------------|
| U136                | Cacodylic acid  | DW                      | D                       | U186                | 1,3-Pentadiene   | DW                      | D I                     |
| U238                | Carbamic acid, ethyl ester  | DW                      | +                       | U187                | Phenacetin   | DW                      | D+                      |
| U215                | Carbonic acid, dithallium(I) salt   | DW                      | ?                       | U101                | Phenol, 2,4-dimethyl-  | DW                      | D                       |
| U051                | Creosote  | DW                      | D                       | U137                | 1,10-(1,2-phenylene)pyrene   | DW                      | +                       |
| U059                | Daunomycin  | DW                      | +                       | U145                | Phosphoric acid, Lead salt   | DW                      | +                       |
| U221                | Diaminotoluene  | DW                      | ?                       | U087                | Phosphorodithioic acid, O,O-diethyl-,S-methyl ester  | DW                      | ?                       |
| U069                | Dibutyl phthalate   | DW                      | D                       | U192                | Pronamide  | DW                      | ?                       |
| U192                | 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide  | DW                      | ?                       | U193                | 1,3-Propane sultone  | DW                      | +                       |
| U108                | 1,4-Diethylene dioxide  | DW                      | D +                     | U140                | 1-Propanol, 2-methyl-  | DW                      | D I                     |
| U086                | N,N-Diethylhydrazine  | DW                      | +                       | U002                | 2-Propanone  | DW                      | D I                     |
| U088                | Diethyl phthalate   | DW                      | ?                       | U113                | 2-Propenoic acid, ethyl ester  | DW                      | D I                     |
| U089                | Diethylstilbestrol  | DW                      | +                       | U118                | 2-Propenoic acid, 2-methyl-, ethyl ester   | DW                      | I                       |
| U148                | 1,2-Dihydro-3-,6-pyridizinedione  | DW                      | D                       | U162                | 2-Propenoic acid, 2-methyl-, methyl ester  | DW                      | D I                     |
| U090                | Dihydrosafrole  | DW                      | D +                     | U155                | Pyridine, 2-[(2dimethylamino)-2-thenylamino]-  | DW                      | D                       |
| U091                | 3,3'-Dimethoxybenzidine   | DW                      | D +                     | U164                | 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-   | DW                      | +                       |
| U098                | 1,1-Dimethylhydrazine   | DW                      | + I                     | U180                | Pyrrrole, tetrahydro-N-nitroso-  | DW                      | D +                     |
| U101                | 2,4-Dimethylphenol  | DW                      | D                       | U200                | Reserpine  | DW                      | ?                       |
| U102                | Dimethyl phthalate  | DW                      | ?                       | U202                | Saccharin and salts  | DW                      | +                       |
| U107                | Di-n-octyl phthalate  | DW                      | ?                       | U203                | Safrole  | DW                      | D +                     |
| U108                | 1,4-Dioxane   | DW                      | D +                     | U204                | Selenious acid   | DW                      | O                       |
| U117                | Ethane, 1,1'-oxybis-  | DW                      | D I                     | U204                | Selenium dioxide   | DW                      | O                       |
| U218                | Ethanethioamide   | DW                      | +                       | U205                | Selenium disulfide   | DW                      | R                       |
| U173                | Ethanol, 2,2-(nitrosoimino)bis-   | DW                      | +                       | U089                | 4,4'-Stilbenediol, alpha,alpha'-diethyl-   | DW                      | +                       |
| U004                | Ethanone, 1-phenyl-   | DW                      | D                       | U206                | Streptozotocin   | DW                      | +                       |
| U112                | Ethyl acetate   | DW                      | D I                     | U205                | Sulfur selenide  | DW                      | R                       |
| U113                | Ethyl acrylate  | DW                      | D I                     | U213                | Tetrahydrofuran  | DW                      | I                       |
| U238                | Ethyl carbamate (urethan)   | DW                      | +                       | U214                | Thallium(1) acetate  | DW                      | ?                       |
| U116                | Ethylene thiourea   | DW                      | D +                     | U215                | Thallium(1) carbonate  | DW                      | ?                       |
| U117                | Ethyl ether   | DW                      | D I                     | U216                | Thallium(1) chloride   | DW                      | ?                       |
| U118                | Ethyl methacrylate  | DW                      | I                       | U217                | Thallium(1) nitrate  | DW                      | ?                       |
| U119                | Ethyl methanesulfonate  | DW                      | +                       | U218                | Thioacetamide  | DW                      | +                       |
| U139                | Ferric dextran  | DW                      | +                       | U244                | Thiran   | DW                      | D                       |
| U120                | Fluoranthene  | DW                      | D                       | U221                | Toluenediamine   | DW                      | ?                       |
| U123                | Formic Acid   | DW                      | D O                     | U328                | o-Toluidine  | DW                      | D +                     |
| U124                | Furan   | DW                      | I                       | U353                | p-Toluidine  | DW                      | D                       |
| U213                | Furan, tetrahydro-  | DW                      | I                       | U222                | O-Toluidine hydrochloride  | DW                      | D +                     |
| U124                | Furfuran  | DW                      | I                       | U011                | 1H-1,2,4-Triazol-3-amine   | DW                      | D +                     |
| U206                | D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-   | DW                      | +                       | U234                | sym-Trinitrobenzene  | DW                      | D R                     |
| U086                | Hydraxine, 1,2-diethyl-   | DW                      | +                       | U182                | 1,3,5-Trioxane, 2,4,5-trimethyl-   | DW                      | D I                     |
| U098                | Hydrazine, 1,1-dimethyl-  | DW                      | + I                     | U200                | Yohimban-16-carboxylic acid, 11,17-di-methoxy-18-[(3,4,5-trimethoxy-benzoyl)oxy]-,methyl ester | DW                      | ?                       |
| U134                | Hydrofluoric acid   | DW                      | D O                     |                     |  |                         |                         |
| U134                | Hydrogen fluoride   | DW                      | D O                     |                     |  |                         |                         |
| U136                | Hydroxydimethylarsine oxide   | DW                      | D                       |                     |  |                         |                         |
| U116                | 2-Imidazolidinethione   | DW                      | D +                     |                     |  |                         |                         |
| U137                | Indeno[1,2,3-cd]pyrene  | DW                      | +                       |                     |  |                         |                         |
| U139                | Iron dextran  | DW                      | +                       |                     |  |                         |                         |
| U140                | Isobutyl alcohol  | DW                      | D I                     |                     |  |                         |                         |
| U141                | Isosafrole  | DW                      | D +                     |                     |  |                         |                         |
| U145                | Lead phosphate  | DW                      | +                       |                     |  |                         |                         |
| U146                | Lead subacetate   | DW                      | +                       |                     |  |                         |                         |
| U148                | Maleic hydrazide  | DW                      | D                       |                     |  |                         |                         |
| U150                | Melphalan   | DW                      | +                       |                     |  |                         |                         |
| U119                | Methanesulfonic acid, ethyl ester   | DW                      | +                       |                     |  |                         |                         |
| U123                | Methanoic acid  | DW                      | D O                     |                     |  |                         |                         |
| U154                | Methanol  | DW                      | D I                     |                     |  |                         |                         |
| U155                | Methapyrilene   | DW                      | D                       |                     |  |                         |                         |
| U154                | Methyl alcohol  | DW                      | D I                     |                     |  |                         |                         |
| U186                | 1-Methylbutadiene   | DW                      | D I                     |                     |  |                         |                         |
| U159                | Methyl ethyl ketone   | DW                      | D I                     |                     |  |                         |                         |
| U161                | Methyl isobutyl ketone  | DW                      | D I                     |                     |  |                         |                         |
| U162                | Methyl methacrylate   | DW                      | D I                     |                     |  |                         |                         |
| U161                | 4-Methyl-2-pentanone  | DW                      | +                       |                     |  |                         |                         |
| U164                | Methylthiouracil  | DW                      | +                       |                     |  |                         |                         |
| U059                | 5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy- | DW                      | +                       |                     |  |                         |                         |
| U172                | N-Nitrosodi-n-butylamine  | DW                      | D +                     |                     |  |                         |                         |
| U173                | N-Nitrosodiethanolamine   | DW                      | +                       |                     |  |                         |                         |
| U180                | N-Nitrosopyrrolidine  | DW                      | D +                     |                     |  |                         |                         |
| U181                | 5-Nitro-o-toluidine   | DW                      | D                       |                     |  |                         |                         |
| U193                | 1,2-Oxathiolane, 2,2-dioxide  | DW                      | +                       |                     |  |                         |                         |
| U182                | Paraldehyde   | DW                      | D I                     |                     |  |                         |                         |

\* EHW = Extremely Hazardous Waste  
 DW = Dangerous Waste  
 X = Toxic, Category X  
 A = Toxic, Category A  
 B = Toxic, Category B  
 C = Toxic, Category C  
 D = Toxic, Category D  
 H = Persistent, Halogenated Hydrocarbon  
 O = Corrosive  
 P = Persistent, Polycyclic Aromatic Hydrocarbon  
 + = IARC Animal or Human, Positive or Suspected Carcinogen  
 I = Ignitable  
 R = Reactive  
 EP = Extraction Procedure Toxicity

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-9903, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-9903, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9903, filed 2/10/82.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-303-9904 Dangerous waste sources list.



| DANGEROUS WASTE SOURCES LIST |  | Dangerous<br>Waste No. | Sources   |
|------------------------------|--|------------------------|---|
| Dangerous<br>Waste No.       | Sources  |                        |   |
| <b>Nonspecific Sources</b>   |  |                        |   |
| <b>Generic:</b>              |  |                        |   |
| F001                         | The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.)  | F010                   | Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.  |
| F002                         | The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents. (See footnote 1, below.)  | F011                   | Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.  |
| F003                         | The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.  | F012                   | Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.  |
| F004                         | The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; and the still bottoms from the recovery of these solvents.   | F020                   | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote 2, below.)                              |
| F005                         | The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents.  | F021                   | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote 2, below.)  |
| F006                         | Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. | F022                   | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote 2, below.)   |
| F019                         | Wastewater treatment sludges from the chemical conversion coating of aluminum.   | F023                   | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (See footnote 2, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.) |
| F007                         | Spent cyanide plating bath solutions from electroplating operations.   | F026                   | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote 2, below.)   |
| F008                         | Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.  |                        |   |
| F009                         | Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.   |                        |   |

| Dangerous Waste No. | Sources   | Dangerous Waste No. | Sources  |
|---------------------|---|---------------------|--|
| F027                | Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (See footnote 2, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)  | K010                | Distillation side cuts from the production of acetaldehyde from ethylene.  |
| F028                | Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027.   | K011                | Bottom stream from the wastewater stripper in the production of acrylonitrile.   |
| F024                | Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (See footnote 1, below.) (This listing does not include light ends, spent filters and filter aids, spent dessicants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed under specific sources, below.) | K013                | Bottom stream from the acetonitrile column in the production of acrylonitrile.   |
|                     | <b>Specific Sources</b>   | K014                | Bottoms from the acetonitrile purification column in the production of acrylonitrile.                                  |
|                     | <b>Wood Preservation:</b>   | K015                | Still bottoms from the distillation of benzyl chloride. (See footnote 1, below.)                                       |
| K001                | Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (See footnote 1, below.)  | K016                | Heavy ends or distillation residues from the production of carbon tetrachloride. (See footnote 1, below.)              |
|                     | <b>Inorganic Pigments:</b>  | K017                | Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (See footnote 1, below.) |
| K002                | Wastewater treatment sludge from the production of chrome yellow and orange pigments.   | K018                | Heavy ends from the fractionation column in ethyl chloride production. (See footnote 1, below.)                        |
| K003                | Wastewater treatment sludge from the production of molybdate orange pigments.   | K019                | Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (See footnote 1, below.)    |
| K004                | Wastewater treatment sludge from the production of zinc yellow pigments   | K020                | Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (See footnote 1, below.)      |
| K005                | Wastewater treatment sludge from the production of chrome green pigments.   | K021                | Aqueous spent antimony catalyst waste from fluoromethanes production. (See footnote 1, below.)                         |
| K006                | Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).  | K022                | Distillation bottom tars from the production of phenol/acetone from cumene.  |
| K007                | Wastewater treatment sludge from the production of iron blue pigments.  | K023                | Distillation light ends from the production of phthalic anhydride from naphthalene.                                    |
| K008                | Oven residue from the production of chrome oxide green pigments.  | K024                | Distillation bottoms from the production of phthalic anhydride from naphthalene.                                       |
|                     | <b>Organic Chemicals:</b>   | K093                | Distillation light ends from the production of phthalic anhydride from ortho-xylene.                                   |
| K009                | Distillation bottoms from the production of acetaldehyde from ethylene.   | K094                | Distillation bottoms from the production of phthalic anhydride from ortho-xylene.                                      |
|                     |   | K025                | Distillation bottoms from the production of nitrobenzene by the nitration of benzene.                                  |
|                     |   | K026                | Stripping still tails from the production of methyl ethyl pyridines.   |
|                     |   | K027                | Centrifuge and distillation residues from toluene diisocyanate production.   |
|                     |   | K028                | Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (See footnote 1, below.)  |

| Dangerous Waste No. | Sources  | Dangerous Waste No.         | Sources   |
|---------------------|--|-----------------------------|---|
| K029                | Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (See footnote 1, below.)   | K046                        | Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.  |
| K095                | Distillation bottoms from the production of 1,1,1-trichloroethane. (See footnote 1, below.)  | K047                        | Pink/red water from TNT operations.   |
| K096                | Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (See footnote 1, below.)   | <b>Inorganic Chemicals:</b> |   |
| K030                | Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (See footnote 1, below.)                             | K071                        | Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.                                 |
| K083                | Distillation bottoms from aniline production.  | K073                        | Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (See footnote 1, below.) |
| K103                | Process residues from aniline extraction from the production of aniline.   | K106                        | Wastewater treatment sludge from the mercury cell process in chlorine production.   |
| K104                | Combined wastewater streams generated from nitrobenzene/aniline production.  | <b>Petroleum Refining:</b>  |   |
| K085                | Distillation of fractionation column bottoms from the production of chlorobenzenes. (See footnote 1, below.)   | K048                        | Dissolved air flotation (DAF) float from the petroleum refining industry.   |
| K105                | Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (See footnote 1, below.)                               | K049                        | Slop oil emulsion solids from the petroleum refining industry.  |
| K111                | Product washwaters from the production of dinitrotoluene via nitration of toluene.   | K050                        | Heat exchanger bundle cleaning sludge from the petroleum refining industry.   |
| K112                | Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.                                  | K051                        | API separator sludge from the petroleum refining industry.  |
| K113                | Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.               | K052                        | Tank bottoms (leaded) from the petroleum refining industry.   |
| K114                | Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.                                  | <b>Iron and Steel:</b>      |   |
| K115                | Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.                                | K061                        | Emission control dust/sludge from the primary production of steel in electric furnaces.   |
| K116                | Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (See footnote 1, below.) | K062                        | Spent pickle liquor from steel finishing operations.  |
| <b>Explosives:</b>  |  | <b>Pesticides:</b>          |   |
| K044                | Wastewater treatment sludges from the manufacturing and processing of explosives.  | K031                        | Byproduct salts generated in the production of MSMA and cacodylic acid.   |
| K045                | Spent carbon from the treatment of wastewater containing explosives.   | K032                        | Wastewater treatment sludge from the production of chlordane. (See footnote 3, below.)  |
|                     |  | K033                        | Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (See footnote 3, below.)                                  |
|                     |  | K034                        | Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (See footnote 3, below.)                                       |
|                     |  | K097                        | Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (See footnote 3, below.)   |
|                     |  | K035                        | Wastewater treatment sludges generated in the production of creosote.   |

| Dangerous Waste No. | Sources  |
|---------------------|--|
| K036                | Still bottoms from toluene reclamation distillation in the production of disulfoton.   |
| K037                | Wastewater treatment sludges from the production of disulfoton.  |
| K038                | Wastewater from the washing and stripping of phorate production. (See footnote 3, below.)  |
| K039                | Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (See footnote 3, below.)                |
| K040                | Wastewater treatment sludge from the production of phorate. (See footnote 3, below.)   |
| K041                | Wastewater treatment sludge from the production of toxaphene. (See footnote 3, below.)   |
| K098                | Untreated process wastewater from the production of toxaphene. (See footnote 3, below.)  |
| K042                | Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (See footnote 1, below.) |
| K043                | 2,6-Dichlorophenol waste from the production of 2,4-D. (See footnote 1, below.)  |
| K099                | Untreated wastewater from the production of 2,4-D. (See footnote 1, below.)  |

**Secondary Lead:**

|      |  |
|------|--|
| K069 | Emission control dust/sludge from secondary lead smelting.   |
| K100 | Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. |

**Veterinary Pharmaceuticals:**

|      |  |
|------|--|
| K084 | Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.                                 |
| K101 | Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. |
| K102 | Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.                |

| Dangerous Waste No. | Sources |
|---------------------|---------|
|---------------------|---------|

**Ink Formulation:**

|      |   |
|------|---|
| K086 | Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. |
|------|---|

**Coking:**

|      |   |
|------|---|
| K060 | Ammonia still-lime sludge from coking operations. |
| K087 | Decanter tank tar sludge from coking operations.  |

- 1 These wastes contain or may contain halogenated hydrocarbons. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than one percent of these listed halogenated hydrocarbons to designate their waste EHW.
- 2 For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.
- 3 These wastes contain or may contain X Category toxic constituents. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than 0.1 percent of these listed toxic constituents to designate their waste EHW.

**State Sources**

|      |  |
|------|--|
| W001 | The following wastes generated from the salvaging, rebuilding, or discarding of transformers or capacitors which contain polychlorinated biphenyls (PCB): Cooling and insulating fluids; cores, including core papers, from unrinsed transformers and capacitors; transformers and capacitors which will no longer be used for their intended use, except for those transformers or capacitors which have been rinsed; and, rinsate from the rinsing of transformers and capacitors. For the purposes of this listing, the rinsing of PCB containing items shall be conducted as follows: First, the item is drained of all free flowing liquid; second, the item is filled with solvent and allowed to stand for at least eighteen hours; last, the item is drained thoroughly and the solvent is collected. Solvents may include kerosene, xylene, toluene and |
|------|--|

Dangerous  
Waste No.

Sources

other solvents in which PCB are readily soluble. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if his PCB waste is excluded from the requirements of chapter 173-303 WAC.)

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-9904, filed 6/3/86; 85-09-042 (Order DE-85-02), § 173-303-9904, filed 4/15/85; 84-09-088 (Order DE 83-36), § 173-303-9904, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9904, filed 2/10/82.]

**WAC 173-303-9905 Dangerous waste constituents list.**

Acetonitrile [Ethanenitrile]  
Acetophenone (Ethanone, 1-phenyl)  
3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts (Warfarin)  
2-Acetylaminofluorene (Acetamide, N-9H-fluoren-2-yl)-  
Acetyl chloride (Ethanoyl chloride)  
1-Acetyl-2-thiourea (Acetamide, N-(aminothioxomethyl)-)  
Acrolein (2-Propenal)  
Acrylamide (2-Propenamide)  
Acrylonitrile (2-Propenenitrile)  
Aflatoxins  
Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,8b-hexahydro-endo,exo-1,4:5,8-Dimethanonaphthalene)  
Allyl alcohol (2-Propen-1-ol)  
Aluminum phosphide  
4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)  
6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methyl-carbamate azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, (ester) (Mitomycin C) (Azirino[2'3':3,4]pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8[(amino-carbonyl)oxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8amethoxy-5-methy-)  
5-(Aminomethyl)-3-isoxazolol (3(2H)-Isoxazolone, 5-(aminomethyl)-)-4  
Aminopyridine (4-Pyridinamine)<sup>1</sup>  
Amitrole (1H-1,2,4-Triazol-3-amine)  
Aniline (Benzenamine)  
Antimony and compounds, N.O.S.\*  
Aramite (Sulfurous acid, 2-chloroethyl- 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester)  
Arsenic and compounds, N.O.S.\*  
Arsenic acid (Orthoarsenic acid)  
Arsenic pentoxide (Arsenic (V) oxide)  
Arsenic trioxide (Arsenic (III) oxide)

Auramine (Benzenamine, 4,4-carbonimidoylbis[N,N-Dimethyl-monohydrochloride)  
Azaserine (L-Serine, diazoacetate (ester))  
Barium and compounds, N.O.S.\*  
Barium cyanide  
Benz[c]acridine (3,4-Benzacridine)  
Benz[a]anthracene (1,2-Benzanthracene)  
Benzene (Cyclohexatriene)  
Benzenearsonic acid (Arsonic acid, phenyl-)  
Benzene, 2-amino-1-methyl (o-Toluidine)  
Benzene, 4-amino-1-methyl (p-Toluidine)  
Benzene, dichloromethyl- (Benzal chloride)  
Benzenethiol (Thiophenol)  
Benzidine ([1,1'-Biphenyl]-4,4'diamine)  
Benzo[b]fluoranthene (2,3-Benzofluoranthene)  
Benzo[j]fluoranthene (7,8-Benzofluoranthene)  
Benzo[a]pyrene (3,4-Benzopyrene)  
p Benzoquinone (1,4-Cyclohexadienedione)  
Benzotrichloride (Benzene, trichloromethyl-)  
Benzyl chloride (Benzene, (chloromethyl)-)  
Beryllium and compounds, N.O.S.\*  
Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])  
Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])  
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)  
Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])  
Bis(chloromethyl) ether (Methane, oxybis[chloro-])  
Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)  
Bromoacetone (2-Propanone, 1-bromo-)  
Bromomethane (Methyl bromide)  
4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)  
Brucine (Strychnidin-10-one, 2,3-dimethoxy-)  
2-Butanone peroxide (Methyl ethyl ketone, peroxide)  
Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)  
2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methylpropyl)-)  
Cadmium and compounds, N.O.S.\*  
Calcium chromate (Chromic acid, calcium salt)  
Calcium cyanide  
Carbon disulfide (Carbon bisulfide)  
Carbon oxyfluoride (Carbonyl fluoride)  
Chloral (Acetaldehyde, trichloro-)  
Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)  
Chlordane (alpha and gamma isomers) (4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro-) (alpha and gamma isomers)

- Chlorinated benzenes, N.O.S.\*
- Chlorinated ethane, N.O.S.\*
- Chlorinated fluorocarbons, N.O.S.\*
- Chlorinated naphthalene, N.O.S.\*
- Chlorinated phenol, N.O.S.\*
- Chloroacetaldehyde (Acetaldehyde, chloro-)
- Chloroalkyl ethers, N.O.S.\*
- P-Chloroaniline (Benzenamine, 4-chloro-)
- Chlorobenzene (Benzene, chloro-)
- Chlorobenzilate (Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-,ethyl ester)
- 2-Chloro-1,3-butadiene
- p-Chloro-m-cresol (Phenol, 4-Chloro-3-methyl)
- 1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)
- 2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)
- Chloroform (Methane, trichloro-)
- Chloromethane (Methyl chloride)
- Chloromethyl methyl ether (Methane, chloromethoxy-)
- 2-Chloronaphthalene (Naphthalene, beta-chloro-)
- 2-Chlorophenol (Phenol, o-chloro-)
- 1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)
- 3-Chloropropene
- 3-Chloropropionitrile (Propanenitrile, 3-chloro-)
- Chromium and compounds, N.O.S.\*
- Chrysene (1,2-Benzphenanthrene)
- Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
- Coal tars
- Copper cyanide
- Creosote (Creosote, wood)
- Cresols (Cresylic acid) (Phenol, methyl-)
- Crotonaldehyde (2-Butenal)
- Cyanides (soluble salts and complexes), N.O.S.\*
- Cyanogen (Ethanedinitrile)
- Cyanogen bromide (Bromine cyanide)
- Cyanogen chloride (Chlorine cyanide)
- Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
- 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
- Cyclophosphamide (2H-1,3,2,-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
- Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl]oxy)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
- DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)
- DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
- DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
- Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
- Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
- Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
- Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
- 7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
- Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)
- Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)
- Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)
- 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
- 1,2-Dibromoethane (Ethylene dibromide)
- Dibromomethane (Methylene bromide)
- Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
- o-Dichlorobenzene (Benzene, 1,2-dichloro-)
- m-Dichlorobenzene (Benzene, 1,3-dichloro-)
- p-Dichlorobenzene (Benzene, 1,4-dichloro-)
- Dichlorobenzene, N.O.S.\* (Benzene, dichloro-, N.O.S.\*)
- 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
- 1,4-Dichloro-2-butene (2-Butene, 1,4-Butene, 1,4-dichloro-)
- Dichlorodifluoromethane (Methane, dichlorodifluoro-)
- 1,1-Dichloroethane (Ethylidene dichloride)
- 1,2-Dichloroethane (Ethylene dichloride)
- trans-1,2-Dichloroethene (1,2-Dichloroethylene)
- Dichloroethylene, N.O.S.\* (Ethene, dichloro-, N.O.S.\*)
- 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
- Dichloromethane (Methylene chloride)
- 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
- 2,6-Dichlorophenol (Phenol, 2,6-dichloro-)
- 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
- Dichlorophenylarsine (Phenyl dichloroarsine)
- Dichloropropane, N.O.S.\* (Propane, dichloro-, N.O.S.\*)
- 1,2-Dichloropropane (Propylene dichloride)
- Dichloropropanol, N.O.S.\* (Propanol, dichloro-, N.O.S.\*)
- Dichloropropene, N.O.S.\* (Propene, dichloro-, N.O.S.\*)
- 1,3-Dichloropropene, (1-Propene, 1,3-dichloro-)
- Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)
- 1,2:3,4-Diepoxbutane (2,2'-Bioxirane)
- Diethylarsine (Arsine, diethyl-)
- N,N-Diethylhydrazine (Hydrazine, 1,2-diethyl)
- O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic

- acid, O,O-diethyl S-methyl ester  
 O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)  
 Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)  
 O,O-Diethyl O-2-pyrazinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)  
 Diethylstilbesterol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)  
 Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)  
 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)  
 Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)  
 Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)  
 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'diamine, 3-3'dimethoxy-)  
 p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)  
 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)  
 3,3'Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)  
 Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)  
 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)  
 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)  
 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)  
 alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl)  
 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)  
 Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)  
 Dimethyl sulfate (Sulfuric acid, dimethyl ester)  
 Dinitrobenzene, N.O.S.\* (Benzene, dinitro-, N.O.S.\*)  
 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)  
 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)  
 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)  
 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)  
 Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)  
 1,4-Dioxane (1,4-Diethylene oxide)  
 Diphenylamine (Benzenamine, N-Phenyl-)  
 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)  
 diphenyl-)  
 Di-n-propylmitrosamine (N-Nitroso-di-n-propylamine)  
 Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)  
 2,4-Dithiobiuret (Thioimidodicarbonic diamide)  
 Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)  
 Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)  
 Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)  
 Ethyl cyanide (propanenitrile)  
 Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediylobiscarbamodithioic acid, salts and esters)  
 Ethyleneimine (Aziridine)  
 Ethylene oxide (Oxirane)  
 Ethylenethiourea (2-Imidazolidinethione)  
 Ethylmethacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)  
 Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)  
 Fluoranthene (Benzo[j,k]fluorene)  
 Fluorine  
 2-Fluoroacetamide (Acetamide, 2-fluoro-)  
 Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)  
 Formaldehyde (Methylene, oxide)  
 Formic acid (Methanoic acid)  
 Glycidylaldehyde (1-Propanol-2-3-epoxy)  
 Halomethane, N.O.S.\*  
 Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)  
 Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)  
 Hexachlorobenzene (Benzene, hexachloro-)  
 Hexachlorobutadiene (1,3-Butadiene, 1,1,2,3,4,4-hexachloro-)  
 Hexachlorocyclohexane (all isomers) (Lindane and isomers)  
 Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)  
 Hexachlorodibenzo-p-dioxins  
 Hexachlorodibenzofurans  
 Hexachloroethane (Ethane, 1,1,1,2,2,2-hexachloro-)  
 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene (Hexachlorohexahydro-endo,endo-dimethanonaphthalene)  
 Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))

- Hexachloropropene (1-Propene, 1,1,2,3,3,3-hexachloro-)
- Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
- Hydrazine (Diamine)
- Hydrocyanic acid (Hydrogen cyanide)
- Hydrofluoric acid (Hydrogen fluoride)
- Hydrogen sulfide (Sulfur hydride)
- Hydroxydimethylarsine oxide (Cacodylic acid)
- Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
- Iodomethane (Methyl iodide)
- Iron Dextran (Ferric dextran)
- Isocyanic acid, methyl ester (Methyl isocyanate)
- Isobutyl alcohol (1-Propanol, 2-methyl-)
- Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
- Kepone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta[cd]pentalen-2-one)
- Lasiocarpine (2-Butenoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
- Lead and compounds, N.O.S.\*
- Lead acetate (Acetic acid, lead salt)
- Lead phosphate (Phosphoric acid, lead salt)
- Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)
- Maleic anhydride (2,5-Furandione)
- Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)
- Malononitrile (Propanedinitrile)
- Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)
- Mercury Fulminate (Fulminic acid, mercury salt)
- Mercury and compounds, N.O.S.\*
- Methacrylonitrile (2-Propenenitrile, 2-methyl-)
- Methanethiol (Thiomethanol)
- Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
- Metholonyl (Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-,methyl ester)
- Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
- 2-Methylaziridine (1,2-Propylenimine)
- 3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
- Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
- 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis-(2-chloro-)
- Methyl ethyl ketone (MEK) (2-Butanone)
- Methyl hydrazine (Hydrazine, methyl-)
- 2-Methylactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
- Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
- Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
- 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime (Propanal,2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime)
- N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitros-N-methyl-N'nitro-)
- Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
- Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
- Mustard gas (Sulfide, bis(2-chloroethyl)-)
- Naphthalene
- 1,4-Naphthoquinone (1,4-Naphthalenedione)
- 1-Naphthylamine (alpha-Naphthylamine)
- 2-Naphthylamine (beta-Naphthylamine)
- 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
- Nickel and compounds, N.O.S.\*
- Nickel carbonyl (Nickel tetracarbonyl)
- Nickel cyanide (nickel (II) cyanide)
- Nicotine and salts, Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
- Nitric oxide (Nitrogen (II) oxide)
- p-Nitroaniline (Benzenamine, 4-nitro-)
- Nitrobenzine (Benzene, nitro-)
- Nitrogen dioxide (Nitrogen (IV) oxide)
- Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
- Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
- Nitroglycerine (1,2,3-Propanetriol, trinitrate)
- 4-Nitrophenol (Phenol, 4-nitro-)
- 4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
- Nitrosamine, N.O.S.\*
- N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
- N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
- N-Nitrosodiethylamine (Ethanamine, N-Ethyl-N-nitroso-)
- N-Nitrosodimethylamine (Dimethylnitrosamine)
- N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
- N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)
- N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
- N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
- N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
- N-Nitrosomorpholine (Morpholine, N-nitroso-)
- N-Nitrosornicotine (Nornicotine, N-nitroso-)
- N-Nitrosopiperidine (Pyridine, hexahydro-, N-



- nitroso-)  
 Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)  
 N-Nitrososarcosine (Sarcosine, N-nitroso-)  
 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)  
 Octamethylpyrophosphoramidate  
 (Diphosphoramidate, octamethyl-)  
 Osmium tetroxide (Osmium (VIII) oxide)  
 7-Ocabcyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)  
 Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)  
 Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)  
 Pentachlorobenzene (Benzene, pentachloro-)  
 Pentachlorodibenzo-p-dioxins  
 Pentachlorodibenzofurans  
 Pentachloroethane (Ethane, pentachloro-)  
 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)  
 Pentachlorophenol (Phenol, pentachloro-)  
 Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)  
 Phenol (Benzene, hydroxy-)  
 Phenylenediamine (Benzenediamine)  
 Phenylmercury acetate (Mercury, acetatophenyl-)  
 N-Phenylthiourea (Thiourea, phenyl-)  
 Phosgene (Carbonyl chloride)  
 Phosphine (Hydrogen phosphide)  
 Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)  
 Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)  
 Phthalic acid esters, N.O.S.\* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.\*)  
 Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)  
 2-Picoline (Pyridine, 2-methyl-)  
 Polychlorinated biphenyl, N.O.S.\*  
 Potassium cyanide  
 Potassium silver cyanide (Argentate(1-), dicyano-, potassium)  
 Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)  
 1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)  
 n-Propylamine (1-Propane)  
 Propylthiouracil (Undecamethylenediamine, N,N'-bis(2-chlorobenzyl)-, dihydrochloride)  
 2-Propyn-1-ol (Propargyl alcohol)  
 Pyridine  
 Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)  
 Resorcinol (1,3-Benzenediol)  
 Saccharin and salts (1,2-Benzoisothiazolin-3-one, 1,1-dioxide, and salts)  
 Safrol (Benzene, 1,2-methylenedioxy-4-allyl-)  
 Selenious acid (Selenium dioxide)  
 Selenium and compounds, N.O.S.\*  
 Selenium sulfide (Sulfur selenide)  
 Selenourea (Carbamimidoseleonic acid)  
 Silver and compounds, N.O.S.\*  
 Silver cyanide  
 Sodium cyanide  
 Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)  
 Strontium sulfide  
 Strychnine and salts (Strychnidin-10-one, and salts)  
 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)  
 Tetrachlorodibenzo-p-dioxins  
 Tetrachlorodibenzofurans  
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)  
 Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)  
 Tetrachloroethane, N.O.S.\* (Ethane, tetrachloro-, N.O.S.\*)  
 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)  
 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)  
 Tetrachlorethylene (Ethane, 1,1,2,2-tetrachloro-)<sup>1</sup>  
 Tetrachloromethane (Carbon tetrachloride)  
 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)  
 Tetraethyldithiopyrophosphate  
 (Dithiopyrophosphoric acid, tetraethyl-ester)  
 Tetraethyl lead (Plumbane, tetraethyl-)  
 Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)  
 Tetranitromethane (Methane, tetranitro-)  
 Thallium and compounds, N.O.S.\*  
 Thallous oxide (Thallium (III) oxide)  
 Thallium (I) acetate (Acetic acid, thallium (I) salt)  
 Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)  
 Thallium (I) chloride  
 Thallium (I) nitrate (Nitric acid, thallium (I) salt)  
 Thallium selenite  
 Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)  
 Thioacetamide (Ethanethioamide)  
 Thiosemicarbazide  
 (Hydrazinecarbothioamide)  
 Thiourea (Carbamide thio-)  
 Thiuram (Bis(dimethylthiocarbamoyl) disulfide)  
 Toluene (Benzene, methyl-)  
 Toluenediamine (Diaminotoluene)  
 2,4-Toluenediamine  
 2,6-Toluenediamine  
 3,4-Toluenediamine  
 o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)  
 Tolyene diisocyanate (Benzene, 1,3-diisocyanatomethyl-)  
 Toxaphene (Camphene, octachloro-)

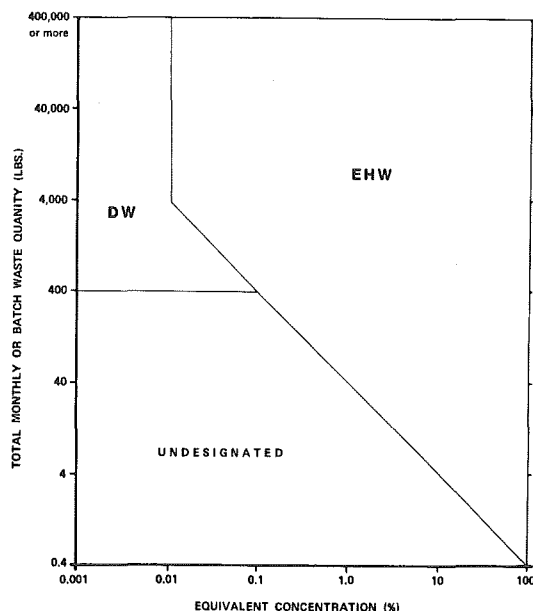
Tribromomethane (Bromoform)  
 1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)  
 1,1,1-Trichloroethane (Methyl chloroform)  
 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)  
 Trichloroethene (Trichloroethylene)  
 Trichloromethanethiol (Methanethiol, trichloro-)  
 Trichloromonofluoromethane (Methane, trichlorofluoro-)  
 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)  
 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)  
 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) (Acetic acid, 2,4,5-trichlorophenoxy-)  
 2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex) (Propionic acid, 2-(2,4,5-trichlorophenoxy)-)  
 Trichloropropane, N.O.S.\* (Propane, trichloro-, N.O.S.\*)  
 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)  
 O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)  
 sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)  
 Tris(1-aziridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl)-)  
 Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)  
 Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)  
 Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)  
 Vanadic acid, ammonium salt (ammonium vanadate)  
 Vanadium pentoxide (Vanadium (V) oxide)  
 Vinyl chloride (Ethane, chloro-)  
 Zinc cyanide  
 Zinc phosphide

\*The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-9905, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-9905, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9905, filed 2/10/82.]

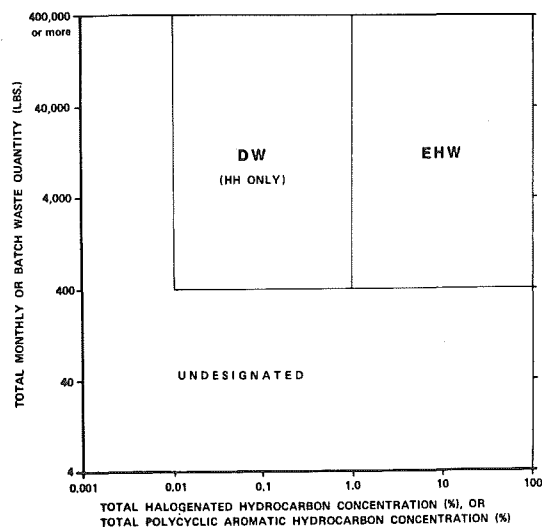
**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

### WAC 173-303-9906 Toxic dangerous waste mixtures graph.



[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9906, filed 2/10/82.]

### WAC 173-303-9907 Persistent dangerous waste mixtures graph.



[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9907, filed 2/10/82.]

## Chapter 173-304 WAC MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING

### WAC

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**WAC 173-304-010 Authority and purpose.** This regulation is promulgated under the authority of chapter 70.95 RCW to protect public health, to prevent land, air, and water pollution, and conserve the state's natural, economic, and energy resources by:

(1) Setting minimum functional performance standards for the proper handling of all solid waste materials originating from residences, commercial, agricultural and industrial operations and other sources;

(2) Identifying those functions necessary to assure effective solid waste handling programs at both the state and local level;

(3) Following the direction set by the legislature for the management of solid waste in order of descending priority as applicable:

- (a) Waste reduction;
- (b) Waste recycling;
- (c) Energy recovery or incineration;
- (d) Landfill.

(4) Describing the responsibility of persons, municipalities, regional agencies, state and local government under existing laws and regulations related to solid waste;

(5) Requiring use of the best available technology for siting, and all known available and reasonable methods for designing, constructing, operating and closing solid waste handling facilities; and

(6) Establishing these standards as minimum standards for solid waste handling to provide a state-wide consistency and expectation as to the level at which solid waste is managed throughout the state. Local ordinances setting standards for solid waste handling shall not be less stringent than these minimum standards, and shall be adopted not later than one year after the effective date of this regulation. Local ordinances need not adopt WAC 173-304-011, County planning requirements, but shall otherwise comply with the requirements of WAC 173-304-011. Solid waste regulations or ordinances adopted by counties, cities, or jurisdictional boards of health shall be filed with the department ninety days following adoption.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-010, filed 10/28/85.]

**WAC 173-304-011 County planning requirements.** The concept of "solid waste management" includes in addition to proper storage, collection, and disposal of discards, other management functions or operational activities including waste reduction, source separation, waste recycling, transportation, processing, treatment, resource recovery, energy recovery, incineration, and landfilling. Under the State Solid Waste Management Act, chapter 70.95 RCW, primary responsibility for managing solid waste is assigned to local government (RCW 70.95.020). The state, however, is responsible for assuring that effective local programs are established throughout Washington state. Therefore, state and local solid waste planning for the aforementioned activities is an essential part of proper solid waste management.

(1) State responsibility. As described in RCW 70.95-.260, the department shall coordinate the development of a state solid waste management plan in cooperation with local government, the department of community development, and other appropriate state and regional agencies. The state plan shall be reviewed at two-year intervals, revised as necessary, and extended so that the plan shall look to the future for twenty years as a guide in carrying out a coordinated state solid waste management program.

(2) Local government responsibility. The overall purpose of local comprehensive solid waste planning is to determine the nature and extent of the various solid waste categories and to establish management concepts for their handling, utilization, and disposal consistent with the priorities established in RCW 70.95.010 for waste reduction, waste recycling, energy recovery and incineration, and landfill. Each local plan shall be prepared in accordance with RCW 70.95.080, 70.95.090, 70.95.100, and 70.95.110. Additionally, the department has available "Guidelines for the development of local or regional solid waste management plans and plan revisions" to be followed by local government. RCW 70.95-.165 also requires counties to establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-011, filed 10/28/85.]

**WAC 173-304-015 Applicability.** These regulations apply to solid wastes as that term is defined in WAC 173-304-100. These regulations shall not apply to the following solid wastes:

(1) Overburden from mining operations intended for return to the mine;

(2) Liquid wastes whose discharge or potential discharge is regulated under federal, state or local water pollution permits;

(3) Dangerous wastes as defined by chapter 70.105 RCW and chapter 173-303 WAC;

(4) Woodwaste used for ornamental, animal bedding, mulch and plant bedding, or roadbuilding purposes;

(5) Agricultural wastes, limited to manures and crop residues, returned to the soils at agronomic rates;

(6) Clean soils and clean dredge spoils as defined in WAC 173-304-100 or as otherwise regulated by section 404 of the Federal Clean Water Act (PL 95-217);

(7) Septage taken to a sewage treatment plant permitted under chapter 90.48 RCW;

(8) Radioactive wastes, defined by chapters 402-12 and 402-19 WAC; and

(9) Wood debris resulting from the harvesting of timber and whose disposal is permitted under chapter 76.04 RCW, the State Forest Practices Act.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-015, filed 10/28/85.]

**WAC 173-304-100 Definitions.** When used in this regulation, the following terms have the meanings given below.

(1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Buffer zones shall not be considered part of the active area of a facility.

(2) "Agricultural wastes" means wastes on farms resulting from the production of agricultural products including but not limited to manures, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

(3) "Agronomic rates" means the rates of application of sludges, manures, or crop residues in accordance with rates specified by the appropriate fertilizer guide for the crop under cultivation.

(4) "Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

(5) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(6) "Ashes" means the residue including any air pollution flue dusts from combustion or incineration of material including solid wastes.

(7) "Balefill" means a landfill which uses compacted bales of solid waste to form discrete lifts as the landfill is filled.

(8) "Buffer zone" means that part of a facility that lies between the active area and the property boundary.

(9) "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable or disposable containers.

(10) "Clean soils and clean dredge spoils" means soils and dredge spoils which are not dangerous wastes or problem wastes as defined in this section.

(11) "Closure" means those actions taken by the owner or operator of a solid waste site or facility to

cease disposal operations and to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the postclosure period.

(12) "Collecting agency" means any agency, business or service operated by a person for the collecting of solid waste.

(13) "Compliance schedule" means a written schedule of required measures in a permit including an enforceable sequence leading to compliance with these regulations.

(14) "Composting" means the controlled degradation of organic solid waste yielding a product for use as a soil conditioner.

(15) "Container" means a device used for the collection, storage, and/or transportation of solid waste including but not limited to reusable containers, disposable containers, detachable containers and tanks, fixed or detachable.

(16) "Contaminate" means to allow to discharge a substance into ground water that would cause:

(a) The concentration of that substance in the ground water to exceed the maximum contamination level specified in WAC 173-304-9901, or

(b) A statistically significant increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in WAC 173-304-9901, or

(c) A statistically significant increase above background in the concentration of a substance which:

(i) Is not specified in WAC 173-304-9901, and

(ii) Is present in the solid waste, and

(iii) Has been determined to present a substantial risk to human health or the environment in the concentrations found at the point of compliance by the jurisdictional health department in consultation with the department and the department of social and health services.

(17) "Cover material" means soil or other suitable material that has been approved by the jurisdictional health department as cover for wastes.

(18) "Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC.

(19) "Demolition waste" means solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (i.e., sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process and asbestos wastes are not considered to be demolition waste for the purposes of this regulation.

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

(21) "Detachables" means reusable containers that are mechanically loaded or handled such as a "dumpster" or drop box.

(22) "Disposable containers" means containers that are used once to handle solid waste such as plastic bags, cardboard boxes and paper bags.

(23) "Disposal" or "deposition" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

(24) "Disposal site" means the location where any final treatment, utilization, processing, or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

(25) "Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

(26) "Energy recovery" means the recovery of energy in a useable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

(27) "Existing facility" means a facility which is owned or leased, and in operation, or for which construction has begun, on or before the effective date of this regulation and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

(a) A continuous on-site physical construction program has begun; or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss for physical construction of the facility to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of this regulation shall be considered existing facilities.

(28) "Expanded facility" means a facility adjacent to an existing facility for which the land is purchased and approved by the jurisdictional health department after the effective date of this regulation. A vertical expansion approved and permitted by the jurisdictional health department after the effective date of this regulation shall also be considered an expanded facility.

(29) "Facility" means all contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for solid waste handling.

(30) "Facility structures" means buildings, sheds, utility lines, and drainage pipes on the facility.

(31) "Final treatment" means the act of processing or preparing solid waste for disposal, utilization, reclamation, or other approved method of use.

(32) "Free liquids" means any sludge which produces measurable liquids when the Paint Filter Liquids Test, Method 9095 of EPA Publication Number SW-846, is used.

(33) "One hundred year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source.

(34) "Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

(35) "Ground water" means that part of the subsurface water which is in the zone of saturation.

(36) "Holocene fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side and that has occurred in the most recent epoch of the quaternary period extending from the end of the pleistocene to the present.

(37) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(38) "Interim solid waste handling site" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes, baling and compaction sites, source separation centers, and treatment are considered interim solid waste handling sites.

(39) "Industrial solid wastes" means waste by-products from manufacturing operations such as scraps, trimmings, packing, and other discarded materials not otherwise designated as dangerous waste under chapter 173-303 WAC.

(40) "Inert wastes" means noncombustible, nondangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including resistance to biological attack and chemical attack from acidic rainwater.

(41) "Jurisdictional health department" means city, county, city-county or district public health department.

(42) "Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

(43) "Landspreading disposal facility" means a facility that applies sludges or other solid wastes onto or incorporates solid waste into the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates.

(44) "Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases therefrom.

(45) "Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

(46) "Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(47) "Medical waste" means all the infectious, and injurious waste originating from a medical, veterinary, or intermediate care facility.

(48) "New facility" means a facility which begins operation or construction after the effective date of this regulation (see also definition of "existing facility").

(49) "Nonconforming site" means a solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304-400 but does comply with a compliance schedule issued in a solid waste permit by the jurisdictional health department.

(50) "Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

(51) "Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(52) "Performance standard" means the criteria for the performance of solid waste handling facilities.

(53) "Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of  $1 \times 10^{-7}$  cm/sec or less may be considered impermeable.

(54) "Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

(55) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(56) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(57) "Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life and during closure and postclosure.

(58) "Point of compliance" means that part of ground water that lies beneath the perimeter of a solid waste facilities' active area as that active area would exist at closure of the facility.

(59) "Postclosure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for a number of years after closure.

(60) "Premises" means a tract or parcel of land with or without habitable buildings.

(61) "Problem wastes" means: (a) Soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous wastes, or (b) dredge spoils resulting from the dredging of surface waters of the state where

contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by section 404 of the Federal Clean Water Act (PL 95-217).

(62) "Processing" means an operation to convert a solid waste into a useful product or to prepare it for disposal.

(63) "Putrescible waste" means solid waste which contains material capable of being decomposed by micro-organisms.

(64) "Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

(65) "Reclamation site" means a location used for the processing or the storage of recycled waste.

(66) "Reusable containers" means containers that are used more than once to handle solid waste such as garbage cans.

(67) "Run-off" means any rainwater, leachate or other liquid which drains over land from any part of the facility.

(68) "Run-on" means any rainwater or other liquid which drains over land onto any part of a facility.

(69) "Scavenging" means the removal of materials at a disposal site, or interim solid waste handling site without the approval of the owner or operator and the jurisdictional health department.

(70) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

(71) "Sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source.

(72) "Sole source aquifer" means an aquifer designated by the Environmental Protection Agency pursuant to Section 1424e of the Safe Drinking Water Act (PL 93-523).

(73) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste, dangerous waste, and problem wastes.

(74) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(75) "Solid waste management" means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

(76) "Storage" means the holding of solid waste materials for a temporary period.

(77) "Twenty-five year storm" means a storm of a particular duration and of such an intensity that it has a four percent probability of being equalled or exceeded each year.

(78) "Twenty-four hour, twenty-five year storm" means a twenty-five year storm of twenty-four hours duration.

(79) "Stream" means the point at which any confined freshwater body of surface water reaches a mean annual flow of twenty cubic feet per second.

(80) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

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

(82) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations may also include recycling facilities.

(83) "Treatment" means the physical, chemical or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for energy or material resource recovery or reduced in volume.

(84) "Utilization" means consuming, expending, or exhausting by use, solid waste materials.

(85) "Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

(86) "Vector" means a living animal, insect or other arthropod which transmits an infectious disease from one organism to another.

(87) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(88) "Waste reduction" means reducing the amount or type of waste generated.

(89) "Water quality standard" means a standard set for maximum allowable contamination in surface waters as set forth in chapter 173-201 WAC, Water quality standards for waters of the state of Washington.

(90) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of

vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, estuaries, and similar areas.

(91) "Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-crome-arsenate.

(92) "Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

(93) "Buy-back recycling center" means any facility which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of accumulating, grading, or packaging recyclable materials for subsequent shipment and reuse, other than direct application to land.

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

(95) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

(96) "Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

(97) "Reserved" means a section having no requirements and which is set aside for future possible rule-making as a note to the regulated community.

(98) "Limited purpose landfills" means a landfill that receives solid waste of limited types, known and consistent composition, other than woodwastes, garbage, inert waste, and demolition waste.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-100, filed 10/28/85.]

**WAC 173-304-130 Locational standards for disposal sites.** (1) Applicability. These standards apply to all new and expanded disposal sites including landfills, landspreading disposal sites, and piles and surface impoundments that are to be closed as landfills. These standards do not apply to:

(a) Existing facilities or facilities that have engaged in closure and closed before the effective date of this regulation;

(b) Interim solid waste handling sites;

(c) Energy recovery and incineration sites;

(d) Piles and surface impoundments used for storage, unless otherwise referred to in WAC 173-304-400, Solid waste handling facility standards;

(e) Utilization of sludge and other waste on land;

(f) Inert wastes and demolition wastes as defined in WAC 173-304-100 unless otherwise referred to in

WAC 173-304-400, Solid waste handling facility standards; and

(g) Problem wastes, as defined in WAC 173-304-100.

(2) Locational standards. All applicable solid waste facilities shall be subject to the following locational standards:

(a) Geology. No facility shall be located over a holocene fault, in subsidence areas, or on or adjacent to geologic features which could compromise the structural integrity of the facility.

(b) Ground water.

(i) No facility shall be located at a site where the bottom of the lowest liner is any less than ten feet above the seasonal high level of ground water in the uppermost aquifer, or five feet when a hydraulic gradient control system or the equivalent has been installed to control ground water fluctuations;

(ii) No landfill shall be located over a sole source aquifer; and

(iii) No facility's active area shall be located closer than one thousand feet to a down-gradient drinking water supply well, in use and existing at the time of the county's adoption of the comprehensive solid waste management plan unless the owner or operator can show that the active area is no less than ninety days travel time hydraulically to the nearest down-gradient drinking water supply well in the uppermost useable aquifer.

(c) Natural soils. See WAC 173-304-400, such as WAC 173-304-460 (3)(c)(i), landfill liners;

(d) Flooding. See WAC 173-304-400 such as WAC 173-304-460 (3)(d), landfill, floodplains;

(e) Surface water. No facility's active area shall be located within two hundred feet measured horizontally, of a stream, lake, pond, river, or salt water body, nor in any wetland nor any public land that is being used by a public water system for watershed control for municipal drinking water purposes in accordance with WAC 248-54-660(4);

(f) Slope. No facility's active area shall be located on any hill whose slope is unstable;

(g) Cover material. See WAC 173-304-400, such as WAC 173-304-460 (3)(e), landfills, closure;

(h) Capacity. See WAC 173-304-400, such as WAC 173-304-460, Landfilling standards, (for standards that vary according to capacity);

(i) Climatic factors. See WAC 173-304-400 such as WAC 173-304-460(3) landfill standards, (for standards applicable to arid climates);

(j) Land use. No facility shall be located:

(i) Within ten thousand feet of any airport runway currently used by turbojet aircraft or five thousand feet of any airport runway currently used by only piston-type aircraft unless a waiver is granted by the federal aviation administration. This requirement is only applicable where such facility is used for disposing of garbage such that a bird hazard to aircraft would be created;

(ii) In areas designated by the United States Fish and Wildlife Service or the department of game as critical habitat for endangered or threatened species of plants, fish, or wildlife;

(iii) So that the active area is any closer than one hundred feet to the facility property line for land zoned as nonresidential, except that the active area may be no closer than two hundred and fifty feet to the property line of adjacent land zoned as residential existing at the time of the county's adoption of the comprehensive solid waste management plan;

(iv) So as to be at variance with any locally-adopted land use plan or zoning requirement unless otherwise provided by local law or ordinance; and

(v) So that the active area is any closer than one thousand feet to any state or national park.

(k) Toxic air emissions. See WAC 173-304-400 such as WAC 173-304-460 (2)(b), landfill performance standards.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-130, filed 10/28/85.]

**WAC 173-304-190 Owner responsibilities for solid waste.** The owner, operator, or occupant of any premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste accumulated by them on the property.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-190, filed 10/28/85.]

**WAC 173-304-195 Permit required.** After approval by the department of the comprehensive solid waste plan required by RCW 70.95.100, no solid waste disposal site or facility shall be maintained, established, substantially altered, expanded or improved until the county, city or other person operating or owning such site has obtained a permit from the jurisdictional health department pursuant to the provisions of WAC 173-304-600.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-195, filed 10/28/85.]

**WAC 173-304-200 On-site containerized storage, collection and transportation standards for solid waste.**

(1) Applicability. These standards apply to all persons storing containerized solid waste generated on-site, and to all persons who are engaged in the collection and transportation of solid waste of more than one single family residence or single family farm including collection and transportation of septage and septic tank pumpings.

(2) On-site storage standards.

(a) The owner or occupant of any premises, business establishment, or industry shall be responsible for the safe and sanitary storage of all containerized solid wastes accumulated at that premises.

(b) The owner, operator, or occupant of any premises, business establishment, or industry shall store containerized solid wastes in containers that meet the following requirements:

(i) Disposable containers shall be sufficiently strong to allow lifting without breakage and shall be thirty-two gallons in capacity or less where manual handling is practiced;



(ii) Reusable containers, except for detachable containers, shall be:

- (A) Rigid and durable;
- (B) Corrosion resistant;
- (C) Nonabsorbent and water tight;
- (D) Rodent-proof and easily cleanable;
- (E) Equipped with a close fitting cover;
- (F) Suitable for handling with no sharp edges or other hazardous conditions; and
- (G) Equal to or less than thirty-two gallons in volume where manual handling is practiced.

(iii) Detachable containers shall be durable, corrosion-resistant, nonabsorbent, nonleaking and having either a solid cover or screen cover to prevent littering.

(3) Collection and transportation standards.

(a) All persons collecting or transporting solid waste shall avoid littering, or the creation of other nuisances at the loading point, during transport and for the proper unloading of the solid waste at a permitted transfer station, or other permitted solid waste handling site.

(b) Vehicles or containers used for the collection and transportation of solid waste shall be tightly covered or screened where littering may occur, durable and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned as necessary to prevent nuisances, odors and insect breeding and shall be maintained in good repair.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such manner that the contents will not fail, leak in quantities to cause a nuisance, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.

(d) All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles monthly, for repairs to containers such as missing or loose-fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two years, and be made available upon the request of the jurisdictional health department.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-200, filed 10/28/85.]

**WAC 173-304-300 Waste recycling facility standards. (1) Applicability.**

(a) These standards apply to facilities engaged in recycling or utilization of solid waste on the land, including but not limited to:

- (i) Noncontainerized composting in piles;
- (ii) Utilization of sewage sludge, septage and other organic wastes on land for beneficial use;
- (iii) Accumulation of wastes in piles for recycling or utilization.

(b) These standards do not apply to:

- (i) Single family residences and single family farms engaged in composting of their own wastes;

(ii) Facilities engaged in the recycling of solid waste containing garbage, such as garbage composting, which are subject to WAC 173-304-400, Solid waste handling facility standards;

(iii) Facilities engaged in the storage of tires which are subject to WAC 173-304-400, Solid waste handling facility standards;

(iv) Problem wastes as defined in WAC 173-304-100;

(v) Facilities engaged in recycling of solid waste stored in surface impoundments which are subject to WAC 173-304-400, Solid waste handling facility standards; and

(vi) Woodwaste or hog fuel piles to be used as fuel or raw materials stored temporarily in piles being actively used so long as the criteria of WAC 173-304-300 (3)(c)(i) are met.

(c) These standards do not apply to any facility that recycles or utilizes solid wastes in containers, tanks, vessels, or in any enclosed building, including buy-back recycling centers.

(2) Effective dates. All existing facilities recycling solid waste not in conformance with this section shall be placed upon a compliance schedule under WAC 173-304-600(1) to assure compliance within two years of the effective date of this regulation.

(3) Waste recycling requirements.

(a) All applicable solid waste recycling facilities shall apply for and obtain a solid waste permit under WAC 173-304-600, permits.

(b) Applicable waste recycling facilities shall submit annual reports to the jurisdictional health department and the department by March 1 of the following year for which the data is collected on forms supplied by the department. The annual reports shall include quantities and types of waste recycled for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4). Such facilities may request and be assured of confidentiality for their reports in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(c) All facilities storing solid waste in outdoor piles or surface impoundments for the purpose of waste recycling shall be considered to be storing or disposing of solid waste if:

(i) At least fifty percent of the material has not been shown to have been recycled in the past three years and any material has been on-site more than five years; or

(ii) Ground water or surface water, air, and/or land contamination has occurred or will likely occur under current conditions of storage or in case of fire, or flood.

Upon such a determination by the jurisdictional health department that (c)(i) or (ii) of this subsection are met, the jurisdictional health department may require a permit application and issuance of a permit under WAC 173-304-600 of these rules.

(d) Waste recycling facilities shall allow jurisdictional health department and department representatives entry for inspection purposes and to determine compliance with these rules at reasonable times.

(e) All applicable waste recycling facilities shall not conflict with the county comprehensive solid waste management plan required by WAC 173-304-011 of these rules.

(f) All waste recycling facilities shall comply with applicable local, state and federal laws and regulations, including but not limited to environmental regulations and laws.

(4) Sewage sludge utilization requirements.

In addition to the requirements of subsection (3) of this section, all facilities utilizing sewage sludge, including septage shall comply with the department's *Municipal and Domestic Sludge Utilization Guidelines* WDOE 82-11, dated September 1982 or as hereafter amended. Facilities utilizing sewage sludge on the land in a manner not consistent with nor meeting the requirement of the guidelines are required to meet the landspreading disposal standards of WAC 173-304-450.

(5) Woodwaste and other organic sludge utilization requirements.

(a) Facilities utilizing woodwaste not otherwise excluded under WAC 173-304-015, shall comply with these recycling standards. Applying woodwaste and other primarily organic sludges such as pulp and paper mill treatment sludges to the land shall be in a manner consistent with the *Municipal and Domestic Sludge Utilization Guidelines* WDOE 82-11 dated September 1982 or as hereafter amended. Only agricultural or silvicultural sites where such sludges are demonstrated to have soil conditioning or fertilizer value shall be acceptable, provided that the woodwaste and other primarily organic sludges are applied as a soil conditioner or fertilizer in accordance with accepted agricultural and silvicultural practice. Facilities utilizing woodwaste or other primarily organic sludges on the land in a manner not consistent with nor meeting the requirement of the guidelines are required to meet the landspreading disposal standards of WAC 173-304-450.

(b) Facilities utilizing woodwaste or other primarily organic sludges shall also comply with the standards of subsection (3) of this section.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-300, filed 10/28/85.]

**WAC 173-304-400 Solid waste handling facility standards.** (1) Applicability. The standards of WAC 173-304-405 through 173-304-490 are the solid waste handling facility standards and apply to all solid waste handling facilities, except for:

(a) Waste recycling facilities, whose standards are spelled out in WAC 173-304-300;

(b) On-site containerized storage, collection and transportation facilities which are spelled out in WAC 173-304-200;

(c) Single family residences and single family farms whose year round occupants engage in solid waste handling of the single family's solid waste on-site;

(d) Problem wastes as defined in WAC 173-304-100;

(e) Solid waste handling facilities that have engaged in closure and closed before the effective date of this regulation; and

(f) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits except for any portion that utilizes or engages in landspreading disposal sludges or solid residues directly on the land.

(2) Standards for permits. The standards of WAC 173-304-405 through 173-304-490 shall be used as the basis for permitting as required in WAC 173-304-600.

(3) Effective dates.

(a) All existing facilities not in conformance with the following sections of the facility standards shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure full compliance within eighteen months of the effective date of this regulation for:

(i) The general facility standards, WAC 173-304-405;

(ii) The transfer stations, baling and compaction standards, WAC 173-304-410;

(iii) Ground water monitoring required in WAC 173-304-490;

(iv) The landfill operating and maintenance standards, WAC 173-304-460(4);

(v) The tire pile standards of WAC 173-304-420(4); and

(vi) The landspreading disposal standards of WAC 173-304-450(5).

(b) All existing solid waste facilities not in conformance with facility standards other than those in (a) of this subsection shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure full compliance within four years of the effective date of this regulation.

(c) All new and expanded facilities shall meet the facility standards of WAC 173-304-405 to 173-304-490 after the effective date of this regulation.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-400, filed 10/28/85.]

**WAC 173-304-405 General facility requirements.**

(1) Applicability. All applicable solid waste handling facilities shall meet the requirements of this section.

(2) Plan of operation. Each owner or operator shall develop, keep and abide by a plan of operation approved as part of the permitting process in WAC 173-304-600. The plan shall describe the facilities' operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health officer. The facility must be operated in accordance with the plan or the plan must be so modified with the approval of the jurisdictional health department. Owners or operators of drop boxes may develop a generic plan of operation applicable to all such drop boxes, owned or operated.

Each plan of operation shall include:

(a) How solid wastes are to be handled on-site during its active life;

(b) How the facility will be closed and, for land disposal facilities, how postclosure will be carried out;

(c) How inspections and monitoring are conducted and their frequency;

- (d) Actions to take if there is a fire or explosion;
- (e) Actions to take if leaks are detected;
- (f) Corrective action programs to take if ground water is contaminated;
- (g) Actions to take for other releases (e.g. failure of run-off containment system);
- (h) How equipment such as leachate collection and gas collection equipment are to be maintained;
- (i) A safety plan or procedure; and
- (j) Other such details as required by the jurisdictional health department.

(3) Recordkeeping. Each owner or operator shall maintain daily operating records on the weights (or volumes), number of vehicles entering and, if available, the types of wastes received. Major deviations from the plan of operation shall also be noted on the operating record.

(4) Reporting. Each owner or operator shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by March 1 of each year. The annual report shall cover facility activities during the previous year and must include the following information:

- (a) Name and address of the facility;
- (b) Calendar year covered by the report;
- (c) Annual quantity, in tons, or volume, in cubic yards, and estimated in-place density in pounds per cubic yard of solid waste handled, by type of solid waste if available, for each type of treatment, storage, or disposal facility, including applicable recycling facilities; and
- (d) Results of ground water monitoring required in WAC 173-304-490.

(5) Inspections. The owner or operator shall inspect the facility to prevent malfunctions and deterioration, operator errors and discharges which may cause or lead to the release of wastes to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including at least the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection. Inspection records shall be available to the jurisdictional health department upon request.

(6) Closure. Each owner or operator shall close the facility according to plans spelled out in the plan of operation. Solid waste facilities shall be restored by the owner or operator to be as compatible as possible with the surrounding environs following the closure. Closure includes but is not limited to grading, seeding, landscaping, contouring, and screening. For interim solid waste handling sites, closure includes waste removal and decontamination. For disposal facilities, postclosure includes ground water monitoring and gas monitoring, the maintenance of the site for its intended use, and other activities deemed appropriate by the jurisdictional health

department until the site becomes stabilized (i.e. little or no settlement, gas production or leachate generation) and monitoring ground water and gases can be safely discontinued.

(7) Recording with county auditor. Maps and a statement of fact concerning the location of the disposal site shall be recorded as part of the deed with the county auditor not later than three months after closure. Records and plans specifying solid waste amounts, location and periods of operation shall be submitted to the local zoning authority or the authority with jurisdiction over land use and be made available for inspection.

(8) State and local requirements. All solid waste disposal facilities shall comply with all state and local requirements such as zoning land use, fire protection, water pollution prevention, air pollution prevention, nuisance and aesthetics.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-405, filed 10/28/85.]

**WAC 173-304-410 Transfer stations, baling and compaction systems, and drop box facilities.** (1) Applicability. All transfer stations, baling and compaction systems and drop boxes receiving solid waste from off-site shall meet the requirements of this section. Facilities receiving solid waste from on-site shall meet the requirements of WAC 173-304-200.

(2) Transfer stations, baling and compacting systems standards. Transfer stations, baling and compaction systems shall be designed, constructed, and operated so as to:

- (a) Be surrounded by a fence, trees, shrubbery, or natural features so as to control access and be screened from the view of immediately adjacent neighbors, unless the tipping floor is fully enclosed by a building;
- (b) Be sturdy and constructed of easily cleanable materials;
- (c) Be free of potential rat harborage, and provide effective means to control rodents, insects, birds and other vermin;
- (d) Be adequately screened to prevent blowing of litter and to provide effective means to control litter;
- (e) Provide protection of the tipping floor from wind, rain or snow other than below grade bins or detachable containers;
- (f) Have an adequate buffer zone around the operating area to minimize noise and dust nuisances, and for transfer stations, baling, or compaction systems, a buffer zone of fifty feet from the active area to the nearest property line in areas zoned residential;
- (g) Comply with local zoning and building codes including approved local variances and waivers;
- (h) Provide pollution control measures to protect surface and ground waters, including run-off collection and discharge designed and operated to handle a twenty-four hour, twenty-five year storm and equipment cleaning and washdown water;
- (i) Provide all-weather approach roads, exit roads, and all other vehicular areas;
- (j) Provide pollution control measures to protect air quality including a prohibition against all burning and

the development of odor and dust control plans to be made a part of the plan of operation in WAC 173-304-405(2);

(k) Prohibit scavenging;

(l) Provide attendant(s) on-site during hours of operation;

(m) Have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what constitutes materials not to be accepted and other necessary information posted at the site entrance;

(n) Have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency; and

(o) Remove all wastes at closure, as defined in WAC 173-304-100, from the facility to a permitted facility.

(3) Drop box facility standards. Drop box facilities, as defined in WAC 173-304-100, shall:

(a) Be constructed of durable water tight materials with a lid or screen on top that prevents the loss of materials during transport and access by rats and other vermin;

(b) Be located in an easily identifiable place accessible by all-weather roads;

(c) Be designed and serviced as often as necessary to ensure adequate dumping capacity at all times. Storage of solid waste outside the drop boxes is prohibited;

(d) Comply with subsection (2)(m) of this section, signs; and

(e) Remove all remaining wastes at closure, as defined in WAC 173-304-100, to a permitted facility, and remove the drop box from the facility.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-410, filed 10/28/85.]

**WAC 173-304-420 Piles used for storage and treatment--Facility standards.** (1) Applicability.

(a) This section is applicable to solid wastes stored or treated in piles as defined in WAC 173-304-100 where putrescible wastes (other than garbage) are in place for more than three weeks, other wastes not intended for recycling are in place for more than three months, and garbage is in place for more than three days. These standards are also applicable to composting or storing of garbage and sludge in piles, and to tire piles where more than eight hundred tires are stored at one facility.

(b) Other solid wastes stored or treated in piles prior to waste recycling including compost piles of vegetative waste, piles of woodwaste used for fuel or raw materials are subject to WAC 173-304-300.

(c) Waste piles stored in fully enclosed buildings are not subject to these standards, provided that no liquids or sludges with free liquids are added to the pile.

(d) Inert wastes and demolition wastes are not subject to these standards.

(2) Requirements. All owners and operators shall:

(a) Comply with the requirements of the General facility requirements, WAC 173-304-405;

(b) Design piles located in a one hundred year flood plain to:

(i) Comply with local flood plain management ordinances and chapter 508-60 WAC, Administration of flood control zones; and

(ii) To avoid washout or restriction of flow; and

(c) Remove all solid wastes from the pile at closure to another permitted facility.

(3) Requirements for putrescible wastes or wastes likely to produce leachate.

(a) Waste piles shall be placed upon a surface such as sealed concrete, asphalt, clay or an artificial liner underlying the pile, to prevent subsurface soil and potential ground water contamination and to allow collection of run-off and leachate. The liner shall be designed of sufficient thickness and strength to withstand stresses imposed by pile handling vehicles and the pile itself;

(b) Run-off systems shall be installed, designed and maintained to handle a twenty-four hour, twenty-five year storm event;

(c) Waste piles having a capacity of greater than ten thousand cubic yards shall have either:

(i) A ground water monitoring system that complies with WAC 173-304-490; or

(ii) A leachate detection, collection and treatment system.

For purposes of this subsection, capacity refers to the total capacity of all putrescible or leachate-generating piles at one facility (i.e., two, five thousand cubic yard piles will subject the facility to the requirements of this subsection).

(d) Run-on prevention systems shall be designed and maintained to handle the maximum flow from a twenty-five year storm event; and

(e) A jurisdictional health department may require that the entire base or liner shall be inspected for wear and integrity and repaired or replaced by removing stored wastes or otherwise providing inspection access to the base or liner; the request shall be in writing and cite the reasons including valid ground water monitoring or leachate detection data leading the jurisdictional health department to request such an inspection, repair or replacement.

(4) Requirements for tire piles. Owners or operators shall:

(a) Control access to the tire pile by fencing;

(b) Limit the tire pile to a maximum of one-half acre in size;

(c) Limit the height of the tire pile to twenty feet;

(d) Provide for a thirty foot fire lane between tire piles; and

(e) Provide on-site fire control equipment.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-420, filed 10/28/85.]

**WAC 173-304-430 Surface impoundment standards.** (1) Applicability.

(a) These standards are applicable to solid wastes that are liquids or sludges containing free liquids as defined in WAC 173-304-100 and applicable under WAC 173-304-015(2) and are stored or treated in surface impoundments;

(b) These standards are also applicable to sludges and septage stored or treated in surface impoundments; and

(c) These standards are not applicable to:

(i) Surface impoundments whose facilities and discharges are otherwise regulated under federal, state, or local water pollution permits; and

(ii) Retention or detention basins used to collect and store stormwater runoff.

(2) Requirements. All surface impoundments must be designed, constructed, and operated so as to:

(a) Meet the performance standards of WAC 173-304-460(2);

(b) Have an in-place or imported soil liner of at least two feet of  $1 \times 10^{-7}$  cm/sec permeability or an equivalent combination of any thickness greater than two feet and a greater permeability to protect the underlying aquifers or a thirty mil reinforced artificial liner placed on top of a structurally stable foundation to support the liners and solid waste and to prevent settlement that would destroy the liner; natural soils shall be recompacted to achieve an equivalent permeability. Owners or operators shall be allowed to use alternative designs, operating practices and locational characteristics which prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection;

(c) Avoid washout including the use of an extended liner or dikes or restriction of flow in the one hundred year floodplain and to comply with local floodplain management ordinances and chapter 508-60 WAC, Administration of flood control zones;

(d) Have dikes designed with slopes so as to maintain the structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action;

(e) Have the freeboard equal to or greater than eighteen inches to avoid overtopping from wave action, overfilling, or precipitation;

(f) Have either a ground water monitoring system, or a leachate detection, collection and treatment system, for surface impoundments having a capacity of more than two million gallons unless the jurisdictional health department and the department require either for smaller surface impoundments. For purposes of this subsection, capacity refers to the total capacity of all surface impoundments on-site (i.e., two, one million gallon surface impoundments on one site will trigger these monitoring requirements);

(g) Be closed in a manner which removes all solid wastes including liners, etc. to another permitted facility and the site returned to its original or acceptable topography except that surface impoundments closed with the waste remaining in place shall meet the requirements of WAC 173-304-460(5) and 173-304-130;

(h) A jurisdictional health department may require that the liner be inspected for wear and integrity and repaired or replaced by removing stored solid wastes or otherwise inspecting the liner or base at any time. The request shall be in writing and cite the reasons including

valid ground water monitoring or leachate detection data leading to such an inspection and repair;

(i) Surface impoundments containing septage will also be subject to the department's "criteria for sewage works design" used to review plans for septage surface impoundments; and

(j) Surface impoundments that have the potential to impound more than ten acre-feet of waste measured from the top of the dike and which would be released by a failure of the containment dike shall be reviewed and approved by the dam safety section of the department.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-430, filed 10/28/85.]

**WAC 173-304-440 Energy recovery and incinerator standards.** (1) Applicability. These standards apply to all facilities designed to burn more than twelve tons of solid waste per day, except for facilities burning woodwaste or gases recovered at a landfill.

(2) Requirements for energy recovery facilities and incinerators.

(a) Incinerators and energy recovery facilities storing putrescible wastes shall be confined to storage compartments specifically designed to store wastes temporarily in piles, surface impoundments, tanks or containers. The storage facilities shall meet the facility standards of WAC 173-304-400. Storage of wastes other than in the specifically designed storage compartments is prohibited. Equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as may be required in order to maintain the plant in a sanitary and clean condition;

(b) All residues from energy recovery facilities or incinerator facilities shall be used, handled or disposed of as solid or dangerous wastes according to these standards or the standards of the dangerous waste regulation, chapter 173-303 WAC;

(c) Each owner or operator of an energy recovery facility or incinerator facility shall comply with WAC 173-304-405. The plan of operation shall address alternative storage, and/or disposal plans for all breakdowns that would result in overfilling of the storage facility;

(d) Energy recovery facilities and incinerators must be designed, constructed and operated in a manner to comply with appropriate state and local air pollution control authority emission and operating requirements;

(e) Each owner or operator shall close their energy recovery facility or incinerator by removing all ash, solid wastes and other residues to a permitted facility;

(f) Each owner or operator of an energy recovery facility or incinerator shall be required to provide recycling facilities in a manner equivalent to WAC 173-304-460 (4)(f); and

(g) Owners or operators of energy recovery facilities or incinerators shall not knowingly dispose of, treat, store or otherwise handle dangerous waste unless the requirements of chapter 173-303 WAC are met.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-440, filed 10/28/85.]

**WAC 173-304-450 Landspreading disposal standards.** (1) Applicability. These standards apply to facilities that engage in landspreading disposal of solid wastes. These standards do not apply to:

(a) Facilities utilizing sludge, woodwaste or other primarily organic sludges according to the *Municipal and Domestic Sludge Utilization Guidelines* WDOE 82-11, specified in WAC 173-304-300 (4) and (5);

(b) Agricultural solid wastes resulting from the operation of a farm including farm animal manure and agricultural residues; and

(c) Inert wastes and demolition wastes.

(2) Owners or operators of landspreading disposal facilities shall meet the minimum functional standards for performance of WAC 173-304-460(2) and the general facilities standards of WAC 173-304-405.

(3) Owners or operators of landspreading disposal facilities shall meet the locational standards of WAC 173-304-130.

(4) Minimum functional standard for design. Owners or operators of landspreading disposal facilities shall design landspreading facilities so as to:

(a) Provide interim waste storage facilities that meet the requirements of WAC 173-304-400 standards (i.e., for piles, surface impoundments, etc.);

(b) Collect and treat all run-off from a twenty-four hour, twenty-five year storm, and divert all run-on for the maximum flow of a maximum twenty-five year storm around the active area;

(c) Avoid standing water anywhere on the active area;

(d) Avoid slopes and other features that will lead to soil and waste erosion, unless contour plowing or other measures are taken to avoid erosion;

(e) Monitor ground water according to WAC 173-304-490; and

(f) Control access to site by fencing or other means and erect signs.

(5) Minimum functional standards for maintenance and operation. Owners or operators of landspreading disposal facilities shall maintain and operate the facilities so as to:

(a) Avoid any landspreading disposal of garbage or medical waste;

(b) Analyze solid wastes according to the requirements spelled out in the *Municipal and Domestic Sludge Utilization Guidelines* WDOE 82-11;

(c) Avoid applying wastes at rates greater than ten times agronomic rates using the proposed cover crop, or depths greater than would allow for discing the soil by tracked vehicles;

(d) Provide discing of soils during the growing season and after each application of waste to maintain aerobic soil conditions, minimize odors and lessen run-off;

(e) Avoid applying waste to any active area having standing water;

(f) Conform to the operating plan and the requirements of WAC 173-304-405;

(g) Avoid food chain crops during the active life of the facility and until demonstrated to be safe, after closure, according to the closure and postclosure plans filed with the plan of operation. Specific approval in writing

from the jurisdictional health department is required for any landspreading disposal facility that is used to raise food crops after closure. Any new owner or operator of a closed landspreading disposal facility shall notify the jurisdictional health department within sixty days of the purchase; and

(h) Provide for a written contract between landowners, waste generators, waste haulers and waste operators requiring compliance with rules as a condition of the contract.

(6) Minimum functional standards for closure.

(a) All owners or operators of landspreading disposal facilities shall close in such a manner as to comply with WAC 173-304-405(6);

(b) All owners or operators of landspreading facilities shall also close such facilities in a manner that:

(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates, to the extent necessary, threats to human health and the environment, postclosure escape of solid waste, constituents, leachate, contaminated rainfall or waste decomposition products to the ground, surface water, ground water or the atmosphere;

(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible; and

(iv) Allows for continued monitoring of all media (air, land and water) as long as necessary to protect human health and the environment during the postclosure period;

(c) Financial assurance. All owners or operators of landspreading disposal facilities shall have a written estimate, in current dollars, of the cost of closing the facility. The closure cost estimate must equal the cost of closure at the point in the operating life of the facility when the extent and manner of operation would make closure the most expensive, as indicated by the closure plan.

In addition, all facilities shall have a written postclosure estimate, in current dollars, the cost of postclosure monitoring and maintenance during the postclosure period.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-450, filed 10/28/85.]

**WAC 173-304-460 Landfilling standards.** (1) Applicability. These standards apply to facilities that dispose of solid waste in landfills except for:

(a) Inert wastes and demolition wastes landfills, that must meet WAC 173-304-461 standards; and

(b) Woodwaste landfills that must meet WAC 173-304-462 standards.

(2) Minimum functional standards for performance.

(a) Ground water. An owner or operator of a landfill shall not contaminate the ground water underlying the landfill, beyond the point of compliance. Contamination and point of compliance are defined in WAC 173-304-100.

(b) Air quality and toxic air emissions.

(i) An owner or operator of a landfill shall not allow explosive gases generated by the facility whose concentration exceeds:

(A) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding gas control or recovery system components);

(B) The lower explosive limit for the gases at the property boundary or beyond; and

(C) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures.

(ii) An owner or operator of a landfill shall not cause a violation of any ambient air quality standard at the property boundary or emission standard from any emission of landfill gases, combustion or any other emission associated with a landfill.

(c) Surface waters. An owner or operator of a landfill shall not cause a violation of any receiving water quality standard or violate chapter 90.48 RCW from discharges of surface run-off, leachate or any other liquid associated with a landfill.

(3) Minimum functional standards for design.

(a) Minimizing liquids. All owners or operators of landfills shall minimize liquids admitted to active areas of landfills by:

(i) Covering according to WAC 173-304-460 (4)(d);

(ii) Prohibiting the disposal of noncontainerized liquids or sludges containing free liquids in landfills unless approved by the jurisdictional health department;

(iii) Designing the landfill to prevent all the run-on of surface waters and other liquids resulting from a maximum flow of a twenty-five year storm into the active area of the landfill;

(iv) Designing the landfill to collect the run-off of surface waters and other liquids resulting from a twenty-four hour, twenty-five year storm from the active area and the closed portions of a landfill;

(b) Leachate systems. All owners or operators of landfills shall:

(i) Install a leachate collection system sized according to water balance calculations or using other accepted engineering methods either of which shall be approved by the jurisdictional health department;

(ii) Install a leachate collection system so as to prevent no more than two feet of leachate developing at the topographical low point of the active area; and

(iii) Install a leachate treatment, or a pretreatment system if necessary in the case of discharge to a municipal waste water treatment plant, to meet the requirements for permitted discharge under chapter 90.48 RCW and the Federal Clean Water Act (PL 95-217).

(c) Liner designs. All owners or operators of landfills shall use liners of one of the following designs:

(i) Standard design. The liner shall be constructed of at least a four feet thick layer of recompacted clay or other material with a permeability of no more than  $1 \times 10^{-7}$  cm/sec and sloped no less than two percent; or

(ii) Alternative design. The design shall have two liners:

(A) An upper liner of at least fifty mils thickness made of synthetic material; and

(B) A lower liner of at least two feet thickness of recompacted clay or other material with a permeability of no more than  $1 \times 10^{-6}$  cm/sec and sloped no less than two percent; or

(iii) Equivalent design. The design shall use alternative methods, operating practices and locational characteristics which will minimize the migration of solid waste constituents or leachate into the ground or surface water at least as effectively as the liners of (c)(i) and (ii) of this subsection; or

(iv) Arid design. This design will apply to locations having less than twelve inches of precipitation annually, and, in lieu of (c)(i), (ii), and (iii) of this subsection, shall consist of vadose zone moisture monitoring, provided that:

(A) Waste material is no less than ten feet above the seasonal high level of ground water in the uppermost aquifer; and

(B) Any evidence of leachate or waste constituents detected in the vadose zone that violates or could be expected to violate the performance standard of WAC 173-304-460(2) shall cause the owner or operator to:

(I) Take corrective action, and either

(II) Close the facility according to these rules, or

(III) For all future expansions at that facility, meet the liner requirement of (c)(i) or (ii) of this subsection.

(v) Small landfill designs. For a landfill whose design and permit allow a total capacity at closure of two hundred thousand cubic yards or less, the need for a liner and leachate collection system shall be determined on a case-by-case basis by the jurisdictional health department in consultation with the department.

(d) Floodplains. All owners or operators of landfills that are located in a one hundred year floodplain shall:

(i) Comply with local floodplain management ordinances and chapter 508-60 WAC, Administration of flood control zones; and

(ii) Design the landfill so that the landfill entrance or exit roads or practices shall not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste, so as to pose a hazard to human life, wildlife, land or water resources.

(e) Closure. All owners and operators shall design landfills so that at closure:

(i) At least two feet of  $1 \times 10^{-6}$  cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts unless the landfill is located in an area having mean annual precipitation of less than twelve inches in which case at least two feet of  $1 \times 10^{-5}$  cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts. Artificial liners may replace soil covers provided that a minimum of fifty mils thickness is used;

(ii) The grade of surface slopes shall not be less than two percent, nor the grade of side slopes more than thirty-three percent; and

(iii) Final cover of at least six inches of topsoil be placed over the soil cover and seeded with grass, other shallow rooted vegetation or other native vegetation.

(f) Gas control.

(i) All owners and operators shall design landfills, having a permitted capacity of greater than ten thousand cubic yards per year, so that methane and other gases are continuously collected, and

(A) Purified for sale;

- (B) Flared; or
- (C) Utilized for its energy value.
- (ii) Collection and handling of landfill gases shall not be required if it can be shown that little or no landfill gases will be produced or that landfill gases will not support combustion; in such cases installation of vents shall be required.
- (g) Other requirements. All owners and operators of landfills shall design landfills to:
  - (i) Be fenced at the property boundary or use other means to impede entry by the public and animals. A lockable gate shall be required at the entry to the landfill;
  - (ii) Monitor ground water according to WAC 173-304-490 using a design approved by the local jurisdictional health department with the guidance of the department. The jurisdictional health department may also require monitoring of:
    - (A) Surface waters, including run-off;
    - (B) Leachate;
    - (C) Subsurface landfill gas movement and ambient air; and
    - (D) Noise.
  - (iii) Weigh all incoming waste on scales for landfills having a permitted capacity of greater than ten thousand cubic yards per year or provide an equivalent method of measuring waste tonnage capable of estimating total annual solid waste tonnage to within plus or minus five percent;
  - (iv) Provide for employee facilities including shelter, toilets, hand washing facilities and potable drinking water for landfills having the equivalent of three or more full-time employees;
  - (v) Erect a sign at the site entrance that identifies at least the name of site, if applicable, the hours during which the site is open for public use, unacceptable materials and an emergency telephone number. Other pertinent information may be required by the jurisdictional health department;
  - (vi) Provide on-site fire protection as determined by the local and state fire control jurisdiction;
  - (vii) Prevent potential rat and other vectors (such as insects, birds, and burrowing animals) harborage in buildings, facilities, and active areas;
  - (viii) Provide the unloading area(s) to be as small as possible, consistent with good traffic patterns and safe operation;
  - (ix) Provide approach and exit roads to be of all-weather construction, with traffic separation and traffic control on-site, and at the site entrance; and
  - (x) Provide communication between employees working at the landfill and management offices on-site and off-site (such as telephones) to handle emergencies.
- (4) Minimum functional standards for maintenance and operation.
  - (a) Operating plans. All owners or operators of landfills shall maintain and operate the facility so as to conform to the approved plan of operation.
  - (b) Operating details. All owners or operators of landfills shall operate the facility so as to:
    - (i) Control road dust;

(ii) Perform no open burning unless permitted by the jurisdictional air pollution control agency or the department under the Washington Clean Air Act, chapter 70-94 RCW. Garbage shall not be open burned.

(iii) Collect scattered litter as necessary to avoid a fire hazard or an aesthetic nuisance;

(iv) Prohibit scavenging;

(v) Conduct on-site reclamation in an orderly sanitary manner, and in a way that does not interfere with the disposal site operation;

(vi) Insure that at least two landfill personnel are on-site with one person at the active face when the site is open to the public for landfills with a permitted capacity of greater than fifty thousand cubic yards per year;

(vii) Control insects, rodents and other vectors; and

(viii) Insure that reserve operational equipment shall be available to maintain and meet these standards.

(c) Boundary posts. All owners or operators of landfills shall clearly mark the active area boundaries authorized in the permit, with permanent posts or using equivalent method clearly visible for inspection purposes.

(d) Compaction and daily cover. All owners or operators of landfills shall:

(i) Thoroughly compact the solid waste before succeeding layers are added; and

(ii) Cover compacted waste containing garbage fully with at least six inches of compacted cover material after each day of operation. The jurisdictional health department may allow less frequent covering by considering:

(A) The characteristics of the solid waste;

(B) The climatic and geologic setting;

(C) The size of the facility; and

(D) The potential for nuisance conditions.

(e) Monitoring systems. All owners and operators of landfills shall maintain the monitoring system required in subsection (3)(g)(ii) of this section.

(f) Recycling required.

(i) All owners or operators of landfills at which the general public delivers household solid waste shall provide the opportunity for the general public to recycle cans, bottles, paper and other material for which a market exists and brought to the landfill site:

(A) During the normal hours of operation;

(B) In facilities convenient to the public (i.e., near entrance to the gate).

(ii) Owners or operators may demonstrate alternative means to providing an opportunity to the general public to recycle household solid waste.

(g) Disposal of dangerous waste prohibited. Owners or operators of landfills shall not knowingly dispose, treat, store, or otherwise handle dangerous waste unless the requirements of the dangerous waste regulation, chapter 173-303 WAC are met.

(5) Minimum functional standards for closure and postclosure.

(a) All owners or operators of landfills shall close landfills in such a manner as to comply with WAC 173-304-405(6).

(b) All owners or operators of landfills shall close landfills in a manner that:



- (i) Minimizes the need for further maintenance;
- (ii) Controls, minimizes or eliminates to the extent necessary threats to human health and the environment from postclosure escape of solid waste constituents, leachate, landfill gases, contaminated rainfall or waste decomposition products to the ground, surface water, ground water or the atmosphere;
- (iii) Returns the land to the appearance and use of surrounding land areas to the degree possible; and
- (iv) Allows for continued monitoring of all media (air, land and water) as long as necessary for the waste to stabilize and to protect human health and the environment.

(c) All owners or operators of landfills must have a written estimate, in current dollars, of the cost of closing the facility. The closure cost estimate must equal the cost of closure at the point in the operating life of the facility when the extent and manner of operation would make closure the most expensive; as indicated by the closure plan.

In addition, all facilities must have a written postclosure estimate, in current dollars, the cost of postclosure monitoring and maintenance during the postclosure period.

(6) Limited purpose landfill standards.

(a) Limited purpose landfills shall meet the following requirements:

- (i) The general facility standards of WAC 173-304-405;
- (ii) The performance standards of WAC 173-304-460(2);
- (iii) The ground water monitoring standards of WAC 173-304-490;

(b) In addition, limited purpose landfills must meet all other standards of WAC 173-304-130 and 173-304-460 unless the owner or operator applies for relief from each of these requirements as part of his permit application and includes evidence or reasons why the nature of the waste, the disposal site and other factors can protect the environment and the public health.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-460, filed 10/28/85.]

**WAC 173-304-461 Inert waste and demolition waste landfilling facility requirements.** (1) Applicability. These standards apply to facilities that landfill more than two thousand cubic yards of inert wastes and demolition wastes, as defined in WAC 173-304-100, including facilities that use inert waste and demolition waste as a component of fill. Inert wastes and demolition wastes used as road building materials are excluded from this section. These standards do not apply to asbestos containing waste regulated under the federal 40 CFR Part 61 rules and the dangerous waste regulation, chapter 173-303 WAC.

(2) Inert wastes and demolition waste landfilling facilities shall not be subject to the Locational standards for disposal sites, WAC 173-304-130 except for WAC 173-304-130 (2)(f), slope.

(3) Owners or operators of inert waste and demolition waste landfill shall maintain a record of the weights or volumes and types of waste disposed of at each site.

(4) Owners or operators of inert wastes and demolition landfills shall employ measures to prevent emission of fugitive dusts, when weather conditions or climate indicate that transport of dust off-site is liable to create a nuisance. Preventative measures include watering of roads and covering.

(5) Timbers, wood and other combustible waste shall be covered as needed during the summer months to avoid a fire hazard.

(6) Owners or operators of inert wastes and demolition landfills shall close the facility by leveling the wastes to the extent practicable and shall fill any voids posing a physical hazard for persons after closure and to maintain an aesthetic appearance. A minimum of one foot of soil cover shall be used to close landfills.

(7) Owners or operators of inert waste and demolition waste landfills shall obtain a permit, as set forth in WAC 173-304-600 from the jurisdictional health department.

(8) Owners or operators of inert wastes and demolition landfills shall meet the requirements of WAC 173-304-405(7), recording with the county auditor.

(9) Owners or operators of inert waste or demolition waste landfills shall not accept any other form of waste except inert waste and demolition waste.

(10) Owners or operators of inert waste and demolition waste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e., lockable gate or barrier) when the facility is not being used.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-461, filed 10/28/85.]

**WAC 173-304-462 Woodwaste landfilling facility requirements.** (1) Applicability. These requirements apply to facilities that landfill more than two thousand cubic yards of woodwaste including facilities that use woodwaste as a component of fill. Woodwaste is defined in WAC 173-304-100. These standards are not applicable to woodwaste landfills on forest lands regulated under the Forest Practices Act, chapter 76.09 RCW.

(2) Minimum functional standards.

(a) Woodwaste landfills are not subject to WAC 173-304-130 standards, Locational standards for disposal sites, except for WAC 173-304-130 (2)(e) surface water locational standards and WAC 173-304-130 (2)(b)(iii) down gradient drinking water supply wells. Woodwastes may be used as a component of fill within a shoreline and associated wetlands only if a demonstrated and proven technology to prevent ground and surface water contamination is used.

(b) Owners or operators of woodwaste landfills shall maintain a record of the weights or volumes of waste disposed of at each facility.

(c) Owners or operators of woodwaste landfills shall not accept any other wastes except woodwaste.

(d) Owners or operators of woodwaste landfills shall prevent run-on from a maximum twenty-five year storm.

(e) All wood waste landfills having a capacity of greater than ten thousand cubic yards at closure shall either:

(i) Have a ground water monitoring system that complies with WAC 173-304-490 and the woodwaste landfill meet the performance standards of WAC 173-304-460(2); or

(ii) Have a leachate collection and treatment system.

(f) Owners or operators of woodwaste landfills shall not deposit woodwaste in lifts to a height of more than ten feet per lift with at least one foot of cover material between lifts to avoid hot spots and fires in the summer and to avoid excessive build-up of leachate in the winter, and shall compact woodwaste as necessary to prevent voids.

(g) Owners or operators of woodwaste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e., lockable gate or barrier), when the facility is not being used.

(h) Owners or operators of woodwaste landfills shall close the facility by leveling and compacting the wastes and applying a compacted soil cover of at least two feet thickness.

(i) Owners or operators of woodwaste landfills shall obtain a permit as set forth in WAC 173-304-600 from the jurisdictional health department.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-462, filed 10/28/85.]

**WAC 173-304-463 Problem waste landfills. (Reserved)**

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-463, filed 10/28/85.]

**WAC 173-304-470 Other methods of solid waste handling.** (1) Applicability. This section applies to other methods of solid waste handling such as a material resource recovery system for municipal waste not specifically identified elsewhere in this regulation, nor excluded from this regulation.

(2) Requirements. Owners and operators of other methods of solid waste handling shall:

(a) Comply with the requirements in WAC 173-304-405;

(b) Obtain a permit under WAC 173-304-600 from the jurisdictional health department, by submitting an application containing information required in WAC 173-304-600 (3)(a), and such other information as may be required by the jurisdictional health department and the department, including:

(i) Preliminary engineering reports and plans and specifications; and

(ii) A closure plan.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-470, filed 10/28/85.]

**WAC 173-304-490 Ground water monitoring requirements.** (1) Applicability. These requirements apply to owners and operators of landfills, piles, landspreading disposal facilities, and surface impoundments that are

required to perform ground water monitoring under WAC 173-304-400.

(2) Ground water monitoring requirements.

(a) The ground water monitoring system must consist of at least one background or upgradient well and three down gradient wells, installed at appropriate locations and depths to yield ground water samples from the upper most aquifer and all hydraulically connected aquifers below the active portion of the facility.

(i) Represent the quality of background water that has not been affected by leakage from the active area; and

(ii) Represent the quality of ground water passing the point of compliance. Additional wells may be required by the jurisdictional health department in complicated hydrogeological settings or to define the extent of contamination detected.

(b) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata and in accordance with chapter 173-160 WAC, Minimum standards for construction and maintenance of water wells.

(c) The ground water monitoring program must include at a minimum, procedures and techniques for:

(i) Decontamination of drilling and sampling equipment;

(ii) Sample collection;

(iii) Sample preservation and shipment;

(iv) Analytical procedures and quality assurance;

(v) Chain of custody control; and

(vi) Procedures to ensure employee health and safety during well installation and monitoring.

(d) Sample constituents.

(i) All facilities shall test for the following parameters:

(A) Temperature;

(B) Conductivity;

(C) pH;

(D) Chloride;

(E) Nitrate, nitrite, and ammonia as nitrogen;

(F) Sulfate;

(G) Dissolved iron;

(H) Dissolved zinc and manganese;

(I) Chemical oxygen demand;

(J) Total organic carbon; and

(K) Total coliform.

(ii) The jurisdictional health department in consultation with the department may specify additional or fewer constituents depending upon the nature of the waste; and

(iii) Test methods used to detect the parameters of (d)(i) of this subsection shall be EPA Publication Number SW-846, *Test Methods for Evaluating Solid Waste - Physical/Chemical Methods* except for total coliform which shall use the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

(e) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(f) The owner or operator shall use a statistical procedure for determining whether a significant change over background has occurred. The jurisdictional health department will approve such a procedure with the guidance of the department.

(g) The owner or operator must determine ground water quality at each monitoring well at the compliance point at least quarterly during the life of an active area (including the closure period) and the postclosure care period. The owner or operator must express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases.

(h) The owner or operator must determine and report the ground water flow rate and direction in the uppermost aquifer at least annually.

(i) If the owner or operator determines that there is a statistically significant increase for parameters or constituents at any monitoring well at the compliance point, the owner or operator must:

(i) Notify the jurisdictional health department of this finding in writing within seven days of receipt of the sampling data. The notification must indicate what parameters or constituents have shown statistically significant increases;

(ii) Immediately resample the ground water in all monitoring wells and determine the concentration of all constituents listed in the definition of contamination in WAC 173-304-100 including additional constituents identified in the permit and whether there is a statistically significant increase such that the ground water performance standard has been exceeded, and notify the jurisdictional health department within fourteen days of receipt of the sampling data.

(j) The jurisdictional health department may require corrective action programs including facility closure if the performance standard of WAC 173-304-460 (2)(a) is exceeded and, in addition, may revoke any permit and require reapplication under WAC 173-304-600.

(3) Corrective action program. An owner or operator required to establish a corrective action program under this section must, at a minimum with the approval of the jurisdictional health officer:

(a) Implement a corrective action program that reduces contamination and if possible prevents constituents from exceeding their respective concentration limits at the compliance point by removing the constituents, treating them in place, or other remedial measures;

(b) Begin corrective action according to a written schedule after the ground water performance standard is exceeded;

(c) Terminate corrective action measures once the concentrations of constituents are reduced to levels below the limits under WAC 173-304-460 (2)(a).

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-490, filed 10/28/85.]

#### WAC 173-304-600 Permit requirements for solid waste facilities. (1) Applicability.

(a) All facilities which are subject to the standards of WAC 173-304-130, 173-304-300, and 173-304-400 are required to obtain permits. Permits are not required for single family residences and single family farms dumping or depositing solid waste resulting from their own activities on to or under the surface of land owned or leased by them when such action does not create a nuisance, violate statutes, ordinances, or regulations, including this regulation.

(b) Permits are not required for corrective actions at solid waste handling facilities performed by the state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or corrective actions taken by others to comply with a state and/or federal cleanup order provided that:

(i) The action results in an overall improvement of the environmental impact of the site;

(ii) The action does not require or result in additional waste being delivered to the site or increase the amount of waste or contamination present at the site;

(iii) The facility standards of WAC 173-304-400 are met; and

(iv) The jurisdictional health department is informed of the actions to be taken and is given the opportunity to review and comment upon the proposed corrective action plans.

(c) Effective dates. The effective dates are as follows:

(i) The permit requirements of this section apply to all existing waste handling facilities eighteen months after the effective date of this regulation.

(ii) Between the effective date of this regulation and eighteen months thereafter, existing facilities will operate under the terms and conditions of existing permits valid on the effective date of this regulation. Jurisdictional health departments shall incorporate compliance schedules into valid existing permits; such compliance schedules shall insure that existing facilities meet the effective dates of WAC 173-304-400(3).

(iii) New and expanded waste handling facilities shall meet the requirements of this section on the effective date of this regulation.

(2) Procedures for permits.

(a) Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the jurisdictional health department. Filing shall not be complete until two copies of the application have been signed by the owner and operator and received by the jurisdictional health department, and the applicant has filed an environmental checklist required under the State Environmental Policy Act rules, chapter 197-11 WAC.

(b) Applications for a permit must contain the information set forth in subsection (3) of this section.

(c) Once the jurisdictional health department determines that an application for a permit is factually complete, it shall refer one copy to the appropriate regional office of the department for review and comment.

(d) The jurisdictional health department shall investigate every application to determine whether the facilities meet all applicable laws and regulations, conforms with the approved comprehensive solid waste handling plan and complies with all zoning requirements.

(e) The jurisdictional health department may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department shall be deposited in the county treasury in the account from which the health department's operating expenses are paid.

(f) The department shall report to the jurisdictional health department its findings on each permit application within forty-five days of receipt of a complete application or inform the jurisdictional health department as to the status of the application. Additionally, the department shall recommend for or against the issuance of each permit by the jurisdictional health department.

(g) When the jurisdictional health department has evaluated all pertinent information, it may issue a permit. Every completed solid waste permit application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department or the applicant shall be informed as to the status of the application.

(h) Except for applications specified in subsection (3)(h) of this section every permit issued by a jurisdictional health department shall be on a format prescribed by the department and shall contain specific requirements necessary for the proper operation of the permitted site or facility including the requirement that final engineering plans and specifications be submitted for approval to the jurisdictional health department.

(i) All issued permits must be filed with the department no more than seven days after the date of issuance.

(j) The owner or operator of a facility shall apply for renewal of the facility's permit annually. The jurisdictional health department shall annually:

(i) Review the original application for compliance with these regulations and submit such additional information as spelled out in subsection (4) of this section;

(ii) Review information collected from inspections, complaints, or known changes in the operations;

(iii) Collect the renewal fee;

(iv) Renew the permit; and

(v) File the renewed permit with the department no more than seven days after the date of issuance. The department shall review and may appeal the renewal as set forth in RCW 70.95.185 and 70.95.190.

(3) Application contents for permits for new or expanded facilities.

(a) All permit applications except for inert waste, demolition waste, special purpose landfills, woodwaste landfill and recycling facilities applications, which are specified in (h) of this subsection, shall contain the following:

(i) A general description of the facility;

(ii) The types of waste to be handled at the facility;

(iii) The plan of operation required by WAC 173-304-405(2);

(iv) The form used to record weights or volumes required by WAC 173-304-405(3);

(v) An inspection schedule and inspection log required by WAC 173-304-405(5); and

(vi) Documentation to show that any domestic or industrial waste water treatment facility, such as a leachate treatment system, is being reviewed by the department under chapter 173-240 WAC.

(b) Application contents for permits for new or expanded landfill facilities. In addition to the requirements of (a) of this subsection, each landfill application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses:

(A) Local/regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;

(B) Evaluation of bedrock and soil types and properties;

(C) Depths to ground water and/or aquifer(s);

(D) Direction and flow rate of local ground water;

(E) Direction of regional ground water;

(F) Quantity, location and construction (where available) of private and public wells within a two thousand foot radius of site;

(G) Tabulation of all water rights for ground water and surface water within a two thousand foot radius of the site;

(H) Identification and description of all surface waters within a one-mile radius of the site;

(I) Background ground and surface water quality assessment, and for expanded facilities, identification of impacts of existing facilities of the applicant to date upon ground and surface waters from landfill leachate discharges;

(J) Calculation of a site water balance;

(K) Conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and where applicable a vadose zone monitoring plan;

(L) Land use in the area, including nearby residences; and

(M) Topography of the site and drainage patterns.

(ii) Preliminary engineering report/plans and specifications that address:

(A) How the facility will meet the locational standards of WAC 173-304-130;

(B) Relationship of facility to county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) The design of bottom and side liners;

(D) Identification of borrow sources for daily and final cover, and soil liners;

(E) Interim/final leachate collection, treatment, and disposal;

(F) Landfill gas control and monitoring;

(G) Trench design, fill methods, elevation of final cover and bottom liner, and equipment requirements; and

(H) Closure/postclosure design, construction, maintenance, and land use.

(iii) An operation plan that addresses:

- (A) Operation and maintenance of leachate collection, treatment, and disposal systems;
- (B) Operation and maintenance of landfill gas control systems;
- (C) Monitoring plans for ground water, surface water, and landfill gases to include sampling technique, frequency, handling, and analyses requirements;
- (D) Safety and emergency accident/fire plans;
- (E) Routine filling, grading, cover, and housekeeping;
- (F) Record system to address records on weights (or volumes), number of vehicles and the types of waste received;
- (G) Vector control plans; and
- (H) Noise control.
- (iv) Closure plan to address:
  - (A) Estimate of closure season/year;
  - (B) Capacity of site in volume and tonnage;
  - (C) Maintenance of active fill versus completed, final covered acreage;
  - (D) Estimated closure construction timing and notification procedures;
  - (E) Inspection by regulatory agencies.
- (v) Postclosure plan to address:
  - (A) Estimated time period for postclosure activities;
  - (B) Site monitoring of landfill gas, ground water, and surface water;
  - (C) Deed clause changes, land use, and zoning restrictions;
  - (D) Maintenance activities to maintain cover and run-off systems; and
  - (E) Identification of final closure costs including cost calculations and the funding mechanism.
- (c) Application contents for new or expanded transfer stations, drop box facilities, and baling and compaction systems requiring a permit. In addition to the requirements of (a) of this subsection, each applicable application for a permit must contain preliminary engineering report/plans and specifications that address:
  - (i) The proposed facility's zoning status;
  - (ii) The relationship to the county solid waste comprehensive plan and the area to be served by the facility; and
  - (iii) The facility design to address how the facility shall meet requirements of WAC 173-304-410, including closure.
- (d) Application contents for new or expanded surface impoundments requiring a permit. In addition to the requirements of (a) of this subsection, each applicable application for a permit must contain:
  - (i) A geohydrological assessment of the facility that addresses all of the factors of (b)(i) of this subsection;
  - (ii) Preliminary engineering report/plans and specifications that address, where applicable:
    - (A) How the proposed facility will meet the locational standards of WAC 173-304-130;
    - (B) The relationship of facility to the county solid waste comprehensive plan;
    - (C) The design of liners and foundation to be incorporated in the facilities design including the design leachate of collection and treatment systems;
    - (D) The design of ground water monitoring;

- (E) The design of dikes including calculations on dike stability analyses under conditions of liner failure;
- (F) Other design details, including sludge cleanout and disposal, overfilling alarms and inlet design; and
- (G) Closure/postclosure design, construction maintenance and land use.
  - (iii) An operation plan that addresses:
    - (A) Operation and maintenance of leachate collection system, or ground water monitoring;
    - (B) Operation and maintenance of overfilling equipment or details of filling and emptying techniques;
    - (C) Inspection of dikes and liners for integrity; and
    - (D) Safety and emergency plans.
  - (iv) A closure plan to address:
    - (A) Estimate of closure year and cost;
    - (B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;
    - (C) Closure timing and notification procedures; and
    - (D) Final inspection by regulatory agencies.
  - (e) Application contents for new or expanded piles requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:
    - (i) Preliminary engineering reports/plans and specifications that address:
      - (A) How the proposed facility will meet the locational standards of WAC 173-304-130;
      - (B) The relationship of the facility to the county solid waste comprehensive plan and zoning;
      - (C) The design of the liner or sealed surface upon which the liner rests, including an analysis of the liners ability to withstand the stress;
      - (D) The design of the run-on and run-off system;
      - (E) The design to avoid washout when the pile is located in a one hundred year floodplain; and
      - (F) Maximum elevation and boundaries of the waste pile.
    - (ii) An operation plan that addresses:
      - (A) Methods of adding or removing wastes from the pile and equipment used;
      - (B) Inspection of the liner for integrity; and
      - (C) Safety and emergency plans.
    - (iii) A closure plan to address:
      - (A) Estimate of closure year and cost;
      - (B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;
      - (C) Closure timing and notification procedures; and
      - (D) Final inspection by regulatory agencies.
  - (f) Application contents for new or expanded energy recovery and incinerator facilities requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:
    - (i) Preliminary engineering reports/plans and specifications that address:
      - (A) The relationship of the facility to the county solid waste comprehensive plan and zoning;
      - (B) The design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and

(C) The design of the incinerator or thermal treater, including changing or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.

(ii) An operation plan that addresses:

(A) Cleaning of storage areas as required by WAC 173-304-440 (2)(a);

(B) Alternative storage plans for breakdowns as required in WAC 173-304-440 (2)(c);

(C) Inspection to insure compliance with state and local air pollution laws and to comply with WAC 173-304-405(5). The inspection log or summary must be submitted with the application; and

(D) How and where the fly ash, bottom ash and other solid wastes will be disposed of.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of closure and methods of removing wastes, equipment, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(g) Application contents for new or expanded landspreading disposal facilities requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of (b)(i) of this subsection;

(ii) Preliminary engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of the facility to the county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) Waste analyses and methods to periodically sample and analyze solid waste;

(D) Design of interim waste storage facilities if such facilities are not otherwise permitted by the department;

(E) Design of run-on and run-off systems;

(F) A contour map of the active area showing contours to the nearest foot;

(G) A ground water and surface water monitoring program; and

(H) Access barriers such as fences, and warning signs.

(iii) An operation plan that addresses:

(A) Operation and maintenance of run-off and run-on systems;

(B) Methods of taking ground water samples and for maintaining ground water monitoring systems;

(C) Methods of applying wastes to meet the requirements of WAC 173-304-450 (2)(d):

(I) Estimated multiples of agronomic rates;

(II) Frequency of discing; and

(III) Avoidance of standing water.

(D) The written contract required between landowners, waste generators and waste operators.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Year-to-year maintenance of the active area versus completed, final covered acreage;

(D) Closure construction timing and notification procedures; and

(E) Final inspection by regulatory agencies.

(v) Postclosure plan to address:

(A) Estimated time period for postclosure activities;

(B) Site monitoring of ground water;

(C) Deed clause changes, land use, and zoning restrictions;

(D) Maintenance activities to maintain cover and run-off systems;

(E) Plans for food chain crops being grown on the active areas, after closure; and

(F) Identification of final closure costs including cost calculations and the funding mechanism.

(h) Application contents for new or expanded inert waste and demolition waste, special purpose landfill, woodwaste landfills, and recycling facilities.

Applications for permits subject to the standards of WAC 173-304-300, 173-304-460(6), 173-304-461, and 173-304-462 shall be on forms whose content shall be specified by the jurisdictional health department.

(4) Application contents for existing facilities renewing permits. All owners or operators of existing facilities shall renew permits or application forms specified in subsection (3) of this section. Previous information submitted to the jurisdictional health department may be referred to on the application forms. Changes in operating methods or other changes must be noted on the application in order to be authorized by permit.

(5) Inspections. As a minimum, annual inspections of all permitted solid waste facilities shall be performed by the jurisdictional health department. Any duly authorized officer, employee, or representative of the jurisdictional health officer or his designee having jurisdiction may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with this chapter, and relevant laws and regulations. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-600, filed 10/28/85.]

**WAC 173-304-700 Variances.** (1) Any person who owns or operates a solid waste facility may apply to the jurisdictional health officer for a variance from any section of this regulation. The application shall be accompanied by such information as the jurisdictional health department may require. The jurisdictional health department may grant such variance, but only after due notice or a public hearing if requested, if it finds that:

(a) The solid waste handling practices or location do not endanger public health, safety or the environment; and

(b) Compliance with the regulation from which variance is sought would produce hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(3) Any variance or renewal shall be granted within the requirements of subsection (1) of this section and for time period and conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe;

(b) The jurisdictional health department may grant a variance conditioned by a time table if:

(i) Compliance with the regulation will require spreading of costs over a considerable time period; and

(ii) The time table is for a period that is needed to comply with the regulation.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. No renewal thereof shall be granted, unless following a public hearing on the complaint or due notice, the jurisdictional health department finds the renewal is justified. No renewal shall be granted except on application. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the jurisdictional health department shall give public notice of such application in accordance with rules and regulations of the jurisdictional health department.

(5) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.

(6) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of the department prior to action on the variance by the jurisdictional health department.

(7) Variances granted by a jurisdictional health department will be accepted as variances under this regulation.

(8) Public notice shall be given by mailing a notice of the variance application to persons who have written to the jurisdictional health department asking to be notified of all variance requests.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-700, filed 10/28/85.]

**WAC 173-304-9901 Maximum contaminant levels for ground water.** Maximum contaminant levels for ground water shall be those specified in chapter 248-54 WAC, as the primary drinking water standards. Analytical methods for these contaminants may be found in the

Code of Federal Regulations 40 CFR Part 141. (These contaminant levels are to be considered interim levels for the purpose of regulating solid waste handling facilities and shall be used until such time as the department establishes ground water quality standards for all types of activities impacting ground water.)

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-9901, filed 10/28/85.]

## Chapter 173-305 WAC HAZARDOUS WASTE FEE REGULATION

### WAC

|             |  |
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| 173-305-010 | Purpose.                                     |
| 173-305-015 | Applicability.                               |
| 173-305-020 | Definitions.                                 |
| 173-305-030 | Generator fees.                              |
| 173-305-040 | Schedule of generator fees.                  |
| 173-305-050 | Coordination with the department of revenue. |
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| 173-305-070 | Schedule of facility fees.                   |
| 173-305-080 | Assessments for combined sites.              |
| 173-305-090 | Adjustment of fees and limits.               |

**WAC 173-305-010 Purpose.** This chapter implements the provisions of chapter 70.105A RCW (chapter 65, Laws of 1983 1st ex. sess.), establishing a means for funding hazardous waste control activities in this state. The purpose of this chapter is to describe the methods by which the department of ecology will assess certain fees, to whom the fees will be assessed, the amount of such fees, provisions for exemption from and enforcement of fee assessments, coordination between the departments of ecology and revenue, and procedures for adjusting fees.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-010, filed 2/7/84.]

**WAC 173-305-015 Applicability.** (1) General. The requirements of WAC 173-305-010 through 173-305-020 and 173-305-080 through 173-305-090 apply to all persons who generate, recycle, transfer, treat, store, or dispose of hazardous wastes in this state.

(2) Generators.

(a) The requirements of WAC 173-305-030 through 173-305-050 apply only to those persons utilizing or operating identified sites.

(b) The requirements of WAC 173-305-030 through 173-305-050 do not apply to:

(i) Any person who is exclusively a small quantity generator (as described in chapter 173-303 WAC) during a calendar year;

(ii) Any person who accepts hazardous waste only from small quantity generators (as described in chapter 173-303 WAC) and who then sends such hazardous waste off-site in accordance with chapter 173-303 WAC, provided that the person does not originate his own hazardous waste; and

(iii) Any hazardous waste generated by a facility which is operating, for such hazardous waste, as a transfer facility under a permit administered pursuant to chapter 173-303 WAC, if such hazardous waste does

(2) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(3) Any variance or renewal shall be granted within the requirements of subsection (1) of this section and for time period and conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe;

(b) The jurisdictional health department may grant a variance conditioned by a time table if:

(i) Compliance with the regulation will require spreading of costs over a considerable time period; and

(ii) The time table is for a period that is needed to comply with the regulation.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. No renewal thereof shall be granted, unless following a public hearing on the complaint or due notice, the jurisdictional health department finds the renewal is justified. No renewal shall be granted except on application. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the jurisdictional health department shall give public notice of such application in accordance with rules and regulations of the jurisdictional health department.

(5) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.

(6) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of the department prior to action on the variance by the jurisdictional health department.

(7) Variances granted by a jurisdictional health department will be accepted as variances under this regulation.

(8) Public notice shall be given by mailing a notice of the variance application to persons who have written to the jurisdictional health department asking to be notified of all variance requests.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-700, filed 10/28/85.]

**WAC 173-304-9901 Maximum contaminant levels for ground water.** Maximum contaminant levels for ground water shall be those specified in chapter 248-54 WAC, as the primary drinking water standards. Analytical methods for these contaminants may be found in the

Code of Federal Regulations 40 CFR Part 141. (These contaminant levels are to be considered interim levels for the purpose of regulating solid waste handling facilities and shall be used until such time as the department establishes ground water quality standards for all types of activities impacting ground water.)

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-9901, filed 10/28/85.]

## Chapter 173-305 WAC HAZARDOUS WASTE FEE REGULATION

### WAC

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| 173-305-010 | Purpose.                                     |
| 173-305-015 | Applicability.                               |
| 173-305-020 | Definitions.                                 |
| 173-305-030 | Generator fees.                              |
| 173-305-040 | Schedule of generator fees.                  |
| 173-305-050 | Coordination with the department of revenue. |
| 173-305-060 | Facility fees.                               |
| 173-305-070 | Schedule of facility fees.                   |
| 173-305-080 | Assessments for combined sites.              |
| 173-305-090 | Adjustment of fees and limits.               |

**WAC 173-305-010 Purpose.** This chapter implements the provisions of chapter 70.105A RCW (chapter 65, Laws of 1983 1st ex. sess.), establishing a means for funding hazardous waste control activities in this state. The purpose of this chapter is to describe the methods by which the department of ecology will assess certain fees, to whom the fees will be assessed, the amount of such fees, provisions for exemption from and enforcement of fee assessments, coordination between the departments of ecology and revenue, and procedures for adjusting fees.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-010, filed 2/7/84.]

**WAC 173-305-015 Applicability.** (1) General. The requirements of WAC 173-305-010 through 173-305-020 and 173-305-080 through 173-305-090 apply to all persons who generate, recycle, transfer, treat, store, or dispose of hazardous wastes in this state.

(2) Generators.

(a) The requirements of WAC 173-305-030 through 173-305-050 apply only to those persons utilizing or operating identified sites.

(b) The requirements of WAC 173-305-030 through 173-305-050 do not apply to:

(i) Any person who is exclusively a small quantity generator (as described in chapter 173-303 WAC) during a calendar year;

(ii) Any person who accepts hazardous waste only from small quantity generators (as described in chapter 173-303 WAC) and who then sends such hazardous waste off-site in accordance with chapter 173-303 WAC, provided that the person does not originate his own hazardous waste; and

(iii) Any hazardous waste generated by a facility which is operating, for such hazardous waste, as a transfer facility under a permit administered pursuant to chapter 173-303 WAC, if such hazardous waste does



not originate at the facility and has not been stored at the facility for more than one year.

For the purposes of (b) of this subsection, a person or facility originates a hazardous waste if such hazardous waste occurs as a result of a physical, chemical or biological process performed by the person or at the facility. A hazardous waste is not originated if, when it leaves a site, it is the same as when it arrived.

(3) Facilities. The requirements of WAC 173-305-060 through 173-305-070 apply only to those persons who operate facilities which are subject to a permit administered pursuant to chapter 173-303 WAC.

(4) Exclusions. The requirements of this chapter do not apply to:

- (a) Hazardous wastes which are not subject to regulations adopted pursuant to chapter 70.105 RCW;
- (b) Radioactive wastes; or
- (c) Wastes generated primarily from the combustion of coal or other fossil fuels.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-015, filed 2/7/84.]

**WAC 173-305-020 Definitions.** Any terms not specifically defined in this section shall, for the purposes of this chapter, have the same meaning as given in WAC 173-303-040. The following terms are defined for the purposes of this chapter:

(1) "Annual gross income" of a business means the value proceeding or accruing during a calendar year by reason of the transaction of the business or service engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses;

(2) "Business activities" means activities of any person subject to the generator fee of WAC 173-305-030 and who is "engaging in business" as this term is defined in chapters 82.04 and 82.16 RCW;

(3) "Combined site" means any location which is both a facility and an identified site (as these terms are defined in this section);

(4) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW;

(5) "Department" means the department of ecology;

(6) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW;

(7) "Facility" means all contiguous land, and structures, other appurtenances and improvements on the land used for recycling, transferring, treating, storing, or disposing of hazardous waste;

(8) "Fee" means the annual hazardous waste control and elimination assessment fee imposed under RCW 70.105A.030 and the fee for treatment, storage, and disposal facilities imposed under RCW 70.105A.040;

(9) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation;

(10) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes;

(11) "Identified site" means the same or geographically contiguous property, which may be divided by a public or private right of way, provided that access between the properties occurs at an intersection and crosses, as opposed to goes along, the right of way. Noncontiguous properties owned by the same person but connected by a right of way will be considered a single identified site if the person controls the right of way and can prevent public access. For the purposes of this chapter, a property (or properties) will be an identified site only if it meets the conditions described above in this subsection, and only if hazardous waste is generated there during a calendar year;

(12) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization;

(13) "SIC" means standard industrial classification and refers to the four digit numbers assigned to business activities from the federal Office of Management and Budget's "Standard Industrial Classification Manual," revised 1983;

(14) "Ton" means two thousand pounds; and

(15) "Manufacturer," "retailer," "wholesaler," and "person engaging in service activities" shall have the meanings attributed to such terms in chapter 82.04 RCW and shall include all persons taxable for such activities under that chapter.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-020, filed 2/7/84.]

**WAC 173-305-030 Generator fees.** This section describes the methods and criteria by which the department will: Determine the business activities that will be assessed generator fees (subsection (1) of this section); determine and apportion annual gross income (subsection (2) of this section); develop the generator fee schedule (subsection (3) of this section); assess fees (subsection (4) of this section); and provide for exemption from or reduction of a fee (subsection (5) of this section).

(1) Selection of businesses and generators. This subsection describes how the department will select those individuals and businesses who will be assessed a generator fee.

(a) List of business activities. The legislature provided the following list of business activities which may be assessed a generator fee:

- (i) Exploring for, extracting, beneficiating, processing, or selling metallic or nonmetallic minerals;

- (ii) Exploring for, extracting, processing, or selling coal;
- (iii) Producing, distributing, or selling electricity;
- (iv) Industrial or nonresidential contracting or heavy construction;
- (v) Painting or sandblasting;
- (vi) Producing, processing, or selling rubber or plastics;
- (vii) Producing, processing, or selling glass, cement, or concrete;
- (viii) Cutting, milling, producing, preparing, or selling lumber or wood products, including wooden furniture or fixtures;
- (ix) Producing, preparing, or selling paper or allied products;
- (x) Printing or publishing;
- (xi) Synthesizing, producing, processing, preparing, or selling chemicals or allied products;
- (xii) Exploring for, extracting, producing, processing, distributing, or selling petroleum or gas;
- (xiii) Fabricating rubber or plastic products;
- (xiv) Beneficiating, processing, or selling primary or secondary metals;
- (xv) Fabricating metal products, including metal furniture or fixtures;
- (xvi) Fabricating, constructing, preparing, installing, or selling machinery or supplies;
- (xvii) Fabricating, constructing, installing, preparing, or selling electrical or electronic equipment, machinery, or supplies;
- (xviii) Fabricating, producing, preparing, or selling transportation equipment;
- (xix) Transporting by railroad, motor vehicle, or water vessel;
- (xx) Telephone communication;
- (xxi) Drycleaning, photofinishing, or furniture refinishing;
- (xxii) Transferring, treating, storing, or disposing of solid, dangerous, or extremely hazardous wastes; and
- (xxiii) Repairing or servicing motor vehicles, railroad equipment, or water vessels.

(b) Selecting businesses for assessment. The department will select businesses for assessing fees as described in this subsection. In general, two different mechanisms will be used to identify those persons who will be assessed a fee. For the purposes of this chapter, the groups selected by these two mechanisms will be named: Specific businesses (procedures for selection are described in (b)(i) of this subsection); and nonspecific businesses (procedures for selection are described in (b)(ii) of this subsection).

(i) Specific businesses. Any person who has notified pursuant to chapter 173-303 WAC as a generator of hazardous wastes and who utilizes or operates an identified site will be assessed a generator fee.

(ii) Nonspecific businesses. The department will develop a list of businesses by standard industrial classification (SIC) numbers. This list appears in WAC 173-305-040 and will be developed on the following bases:

(A) The businesses are included in the legislative list of subsection (1)(a) of this section; and

(B) The information on specific businesses that have notified and reported as hazardous waste generators supports the inclusion of SIC numbers on the list.

The department of revenue will provide the names and addresses of businesses which conduct activities specified in the SIC list as requested by the department of ecology. The department of ecology will notify these businesses in writing that they have been identified as possible generators of hazardous waste. They will be requested to submit to the department of ecology within thirty days either a written description of their wastes (including but not limited to type, source and quantity for each waste), or else a signed and dated certification that they do not generate hazardous waste. The certification will be as follows:

"I certify that I am familiar with the requirements of chapter 173-303 WAC, Dangerous waste regulations, and with the waste designation procedures thereof, and that I do not believe any of my wastes to be hazardous wastes based on my own knowledge and on my inquiry of those individuals responsible for performing such hazardous waste designation procedures."

The department of ecology will use the information submitted by the nonspecific businesses, and any other pertinent information, to determine which of those businesses are subject to a generator fee. If a person certifies that his business does not generate hazardous waste, then he will not be assessed a fee. If a person submits information which shows that he generates a hazardous waste, then he will be assessed a generator fee calculated according to the procedures for specific businesses, with the information he has submitted being used in lieu of an annual report. If a person does not submit either a certification or information on his wastes, then the department of ecology will conclude that he is utilizing or operating an identified site and he will be assessed a generator fee calculated according to the procedures for nonspecific businesses.

(c) Identified sites. For the purposes of this chapter, no property will be an identified site unless hazardous waste is generated there during a calendar year. Each identified site will be assessed one fee annually, the size of the fee to depend on the risk and quantity of the hazardous wastes generated there and the apportioned annual gross income of the site (see subsections (2) and (3) of this section). If one person utilizes or operates more than one identified site, he will be responsible for all fees assessed to his identified sites. To a reasonable extent, the department will attempt to determine all identified sites owned or operated by the same person. However, the department's inability to detect all identified sites owned or operated by the same person will not delay the issuance of assessments, nor will it form a just cause for refusal to pay an assessed fee.

(2) Annual gross income (AGI); apportionment.

(a) Annual gross income. AGI for each person's assessed business will be obtained from the department of revenue. The AGI obtained from the department of revenue for persons whose business activities earn income

without as well as within the state will reflect the portion of total AGI attributable to activities within the state. Such attribution will be calculated pursuant to chapters 82.04 and 82.16 RCW. AGI reported to the department of ecology shall be used solely for the purpose of determining fee amounts. Confidentiality of AGI shall be maintained in accordance with department of revenue laws, regulations, and procedures.

(b) Apportionment. Except as otherwise provided in (b)(ii) and (iii) of this subsection, the department shall apportion AGI for specific businesses among identified sites utilized or operated by an assessed person as described in (b)(i) of this subsection. In the case of non-specific businesses, the person's AGI will be apportioned as if he had only one identified site, except as provided in subsection (5) of this section. Whenever an apportioned AGI is calculated to a fraction of a cent, the figure will be rounded to the nearest whole cent (e.g., \$27,611.5235 would be rounded to \$27,611.52).

(i) The department will apportion AGI equally among a person's identified sites without regard to the amount or nature of business at the sites. This will be done by dividing the total AGI for the assessed person by the number of his identified sites. For example:

(A) AGI reported for a person's business is \$7,252,320.18. The person utilizes four identified sites to conduct his activities. Thus, the apportioned AGI for each identified site would be \$1,813,080.05;

(B) AGI reported for a person's business is \$58,112.45. His business is conducted at two locations, but only one is an identified site. Therefore, the apportioned AGI for his identified site would be \$58,112.45.

(ii) Any person who is subject to a fee may request, through the procedure described in subsection (5) of this section, that the department reapportion AGI among his identified sites according to each identified site's share of AGI. His total AGI will still be apportioned only among his identified sites. The share of his total AGI reapportioned to an identified site will be determined by multiplying his total AGI by a factor derived from dividing the AGI contributed from the identified site to the total AGI by the AGI contributed from all of his identified sites. The following formula will be used:

$$AGI(R) = AGI \times \frac{AGI(IS)}{AGI(TIS)}$$

Where

- AGI(R) = The share of AGI that will be reapportioned to an identified site
- AGI = Total AGI attributable to the person's business in the state
- AGI(IS) = The AGI contributed by the identified site to the total AGI
- AGI(TIS) = The sum of the AGI contributed by all of the person's identified sites

The following example shows how this reapportionment will work.

A generator's AGI for a calendar year is \$35,254,378.12. During that calendar year, he operates

three identified sites at which hazardous wastes are generated. For this example, these sites will be identified as SA, SB, and SC. Site SA contributes \$5,464,212.04 to the generator's total AGI, site SB contributes \$2,372,011.09, site SC contributes \$675,283.87, and the balance of his AGI comes from other properties which are not identified sites. The sum of the AGI contributed by his three identified sites, AGI(TIS), is \$8,511,507.00. The share of the generator's AGI that will be reapportioned to site SA is calculated as  $(\$35,254,378.12) \times (\$5,464,212.04 \div \$8,511,507.00) = \$22,632,584.03$ . For site SB the reapportionment is calculated as  $(\$35,254,378.12) \times (\$2,372,011.09 \div \$8,511,507.00) = \$9,824,790.82$ . For site SC, the reapportionment is calculated as  $(\$35,254,378.12) \times (\$675,283.87 \div \$8,511,507.00) = \$2,797,003.27$ . Thus, site SA would be in the greater than \$10,000,000 AGI category, and sites SB and SC would be in the \$1,000,000 to \$10,000,000 AGI category.

The department will review a generator's request for reapportionment submitted under subsection (5) of this section, and based on information provided by the person requesting reapportionment, will determine the extent and amount of AGI to be reapportioned among his identified sites. The department will not grant reapportionment until all information reasonably necessary to do so has been provided to the department. The information which a person requesting reapportionment must provide will be specified by the department in writing to the person after the department has received his request.

(iii) The department may, on its own, initiate the reapportionment of an assessed person's AGI according to the share of total AGI contributed by each of his identified sites. To determine his reapportionment, the department will specify in writing to the person the information necessary to perform such reapportionment. The department may, if it chooses, waive payment of a generator fee, or of penalties or both until reapportionment is complete.

(3) Criteria for generator fee amount. This subsection describes the specific risk classes for generators, provisions for modifying risk classes in certain cases, and general parameters for fee amounts. The specific generator fee amounts are established in WAC 173-305-040 and are related to the risk classes and general fee parameters set forth in this subsection.

(a) Generator fee parameters. Except as provided in WAC 173-305-080 and 173-305-090, the generator fee assessed for an identified site during a calendar year will not exceed:

- (i) \$150.00 for each identified site with an apportioned annual gross income not in excess of one million dollars;
- (ii) \$750.00 for each identified site with an apportioned annual gross income in excess of one million dollars but not exceeding ten million dollars; and
- (iii) \$7,500.00 for each identified site with an apportioned annual gross income in excess of ten million dollars.

(b) Generator risk class. Seven generator risk classes are established. The risk classes shall be identified as

G1, G2, G3, G4, G5, G6, and G7, and are graduated with G1 representing the lowest risk and G7 representing the highest risk. The classes depend on the type(s) of hazardous waste (extremely hazardous waste (EHW) or dangerous waste (DW)) and quantities generated at an identified site. The generator risk classes are defined as follows:

- (i) G1—less than 1.0 ton of DW in a calendar year;
- (ii) G2—less than 0.1 ton of EHW, or 1.0 ton or more but less than 2.0 tons of DW in a calendar year;
- (iii) G3—0.1 ton or more but less than 0.2 ton of EHW, or 2.0 tons or more but less than 3.5 tons of DW in a calendar year;
- (iv) G4—0.2 ton or more but less than 0.35 ton of EHW, or 3.5 tons or more but less than 5.5 tons of DW in a calendar year;
- (v) G5—0.35 ton or more but less than 0.55 ton of EHW, or 5.5 tons or more but less than 23.5 tons of DW in a calendar year;
- (vi) G6—0.55 ton or more but less than 2.35 tons of EHW, or 23.5 tons or more of DW in a calendar year; and
- (vii) G7—2.35 tons or more of EHW in a calendar year.

(c) Assigning generator risk class. The department will assign the highest applicable generator risk class to an identified site. For example, if a person generates in a calendar year 150 pounds of EHW (risk class G2) and 20 tons of DW (risk class G5), his identified site will be assigned the generator risk class G5. The department may, on a case-by-case basis, determine that an identified site poses a greater risk than is reflected by the types and annual quantities of hazardous waste generated at the site. The department may make such a determination after considering the nature of the wastes generated, the proximity of the identified site to population centers, potential for release of the hazardous waste to the air, land, or surface or ground water, and the safety of the generating and handling practices at the identified site. If the department makes such a determination, then it will assign a risk class that is one level higher than the risk class that would be assigned solely on the basis of waste types and quantities generated at the identified site. However, no risk class higher than G7 will ever be assigned. For example, an identified site might generate 1.2 tons of EHW, and thus have a generator risk class of G5. However, the department may assign the site a risk class of G6 (one class higher) because the site generates nerve gas wastes and is located over a sole source aquifer in the core of a major city. Upon reassigning a generator risk class to an identified site, the department will notify the person who utilizes or operates the site of his site's new risk class. Such notification will be in writing and will be included as part of the generator fee statement.

(4) Assessment of generator fees. This subsection describes the procedures for assessing generator fees.

(a) Generator fees will be assessed by the issuance of generator fee statements to persons whose businesses are selected for assessment pursuant to subsection (1) of this section. The department of ecology will provide a list of

the businesses to be assessed to the department of revenue. The department of revenue will then prepare and send out the statements of generator fees, and will keep records on who has paid, how much was paid, who is late and, upon notice from the department of ecology, who has been exempted or whose fee has been reduced. If a second generator fee statement is necessary, due to exemption, reduction, reapportionment, etc., the department of ecology will provide the new information to the department of revenue, which will prepare and send out the second statement. A generator fee will be considered paid only after a valid check or money order for the full fee and any accrued interest has been delivered to the department of revenue.

(b)(i) A generator fee will be owed for each calendar year that a person utilizes or operates one or more identified sites. Generator fee statements will be issued by May 31 each year for fees owed for the preceding calendar year. The due date for payment of generator fees is June 30. This due date will be changed for the following reasons:

(A) As provided in subsection (5)(d) of this section, for each person who submits a request for waiver of fee; or

(B) In the event that generator fee statements are not issued by May 31 of a given year, or for fee statements issued pursuant to (b)(ii) of this subsection, the due date will be thirty days after those generator fee statements are issued for that year.

Any person who still owes a generator fee after the applicable due date may be subject to collection and enforcement actions.

(ii)(A) If a generator submits his annual report (pursuant to WAC 173-303-220) to the department and his report is late, then his generator fee statement may be issued after May 31.

(B) The department may discover that a person is a generator, but that he has not been complying with the applicable requirements of chapter 173-303 WAC and has not been assessed a generator fee under this chapter 173-305 WAC. If the department determines this to be the case, then such person may be assessed a generator fee that is the total of the fees owed for each year, after December 31, 1982, in which he generated hazardous waste but did not pay a fee.

(c) For generator fees covering hazardous waste generation in calendar year 1983, the fees assessed shall be one-half of the full fees set forth in WAC 173-305-040. For every year thereafter, full generator fees will be assessed.

(d) The statement of generator fee provided by the department of revenue will be a form including, but not limited to, the following information:

(i) The name and address of the person responsible for paying the fee;

(ii) The amount of the generator fee assessed;

(iii) The number and class or classes of identified sites for which a fee is owed and the fee owed for each identified site (if more than one);

(iv) A copy of the fee schedule for generators (from WAC 173-305-040);

(v) A statement of the due date for payment of the fee and the interest and penalties that could be levied for nonpayment; and

(vi) The name, address, and telephone number of a department contact person for responding to questions about the fee.

(5) Exemption from and reduction of fees. This subsection describes who may be exempted from a fee, whose fees may be reduced, and how exemptions or reductions will be granted or denied. To initiate a request for exemption or reduction, the person subject to a fee who wishes to make such a request must complete, sign, date, and submit to the department the form titled request for waiver of fee (available from the department).

(a) The department will grant an exemption from the generator fee to any person for any site for which he has been assessed a fee but which is not an identified site. Before granting an exemption the department may request any information reasonably necessary to determine whether the exemption should be granted including, but not limited to, information on a person's waste streams, types, and quantities. Upon request by the department, a person must provide such information within thirty days of the department's request. The department may extend this time limit if it believes there is a reasonable basis for doing so. Failure to submit information on time may result in denial of the person's request for exemption, or in penalties for late payment of his fee.

(b) The department will reduce the generator fee for any person who can demonstrate to the department that:

(i) The annual gross income apportioned to his identified sites is incorrect based on the share of each identified site's annual gross income; or

(ii) The fee assessed for his hazardous wastes is too high based on the criteria described in subsection (3) of this section; or

(iii) The person generates hazardous waste only once a year, or less frequently, as described in WAC 173-305-040 (1)(b).

Before granting a reduction, the department may request any information reasonably necessary to determine whether or how much reduction is appropriate including, but not limited to: The share of each identified site's annual gross income; or, for adjustment based on the criteria, information on hazardous waste types, quantities, and generation rates. Upon request by the department, a person must provide such information within thirty days of the department's request. The department may extend this time limit if it believes there is a reasonable basis for doing so. Failure to submit information on time may result in denial of the person's request for reduction, or in penalties for late payment of his fee.

(c) A request for waiver of fee must be submitted to the department by June 30 of the year in which a fee was assessed for the preceding calendar year. Failure to submit a request on time may result in collection and enforcement proceedings for failure to pay or late payment of a fee.

(d)(i) Upon receiving a completed, signed, and dated request for waiver of fee from a person, the department of ecology will temporarily waive the person's fee and

will notify the department of revenue to delay collection or enforcement proceedings until the person's request has been processed. Except as provided in (e) of this subsection, no person who submits a timely request for waiver of fee shall be subject to any collection or enforcement actions while the department of ecology is making a final decision on that person's request. The department of ecology shall notify the person and the department of revenue regarding a final decision on exemption, reduction, and/or new due date (if any).

(ii) Any person who is ultimately exempted from payment of the generator fee will not be subject to any collection or enforcement actions.

(iii) If a person's generator fee is ultimately reduced but still owing, the final due date for payment of the fee will be either June 30 of the calendar year in which the fee was assessed, or thirty days after the department's final decision, whichever is later.

(e) If the department determines that a person has knowingly submitted false information regarding a request for waiver of fee, then any temporary waiver or payment deadline extension granted to such person will be deemed ineffective. The department may take enforcement actions against such person if his fee is still owed after June 30, regardless of any temporary waiver or deadline extension that the department may initially have granted.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-030, filed 2/7/84.]

**WAC 173-305-040 Schedule of generator fees.** This section sets forth the amount of the generator fee to be assessed. Subsection (1) of this section, describes the fees for specific businesses based on the criteria established in WAC 173-305-030(3) and annual gross income categories. Subsection (2) of this section, describes the fees for nonspecific businesses based on annual gross income categories.

(1) Schedule of generator fees for specific businesses.

(a) Matrix. The matrix at the end of this subsection sets the amount of the fees for generators in particular risk classes and annual gross income ranges. Based on the annual gross income and the apportionment of income among identified sites, and on the information obtained in hazardous waste annual reports, persons will be assessed generator fees from the matrix. By finding the risk class in the left column and reading over to the apportioned annual gross income, the department will determine the fee for each identified site. A person owning or controlling more than one identified site will be assessed for the sum of the fees for all of his identified sites.

Specific Business Generator Fee Matrix

Apportioned Annual Gross Income<sup>1</sup>

| Risk Class <sup>2</sup> | \$1,000,000.00 and less | \$ 1,000,000.01 to \$10,000,000.00 | More than \$10,000,000.00 |
|-------------------------|-------------------------|------------------------------------|---------------------------|
|                         |                         |                                    |                           |
| G1                      | \$15.00                 | \$100.00                           | \$1,000.00                |
| G2                      | \$40.00                 | \$300.00                           | \$3,000.00                |
| G3                      | \$65.00                 | \$500.00                           | \$5,000.00                |
| G4                      | \$90.00                 | \$600.00                           | \$6,000.00                |

| Risk Class <sup>2</sup> | \$ 1,000,000.00 and less | \$ 1,000,000.01 to \$10,000,000.00 | More than \$10,000,000.00 | SIC List   |      |      |      |      |
|-------------------------|--------------------------|------------------------------------|---------------------------|------------|------|------|------|------|
|                         | G5                       | \$115.00                           | \$675.00                  | \$6,750.00 | 2600 | 3111 | 3533 | 3736 |
| G6                      | \$140.00                 | \$725.00                           | \$7,250.00                | 2611       | 3170 | 3536 | 3749 | 5191 |
| G7                      | \$150.00                 | \$750.00                           | \$7,500.00                | 2621       | 3200 | 3540 | 3764 | 5210 |
|                         |                          |                                    |                           | 2631       | 3211 | 3541 | 3769 | 5211 |
|                         |                          |                                    |                           | 2640       | 3293 | 3542 | 3811 | 5231 |
|                         |                          |                                    |                           | 2641       | 3295 | 3544 | 3823 | 5261 |
|                         |                          |                                    |                           | 2643       | 3296 | 3549 | 3825 | 5541 |
|                         |                          |                                    |                           | 2651       | 3300 | 3551 | 3829 | 5931 |
|                         |                          |                                    |                           | 2653       | 3312 | 3552 | 3841 | 5983 |
|                         |                          |                                    |                           | 2654       | 3313 | 3555 | 3842 | 7212 |
|                         |                          |                                    |                           | 2711       | 3315 | 3559 | 3861 | 7216 |
|                         |                          |                                    |                           | 2800       | 3325 | 3573 | 3911 | 7349 |
|                         |                          |                                    |                           | 2812       | 3331 | 3579 | 3993 | 7379 |
|                         |                          |                                    |                           | 2813       | 3334 | 3582 | 3999 | 7391 |
|                         |                          |                                    |                           | 3816       | 3339 | 3589 | 4011 | 7399 |
|                         |                          |                                    |                           | 2819       | 3341 | 3599 | 4200 | 7500 |
|                         |                          |                                    |                           | 2821       | 3353 | 3600 | 4210 | 7530 |
|                         |                          |                                    |                           | 2831       | 3355 | 3610 | 4214 | 7539 |
|                         |                          |                                    |                           | 2834       | 3356 | 3612 | 4226 | 7542 |
|                         |                          |                                    |                           | 2841       | 3361 | 3622 | 4266 | 7692 |
|                         |                          |                                    |                           | 2842       | 3398 | 3624 | 4400 | 7694 |
|                         |                          |                                    |                           | 2843       | 3399 | 3639 | 4411 | 7699 |
|                         |                          |                                    |                           | 2850       | 3400 | 3646 | 4463 | 8071 |
|                         |                          |                                    |                           | 2851       | 3411 | 3661 | 4469 | 8911 |
|                         |                          |                                    |                           |            |      |      |      | 9511 |
|                         |                          |                                    |                           |            |      |      |      | 9621 |
|                         |                          |                                    |                           |            |      |      |      | 9641 |

<sup>1</sup> For procedures for apportioning annual gross income, see WAC 173-305-030(2).

<sup>2</sup> For procedures for determining risk class, see WAC 173-305-030(3).

(b) Once a year generator fee reduction. Any person whose annual hazardous waste quantity does not exceed either 2.0 tons of dangerous waste (DW) or 0.5 tons of extremely hazardous waste (EHW), and who generates hazardous waste only once a year at an identified site will, for that identified site, owe only one-half of the full generator fee that would have been assessed solely on the basis of waste type and quantity. A person generates hazardous waste only once a year if either: All of the person's hazardous wastes are generated during one month or less of a calendar year; or, in the case of a person who is usually a small quantity generator (as described in chapter 173-303 WAC), the person's hazardous wastes exceed the small quantity generator exclusion only once during a calendar year. To the extent practical, the department will try to make the above determinations when calculating a person's generator fee prior to assessment. Any person assessed a generator fee which does not include the above reduction and who believes that such reduction is applicable, may complete and submit the request for waiver of fee form as described in WAC 173-305-030(5).

(2) Schedule of generator fees for nonspecific businesses.

(a) SIC list. A list of SIC numbers appears at the end of this subsection. Any person whose business activity has an SIC number appearing on this list will be assessed a generator fee if the department has concluded, according to WAC 173-305-030 (1)(b)(ii), that his nonspecific business utilizes or operates an identified site. The amount of the fee is established in (b) of this subsection. Procedures for apportioning annual gross income for nonspecific businesses are described in WAC 173-305-030 (2)(b).

SIC List

|      |      |      |      |      |
|------|------|------|------|------|
| 1000 | 2865 | 3412 | 3662 | 4600 |
| 1081 | 2869 | 3423 | 3670 | 4610 |
| 1099 | 2870 | 3429 | 3674 | 4613 |
| 1721 | 2873 | 3433 | 3676 | 4811 |
| 2400 | 2874 | 3441 | 3679 | 4910 |
| 2411 | 2875 | 3451 | 3691 | 4911 |
| 2421 | 2879 | 3452 | 3694 | 4922 |
| 2430 | 2891 | 3462 | 3700 | 4953 |
| 2434 | 2893 | 3469 | 3710 | 4959 |
| 2435 | 2899 | 3470 | 3711 | 5013 |
| 2436 | 2900 | 3471 | 3713 | 5039 |
| 2490 | 2911 | 3479 | 3714 | 5063 |
| 2491 | 2951 | 3490 | 3715 | 5084 |
| 2500 | 2992 | 3496 | 3720 | 5085 |
| 2510 | 2999 | 3498 | 3721 | 5098 |
| 2511 | 3000 | 3499 | 3724 | 5100 |
| 2512 | 3024 | 3500 | 3728 | 5160 |
| 2531 | 3069 | 3530 | 3731 | 5161 |
| 2599 | 3079 | 3531 | 3732 | 5171 |

(b) Schedule. The generator fees for nonspecific businesses are:

(i) \$150.00 for each person with an apportioned annual gross income not in excess of one million dollars;

(ii) \$750.00 for each person with an apportioned annual gross income in excess of one million dollars but not exceeding ten million dollars; and

(iii) \$7,500.00 for each person with an apportioned annual gross income in excess of ten million dollars.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-040, filed 2/7/84.]

**WAC 173-305-050 Coordination with the department of revenue.** The departments of ecology and revenue will frequently be transferring information and working together in the collection of generator fees. This section briefly describes some of the key areas in which the two agencies will coordinate. For the sake of clarity, they will be referred to in this section as ecology and revenue.

(1) The primary responsibilities of ecology are to set fees, determine which persons will be assessed, and establish procedures for adjusting assessments.

(2) The primary responsibility of revenue is to collect generator fees (but not facility fees).

(3) Figures on annual gross income for businesses will be obtained from revenue. Ecology will abide by whatever rules revenue may have regarding confidentiality of this information.

(4) Ecology will notify revenue promptly of any changes to generator fees for individuals or groups. Revenue will inform ecology of current amounts collected and placed in the hazardous waste control and elimination account, and of any generator fees that are overdue.

(5) Ecology will calculate any penalties or interest owed on overdue generator fees, will perform any adjustments to the generator fee owed by any individual,

and will provide these figures to revenue for use in their collection proceedings.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-050, filed 2/7/84.]

**WAC 173-305-060 Facility fees.** This section describes the methods by which the department will: Select persons subject to a fee for operating a transfer, treatment, storage, or disposal (TSD) facility (subsection (1) of this section); determine the size of each facility fee based on the types of wastes, TSD activities, waste quantities, risks, etc. (subsection (2) of this section); and, assess the fees for each facility (subsection (3) of this section). The actual schedule of facility fees appears in WAC 173-305-070. Persons who operate a combined site (as defined in WAC 173-305-020) may be subject to two fees, however there is a maximum assessment not to be exceeded for each combined site operated by a person. The procedures for assuring this maximum is not exceeded are described in WAC 173-305-080. For the purposes of WAC 173-305-060 through 173-305-080, the term "operate" means own or control; the term "manage" means, in reference to hazardous waste, transfer, treat, store, or dispose (TSD); and recycling shall be considered a form of treatment.

(1) Selection of facilities. A facility fee will be assessed to any person who operates a facility which is subject to a permit administered pursuant to chapter 173-303 WAC. Any person who operates more than one facility subject to a fee shall be responsible for paying all fees assessed to his facilities.

(2) Criteria for facility fee amount. This subsection describes the specific risk classes for facilities and the general parameters for fee amounts. The specific facility fee amounts are established in WAC 173-305-070 and are related to the risk classes and general fee parameters set forth in this subsection.

(a) Facility fee parameters. Except as provided in WAC 173-305-090, the facility fee assessed for the management of hazardous waste during a calendar year will not exceed \$7,500.00 for a facility.

(b) Facility risk class. Seven facility risk classes are established. The risk classes shall be identified as F1, F2, F3, F4, F5, F6, and F7, and are graduated with F1 representing the lowest risk and F7 representing the highest risk. The classes depend on the type(s) of hazardous waste (extremely hazardous waste (EHW) or dangerous waste (DW)) and quantities managed at a facility, and the type(s) of management at the facility. The facility risk classes are defined as follows:

(i) F1—Storage or transfer of less than 140.0 tons of DW, or less than 14.0 tons of EHW in a calendar year;

(ii) F2—Storage or transfer of 140.0 tons or more but less than 340.0 tons of DW, or 14.0 tons or more but less than 34.0 tons of EHW in a calendar year;

(iii) F3—Storage or transfer of 340.0 tons or more but less than 580.0 tons of DW, or 34.0 tons or more but less than 58.0 tons of EHW in a calendar year; or, treatment or incineration of less than 15.0 tons of DW, or less than 1.5 tons of EHW in a calendar year;

(iv) F4—Storage or transfer of 580.0 tons or more of DW, or 58.0 tons or more of EHW in a calendar year; or, treatment or incineration of 15.0 tons or more but less than 30.0 tons of DW, or 1.5 tons or more but less than 3.0 tons of EHW in a calendar year;

(v) F5—Treatment or incineration of 30.0 tons or more but less than 260.0 tons of DW, or 3.0 tons or more but less than 26.0 tons of EHW in a calendar year;

(vi) F6—Treatment or incineration of 260.0 tons or more of DW, or 26.0 tons or more of EHW in a calendar year; or, disposal of less than 10.0 tons of DW in a calendar year;

(vii) F7—Disposal of 10.0 tons or more of DW in a calendar year.

(c) Assigning facility risk class. The department will assign the highest applicable risk class to a facility. For example, if a facility stores 50 tons of DW during a calendar year (Risk Class F1) and treats 2 tons of EHW during the same calendar year (Risk Class F4), then the facility will be assigned the facility Risk Class F4. In addition, the risk class assignable to a storage or treatment facility will be increased to the next highest risk class if fifty percent or more of the facility's hazardous wastes are managed in waste piles or surface impoundments. However, no risk class higher than F7 will ever be assigned. For example, if during a calendar year a facility stores 400 tons of DW in tanks (Risk Class F3) and treats this waste in a surface impoundment (Risk Class F6), then the higher risk class, F6, will be increased by one class. Thus, the facility risk class assigned by the department to the facility would be F7.

(d) Special provision for permit by rule facilities. A facility which is operating under a permit by rule pursuant to WAC 173-303-802 will be assigned a facility risk class as described in (c) of this subsection. However, the fee assessed to a permit by rule facility will be only ten percent of the full fee specified in WAC 173-305-070 for the risk class assigned to the permit by rule facility. For example, if a permit by rule facility treats 20 tons of EHW in tanks during a calendar year, the assigned facility risk class would be F5. However, the fee assessed to this facility would be \$650.00 (10 percent of \$6,500.00, the full fee that would otherwise be assessed to a Risk Class F5 facility). This provision is only applicable to those facilities which manage hazardous wastes solely under a permit by rule.

(3) Assessment of facility fees. This subsection describes the procedures for assessing facility fees.

(a) Facility fees will be assessed, for each facility subject to a fee, to the person who operates the facility. The department will depend on the information submitted in notifications, permit applications, and annual reports to determine the person responsible for a facility fee. A facility fee will be considered paid only after a valid check or money order for the full fee and any accrued interest and/or penalties has been delivered to the department of revenue.

(b)(i) A facility fee will be owed for each calendar year during which hazardous waste is managed at the facility. The department will provide a statement of facility fee to each person operating a facility by August 1,

1984, for facilities managing hazardous waste in calendar year 1983, and by April 15 of each year thereafter. The dates facility fees are due are September 1, 1984, for facilities managing hazardous waste in calendar year 1983, and May 15 each year thereafter for facilities managing hazardous waste in the preceding calendar year. These due dates will be changed for facility fee statements that are not issued by the applicable deadlines, or for facility fee statements issued pursuant to (b)(ii) of this subsection. The final due date in these cases will be thirty days after the department issues the facility fee statements. Any person who still owes a facility fee after the applicable due date may be subject to collection and enforcement actions.

(ii)(A) If a person submits a facility annual report (pursuant to WAC 173-303-390) to the department and his report is late, then the department may issue his facility fee statement after the applicable deadline.

(B) The department may discover that a person operates a facility, but that he has not been complying with the applicable requirements of chapter 173-303 WAC and has not been assessed a facility fee under chapter 173-305 WAC. If the department determines this to be the case, then such person may be assessed a facility fee that is the total of the fees owed for each year, after December 31, 1982, in which his facility managed hazardous waste but for which he did not pay a fee.

(c) The statement of facility fee provided by the department will be a form including, but not limited to, the following information:

- (i) The name and address of the assessed facility;
- (ii) The amount of the facility fee assessed;
- (iii) The facility class based on the criteria described in subsection (2) of this section;
- (iv) A copy of the fee schedule for all facilities as shown in WAC 173-305-070;
- (v) For facilities also subject to a generator fee, the calculations made, pursuant to WAC 173-305-080, to assure that the maximum combined fee is not exceeded;
- (vi) A statement of the due date for payment of the fee and the interest and penalties that could be levied for nonpayment; and
- (vii) The name, address, and telephone number of a department contact person for responding to questions about the fee.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-060, filed 2/7/84.]

**WAC 173-305-070 Schedule of facility fees.** The facility risk classes used here refer to the criteria established in WAC 173-305-060(2). The fees are:

- (1) \$750.00 for Risk Class F1 facilities;
- (2) \$1,500.00 for Risk Class F2 facilities;
- (3) \$4,000.00 for Risk Class F3 facilities;
- (4) \$5,000.00 for Risk Class F4 facilities;
- (5) \$6,500.00 for Risk Class F5 facilities;
- (6) \$7,250.00 for Risk Class F6 facilities; and
- (7) \$7,500.00 for Risk Class F7 facilities.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-070, filed 2/7/84.]

**WAC 173-305-080 Assessments for combined sites.**

(1) Maximum fee. Any person who operates a hazardous waste transfer treatment, storage or disposal (TSD) facility which is also an identified site will be subject to both the facility fee and the generator fee. At no time, however, will the sum of both fees exceed \$7,500.00 for a combined site in one year. Any person who operates more than one combined site will be responsible for the sum of the fees assessed to each combined site. The maximum fee (\$7,500.00) applies only to each combined site, and does not apply to the sum of the fees assessed to multiple combined sites operated by one person.

(2) Assessment. At the time that the department is calculating the fee for a combined site, it will determine the amount of the generator fee and the amount of the facility fee to be assessed. If the sum of the two fees exceeds \$7,500.00 for the combined site, then the department will recalculate the fees and provide the calculations with either the generator or facility fee statement. When required to recalculate the fees, the department will subtract either the generator or facility fee from \$7,500.00, and the difference will be the facility or generator fee. For example, if the department determines that the generator fee for a particular combined site is \$5,000.00, and that the facility fee is \$5,000.00, then the department will recalculate the generator or facility fee because the sum of the two fees (\$10,000.00) exceeds \$7,500.00. The recalculation would be  $\$7,500.00 - \$5,000.00 = \$2,500.00$ , thus the generator or facility fee assessed in the statement for the combined site would be \$2,500.00.

(3) Adjustments; supplemental fees. If at any time there is a reduction in the generator fee for a combined site (due to the department's granting of an exemption, reduction, or reapportionment under WAC 173-305-030 (5) or (2)(b)(ii) or (iii)) and the facility fee for the combined site has been recalculated in accordance with subsection (2) of this section prior to the generator fee reduction, then the department will adjust the facility fee to reflect the reduced generator fee and, if necessary, issue a supplemental facility fee statement. If a supplemental facility fee statement is issued, the due date for the supplemental fee will be thirty days after the supplemental statement is issued, whichever is later. An example of when a supplemental facility fee would be issued is as follows. The department determines that a particular combined site owes a generator fee of \$6,000.00 and a facility fee of \$6,500.00. However, because of the limit for combined sites, the department issues a facility fee statement which assesses \$1,500.00 ( $\$7,500.00 - \$6,000.00 = \$1,500.00$ ). The person who operates the combined site pays the \$1,500.00 facility fee, but he requests reapportionment of his annual gross income to reduce his generator fee. The department ultimately grants his request and his new generator fee is \$600.00, which he then pays. The person who operates the combined site is now liable for payment of the full \$6,500.00 facility fee, because his combined fees do not exceed \$7,500.00 ( $\$600.00 + \$6,500.00 = \$7,100.00$ ). Therefore, the department issues a supplemental facility



fee statement for \$5,000.00 (\$6,500.00 - \$1,500.00 (already paid) = \$5,000.00 (unpaid balance)) which the person who operates the combined site then pays.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-080, filed 2/7/84.]

#### WAC 173-305-090 Adjustment of fees and limits.

The department will adjust, by rule amendment, the fee schedules of WAC 173-305-040 and 173-305-070, and the maximum fee limits of WAC 173-305-030(3), 173-305-060(2), and 173-305-080(1) by increasing or decreasing the amounts set forth therein by five percent on each occasion when the consumer price index of the United States Department of Labor increases or decreases by a five percent increment from the index figure as it existed on January 1, 1983.

[Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-090, filed 2/7/84.]

### Chapter 173-310 WAC LITTER RECEPTACLES

#### WAC

|             |  |
|-------------|--|
| 173-310-010 | Purpose.   |
| 173-310-020 | Definitions.   |
| 173-310-030 | Responsibility to procure and place litter receptacle. |
| 173-310-040 | Litter receptacles, where required.                    |
| 173-310-050 | Number of litter receptacles required.                 |
| 173-310-060 | Minimum standards.                                     |
| 173-310-070 | Anti-litter symbol.                                    |
| 173-310-080 | Prohibited acts.                                       |
| 173-310-090 | Penalties.   |
| 173-310-100 | Effective date and compliance.                         |
| 173-310-990 | Appendix A—Anti-litter symbol.                         |

**WAC 173-310-010 Purpose.** By the provisions of chapter 70.93 RCW, the department of ecology has been delegated authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible. The purpose of this chapter is to provide minimum standards for litter receptacles and to prescribe the use, placement and distribution of litter receptacles throughout the state, pursuant to the authority set forth in RCW 70.93.040 and 70.93.090.

[Order 72-10, § 173-310-010, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-020 Definitions.** The following words and phrases as used herein shall have the following meanings, unless context clearly dictates otherwise:

(1) "Anti-litter symbol" means the standard symbol adopted herein by the department.

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

(3) "Litter" means all waste materials including, but not limited to, disposable packages or containers susceptible to being dropped, deposited, discarded or otherwise disposed of upon any property in the state, but not including the wastes of primary processes of mining, logging, sawmilling, farming or manufacturing.

(4) "Litter receptacle" means containers for the disposal of litter of not more than 60-gallon capacity: *Provided*, That special containers of larger capacity such as those referred to as "dumpsters," and garbage containers or other waste containers serving single or multifamily residences are not included within this definition and their use is in no way regulated or affected by this chapter.

(5) "Person" shall mean any industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever.

(6) "Public place" means any area that is used or held out for the use of the public whether owned and operated by public or private interests, but not including indoor areas. An indoor area shall be construed to mean any enclosed area covered with a roof and protected from moisture and wind.

[Order 72-10, § 173-310-020, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-030 Responsibility to procure and place litter receptacle.** It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this chapter to procure, place and maintain such receptacles at their own expense on the premises in accordance with the provisions of this chapter.

[Order 72-10, § 173-310-030, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-040 Litter receptacles, where required.** Litter receptacles meeting the standards established by this chapter shall be placed in the following public places in the state:

(1) Along public highways lying outside the limits of incorporated cities and towns;

(2) Parks;

(3) Campgrounds;

(4) Trailer park facilities for transient habitation;

(5) Drive-in restaurants;

(6) Gasoline service stations;

(7) Tavern parking lots;

(8) Shopping centers;

(9) Grocery store parking lots;

(10) Marinas;

(11) Boat launching areas;

(12) Boat moorage and fueling stations;

(13) Public and private piers

(14) Beaches and bathing areas;

(15) Outdoor parking lots, other than those specifically designated above, having a capacity of more than 50 automobiles;

(16) Fairgrounds;

(17) Schoolgrounds;

(18) Racetracks;

(19) Sporting event sites with seating capacity for more than 200 spectators;

(20) Sites for carnivals, festivals, circuses, shows or events of any kind to which the public is invited;

(21) Business district sidewalks.

Litter receptacles need be placed in the above public places only during times such places or events held at them are open to the public.

Placement of litter receptacles shall be in conformance with laws, ordinances, resolutions and regulations pertaining to fire, safety, public health or welfare.

[Order 73-7, § 173-310-040, filed 4/23/73; Order 72-10, § 173-310-040, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-050 Number of litter receptacles required.** The minimum number of receptacles meeting the standards established by this chapter required in public places listed in the preceding section is as follows:

(1) Along public highways lying outside the limits of incorporated cities and towns – one receptacle at each rest area, view point or similar turnout, officially designated as such by the primary jurisdictional authority;

(2) Parks, campgrounds and trailer park facilities for transient habitation – one receptacle at each public restroom facility, and one receptacle at each established trailhead giving access by foot, motorcycle, bicycle or similar trail for excursion or exploration out of or away from the central activity area;

(3) Gasoline service stations – one litter receptacle placed in plain view of each gasoline service island, with a minimum of one receptacle for each side of the station on which gasoline pumps are located.

(4) Drive-in restaurants, tavern parking lots, shopping centers, grocery store parking lots and outdoor parking lots having a capacity of more than 50 automobiles – one receptacle, plus one additional receptacle for each 200 parking spaces in excess of 50 spaces;

(5) Marinas, boat launching areas, boat moorage and fueling stations and public and private piers – one receptacle at each such area;

(6) Beaches and bathing areas – one receptacle at each public restroom facility, and one receptacle at each access point officially designated as such by the primary jurisdictional authority;

(7) Schoolgrounds – one receptacle at each school-ground bus loading zone officially designated as such by the primary jurisdictional authority;

(8) Racetracks and sporting event sites with seating capacity for more than 200 spectators – one receptacle, plus one additional receptacle for each 1000 seating capacity in excess of 200.

(9) Fairgrounds and sites for carnivals, festivals, circuses, shows or events of any kind to which the public is invited – one receptacle at the entrance to each ride, and one receptacle at each end of walk-through exhibit buildings;

(10) Along the sidewalks of business districts of incorporated cities and towns – one receptacle per 800 feet of sidewalk curbing.

No variance from the provisions of this section shall be allowed except upon the express permission of the department of ecology.

Notwithstanding the minimum requirements of this section, any public place in which litter receptacles meeting the standards of this chapter are required that is found to have an accumulation of uncontained litter under circumstances that the person responsible for placing receptacles could have reasonably anticipated the litter

shall be deemed to have an insufficient number of receptacles to be in compliance with this regulation.

[Order DE 76-34, § 173-310-050, filed 9/13/76; Order 73-7, § 173-310-050, filed 4/23/73; Order 72-10, § 173-310-050, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-060 Minimum standards.** Litter receptacles procured and placed in public places as required by this chapter shall meet the following minimum standards:

(1) General specifications.

(a) The body of each litter receptacle shall be constructed of a minimum of 24-gauge galvanized metal or other material of equivalent strength, that will with normal wear and tear, reasonably resist corrosion and acts of vandalism.

(b) All outside edges of each litter receptacle shall be rounded.

(c) Openings in covered litter receptacles shall be readily identifiable and readily accessible for the deposit of litter.

(d) Construction and general configuration of litter receptacles shall be in conformance with all pertinent laws, ordinances, resolutions or regulations pertaining to fire, safety, public health or welfare.

(2) Color and marking.

(a) The entire outer surface of each litter receptacle shall be colored medium green conforming with Federal Color Standard No. 595A, Color No. 24424, or Color No. 34424.

(b) Each litter receptacle shall bear the official anti-litter symbol, as adopted herein. The symbol shall be colored deep blue conforming with Federal Color Standard No. 595A, Color No. 15180. The symbol shall not be distorted as to proportion and shall not be incorporated into a commercial advertisement on the receptacle. For litter receptacles along the right-of-way of public highways, the symbol shall be of a size so as to be distinguishable from a minimum distance of 75 feet.

(c) The words "DEPOSIT LITTER" shall be placed on the litter receptacle. Lettering used for these two words shall be block-type capital letters to be readily legible at a distance of 30 feet.

(d) No commercial advertisement shall be placed on any litter receptacle. However, the person owning any receptacle may place a single line on the receptacle identifying his ownership, and a single credit line designating any donor of the litter receptacle other than the owner may also be placed on the receptacle: *Provided*, That the lettering does not exceed the size specified for the words "DEPOSIT LITTER," and does not interfere with or distract from the prominence of the anti-litter symbol.

(3) Maintenance. Compliance with these minimum standards shall include proper upkeep, maintenance and repair of litter receptacles sufficient to permit such receptacles to serve the functions for which they were designed and to prevent the appearance of such receptacles from becoming unsightly. Inadequately maintained or unsightly litter receptacles shall be in violation of these minimum standards.

(4) Wherever litter receptacles are placed in any public place other than where required by this chapter, such receptacles shall conform to the provisions of this chapter.

[Order 72-10, § 173-310-060, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-070 Anti-litter symbol.** The official state anti-litter symbol shall be the symbol depicted in Appendix A to this chapter conforming to the Federal Color Standard No. 595A, Color No. 15180, which appendix is hereby incorporated into this chapter and made part hereof. Permission to use this symbol in the manner required by this chapter has been obtained from the copyright holder and any other use without the express permission of the copyright holder is prohibited.

[Order 72-10, § 173-310-070, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-080 Prohibited acts.** (1) No person shall damage, deface, abuse or misuse any litter receptacle not owned by him so as to interfere with its proper function or to detract from its proper appearance.

(2) No person shall deposit leaves, clippings, prunings or gardening refuse in any litter receptacle.

(3) No person shall deposit household garbage in any litter receptacle: *Provided*, That this subsection shall not be construed to mean that wastes of food consumed on the premises at any public place may not be deposited in litter receptacles.

[Order 72-10, § 173-310-080, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-090 Penalties.** Penalties for violation of this chapter shall be in accordance with chapter 70.93 RCW.

[Order 72-10, § 173-310-090, filed 5/15/72, effective 9/1/72.]

**WAC 173-310-100 Effective date and compliance.** (1) This chapter shall become effective on September 1, 1972.

(2) All litter receptacles in any public place designated in this chapter which are placed after the effective date hereof shall conform to the provisions of this chapter.

(3) Litter receptacles in any public place designated in this chapter which were in place prior to the effective date hereof shall be modified to conform with marking requirements of this chapter [WAC 173-310-060 (2)(b)(c)] no later than January 1, 1973.

(4) All litter receptacles in any public place designated in this chapter shall be modified or replaced so as to fully conform with all requirements of this chapter no later than July 1, 1975.

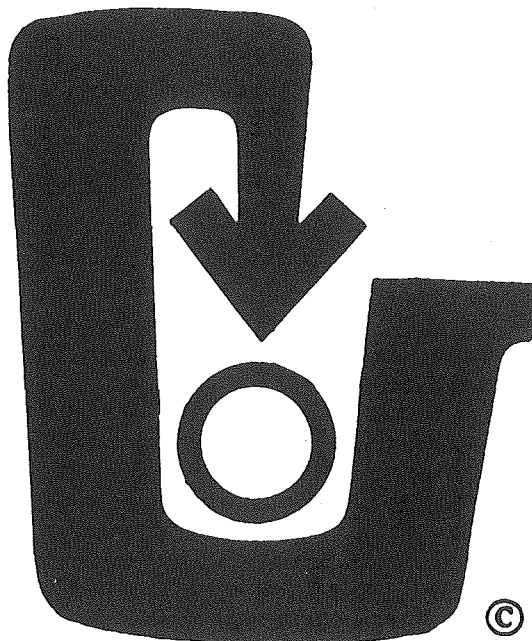
[Order 72-10, § 173-310-100, filed 5/15/72, effective 9/1/72.]

**Reviser's note:** RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

(1986 Ed.)

**WAC 173-310-990 Appendix A--Anti-litter symbol.**

Appendix A



[Order 72-10, Appendix A (codified as WAC 173-310-990), filed 5/15/72, effective 9/1/72.]

### Chapter 173-320 WAC BEVERAGE CONTAINERS--DETACHABLE PULL TABS

|             |                         |
|-------------|-------------------------|
| WAC         |                         |
| 173-320-010 | Authority.              |
| 173-320-020 | Declaration of purpose. |
| 173-320-030 | Applicability.          |
| 173-320-040 | Definitions.            |
| 173-320-050 | Prohibition.            |
| 173-320-060 | Return requirement.     |
| 173-320-070 | Complaints.             |
| 173-320-080 | Enforcement.            |

**WAC 173-320-010 Authority.** Pursuant to chapter 113, Laws of 1982, the department of ecology is given authority to adopt rules interpreting the chapter.

[Statutory Authority: Chapter 113, Laws of 1982 [chapter 70.132 RCW]. 83-12-062 (Order DE 82-39), § 173-320-010, filed 6/1/83.]

**WAC 173-320-020 Declaration of purpose.** This chapter prohibits sale or offers to sell at retail levels beverage containers with detachable pull tabs for opening after July 1, 1983. The department of ecology is designated the state agency responsible for the administration and enforcement of this chapter.

[Statutory Authority: Chapter 113, Laws of 1982 [chapter 70.132 RCW]. 83-12-062 (Order DE 82-39), § 173-320-020, filed 6/1/83.]

**WAC 173-320-030 Applicability.** The provisions of this chapter shall apply statewide to any retailer or

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wholesaler who engages in the distribution of beverages in sealed containers intended to be offered for sale at retail outlets within the state of Washington.

[Statutory Authority: Chapter 113, Laws of 1982 [chapter 70.132 RCW]. 83-12-062 (Order DE 82-39), § 173-320-030, filed 6/1/83.]

**WAC 173-320-040 Definitions.** (1) "Department" means the department of ecology created under chapter 43.21A RCW.

(2) "Beverage" means beer or other malt beverage or mineral water, soda water, or other drink in liquid form intended for human consumption.

(3) "Beverage container" means a separate and sealed can containing a beverage.

(4) "Sell or offer to sell" means to advertise, display or set out in such a way to make available for purchase to any other outlet or person.

(5) "Retail outlet" means any business which engages in sale of any products to the general public within the state of Washington.

(6) "Wholesale outlet" means any business or organization that sells any products to retail outlets for eventual resale to the general public within the state of Washington.

(7) "Violation" means for a retailer or wholesaler to sell or offer to sell any number of beverage containers with illegal, detachable metal rings or tabs during any one day period. Each day of continuing violation constitutes a separate violation.

[Statutory Authority: Chapter 113, Laws of 1982 [chapter 70.132 RCW]. 83-12-062 (Order DE 82-39), § 173-320-040, filed 6/1/83.]

**WAC 173-320-050 Prohibition.** No person may sell or offer to sell at retail in this state any beverage containers so designed and constructed that under normal conditions a metal part of the container is detachable in opening the container through the use of a metal ring or tab. Nothing in this section prohibits the sale of a beverage container which is opened by use of pressure sensitive or metallic tape.

[Statutory Authority: Chapter 113, Laws of 1982 [chapter 70.132 RCW]. 83-12-062 (Order DE 82-39), § 173-320-050, filed 6/1/83.]

**WAC 173-320-060 Return requirement.** Any wholesale or distributor who delivers beverage containers within the state of Washington which are in violation of this chapter on or after June 1, 1983, to any retail outlet shall be required to retrieve any illegal containers remaining at the retail sites after June 30, 1983, at his own expense, with full refund to the retailer of the price paid by that retailer. Failure to remove said containers from retail premises constitutes a violation of the act.

[Statutory Authority: Chapter 113, Laws of 1982 [chapter 70.132 RCW]. 83-12-062 (Order DE 82-39), § 173-320-060, filed 6/1/83.]

**WAC 173-320-070 Complaints.** Complaints of alleged violation of this chapter may be made to the department by any person. Complaints shall be in writing and shall contain an allegation of violation accompanied by a receipt or affidavit of purchase indicating location

and date of purchase and/or by the offending items or a photo of the item.

[Statutory Authority: Chapter 113, Laws of 1982 [chapter 70.132 RCW]. 83-12-062 (Order DE 82-39), § 173-320-070, filed 6/1/83.]

**WAC 173-320-080 Enforcement.** The department shall have the authority to initiate investigations and complaints and require corrective action by the retailer or wholesaler.

Response by the department to allegations of violation may consist of:

(1) Verification of allegation which may include visit to the site to ascertain extent of violation, and

(2) Written warning to violator giving seven days from date of receipt.

Failure by the retailer to comply with written warning may require a written notice of violation from the department, allowing seven more days for the violator to remove the illegal container(s).

Failure by the retailer to comply with notice of violation may require assessment of a civil penalty not exceeding five hundred dollars per day for each violation, upon written order of the director of the department.

[Statutory Authority: Chapter 113, Laws of 1982 [chapter 70.132 RCW]. 83-12-062 (Order DE 82-39), § 173-320-080, filed 6/1/83.]

## Chapter 173-325 WAC

### LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

#### WAC

|             |  |
|-------------|--|
| 173-325-010 | Purpose.                                 |
| 173-325-020 | Definitions.                             |
| 173-325-030 | Requirements for generators and brokers. |
| 173-325-040 | Requirements for site operator.          |
| 173-325-050 | Effective dates.                         |

**WAC 173-325-010 Purpose.** The purpose of this chapter is to implement section 4, chapter 2, Laws of 1986, which implements the Federal Low-Level Radioactive Waste Policy Amendments Act of 1985.

[Statutory Authority: 1986 c 2 § 5. 86-15-008 (Order 86-14), § 173-325-010, filed 7/7/86.]

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

(2) "Low-level radioactive waste" is defined in Public Law 99-240.

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

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

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

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

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

[Statutory Authority: 1986 c 2 § 5. 86-15-008 (Order 86-14), § 173-325-020, filed 7/7/86.]

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

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

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

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

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

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

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

"LLW SURCHARGE"  
Cashier  
Fiscal Office  
Department of Ecology  
St. Martin's Campus  
Mail Stop PV-11  
Olympia, WA 98504

Electronic transfers (telegraphic abbreviation RAINIER SEA if needed) should be directed to:

Robert S. O'Brien, State Treasurer  
Concentration Account  
Rainier National Bank  
Olympia Branch  
Account #0041399260

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

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

Date of Shipment: \_\_\_\_\_

| Valid Site Use Permit # | Generator | State | Compact Region | Volume | Surcharge |
|-------------------------|-----------|-------|----------------|--------|-----------|
|                         |           |       |                |        |           |

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

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

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

[Statutory Authority: 1986 c 2 § 5. 86-15-008 (Order 86-14), § 173-325-030, filed 7/7/86.]

**WAC 173-325-040 Requirements for site operator.**

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

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

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

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

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

[Statutory Authority: 1986 c 2 § 5. 86-15-008 (Order 86-14), § 173-325-040, filed 7/7/86.]

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

[Statutory Authority: 1986 c 2 § 5. 86-15-008 (Order 86-14), § 173-325-050, filed 7/7/86.]

**Chapter 173-330 WAC**  
**USED AUTOMOTIVE OIL RECYCLING SIGN**  
**REQUIREMENTS FOR AUTOMOTIVE OIL**  
**SELLERS**

## WAC

|             |  |
|-------------|--|
| 173-330-010 | Purpose.                                 |
| 173-330-020 | Applicability.                           |
| 173-330-030 | Definitions.                             |
| 173-330-040 | Responsibility to procure and post sign. |
| 173-330-050 | Sign criteria.                           |
| 173-330-060 | Posting and maintenance of signs.        |
| 173-330-070 | Effective date and compliance.           |
| 173-330-900 | Logo and sign.                           |

**WAC 173-330-010 Purpose.** Pursuant to chapter 19.114 RCW it is recognized by the legislature that used automotive oil is a limited resource that can be collected and recycled. Further, improper disposal results in undesirable effects upon the economy and the environment.

These rules provide minimum requirements for the posting and maintaining of durable and legible signs informing the public of proper collection and disposal of used oil.

[Statutory Authority: Chapter 19.114 RCW. 84-16-005 (Order DE 84-24), § 173-330-010, filed 7/19/84.]

**WAC 173-330-020 Applicability.** All sellers as defined in WAC 173-330-030 shall conform to the provisions of this chapter.

[Statutory Authority: Chapter 19.114 RCW. 84-16-005 (Order DE 84-24), § 173-330-020, filed 7/19/84.]

**WAC 173-330-030 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Used oil" means automotive oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or the loss of original properties.

(2) "Recycle" means to prepare used oil for reuse as a petroleum product by refining, rerefining, reclaiming, reprocessing, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all laws and rules.

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

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

(5) "Person" means an individual, private or public corporation, partnership, cooperative, association, estate, municipality, political subdivision or governmental agency or instrumentality.

(6) "Seller" means any person selling oil within the state of Washington who sells 100 gallons or more of automotive oil per year for use off their premises.

[Statutory Authority: Chapter 19.114 RCW. 84-16-005 (Order DE 84-24), § 173-330-030, filed 7/19/84.]

**WAC 173-330-040 Responsibility to procure and post sign.** It shall be the responsibility of all sellers to procure, post and maintain a sign in accordance with the

provisions within this chapter. Signs will be provided by the department.

[Statutory Authority: Chapter 19.114 RCW. 84-16-005 (Order DE 84-24), § 173-330-040, filed 7/19/84.]

**WAC 173-330-050 Sign criteria.** (1) A sign shall be constructed of white card stock - 80# or of equal or better weight and quality material and:

- a. Be commercially printed;
- b. Be size 11" x 14" or 3" x 5" shelf hangers;
- c. Have type style - Helvetica;
- d. Have type color - Green #345; and
- e. Carry the recycling logo.

(2) ALL SIGNS WILL CARRY THIS MESSAGE:

RECYCLE USED OIL

- \* Prevent water pollution
- \* Protect public health
- \* Reuse limited resources

FOR MORE INFORMATION CALL 1-800-RECYCLE

(3) The sign shall indicate how and where used oil may be properly disposed of including the location and hours of operation of conveniently located used oil collection facilities. This information may be clearly handwritten in an information block on the sign.

(4) The sign shall be substantially in the form shown in WAC 173-330-900 contained herein.

(5) Oil sellers may provide their own signs. Limited variances from the sign criteria will be allowed, subject to the department's approval. Proofs of the seller-provided signs must be submitted to the department for written approval prior to posting.

[Statutory Authority: Chapter 19.114 RCW. 84-16-005 (Order DE 84-24), § 173-330-050, filed 7/19/84.]

**WAC 173-330-060 Posting and maintenance of signs.** (1) Signs shall be posted in a location visible to the public at or near the point of sale. This location shall either be at the automotive oil display location within the store, at the cash register or on the exterior window facing.

(2) Signs shall be maintained at the required location and shall remain fully visible and legible at all times.

(3) Requests for replacement of damaged, lost or misplaced signs will be made in a timely manner not to exceed two business days. Seller-provided signs should be replaced as soon as practical but not to exceed 14 days.

[Statutory Authority: Chapter 19.114 RCW. 84-16-005 (Order DE 84-24), § 173-330-060, filed 7/19/84.]

**WAC 173-330-070 Effective date and compliance.** (1) This chapter shall become effective October 1, 1984. Sellers shall post signs in accordance with the provisions of this chapter as of that date.

(2) Sellers shall notify the department in writing by January 1, 1985 of compliance.

[Statutory Authority: Chapter 19.114 RCW. 84-16-005 (Order DE 84-24), § 173-330-070, filed 7/19/84.]

WAC 173-330-900 Logo and sign.



**"IMPROPER DISPOSAL OF USED OIL IS A SIGNIFICANT SOURCE OF WATER POLLUTION, CONTRIBUTES TO THE OVERALL SHORTAGE OF ENERGY RESOURCES AND HAS A DETRIMENTAL IMPACT ON GENERAL PUBLIC HEALTH"**

**-CHAPTER 173-330 WAC**

**RECYCLE USED OIL AT:**  
**LOCATION** \_\_\_\_\_  
**TIMES** \_\_\_\_\_

**FOR MORE INFORMATION CALL  
 THE WASHINGTON STATE DEPT. OF ECOLOGY  
 LITTER CONTROL AND RECYCLING PROGRAM  
 1-800-RECYCLE**

[Statutory Authority: Chapter 19.114 RCW. 84-16-005 (Order DE 84-24), § 173-330-900, filed 7/19/84.]

**Chapter 173-400 WAC  
 GENERAL REGULATIONS FOR AIR POLLUTION  
 SOURCES**

- WAC**
- 173-400-010 Purpose.
  - 173-400-020 Applicability.
  - 173-400-030 Definitions.
  - 173-400-040 General standards for maximum emissions.
  - 173-400-050 Minimum emission standards for combustion and incineration units.
  - 173-400-060 Minimum emission standards for general process emissions units.
  - 173-400-070 Minimum standards for certain source categories.

(1986 Ed.)

- 173-400-075 Emission standards for sources emitting hazardous air pollutants.
- 173-400-100 Registration.
- 173-400-110 New source review.
- 173-400-115 Standards of performance for new sources.
- 173-400-120 Monitoring and special report.

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

- 173-400-080 Compliance schedules. [Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-080, filed 8/20/80. 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.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.
- 173-400-090 Sensitive area designation. [Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-090, filed 8/20/80; Order DE 76-38, § 173-400-090, filed 12/21/76. Formerly WAC 18-04-090.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.
- 173-400-130 Regulatory actions. [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.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.
- 173-400-135 Criminal penalties. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-135, filed 5/8/79.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.
- 173-400-140 Appeals. [Order DE 76-38, § 173-400-140, filed 12/21/76. Formerly WAC 18-04-140.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.
- 173-400-150 Variance. [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.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.
- 173-400-160 Maintenance of pay. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-160, filed 5/8/79.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.
- 173-400-170 Requirements for boards and director. [Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-170, filed 5/8/79.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.

**WAC 173-400-010 Purpose.** (1) It is the policy of the department of ecology under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and progressive reduction where needed.

(2) It is the purpose of this chapter to establish standards deemed to be technically feasible and reasonably attainable and revise such standards as new information and better technology are developed and become available.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-010, filed 4/15/83; Order DE 76-38, § 173-400-010, filed 12/21/76. Formerly WAC 18-04-010.]

[Title 173 WAC—p 421]

**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, aircraft.

(3) Those sources under the jurisdiction of the energy facility site evaluation council.

The requirements of chapter 173-403 WAC shall apply to all sources that are subject to the requirements of chapter 173-400 WAC.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-020, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-020, filed 8/20/80. 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 clearly required by context words and phrases used in this chapter shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to this chapter only as defined below:

(1) "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.

(2) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(3) "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.

(4) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(5) "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.

(6) "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 a type of fugitive emission.

(7) "General process unit" means an emissions unit 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.

(8) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(9) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(10) "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.

(11) "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.

(12) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

[Statutory Authority: RCW 70.94.331, 70.94.395 and 70.94.510. 85-06-046 (Order 84-48), § 173-400-030, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-030, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-030, filed 8/20/80. 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 emissions.** All sources and emissions units are required to meet the emission standards of this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units 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 cognizant local 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.

(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 emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. As such, this practice, except



for testing and trouble shooting, is to be scheduled for the same approximate times each day and the department or cognizant local authority be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, an adjusted time limit may be allowed at the discretion of the department or cognizant local authority.

(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 is deposited.

(3) Fugitive emissions. The owner or operator of any emissions unit 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 emissions unit 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 procedures 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 chapter, 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.

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except as follows:

(a) When the owner or operator of an emissions unit supplies emission data and can demonstrate to the department or cognizant local authority 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 department or authority may require the owner or operator to equip, operate, and maintain continuous ambient air monitoring stations at locations approved by the department or authority and using equipment approved by the department or authority. All sampling results will be made available upon request and a monthly summary will be submitted to the department or authority.

(b) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the department or cognizant local authority, as permitted by WAC 173-403-140.

(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 of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner or operator of any existing source of fugitive dust 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.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-040, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-040, filed 8/20/80. 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 units.** (1) Combustion and incineration emissions units must meet all requirements of WAC 173-400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit utilizing the combustion of wood for the production of steam, no person shall allow or permit the emission of particulate matter in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by procedures on file at the department.

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, 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 department or cognizant local authority.

(3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen, except when the

department or cognizant local authority may determine that an alternate oxygen correction factor is appropriate.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-050, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-050, filed 8/20/80. 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 173-400-060 Minimum emission standards for general process emissions units.** General process units shall be required to meet all applicable provisions of WAC 173-400-040 above and in addition, no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-060, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-060, filed 8/20/80; Order DE 76-38, § 173-400-060, filed 12/21/76. Formerly WAC 18-04-060.]

**WAC 173-400-070 Minimum standards for certain source categories.** The department 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 emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use reasonably available control technology. All emissions units 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 or cognizant local authority.

(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 173-400-050, except operating hours.

(d) The department may establish additional requirements for wigwam burners located, 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 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 department 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 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. As such, this practice is to be scheduled for the same specific times each day and the department or cognizant local authority shall be notified as to the schedule.

(b) All hog fuel boilers shall utilize reasonably available control technology. All emissions units shall be operated and maintained to minimize emissions.

(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.

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).

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) 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 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(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 reasonably available control technology. All emissions units shall be operated and maintained to minimize emissions.

(7) Sulfuric acid plants.

No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton of acid produced, the production being expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-070, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-070, filed 8/20/80. 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, benzene from fugitive emission sources, beryllium, beryllium rocket motor firing, mercury and vinyl chloride promulgated by the United States Environmental Protection Agency prior to October 1, 1984, as contained in Title 40, Code of Federal Regulations, Part 61, are by this reference adopted and incorporated herein. 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 cognizant local authority.

(2) The department or cognizant local authority, 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, benzene from fugitive emission sources, 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, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as promulgated prior to October 1, 1984.

(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.

(5) Arsenic standards.

(a) The owner or operator of any source which emits five tons or more of arsenic per year shall:

(i) Use best available technology (BAT) to control fugitive emissions of arsenic, so that community exposure standards are not exceeded outside of the property controlled by the owner or operator of the source.

As used herein BAT means the best controls and work practices available considering economic, energy and environmental impacts. The level of control that represents BAT may be different for new and existing sources within a source category because of higher costs associated with retrofitting controls on existing sources, or differences in control technology for new vs. existing sources.

(ii) Establish and operate monitoring facilities for arsenic at sites approved by the department or cognizant local authority. Such sites shall be representative of areas of potential maximum concentrations to which the public may be exposed.

(iii) Report as soon as possible but within thirty days, or in accordance with an approved work plan, to the department or cognizant local authority any exceedance of the following interim community exposure standards at any arsenic monitoring site:

Maximum 24-hour concentration - 2.0 micrograms arsenic (expressed as As) per cubic meter.

Maximum annual arithmetic mean - 0.3 micrograms arsenic (expressed as As) per cubic meter.

(iv) Maintain daily logs and records of the time and nature of activities that may release fugitive emissions of arsenic.

(v) Complete an evaluation of the cause of such exceedance within thirty days of the report of such exceedance.

(vi) Submit a work plan to the department for the identification and evaluation of fugitive arsenic emissions that is satisfactory to the department or cognizant local authority. The plan is required within thirty days after the effective date of this regulation. The work plan shall include but not be limited to an identification and evaluation of fugitive emission sources, including operating and maintenance procedures, siting of arsenic monitoring stations, a description of sampling equipment, analytical techniques, quality assurance, schedules of sampling, a program to record meteorological conditions at time of sampling, techniques used to evaluate and determine causes of exceedances, and quarterly reports of progress toward implementing the plan. For the arsenic manufacturing process as a whole, this shall include an evaluation of the feasibility of producing  $As_2O_3$  through a chemical leaching process rather than roasting. The work plan shall be implemented within one year. Subparagraphs (ii), (iii), (iv), and (v) shall not impose additional requirements on the source to the extent that such requirements are included in the work plan.

(b) The standards set forth in (a)(iii) of this subsection are intended as interim community exposure standards. As more information becomes available it is anticipated that these standards will be reviewed.

(c) During this interim period the department shall periodically review all monitoring records and plant logs to determine the need for and practicability of additional emission controls, monitoring stations or adjustment to the above standards. Whenever the cause of any exceedance can be attributed to a specific source, process, operation or work practice, the owner or operator thereof shall install or adopt corrective measures which constitute best available technology as soon as possible, to prevent a recurrence. The department or cognizant local authority shall determine if additional measures can be taken to control fugitive emissions of arsenic, and if so shall establish additional BAT requirements and a compliance program. Thereafter the department shall establish such final standards as appropriate to require, monitor and regulate the application of BAT for fugitive emissions of arsenic.

(d) Failure of a source to comply with any provision of subsection (5) of this section or any order issued by the department or cognizant local authority pursuant to

WAC 173-400-075, shall constitute cause for enforcement action per WAC 173-403-170 or 173-403-180.

(e) Nothing in these regulations shall relieve the owner or operator of any source to which any part of these regulations may apply from complying with any other rule, regulation, order, statute, or ordinance to which said source may be subject.

[Statutory Authority: RCW 70.94.331, 70.94.395 and 70.94.510. 85-06-046 (Order 84-48), § 173-400-075, filed 3/6/85. Statutory Authority: Chapter 70.94 RCW. 84-10-019 (Order DE 84-8), § 173-400-075, filed 4/26/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-075, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-075, filed 8/20/80. 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 173-400-100 Registration.** The owner or operator of each source within the following source categories shall register the source with the department unless such registration is required by the cognizant local authority:

- (1) Agricultural drying and dehydrating operations;
- (2) Asphalt plants;
- (3) Beverage can surface coating operations;
- (4) Bulk gasoline terminals;
- (5) Cattle feedlots with facilities for one thousand or more cattle;
- (6) Chemical plants;
- (7) Ferrous foundries;
- (8) Fertilizer plants;
- (9) Flexible vinyl and urethane coating and printing operations;
- (10) Grain handling, seed processing, pea and lentil processing facilities;
- (11) Metallic mineral processing plants;
- (12) Mineralogical processing plants;
- (13) Nonferrous foundries;
- (14) Other metallurgical processing plants;
- (15) Petroleum refineries;
- (16) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
- (17) Pressure sensitive tape and label surface coating operations;
- (18) Rendering plants;
- (19) Scrap metal operations;
- (20) Synthetic organic chemical manufacturing industries;
- (21) Sulfuric acid plants;
- (22) Synthetic fiber production facilities;
- (23) Veneer dryers;
- (24) Wood waste incinerators including wigwam burners;
- (25) Other incinerators designed for a capacity of one hundred pounds per hour or more;
- (26) Stationary internal combustion engines rated at five hundred horse power or more;
- (27) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;

(28) Any category of stationary sources to which a federal standard of performance (NSPS) applies;

(29) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);

(30) Any major source or major emissions unit.

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 70.94.331, 70.94.395 and 70.94.510. 85-06-046 (Order 84-48), § 173-400-100, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-100, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-100, filed 8/20/80. 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.** Construction shall not commence, on any new source that is required to register per WAC 173-400-100, until a notice of construction has been approved per WAC 173-403-050. The owner or operator of any source that is required to register per WAC 173-400-100 shall notify the department or cognizant local authority prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department or authority may determine that a notice of construction is required.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-110, filed 4/15/83. Statutory Authority: RCW 70.94.331, 70.94.510, and 70.94.785. 81-03-002 (Order DE 80-53), § 173-400-110, filed 1/8/81. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-110, filed 8/20/80. 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 sources.** Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as promulgated prior to October 1, 1984, 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 cognizant local 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 sources only on request. By virtue of WAC 173-403-050, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new source may commence.

(2) As of October 1, 1984, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

|            |  |
|------------|--|
| Subpart D  | Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts |
| Subpart Da | Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts                          |
| Subpart E  | Incinerators   |
| Subpart F  | Portland cement plants   |
| Subpart G  | Nitric acid plants   |
| Subpart H  | Sulfuric acid plants   |
| Subpart I  | Asphalt concrete plants  |
| Subpart J  | Petroleum refineries which produce less than 25,000 barrels per day of refined products  |
| Subpart K  | Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons   |
| Subpart Ka | Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons  |
| Subpart L  | Secondary lead smelters  |
| Subpart M  | Brass and bronze ingot production plants   |
| Subpart N  | Iron and steel plants  |
| Subpart O  | Sewage treatment plants  |
| Subpart P  | Primary copper smelters  |
| Subpart Q  | Primary zinc smelters  |
| Subpart R  | Primary lead smelters  |
| Subpart T  | Phosphate fertilizer industry: Wet process phosphoric acid plants  |
| Subpart U  | Phosphate fertilizer industry: Superphosphoric acid plants   |
| Subpart V  | Phosphate fertilizer industry: Diammonium phosphate plants   |
| Subpart W  | Phosphate fertilizer industry: Triple superphosphate plants  |
| Subpart X  | Phosphate fertilizer industry: Granular triple superphosphate storage facilities   |
| Subpart Y  | Coal preparation plants  |
| Subpart Z  | Ferroalloy production facilities   |
| Subpart AA | Steel plants: Electric arc furnaces  |
| Subpart CC | Glass manufacturing plants   |
| Subpart DD | Grain elevators  |
| Subpart EE | Industrial surface coating: Metal furniture  |
| Subpart GG | Stationary gas turbines  |
| Subpart HH | Lime manufacturing plants  |
| Subpart KK | Lead acid batteries  |

|             |  |
|-------------|--|
| Subpart LL  | Metallic mineral processing plants                               |
| Subpart MM  | Automobile and light duty truck surface coating operations       |
| Subpart NN  | Phosphate rock plants  |
| Subpart PP  | Ammonium sulfate manufacture                                     |
| Subpart QQ  | Publication rotogravure printing                                 |
| Subpart RR  | Pressure sensitive tape and label surface coating operations     |
| Subpart SS  | Industrial surface coating: Large appliances                     |
| Subpart TT  | Industrial surface coating: Metal coils                          |
| Subpart UU  | Asphalt processing and asphalt roofing manufacture               |
| Subpart VV  | SOCMI equipment leaks (VOC)                                      |
| Subpart WW  | Beverage can surface coating operations                          |
| Subpart XX  | Bulk gasoline terminals  |
| Subpart FFF | Flexible vinyl and urethane coating and printing                 |
| Subpart GGG | Petroleum refineries - compressors and fugitive emission sources |
| Subpart HHH | Synthetic fiber production facilities                            |

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.

[Statutory Authority: RCW 70.94.331, 70.94.395 and 70.94.510. 85-06-046 (Order 84-48), § 173-400-115, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-115, filed 4/15/83; 82-16-019 (Order DE 82-20), § 173-400-115, filed 7/27/82. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-115, filed 8/20/80. 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. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the director or authorized personnel from a cognizant local authority 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.

(3) Source testing. In order to demonstrate compliance with this chapter, the department, may require that a test be made of the source using procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file at 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 an emissions unit. The department shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) Report of startup, shutdown, breakdown or upset condition. If a startup, shutdown, breakdown or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(a) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department or cognizant local authority in advance of its occurrence.

(b) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department or cognizant local authority as soon as possible.

Upon request of the department or cognizant local authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-400-120(4) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this chapter nor from the resulting liabilities for failure to comply.

(5) Continuous monitoring and recording. Owners and operators of the following categories of 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 or cognizant local authority 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 chapter shall demonstrate to the department or cognizant local authority 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 chapter shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this chapter 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 subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(iii) Scheduled for retirement within five years after inclusion of monitoring equipment requirements in this chapter, 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 chapter during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the department or cognizant local authority 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 cognizant local authority. 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 one hundred 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 twenty-four 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 forty 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 authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The department or cognizant local authority 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: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-400-120, filed 4/15/83. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-120, filed 8/20/80. 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.]

### Chapter 173-402 WAC

#### CIVIL SANCTIONS UNDER WASHINGTON CLEAN AIR ACT

##### WAC

- 173-402-010 Prior regulations.  
173-402-020 Subsequent regulations.

**WAC 173-402-010 Prior regulations.** No standard, limitation or requirement of any kind applicable to air contaminant sources and in force at the effective date of this chapter shall be construed to require any element of *scienter* before civil sanctions available under the Washington Clean Air Act can be imposed.

[Statutory Authority: RCW 70.94.040, 70.94.141 and 70.94.331. 80-08-024 (Order DE 80-23), § 173-402-010, filed 6/24/80.]

(1986 Ed.)

**WAC 173-402-020 Subsequent regulations.** No standard, limitation or requirement of any kind applicable to air contaminant sources and adopted after the effective date of this chapter shall be construed to require any element of *scienter* before civil sanctions available under the Washington Clean Air Act can be imposed, except to the extent that a *scienter* requirement is provided for expressly.

[Statutory Authority: RCW 70.94.040, 70.94.141 and 70.94.331. 80-08-024 (Order DE 80-23), § 173-402-020, filed 6/24/80.]

### Chapter 173-403 WAC

#### IMPLEMENTATION OF REGULATIONS FOR AIR CONTAMINANT SOURCES

##### WAC

- 173-403-010 Policy and purpose.  
173-403-020 Applicability.  
173-403-030 Definitions.  
173-403-050 New source review (NSR).  
173-403-060 Bubble rules.  
173-403-070 Issuance of emission reduction credits.  
173-403-075 Use of emission reduction credits.  
173-403-080 Prevention of significant deterioration (PSD).  
173-403-090 Retrofit requirements for visibility protection.  
173-403-100 Compliance schedules.  
173-403-110 Public involvement.  
173-403-120 Variance.  
173-403-130 Requirements for nonattainment areas.  
173-403-141 Creditable stack height and dispersion techniques.  
173-403-145 Adjustment for atmospheric conditions.  
173-403-150 Maintenance of pay.  
173-403-160 Requirements for boards and director.  
173-403-170 Regulatory actions.  
173-403-180 Criminal penalties.  
173-403-190 Appeals.

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

- 173-403-140 Use of dispersion techniques. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-140, filed 4/11/83.] Repealed by 86-23-014 (Order 86-30), filed 11/10/86. Statutory Authority: RCW 70.94.331.

**WAC 173-403-010 Policy and purpose.** (1) It is the policy of the department of ecology under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and progressive reduction where needed.

(2) It is the purpose of this chapter to establish procedures for the implementation of regulations and rules generally applicable to the control and/or prevention of the emission of air contaminants.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-010, filed 4/11/83. Formerly WAC 18-60-010.]

**WAC 173-403-020 Applicability.** This chapter cancels and supersedes chapter 18-60 WAC. The provisions of this chapter shall apply state-wide. An activated air pollution control authority may enforce this chapter for any source under its jurisdiction and may in addition adopt 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) Automobiles, trucks, and aircraft.
- (2) Those sources under the jurisdiction of the energy facility site evaluation council.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-020, filed 4/11/83.]

**WAC 173-403-030 Definitions.** Unless a different meaning is clearly required by context, words and phrases used in this chapter and other chapters of Title 173 WAC shall have the following meanings:

(1) "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately-preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "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."

(4) "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.

(5) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable regulatory order.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

(8) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source 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 sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air 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 meet the requirement 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 will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(9) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide



for compliance by prescribing appropriate conditions in a regulatory order.

(10) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit or units in exchange for a decrease in emissions from another emissions unit or units, pursuant to RCW 70.94.155.

(11) "Class I area" means any federal, state, or Indian land which is classified or reclassified Class I.

(12) "Cognizant local authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source.

(13) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

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

(15) "Director" means director of the Washington state department of ecology or duly authorized representative.

(16) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air, other than by the use of pollution abatement equipment or integral process pollution controls.

(17) "Emission" means a release of air contaminants into the ambient air.

(18) "Emission reduction credit (ERC)" means a credit granted to a source for a voluntary reduction in actual emissions.

(19) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(20) "Emissions unit" means any equipment, device, process, or activity that emits to the ambient air, or that may emit to the ambient air, any air contaminant.

(21) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-403-140(2).

(22) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(23) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-403-140 (2)(a)(ii).

(24) "In operation" means engaged in activity related to the primary design function of the source.

(25) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(26) "Land manager" means the secretary of the federal or head of the state department or Indian governing body with authority over the Class I area.

(27) "Lowest achievable emission rate (LAER)" 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 new or modified 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 performance standards.

(28) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(29) "Major modification" means (a), (b), or (c) of this subsection, whichever is the most stringent:

(a) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:

(i) Use of an alternative fuel or raw material by reason of an order under Sections 2 (a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or

(ii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or

(iii) Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or

(iv) Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste; or

(v) An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.

(b) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a

major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.

(c) Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.

(30) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(31) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

(32) "Natural conditions" include naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(33) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(a) Any increase in actual emissions of a pollutant resulting from a physical change or change in method of operation of a specific emission unit in a source; and

(b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change: *Provided, That*

(i) Said other increases or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and

(iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and

(iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.

(34) "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 may increase

emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification shall be construed as construction or installation or establishment of a new source.

(35) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to September 1, 1986.

(36) "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.

(37) "Notice of construction" means a written application to permit construction of a new source or modification of an existing source.

(38) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(39) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

(40) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(41) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(42) "Prevention of significant deterioration (PSD)" means the federal regulations set forth in 40 CFR Subpart 52.21 as promulgated prior to July 1, 1982, and as modified by WAC 173-403-080.

(43) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(44) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(45) "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 involvement per WAC 173-403-110.

(46) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction

and/or limits emissions and/or establishes other air pollution control requirements.

(47) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

| Pollutant                                  | Tons/Year | Pounds/Day | Pounds/Hour |
|--|-----------|------------|-------------|
| Carbon monoxide                            | 100       |            |             |
| Nitrogen oxides                            | 40        |            |             |
| Sulfur dioxide                             | 40        | 800        | 80          |
| Volatile organic compounds                 | 40        |            |             |
| Particulates                               | 25        | 500        | 50          |
| Lead                                       | .6        |            |             |
| Total reduced sulfur (as H <sub>2</sub> S) | 10        |            |             |
| Total fluoride                             | 3         |            |             |

(48) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(49) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

(50) "Source category" means all sources of the same type or classification.

(51) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(52) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(53) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

(54) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

(55) "Visibility impairment" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

(56) "Visibility impairment of a Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(57) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 millimeters of mercury at 20 degrees C, except the following excluded compounds: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane,

chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

[Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-030, filed 11/10/86; 85-06-047 (Order 84-49), § 173-403-030, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-030, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-030, filed 4/11/83. Formerly WAC 18-60-020.]

#### WAC 173-403-050 New source review (NSR). (1) Applicability.

(a) A notice of construction must be filed with the department or cognizant local authority prior to the construction, installation, or establishment of a new source, if the source is in a category that is required to submit to new source review per applicable regulation of the said authority.

(b) The department or cognizant local authority may require a notice of construction prior to the construction, installation, or establishment of any new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.

(2) **Additional information.** Within thirty days of receipt of a notice of construction, the department or cognizant local authority may require the submission of additional plans, specifications, and such other information as deemed necessary for the review of the proposed new or modified source.

(3) **Requirements for nonattainment areas.** If the proposed new source is located in an area that is not in attainment for any air contaminant that would be emitted by the source, or if the source is located in an area that is not in attainment for ozone and the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

(b) The new source will use best available control technology (BACT) for emissions control.

(c) If the new source is a major source or the proposed change is a major modification, it will comply with lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.

(d) If the source is a major source and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or volatile organic compounds, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is

the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act as a source of information for this analysis.

(e) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the source is a major source or the project is a major modification, the total new actual emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total actual emissions from existing sources, except that (i) the department or cognizant local authority may require that new total actual emissions be reduced to less than existing total actual emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing actual emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources.

(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act.

(4) **Requirements for attainment areas.** If the proposed new source is located in an area that is in attainment for all contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

(b) The project will use best available control technology (BACT) for emissions control.

(c) The allowable emissions from the proposed new facility will not delay the attainment date for an area not in attainment. This requirement will be considered to be met if the impact at any location within a nonattainment area does not exceed the following levels:

| Pollutant       | Annual Average        | 24-Hour Average     | 8-Hour Average        | 3-Hour Average       | 1-Hour Average       |
|-----------------|-----------------------|---------------------|-----------------------|----------------------|----------------------|
| CO              | —                     | —                   | 0.5 mg/m <sup>3</sup> | —                    | 2 mg/m <sup>3</sup>  |
| TSP             | 1.0 ug/m <sup>3</sup> | 5 ug/m <sup>3</sup> | —                     | —                    | —                    |
| SO <sub>2</sub> | 1.0 ug/m <sup>3</sup> | 5 ug/m <sup>3</sup> | —                     | 25 ug/m <sup>3</sup> | 30 ug/m <sup>3</sup> |

(d) The proposed new source will not cause a violation of any ambient air quality standard.

(e) An offsetting emissions reduction, that satisfies the requirements of WAC 173-403-050 (3)(e), may be used to satisfy the requirements of WAC 173-403-050 (4)(c) and (d) and (9) if required.

(5) **Preliminary determination.** Within thirty days after receipt of all information required, the department or cognizant local authority shall:

(a) Make preliminary determinations on the matters set forth in subsection (3), (4), or (9) of this section whichever is applicable; and

(b) Initiate compliance with the provisions of WAC 173-403-110 relating to public notice and public comment, as applicable.

(6) **Final determination.** If, after review of all information received including public comment, the department or cognizant local authority finds that all the conditions in subsection (3), (4), or (9) of this section are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(7) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner or operator shall be allowed to operate at the temporary location without filing a notice of construction, providing that the owner or operator notifies the department or cognizant local authority 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 or cognizant local authority to determine that the operation will comply with the emission standards for a new source, will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time, but in no case longer than one year, and the department or cognizant local authority may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(8) **Commencement of construction.** The owner or operator of the new source shall not commence construction until the applicable notice of construction has been approved.

(9) **Visibility requirements.** Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:

(a) When the land manager has officially designated visibility to be an important attribute, the owner or operator of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.

(b) The department shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include a copy of all information relevant to the application including the information developed for this section. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(c) All evaluations of visibility impairment required under this section shall use the models on file with the department or equivalent models approved by the department or EPA.

(d) The results of the evaluation shall be sent to the land manager of the affected areas for their review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to the department within thirty days of receipt of the evaluation results.

(e) Should the department concur with the recommendation of the land manager then the notice of construction shall be approved or disapproved according to the recommendation. The department may find the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(f) The department or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(g) The department may require visibility monitoring at the site of the new source or potentially affected areas as a part of the applicable regulatory order. The monitoring period may be before or after construction or both.

[Statutory Authority: RCW 70.94.331, 85-06-047 (Order 84-49), § 173-403-050, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060, 84-21-098 (Order 84-27), § 173-403-050, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-18-010 (Order DE 83-22), § 173-403-050, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-050, filed 4/11/83.]

**WAC 173-403-060 Bubble rules.** (1) Applicability. The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions units involved.

(2) Conditions. A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of the department or cognizant local authority.

(a) The contaminants exchanged must be of the same type, that is, particulates for particulates, sulfur dioxide for sulfur dioxide, etc.

(b) The bubble will not interfere with the attainment and maintenance of air quality standards.

(c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.

(d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous (NESHAPS) contaminants shall not be increased.

(e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.

(f) A bubble may not be authorized for opacity per se. If the emission limit for particulates for a given emissions unit is increased as part of a bubble, the opacity limit for the given emissions unit may be increased subject to the following limitations:

(i) The new opacity limit shall be specific for the given emissions unit;

(ii) The new opacity limit shall be consistent with the new particulates limit;

(iii) An opacity greater than sixty percent shall never be authorized;

(iv) If the given emissions unit is a major emissions unit, the opacity shall be monitored continuously.

(g) The emission limits of the bubble are equivalent to existing limits in enforceability.

(h) Concurrently with or prior to the authorization of a bubble, each affected source shall receive (have received) a regulatory order that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time. The new total allowable emissions shall be considered RACT.

(i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.

(j) Specific situations may require additional demonstration as requested by the department or cognizant local authority.

(3) Jurisdiction. Whenever a bubble application involves emissions units, some of which and under the jurisdiction of the department and some of which are under the jurisdiction of a local authority, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the authority of original jurisdiction.

(4) Additional information. Within thirty days, after the receipt of a bubble application and all supporting data and documentation, the department or cognizant local authority may require the submission of additional information needed to review the application.

(5) Approval. Within thirty days after all the required information has been received, the department or cognizant local authority shall approve or deny the application, based on a finding that conditions in subsection

(2)(a) through (j) of this section have been satisfied or not. If the application is approved, a regulatory order or equivalent document shall be issued which includes new allowable emissions expressed in weight of pollutant per unit time for each emissions unit involved in the application. The order or equivalent document must include all requirements necessary to assure that conditions in subsection (2)(a) through (j) of this section will be satisfied. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit the operation of the affected equipment.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-060, filed 8/26/83.]

**WAC 173-403-070 Issuance of emission reduction credits.** (1) Applicability. The owner or operator of any source may apply to the department or cognizant local authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.

(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished, except that within one hundred eighty days after the adoption of this regulation, an ERC application may be made for an emission reduction which took place between April 1, 1980, and the date of adoption of this regulation.

(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of the department or cognizant local authority.

(a) The quantity of emissions in the ERC shall be less than the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown or equipment, specified control practices, etc.

(c) The ERC must be large enough so as to be readily quantifiable in relation to the source strength of the emissions unit(s) involved, but in no case shall the ERC be for less than one ton per year.

(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under WAC 173-403-050 (3)(e), nor as part of a bubble transaction under WAC 173-403-060, nor to satisfy NSPS, BACT, or LAER.

(e) Concurrently with or prior to the authorization of an ERC, the applicant shall receive (have received) a regulatory order that establishes total allowable emissions from the source of the contaminant for which the ERC is requested, expressed as weight of contaminant

per unit time. The new allowable emissions shall be considered RACT.

(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, the department or cognizant local authority may require the submission of additional information needed to review the application.

(5) Approval. Within thirty days after all the required information has been received, the department or cognizant local authority shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (e) of this section have been satisfied or not. If the application is approved, the department or cognizant local authority shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the proposed new allowable emission rate(s) claimed in the ERC application, expressed as weight of pollutant per unit time. The regulatory order or equivalent document must include all requirements that are necessary to provide such assurance. If the ERC depends in whole or in part upon the shutdown or equipment, the regulatory order or equivalent document must prohibit the startup of the affected equipment; and,

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the nonattainment area involved, if applicable, and the person to whom the certificate is issued.

[Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-070, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70-94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-070, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-070, filed 8/26/83.]

**WAC 173-403-075 Use of emission reduction credits.** (1) Permissible use. An ERC may be used to satisfy the requirements for authorization of a bubble under WAC 173-403-060, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per WAC 173-403-050 (3)(e), to satisfy requirements for PSD review per WAC 173-403-050 (4)(c), or to satisfy requirements for visibility review per WAC 173-403-050 (4)(e).

(2) Surrender of ERC certificate. When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the issuing authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) Conditions of use. An ERC may be used only for the contaminant(s) for which it was issued. The department or cognizant local authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.

(4) Sale of an ERC. An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after

the transfer of ownership, the certificate must be surrendered to the issuing authority. After receiving the certificate, the issuing authority shall reissue the certificate to the new owner.

(5) Time of use. An unused ERC and any unused portion thereof shall expire ten years after date of original issue.

(6) Discount due to change in SIP. If reductions in emissions beyond those identified in the state implementation plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by the department or cognizant local authority after public involvement per WAC 173-403-110. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-075, filed 8/26/83.]

**WAC 173-403-080 Prevention of significant deterioration (PSD).** Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, 1981, are herein incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l)(2), air quality models, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In all other cases, the word "administrator" shall be construed to mean the director of the department.

(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs at the same time or within one year prior to the change, or if a decrease has been documented by an emission reduction credit."

(3) Public participation. Subpart 40 CFR 51.24(q) public participation, as in effect July 1, 1981, is hereby incorporated by reference, with the following modifications:

(a) In 40 CFR 51.24 (q)(2)(iv), the word "administrator" shall be construed in its original meaning.

(b) In 40 CFR 51.24 (q)(l), the phrase "specified time period" shall mean thirty days.

(4) List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, 1983:

Mount Rainier National Park  
North Cascade National Park  
Olympic National Park  
Alpine Lakes Wilderness Area  
Glacier Peak Wilderness Area  
Goat Rocks Wilderness Area  
Mount Adams Wilderness Area  
Pasayten Wilderness Area.

[Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-080, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-080, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-080, filed 8/26/83.]

**WAC 173-403-090 Retrofit requirements for visibility protection.** (1) Determination of best available retrofit technology (BART). The department shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.

(2) Initially defined BART. The owner or operator of any source to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.

(3) Future definitions of BART. The owner or operator of any source to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:

(a) The source emits more than 250 tons per year of the contaminant; and,

(b) The controls representing BART have not previously been required in this section.

(4) Appeal. Any source subject to the requirements under this section to install, operate, and maintain BART, may apply to the department for an exception from that requirement pursuant to 40 CFR 51.303.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-090, filed 8/26/83.]

**WAC 173-403-100 Compliance schedules.** (1) **Issuance.** Whenever a source is found to be in violation of an emission standard or other provision of this chapter, the department or cognizant local authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement pursuant to WAC 173-403-110 must be met.

(2) **Federal action.** A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(3) **Delayed compliance penalties.** Sources on a compliance schedule but not meeting emissions standards

may be subject to delayed compliance penalties as provided in the Federal Clean Air Act.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-100, filed 4/11/83.]

**WAC 173-403-110 Public involvement.** (1) **Applicability.** Public notice shall be provided prior to the approval or denial of any of the following types of applications or other actions:

(a) Notice of construction for any new or modified source or emissions unit, the approval of which would result in a net significant emissions increase for any pollutant regulated by state or federal law; or

(b) Any application or other proposed action for which a public hearing is required by EPA prevention of significant deterioration rules; or

(c) Any order to determine reasonably available control technology; or

(d) An order to establish a compliance schedule or a variance; or

(e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or

(f) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) An order to authorize a bubble; or

(h) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of the department or cognizant local authority.

(2) **Public notice.** Public notice shall be made only after all information required by the department or cognizant local authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to the department or cognizant local authority;

(iv) Advising that a public hearing may be held if the department or cognizant local authority determine within a thirty-day period that there is a significant public interest.

(3) **Public comment.** No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have

been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public hearings.** The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The department or cognizant local authority may, in its discretion, hold a public hearing if it determines there is a significant public interest. Any such hearing shall be held upon such notice and at such time and place as the department or cognizant local authority deems reasonable.

(5) **Other requirements of law.** Whenever other procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment served by this section, such procedures may be used in lieu of the provisions of this section.

(6) **Public information.** Copies of notices of construction, orders, and modifications thereof, not declared confidential by the applicant, which are issued hereunder shall be available for public inspection on request at the department or cognizant local authority.

[Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-110, filed 11/10/86. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-110, filed 8/26/83. 83-09-013 (Order DE 83-12), § 173-403-110, filed 4/11/83.]

**WAC 173-403-120 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) **Jurisdiction.** Sources in any area over which a local air pollution control authority has jurisdiction shall make application to the said authority rather than the department. The department or local authority may grant such variance, but only after public involvement per WAC 173-403-110.

(2) **Full faith and credit.** Variances granted by a local authority for sources under their jurisdiction will be accepted as variances to this regulation.

(3) **EPA concurrence.** 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: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-120, filed 4/11/83.]

**WAC 173-403-130 Requirements for nonattainment areas.** The development of specific requirements for nonattainment areas shall include consultation with local



government in the area and shall include public involvement per WAC 173-403-110.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-130, filed 4/11/83.]

**WAC 173-403-141 Creditable stack height and dispersion techniques.** (1) Applicability. These provisions shall apply to all stationary sources except:

(a) Stacks for which construction had commenced or dispersion techniques which were implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or such dispersion techniques are used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

(b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;

(c) Flares;

(d) Open burning for agricultural or silvicultural purposes as covered under the smoke management plan;

(e) Residential wood combustion and open burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual height of a stack nor to prohibit the use of dispersion techniques.

(2) Prohibitions. No source may employ any of the following dispersion techniques or excess stack height, as explained below, to meet ambient air quality standards or PSD increment limitations.

(a) Excess stack height. Excess stack height is that portion of a stack which exceeds the greater of:

(i) Sixty-five meters, measured from the ground level elevation at the base of the stack; or

(ii)  $H_g = H + 1.5L$

where:  $H_g$  = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structure(s), subject to the proviso below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

Proviso: EPA, the state, or local control agency may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the EPA Guideline for Determination of Good Engineering Practice Height (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that the emissions from a stack do not

result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

"Nearby," as used in this proviso for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

"Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to the prevention of significant deterioration (PSD) program (WAC 173-403-080 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the state implementation plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(b) Manipulation to increase plume rise. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner or operator.

(B) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the description of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation.

(C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

[Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-141, filed 11/10/86.]

**WAC 173-403-145 Adjustment for atmospheric conditions.** Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations.

[Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-145, filed 11/10/86.]

**WAC 173-403-150 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 Federal 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 system(s).

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-150, filed 4/11/83.]

**WAC 173-403-160 Requirements for boards and director.** (1) **Public interest.** 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 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 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) **Disclosure.** 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) **Define significant income.** 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: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-160, filed 4/11/83.]

**WAC 173-403-170 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 one thousand 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 designee of the director or authorized person in the cognizant local authority describing the violation with reasonable particularity. Further, the person is subject to a fine of up to five thousand dollars to be levied by the director if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. The maximum daily fine imposed for violation of standards by a specific emissions unit is five thousand dollars. Upon written application submitted to the department within fifteen days after notice has been received the director may remit or mitigate the penalty upon such terms as the director deems proper and when deemed in the best interest to carry out the purpose of this chapter. The mitigation shall not affect or reduce the penalty imposed by the local board. Notwithstanding any other provisions of this subsection, the maximum daily fine that may be imposed upon any emissions unit for violation of any opacity standard is four hundred dollars.

(3) **Assurance of discontinuance.** The director or authorized person in the cognizant local authority 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 forecast is declared.

(6) **Compliance orders.** The department may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

[Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-170, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-170, filed 4/11/83.]

**WAC 173-403-180 Criminal penalties.** Persons in violation of this chapter may be subject to the provisions of RCW 70.94.430.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-180, filed 4/11/83.]

**WAC 173-403-190 Appeals.** Decisions and orders of the department or a cognizant local authority may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-190, filed 4/11/83.]

### Chapter 173-405 WAC KRAFT PULPING MILLS

#### WAC

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

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|-------------|---|
| 173-405-011 | Statement of policy and purpose. [Order DE 76-35, § 173-405-011, filed 12/28/76. Formerly WAC 18-36-011.] Repealed by 80-11-060 (Order DE 80-15), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.                          |
| 173-405-031 | Specific emission standards. [Order DE 76-35, § 173-405-031, filed 12/28/76. Formerly WAC 18-36-031.] Repealed by 80-11-060 (Order DE 80-15), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.                              |
| 173-405-036 | General emission standards and nuisance control measures. [Order DE 76-35, § 173-405-036, filed 12/28/76. Formerly WAC 18-36-036.] Repealed by 80-11-060 (Order DE 80-15), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395. |
| 173-405-071 | Monitoring and reporting. [Order DE 76-35, § 173-405-071, filed 12/28/76. Formerly WAC 18-36-071.] Repealed by 80-11-060 (Order DE 80-15), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.                                 |

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|-------------|--|
| 173-405-076 | Report of startup, shutdown, breakdown or upset condition. [Order DE 76-35, § 173-405-076, filed 12/28/76. Formerly WAC 18-36-076.] Repealed by 80-04-049 (Order DE 80-7), filed 3/21/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331.  |
| 173-405-081 | Notice of construction. [Order DE 76-35, § 173-405-081, filed 12/28/76. Formerly WAC 18-36-081.] Repealed by 80-04-049 (Order DE 80-7), filed 3/21/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331.   |
| 173-405-090 | Operating permit. [Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-060 (Order DE 80-15), § 173-405-090, filed 8/20/80.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.   |
| 173-405-101 | Exemption. [Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-060 (Order DE 80-15), § 173-405-101, filed 8/20/80; Order DE 76-35, § 173-405-101, filed 12/28/76. Formerly WAC 18-36-101.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW. |

**WAC 173-405-012 Statement of purpose.** These rules are enacted under the provisions of the Washington Clean Air Act (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from kraft pulping mills in order to provide for the systematic reduction and control of air pollution in the kraft pulping industry; and

(2) Establish standards deemed to be technically feasible and reasonably attainable and revise such standards as new information and better technology are developed and become available.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-060 (Order DE 80-15), § 173-405-012, filed 8/20/80.]

**WAC 173-405-021 Definitions.** Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to kraft pulping mills as defined below.

(1) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers. For the purposes of this regulation "kraft mill" is equivalent to "source."

(2) "New source" means a source which commences construction after September 24, 1976. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

(3) "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

(4) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

(5) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

[Statutory Authority: RCW 70.94.331, 85-06-048 (Order 84-50), § 173-405-021, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-036 (Order DE 83-13), § 173-405-021, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395, 80-11-060 (Order DE 80-15), § 173-405-021, filed 8/20/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331, 80-04-049 (Order DE 80-7), § 173-405-021, filed 3/21/80; Order DE 76-35, § 173-405-021, filed 12/28/76. Formerly WAC 18-36-021.]

**WAC 173-405-033 Standards of performance.** For kraft mills which commenced construction after September 24, 1976, Title 40, Code of Federal Regulations Part 60, subparts A, and BB and appendix A, B, C and D as promulgated prior to December 1, 1982, 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 of ecology.

[Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-036 (Order DE 83-13), § 173-405-033, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395, 80-11-060 (Order DE 80-15), § 173-405-033, filed 8/20/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331, 80-04-049 (Order DE 80-7), § 173-405-033, filed 3/21/80.]

**WAC 173-405-035 Emission standards for sources emitting hazardous air pollutants.** (1) The national emissions standards for hazardous air pollutants (NESHAPS) 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. Source testing, monitoring, and analytical methods for sources of the above-named contaminants shall conform with the requirements of NESHAPS.

(3) 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: Chapters 43.21A and 70.94 RCW, 83-18-010 (Order DE 83-22), § 173-405-035, filed 8/26/83.]

**WAC 173-405-040 Emission standards.** No kraft pulp mill shall cause or permit air contaminant emissions in excess of the limits described in this section, as modified by chapter 173-403 WAC if applicable. Further, all kraft pulp mills are required to use reasonably available control technology which may be determined

for some mills 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 shall, on a case-by-case basis, define RACT for each source and issue a regulatory order to the mill 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.

(1) Recovery furnaces.

(a) The particulate emissions from each recovery furnace stack shall not exceed 0.23 grams of particulate per dry cubic meter at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen.

(b) The TRS emissions from each recovery furnace stack constructed before January 1, 1970, and for recovery furnaces that have direct contact evaporators, shall not exceed 17.5 ppm corrected to eight percent oxygen for a daily average.

(c) The TRS emissions from each recovery furnace constructed after January 1, 1970, which does not have a contact evaporator, shall not exceed 5.0 ppm corrected to eight percent oxygen for a daily average.

(2) Smelt dissolver tank vent. The particulate emissions from smelt dissolver tank vents shall not exceed 0.15 grams per kilogram (0.30 pounds per ton) of solids fired at the associated recovery furnace.

(3) Lime kilns.

(a) The particulate emission from each lime kiln stack shall not exceed 0.30 grams of particulate per dry cubic meter (0.13 grains/dscf) at standard conditions corrected to ten percent oxygen.

(b) The TRS emissions from any lime kiln stack shall not exceed eighty ppm expressed as hydrogen sulfide for more than two consecutive hours in any one day.

(c) The average daily emission of TRS from any lime kiln stack shall not exceed fifty ppm. After January 1, 1985, TRS emissions from each lime kiln stack shall not exceed twenty ppm corrected to ten percent oxygen for a daily average.

(4) Other TRS emissions units. Noncondensibles from digesters, multiple-effect evaporators and condensate stripper system shall at all times be treated to reduce the emissions of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. After January 1, 1982, a backup treatment system or equivalent approved by the department must be installed to assure continual treatment.

(5) Other particulate emissions units. The emission of particulates from emissions units other than kraft recovery furnaces, lime kilns, or smelt dissolving tank vents, shall not exceed the following maximums:

(a) 0.46 grams per dry cubic meter at standard conditions (0.2 grains/dscf) corrected to seven percent oxygen, for units which combust wood to produce steam and which commenced construction prior to January 1, 1983.

(b) 0.12 grams per dry cubic meter at standard conditions (0.05 grains/dscf) corrected to seven percent oxygen, for units which combust fuel other than wood to

produce steam, and which commenced construction after January 1, 1983.

(c) 0.23 grams per dry cubic meter at standard conditions (0.1 grains/dscf) corrected to seven percent oxygen in the case of combustion units, for units not classified under (a) or (b) of this subsection.

(6) Fugitive emissions. Each kraft mill shall take reasonable precautions to prevent fugitive emissions.

(7) Masking. No kraft mill shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fallout. No kraft mill shall cause or permit the emission of particulate matter from any emissions unit which becomes deposited beyond the property under direct control of the owner or operator of the kraft mill in such quantities or of such character or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or will interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(9) Other contaminants. No kraft mill shall cause or permit the emission of an air contaminant or water droplets including an air contaminant whose emission is not otherwise prohibited by this chapter, in such quantities or of such characteristics or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with use or enjoyment of property.

(10) No person shall cause or allow the emission of a plume from any kraft recovery furnace, smelt dissolver tank, or lime kiln, which has an average opacity greater than thirty-five percent for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-405-040(11).

No person shall cause or allow the emission of a plume, from any emissions unit other than a kraft recovery furnace, smelt dissolver tank, or lime kiln, which has an average opacity greater than twenty percent for more than six consecutive minutes in any sixty minute period, except that these provisions do not apply when the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit soot blowing and grate cleaning necessary to the operation of the boiler facility. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the department be advised of the schedule.

There shall be no more than one violation notice issued in any sixty minute period.

These provisions shall not apply when the presence of uncombined water is the only reason for the opacity of the plume to exceed the applicable maximum.

(11) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific kraft recovery furnace or lime kiln, providing:

(a) Compliance with all other applicable emission limits can be demonstrated; and

(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.

(12) Any person electing to apply for exceptions per the provisions of WAC 173-405-040(11) shall submit a program acceptable to the department of ecology. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.

(13) The opacity provisions of this chapter shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-405-040(11). After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established.

(14) Odors. No kraft pulping mill shall cause or permit the emission of odors in such quantities or of such duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with the use or enjoyment of property.

(15) Operation and maintenance. At all times, including periods of abnormal operation and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(16) SO<sub>2</sub>.

(a) The emission of sulfur dioxide from any recovery furnace or lime kiln shall not exceed five hundred ppm for an hourly average, corrected to eight percent oxygen for a recovery furnace or to ten percent oxygen for a lime kiln.

(b) The emission of sulfur dioxide from any emissions unit other than a recovery furnace or lime kiln shall not exceed one thousand ppm for an hourly average, corrected to seven percent oxygen for combustion units.

(17) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of any emissions unit using procedures contained in *Source Test Manual - Procedures for Compliance Testing*, state of Washington, department of ecology, on file at 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 an emissions unit. The department shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-405-040, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-060 (Order DE 80-15), § 173-405-040, filed 8/20/80.]

**WAC 173-405-041 Emission requirements of prior jurisdictions.** Any emissions unit that was under the jurisdiction of a cognizant local authority and now is under the jurisdiction of the department; or regulated by chapter 173-400 WAC and now is contained in this chapter shall meet all emission requirements that were applicable prior to transfer of jurisdiction.

[Statutory Authority: RCW 70.94.331, 85-06-048 (Order 84-50), § 173-405-041, filed 3/6/85.]

**WAC 173-405-061 More restrictive emission standards.** The department may establish more restrictive emission standards for new mills or for mills expanding existing facilities pursuant to WAC 173-403-050.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-405-061, filed 4/15/83; Order DE 76-35, § 173-405-061, filed 12/28/76. Formerly WAC 18-36-061.]

**WAC 173-405-072 Monitoring requirements.** Each kraft mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by the department. Results of the monitoring shall be reported within thirty days of the end of each calendar month and shall include data as follows:

(1) Particulate. The results of particulate measurements made on each source during the month.

(2) TRS.

(a) The average TRS concentration expressed in units of the standard for each recovery furnace and lime kiln stack.

(b) The date, time and concentration of TRS for each TRS emissions violation and the total numbers of hours that exceed the standard.

(3) Opacity or other continuous monitor.

(a) The date and time of opacity in excess of the standard.

(b) If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required by a regulatory order as an alternate. If an alternate is approved, the date and time of each occurrence in excess of the regulatory order must be reported.

(4) Production. The average daily production of air-dried unbleached pulp.

(5) Other data. Each kraft mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emissions or emission control program.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-060 (Order DE 80-15), § 173-405-072, filed 8/20/80.]

**WAC 173-405-077 Report of startup, shutdown, breakdown or upset conditions.** If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.

(2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.

Upon request of the department or its delegated authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the change of recurrence.

Compliance with the requirements of WAC 173-405-077, does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-405 WAC nor from the resulting liabilities for failure to comply.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-405-077, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-060 (Order DE 80-15), § 173-405-077, filed 8/20/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331. 80-04-049 (Order DE 80-7), § 173-405-077, filed 3/21/80.]

**WAC 173-405-078 Emission inventory.** The owner or operator of any kraft pulp mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than one hundred 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 twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-405-078, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-060 (Order DE 80-15), § 173-405-078, filed 8/20/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331. 80-04-049 (Order DE 80-7), § 173-405-078, filed 3/21/80.]

**WAC 173-405-086 New source review.** Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. The owner or operator of any source shall notify the department prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-405-086, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-060 (Order DE 80-15), § 173-405-086, filed 8/20/80. Statutory Authority: RCW 43.21A.080,

70.94.011, 70.94.152, and 70.94.331. 80-04-049 (Order DE 80-7), § 173-405-086, filed 3/21/80.]

**WAC 173-405-091 Special studies.** The department may require such additional special studies relevant to process emissions and establish completion dates as it determines necessary.

[Order DE 76-35, § 173-405-091, filed 12/28/76. Formerly WAC 18-36-091.]

### Chapter 173-410 WAC SULFITE PULPING MILLS

#### WAC

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

|             |   |
|-------------|---|
| 173-410-011 | Statement of policy and purpose. [Order DE 76-36, § 173-410-011, filed 12/28/76. Formerly WAC 18-38-011.] Repealed by 80-11-061 (Order DE 80-16), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.  |
| 173-410-031 | Specific emission standards. [Order DE 76-36, § 173-410-031, filed 12/28/76. Formerly WAC 18-38-031.] Repealed by 80-11-061 (Order DE 80-16), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.  |
| 173-410-036 | General emission standards and nuisance control measures. [Order DE 76-36, § 173-410-036, filed 12/28/76. Formerly WAC 18-38-036.] Repealed by 80-11-061 (Order DE 80-16), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.                         |
| 173-410-041 | More restrictive emission standards. [Order DE 76-36, § 173-410-041, filed 12/28/76. Formerly WAC 18-38-041.] Repealed by 80-11-061 (Order DE 80-16), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.  |
| 173-410-051 | Compliance. [Order DE 76-36, § 173-410-051, filed 12/28/76. Formerly WAC 18-38-051.] Repealed by 80-11-061 (Order DE 80-16), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.   |
| 173-410-061 | Monitoring and reporting. [Order DE 76-36, § 173-410-061, filed 12/28/76. Formerly WAC 18-38-061.] Repealed by 80-11-061 (Order DE 80-16), filed 8/20/80. Statutory Authority: RCW 70.94.331 and 70.94.395.   |
| 173-410-066 | Report of startup, shutdown, breakdown or upset condition. [Order DE 76-36, § 173-410-066, filed 12/28/76. Formerly WAC 18-38-066.] Repealed by 80-04-050 (Order DE 80-8), filed 3/21/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331. |
| 173-410-081 | Notice of construction. [Order DE 76-36, § 173-410-081, filed 12/28/76. Formerly WAC 18-38-091.] Repealed by 80-04-050 (Order DE 80-8), filed 3/21/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331.                                    |
| 173-410-090 | Operating permit. [Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-061 (Order DE 80-16), § 173-410-090, filed 8/20/80.] Repealed by 83-09-  |

036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.

173-410-091 Exemptions. [Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-061 (Order DE 80-16), § 173-410-091, filed 8/20/80; Order DE 76-36, § 173-410-091, filed 12/28/76. Formerly WAC 18-38-081.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.

**WAC 173-410-012 Statement of purpose.** These rules are enacted under the provisions of the Washington Clean Air Act (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from sulfite pulping mills in order to provide for the systematic reduction and control of air pollution in the sulfite pulping industry; and

(2) Establish standards deemed to be technically feasible and reasonably attainable and revise such standards as new information and better technology are developed and become available.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-061 (Order DE 80-16), § 173-410-012, filed 8/20/80.]

**WAC 173-410-021 Definitions.** Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to sulfite pulping mills as defined below.

(1) "Acid plant" means the facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

(2) "Average daily emission" means total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

(3) "Average daily production" means air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(4) "Blow system" includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(5) "New source" means a source which commences construction after January 1972. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

(6) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.

(7) "Sulfite pulping mill" means any manufacturing facility which uses a cooking liquor consisting of sulfuric acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining

or delignification to produce pulp, pulp products or cellulose from wood fibers. For the purposes of this regulation "sulfite pulping mill" is equivalent to "source."

(8) "Total reduced sulfur (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present, expressed as hydrogen sulfide.

[Statutory Authority: RCW 70.94.331, 85-06-048 (Order 84-50), § 173-410-021, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW, 83-09-036 (Order DE 83-13), § 173-410-021, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395, 80-11-061 (Order DE 80-16), § 173-410-021, filed 8/20/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331, 80-04-050 (Order DE 80-8), § 173-410-021, filed 3/21/80; Order DE 76-36, § 173-410-021, filed 12/28/76. Formerly WAC 18-38-021.]

**WAC 173-410-035 Emission standards for sources emitting hazardous air pollutants.** (1) The national emissions standards for hazardous air pollutants (NESHAPS) 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. Source testing, monitoring, and analytical methods for sources of the above-named contaminants shall conform with the requirements of NESHAPS.

(3) 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: Chapters 43.21A and 70.94 RCW, 83-18-010 (Order DE 83-22), § 173-410-035, filed 8/26/83.]

**WAC 173-410-040 Emission standards.** No sulfite pulping mill shall cause or permit emissions in excess of the limits listed below. All sulfite pulping mills are required to meet the emission standards of this chapter, as modified by chapter 173-403 WAC if applicable. 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 limits of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the operator of the source defining RACT. The order will contain a schedule for installation, with intermediate benchmark dates, and a final completion date and shall constitute a compliance schedule.

(1) Sulfur dioxide.

(a) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill which practices incineration of the spent sulfite liquor, shall not exceed ten grams of sulfur dioxide per kilogram (twenty pounds per ton) of air dried, unbleached pulp produced.

(b) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill that does not incinerate the spent sulfite liquor, shall not exceed two grams of sulfur dioxide per kilogram (four pounds per ton) of air dried, unbleached pulp produced.

(c) The blow system emissions shall not exceed 0.1 grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram (0.2 pounds per ton) of air dried, unbleached pulp discharged from the digester.

(d) Emissions from the recovery system and acid plant shall not exceed 800 ppm of sulfur dioxide for any hourly average.

(e) Emissions from recovery systems constructed after January 24, 1972, shall not exceed 300 ppm of sulfur dioxide for any hourly average.

(f) Emissions from any emissions unit, other than a recovery system, a blow system or an acid plant, shall not exceed 1000 ppm of sulfur dioxide, corrected to seven percent oxygen in the case of combustion unit, for any hourly average.

(2) Particulate.

(a) Emissions of particulate from recovery systems constructed before January 24, 1972, shall not exceed 0.23 grams per dry cubic meter of exhaust at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen.

(b) Emissions of particulate matter from recovery systems constructed after January 24, 1972, shall not exceed 0.14 grams per dry cubic meter of exhaust at standard conditions (0.06 grains/dscf) corrected to eight percent oxygen.

(c) The emission of particulates from emissions units other than acid plants or recovery systems shall not exceed the following maximums:

(i) 0.46 grams per dry cubic meter at standard conditions (0.2 grains/dscf) corrected to seven percent oxygen, for units which combust wood to produce steam and which commenced construction prior to January 1, 1983.

(ii) 0.12 grams per dry cubic meter at standard conditions (0.05 grains/dscf) corrected to seven percent oxygen, for units which combust fuel other than wood to produce steam, and which commenced construction after January 1, 1983.

(iii) 0.23 grams per dry cubic meter at standard conditions (0.1 grains/dscf) corrected to seven percent oxygen in the case of combustion units, for units not classified under subsections (i) or (ii) of this section.

(3) Each sulfite mill shall take reasonable precautions to prevent fugitive emissions from becoming airborne and if located in a nonattainment area shall be required to use reasonably available control technology (RACT) to control fugitive emissions of nonattainment contaminants.

(4) Masking. No sulfite mill shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(5) Fallout. No sulfite mill shall cause or permit the emission of particulate matter to be deposited beyond



the property under direct control of the owner or operator of the sulfite mill in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

(6) Other contaminants. No sulfite mill shall cause or permit the emission of an air contaminant or water droplets, including an air contaminant whose emission is not otherwise prohibited by this chapter, in such quantities or of such characteristics or 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 or property.

(7) Opacity. No person shall cause or allow the emission of a plume from a recovery system or acid plant which has an average opacity greater than thirty-five percent, for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-410-040(9).

No person shall cause or allow the emissions of a plume, from any emissions unit other than a recovery system or an acid plant, which has an average opacity greater than twenty percent for more than six consecutive minutes in any sixty-minute period, except that these provisions do not apply when the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit soot blowing and grate cleaning necessary to the operation of the boiler facility. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the department be advised of the schedule. There shall be no more than one violation for any sixty-minute period.

(8) The provisions of WAC 173-410-040(7) shall not apply when the presence of uncombined water is the only reason for the opacity of the plume to exceed the applicable maximum.

(9) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific recovery system or acid plant providing:

(a) Compliance with all other applicable emission limits can be demonstrated; and

(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.

(10) Any person electing to apply for exceptions per the provisions of WAC 173-410-040(9) shall submit a program acceptable to the department. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.

(11) The opacity provisions of this chapter shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-410-040(9).

After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established.

(12) Odors. No sulfite pulping mill shall cause or permit the emission of odors in such quantities or of such characteristics or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

(13) Operation and maintenance. At all times, including periods of abnormal operations and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(14) No recovery system shall emit total reduced sulfur (TRS) gases in excess of 17.5 ppm for a daily average.

(15) More restrictive limits. Notwithstanding the specific emission limits set forth in this chapter, the department may, after notice and hearing, establish more restrictive emission limits if the department has reason to believe that the emission from the source is a cause of public nuisance or a cause of violation of ambient air quality standards. The source shall, within ninety days from notification of such occurrence, achieve operation that will prevent further recurrence of the nuisance or violation.

(16) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the source using procedures contained in *Source Test Manual - Procedures for Compliance Testing*, state of Washington, department of ecology, on file at 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.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-410-040, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-061 (Order DE 80-16), § 173-410-040, filed 8/20/80.]

**WAC 173-410-042 Emission requirements of prior jurisdictions.** Any emissions unit that was under the jurisdiction of a cognizant local authority and now is under the jurisdiction of the department; or regulated by chapter 173-400 WAC and now is contained in this chapter shall meet all emission requirements that were applicable prior to transfer of jurisdiction.

[Statutory Authority: RCW 70.94.331. 85-06-048 (Order 84-50), § 173-410-042, filed 3/6/85.]

**WAC 173-410-062 Monitoring requirements.** (1) Each mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by the department. Results of monitoring shall be reported within thirty days of the end of each calendar month and shall include data as follows:

(a) For the recovery system and acid plant:

(i) The average daily emissions of sulfur dioxide expressed as grams SO<sub>2</sub> per kilogram of air dried, unbleached pulp produced and the kilograms of SO<sub>2</sub> per day.

(ii) Daily average concentration of sulfur dioxide.

(iii) The date, time and concentration for each sulfur dioxide emission violation and the total number of hours that exceed the standard.

(iv) The results of particulate tests conducted during the month.

(b) For the blow system, the grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram of air dried, unbleached pulp discharged from the digester.

(c) The average daily production of air dried, unbleached pulp.

(2) Each mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emission control program.

(3) All measurements shall be made in accordance with techniques approved by the department.

(4) Each mill shall be required to establish a program approved by the department for continuous opacity monitoring to demonstrate compliance with WAC 173-410-040(7) and to report the results to the department in a format and on a schedule set by regulatory order. If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required as an alternate until continuous opacity monitoring equipment is available.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-061 (Order DE 80-16), § 173-410-062, filed 8/20/80.]

**WAC 173-410-067 Report of startup, shutdown, breakdown or upset conditions.** If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.

(2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.

Upon request of the department or its delegated authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-410-067, does not relieve the owner or operator of the source

from the responsibility to maintain continuous compliance with all the requirements of chapter 173-410 WAC nor from the resulting liabilities for failure to comply.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-410-067, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-061 (Order DE 80-16), § 173-410-067, filed 8/20/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331. 80-04-050 (Order DE 80-8), § 173-410-067, filed 3/21/80.]

**WAC 173-410-071 Emission inventory.** The owner or operator of any sulfite pulping mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, and other contaminants, and shall be submitted when required no later than one hundred 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 twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-410-071, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-061 (Order DE 80-16), § 173-410-071, filed 8/20/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331. 80-04-050 (Order DE 80-8), § 173-410-071, filed 3/21/80.]

**WAC 173-410-086 New source review.** Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. The owner or operator of any source shall notify the department prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-410-086, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-061 (Order DE 80-16), § 173-410-086, filed 8/20/80. Statutory Authority: RCW 43.21A.080, 70.94.011, 70.94.152, and 70.94.331. 80-04-050 (Order DE 80-8), § 173-410-086, filed 3/21/80.]

## Chapter 173-415 WAC PRIMARY ALUMINUM PLANTS

### WAC

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

173-415-090 Operating permit. [Statutory Authority: RCW 70.94-.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-090, filed 8/14/80.] Repealed by 83-09-036 (Order DE 83-13), filed 4/15/83. Statutory Authority: Chapters 43.21A and 70.94 RCW.

**WAC 173-415-010 Statement of purpose.** These rules are enacted under the provisions of the 1969 amendments to the Washington Clean Air Act (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from primary aluminum reduction plants in order to provide for the systematic reduction and control of air pollution in the primary aluminum reduction industry; and

(2) Establish standards deemed to be technically feasible and reasonably attainable and revise such standards as new information and better technology are developed and become available.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-010, filed 8/14/80. Formerly WAC 18-52-010.]

**WAC 173-415-020 Definitions.** Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings; general terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to primary aluminum mills as defined below.

(1) "Fluorides" means compounds of the element fluorine.

(2) "Forage" means grasses, pasture and other vegetation that is normally consumed or is intended to be consumed by livestock.

(3) "New source" means a source which commences construction after June 17, 1970. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emissions standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification (as defined in WAC 173-403-030) shall be construed as construction or installation or establishment of a new source.

(4) "Primary aluminum plant" means a plant which produces aluminum metal from aluminum oxide (alumina). For the purposes of this regulation "primary aluminum plant" is equivalent to "source."

(5) "Potline primary emission control system" means the equipment and procedures designed to collect and remove contaminants from the exhaust gases which are captured at the pot.

[Statutory Authority: RCW 70.94.331. 85-06-048 (Order 84-50), § 173-415-020, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-415-020, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-020, filed 8/14/80. Formerly WAC 18-52-021.]

**WAC 173-415-030 Emission standards.** (1) All primary aluminum plants are required to meet the emission

standards of this chapter, as modified by chapter 173-403 WAC if applicable. Further, all primary aluminum plants are required to use reasonably available control technology which may be determined for some primary aluminum plants 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 shall, on a case-by-case basis, define RACT for each plant and issue a regulatory order to the primary aluminum plant 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.

(2) Fluoride.

(a) The emission of gaseous fluorides and particulate fluorides for all emissions units within a primary aluminum plant shall be restricted so that the ambient air and forage standards for fluorides established by chapter 18-48 WAC are not exceeded outside the property controlled by the aluminum plant owner or operator.

(b) By January 1, 1984, the potline primary emission control system for each potline shall be designed so that the control of fluoride emissions will be equivalent to a total fluoride collection efficiency of eighty percent for vertical stud soderberg and side worked prebake pots, eighty-five percent for horizontal stud soderberg pots, and ninety-five percent for center worked prebake pots and a primary emission control system with a design removal efficiency of at least ninety-five percent. A potline near the end of its useful life and scheduled for replacement or shutdown in a reasonable time period may not be required to retrofit provided ambient fluoride standards are being met.

(3) Particulate. The total emission of particulate matter to the atmosphere from the reduction process (potlines) shall be reduced to the lowest level consistent with RACT for primary aluminum plants, but in no case shall the emission of solid particulate exceed 7.5 grams per kilogram (fifteen pounds per ton) of aluminum produced on a daily basis. Compliance shall be determined by measurement methods contained in the *Source Test Manual - Procedures for Compliance Testing* on file with the department of ecology.

(4) Visible emissions. Visible emissions from any emissions unit in a primary aluminum plant shall not exceed an average twenty percent opacity for more than six consecutive minutes in any sixty minute period. This provision shall not apply when the presence of uncombined water is the only reason for the opacity of the plume to exceed twenty percent.

(5) Fallout. No primary aluminum plant shall cause or permit the emission of particulate matter to be deposited beyond the property under direct control of the owner or operator of the plant in such quantity or of such character or duration as is or is likely to be injurious to human health, plant or animal life, or property or will interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(6) Other contaminants. No primary aluminum plant shall cause or permit the emission of any air contaminant or water droplets, including any air contaminant whose emission is not otherwise regulated by this chapter, 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 or property.

(7) Fugitive emissions. Each primary aluminum plant shall use reasonably available control technology to prevent fugitive emissions.

(8) Sulfur dioxide.

(a) Total emissions of sulfur dioxide from all emissions units shall not exceed thirty grams of sulfur dioxide per kilogram of aluminum produced on a monthly average (sixty pounds per ton). Those primary aluminum plants which were in excess of the above sulfur dioxide limit on January 1, 1978, will be allowed to emit at the January 1, 1978, level of emissions provided that the owners or operators demonstrate to the department by July 1, 1981, by use of modeling and ambient measurements, that the emissions will not cause the ambient standard to be exceeded.

(b) In no case shall any plant cause or permit the emission of a gas containing sulfur dioxide in excess of one thousand parts per million corrected to dry standard conditions. A lower limit may be established by an order defining RACT for a specific emissions unit or process.

(9) Odors. Any owner or operator of a primary aluminum plant who shall cause or allow the generation of any odor from any emissions unit which may unreasonably interfere with any person's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

(10) Operation and maintenance. At all times, including periods of abnormal operation and upset, owners and operators shall, to the extent practicable, maintain an affected facility, and operate and maintain air pollution control equipment associated with such facility in a manner consistent with good air pollution control practice. A plant may elect to establish a program, subject to the approval of the department, for monitoring each potroom in order to demonstrate good operation and maintenance.

(11) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the plant using procedures contained in *Source Test Manual - Procedures for Compliance Testing*, state of Washington, department of ecology, on file at the department. The operator of the plant may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of the emissions unit. The department shall be allowed to obtain a sample from any emissions unit. The operator of the plant shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-415-030, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-030, filed 8/14/80. Formerly WAC 18-52-031.]

**WAC 173-415-040 Standards of performance.** For primary aluminum plants which commenced construction after September 24, 1976, Title 40, the Code of Federal Regulations, Part 60, subparts A and S and appendix A, B, C and D (standards of performance for new stationary sources) as promulgated prior to July 1, 1982, 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 of ecology.

[Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-020 (Order DE 82-21), § 173-415-040, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-040, filed 8/14/80. Formerly WAC 18-52-051.]

**WAC 173-415-041 Emission requirements of prior jurisdictions.** Any emissions unit that was under the jurisdiction of a cognizant local authority and now is under the jurisdiction of the department; or regulated by chapter 173-400 WAC and now is contained in this chapter shall meet all emission requirements that were applicable prior to transfer of jurisdiction.

[Statutory Authority: RCW 70.94.331. 85-06-048 (Order 84-50), § 173-415-041, filed 3/6/85.]

**WAC 173-415-050 New source review.** Construction shall not commence on any new source until a notice of construction has been approved by the department pursuant to WAC 173-403-050. This owner or operator of any source shall notify the department prior to replacement of air pollution control equipment or process equipment other than replacement for routine maintenance and repair. The department may determine that a notice of construction is required.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-415-050, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-050, filed 8/14/80. Formerly 18-52-056.]

**WAC 173-415-060 Monitoring and reporting.** Each primary aluminum plant shall conduct routine monitoring of emissions, ambient air, and forage in accordance with a program that has been approved by the department. Results of monitoring shall be reported within thirty days of the end of each calendar month and shall include data as follows:

(a) Ambient air: Twenty-four hour concentrations of gaseous fluoride in the ambient air expressed in micrograms of hydrogen fluoride per cubic meter of ambient air.

(b) Forage: Concentrations of fluoride in forage expressed in parts per million of fluoride on a dried weight basis.

(c) Particulate emission: Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton

shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

Compliance with WAC 173-415-030(3) shall be determined by measurements of emissions from the potline primary control system plus measurements of emissions from the roof monitor.

(d) Fluoride emissions: Results of all sampling conducted during the month for fluoride emissions. All results shall be expressed as hydrogen fluoride in parts per million on a volume basis and pounds per day of hydrogen fluoride.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(2) Each primary aluminum plant shall furnish, upon request of the department, such other data as the department may require to evaluate the plant's emissions or emission control program.

(3) Change in raw materials or fuel: Any change or series of changes in raw material or fuel which results in a cumulative increase in emissions of sulfur dioxide of five hundred tons per year or more over that stated in the 1979 inventory required by WAC 173-415-080 shall require the submittal of sufficient information to the department 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.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-060, filed 8/14/80. Formerly WAC 18-52-061 and 18-52-071.]

**WAC 173-415-070 Report of startup, shutdown, breakdown or upset conditions.** If a startup, shutdown, breakdown or upset condition occurs which could result in an emission violation or a violation of an ambient air quality standard, the owner or operator of the source shall take the following actions as applicable:

(1) For a planned condition, such as a startup or shutdown, the condition shall be reported to the department, or its delegated authority, in advance of its occurrence.

(2) For an unplanned condition, such as a breakdown or upset, the condition shall be reported to the department, or its delegated authority as soon as possible.

Upon request of the department or its delegated authority, the owner or operator of the source shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

Compliance with the requirements of WAC 173-415-070, does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of chapter 173-415 WAC nor from the resulting liabilities for failure to comply.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-415-070, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-070, filed 8/14/80. Formerly WAC 18-52-077.]

**WAC 173-415-080 Emission inventory.** The owner or operator of any primary aluminum plant shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, fluorides, volatile organic compounds, and other contaminants, and shall be submitted when required no later than one hundred 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 twenty-four hour emissions while operating at capacity. The report shall include the average sulfur content of any fossil fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

[Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-036 (Order DE 83-13), § 173-415-080, filed 4/15/83. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-080, filed 8/14/80. Formerly WAC 18-52-086.]

## Chapter 173-422 WAC

### MOTOR VEHICLE EMISSION INSPECTION

#### WAC

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**WAC 173-422-010 Purpose.** This chapter implements the Washington Clean Air Act, chapter 70.94 RCW, as supplemented by the motor vehicle emission inspection provisions codified as chapter 70.120 RCW.

Motor vehicles are the primary emitters of carbon monoxide and emit significant quantities of hydrocarbons and oxides of nitrogen. Emission controls required by the federal government are designed to reduce motor vehicle related air pollution. However, the effectiveness of these controls is substantially reduced through deterioration, maladjustment and tampering. Motor vehicle emission inspection serves to identify high polluting vehicles and to reduce emissions, when such can be accomplished at reasonable cost. These rules establish the emission standards, testing procedures, and associated

activities necessary to implement a program of air pollution prevention and control involving motor vehicle emission inspections.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1), 83-23-115 (Order DE 83-31), § 173-422-010, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 80-03-070 (Order DE 79-35), § 173-422-010, filed 2/28/80.]

**WAC 173-422-020 Definitions.** Unless a different meaning is clearly indicated by context, the following definitions will apply:

(1) "Accuracy" means the degree of correctness by which the true value of a measured sample is determined.

(2) "Calibration gases" mean a blend of hydrocarbon (propane), carbon monoxide (CO), and carbon dioxide using nitrogen as carrier gas. The concentrations are to be traceable to within two percent of NBS standards.

(3) "Certificate of acceptance" means an official form, issued by someone authorized by the department, which certifies that all of the following conditions have been met: The recipient's vehicle initially failed to comply with applicable emission standards, the recipient has provided original receipts proving that more than fifty dollars were spent after the first test and before the final test on repairs and/or parts solely to meet emission standards, the vehicle on final reinspection again failed to meet such standards, and the repair information section of the test report has been completed.

(4) "Certificate of compliance" means an official form, issued by someone authorized by the department, which certifies that the following conditions have been met: The recipient's vehicle on inspection complied with applicable emission standards and inspection fees have been paid.

(5) "Dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

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

(7) "Drift" means the change in the reading of the analyzer to a given sample over a period of time with no adjustment to the analyzer having been made between the initial and final measurements.

(8) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a noncompliance area. (The inspection program implemented by this chapter applies only to vehicles registered in emission contributing areas.)

(9) "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies, and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

(10) "Fleet" means a group of twenty-five or more motor vehicles owned or leased concurrently by one person.

(11) "Gaseous fuel" means liquefied petroleum gases and natural gases in liquefied or gaseous forms.

(12) "Gross vehicle weight (GVW)" means the manufacturer stated gross vehicle weight rating.

(13) "HC and CO emissions" means the concentration of hydrocarbons (measured as n-hexane) and carbon monoxide in the engine exhaust.

(14) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(15) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

(16) "NBS" means National Bureau of Standards.

(17) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded after December 31, 1982.

(18) "PPM" means parts per million by volume.

(19) "Repeatability" means the ability of an analyzer to report the same value for successive measurements of the same sample.

(20) "Response" means how quickly there is a change in reading following a change in concentration at the sample probe inlet.

(21) "Sensitivity" means the smallest change in the value of a measured sample that can be detected by the analyzer.

(22) "Zero calibration gases" means air or nitrogen in which total impurities do not exceed 0.01 percent.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1), 83-23-115 (Order DE 83-31), § 173-422-020, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 80-03-070 (Order DE 79-35), § 173-422-020, filed 2/28/80.]

**WAC 173-422-030 Vehicle emission inspection requirement.** All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.040, unless the application for issuance or renewal is: (1) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.060, 70.120.080, or 70.120.090 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1), 83-23-115 (Order DE 83-31), § 173-422-030, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 80-03-070 (Order DE 79-35), § 173-422-030, filed 2/28/80.]

**WAC 173-422-040 Noncompliance areas.** The following areas are designated noncompliance areas for the air contaminants specified (these areas are set forth on maps on file with the department):

- (1) Carbon monoxide
  - (a) Parts of the city of Seattle.
  - (b) Parts of the city of Bellevue.
  - (c) Parts of the city of Spokane.
- (2) Ozone  
The central Puget Sound basin.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1), 83-23-115 (Order DE 83-31), § 173-422-040, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-040, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-040, filed 2/28/80.]

**WAC 173-422-050 Emission contributing areas.** Emission contributing areas within which the motor vehicle emission inspection program applies are designated by the following United States Postal Service ZIP codes as of the effective dates set forth below:

(1) Puget Sound Region (effective January 1, 1982)

|       |   |
|-------|---|
| 98004 | 98039                                       |
| 98005 | 98040                                       |
| 98006 | 98041                                       |
| 98007 | 98043                                       |
| 98008 | 98046                                       |
| 98009 | 98052                                       |
| 98011 | 98053                                       |
| 98012 | 98055                                       |
| 98020 | 98056                                       |
| 98021 | 98057                                       |
| 98027 | 98062                                       |
| 98028 | 98063                                       |
| 98033 | 98072                                       |
| 98034 | 98073                                       |
| 98036 | 98083                                       |
| 98037 | 98101 thru 98199,<br>inclusive except 98110 |

(2) Spokane Region (effective July 1, 1985)

|       |       |
|-------|-------|
| 99201 | 99207 |
| 99202 | 99208 |
| 99203 | 99212 |
| 99204 | 99216 |
| 99205 | 99218 |
| 99206 |       |

[Statutory Authority: RCW 70.120.120, 84-09-087 (Order DE 84-7), § 173-422-050, filed 4/18/84. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1), 83-23-115 (Order DE 83-31), § 173-422-050, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-050, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-050, filed 2/28/80.]

**WAC 173-422-060 Emission standards.** Motor vehicles subject to this chapter shall meet the following emission standards prior to receiving a certificate of compliance.

| Model Year      | STANDARDS          |                     | HC(ppm) |
|-----------------|--------------------|---------------------|---------|
|                 | CO(%)              |                     |         |
|                 | 4 or less*<br>Cyl. | More Than<br>4 Cyl. |         |
| 71-74           | 6.0                | 5.0                 | 1000    |
| 75-78           | 3.0                | 3.0                 | 800     |
| 79 and<br>later | 3.0                | 3.0                 | 600     |

When 1979 and later model vehicles were manufactured with a catalytic converter the standards are:

|     |     |     |
|-----|-----|-----|
| 2.0 | 1.5 | 300 |
|-----|-----|-----|

\*Includes all rotary engines

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1), 83-23-115 (Order DE 83-31), § 173-422-060, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-060, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-060, filed 2/28/80.]

**WAC 173-422-070 Test procedures.** All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the following test procedures. Variations to the procedures specified may be used if approved by the department after receipt of evidence that such changes will not interfere with the validity of the test.

(1) An idle mode test shall be used to measure vehicle exhaust emissions for carbon monoxide, hydrocarbons, and carbon dioxide.

(2) The engine shall be at normal operating temperature during the emission test with all accessories off.

(3) Any vehicle causing an unsafe condition, such as the continuous leaking of any fluid onto the floor, may be rejected from the inspection site.

(4) Vehicles shall be approximately level during the test.

(5) Vehicles with more than one exhaust pipe shall be tested by sampling each tail pipe and averaging the results, unless the exhaust pipes originate from a common point in the exhaust system.

(6) The following steps shall be taken to prevent excessive dilution. The exhaust sample probe must be inserted at least ten inches into the tail pipe. If this is not possible, an extension boot shall be used. The exhaust emission test results shall not be recorded if the carbon dioxide concentration does not meet or exceed five percent.

(7) If the engine stalls during the test, the engine shall be restarted and one additional attempt will be made to complete the test.

(8) If a vehicle is capable of being operated with either gasoline or gaseous fuels, the vehicle shall be tested using the fuel it is operating on when it enters the testing facility.

(9) If a multiple range analyzer is used, the exhaust analyzer range shall be selected so that the standard for the vehicles being tested is between twenty-five percent and seventy-five percent of full scale, if possible.

(10) Before testing a 1981 and later model Ford Motor Company vehicle with a gross vehicle weight of 8500 pounds or less, the engine shall be turned off and then restarted.

(11) For all vehicles, the engine shall be accelerated to one-third to one-half throttle (about 2500 rpm), with the transmission in neutral or park, and held there for fifteen seconds.

(12) With the engine idling, insert the probe into the tailpipe for at least thirty seconds. The exhaust emissions averaged over the last five seconds shall then be recorded. A shorter testing time may be used if the emission stabilization procedure in WAC 173-422-110 (2)(d) is used. When readings from multiple exhaust pipes are averaged, steps 10, 11, and 12 shall be repeated for all exhaust pipes.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-070, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-070, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-070, filed 2/28/80.]

**WAC 173-422-080 Vehicle inspection data handling procedures.** All persons under contract to the state to conduct motor vehicle emission inspections shall use the following data handling procedures.

(1) The comparison of the test results with the state's emission standards shall be automated.

(2) The emission test results, the comparison with the state's emission standards, and certificates of compliance shall be automatically printed.

(3) The required vehicle identification data shall be entered and validated before the emission test is started.

(4) Vehicle identification data flagged as incorrect by the established validation checks shall be corrected before the emission test is started.

(5) The emission test results shall be automatically printed.

(6) All required data shall be automatically printed on the vehicle inspection reports and stored on bulk storage devices.

(7) In the case of data handling equipment problems, the vehicle emission test reports and certificates of compliance may be manually completed, but all the data is required to be included on the bulk storage devices submitted to the department.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-080, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-080, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-080, filed 2/28/80.]

**WAC 173-422-090 Exhaust analyzer specifications.** Only exhaust analyzers meeting the following specifications at the time of certification testing may be used for certification testing. The department will maintain a list of analyzers that have been certified by the manufacturers as meeting the specifications at the time of manufacture. The department does not require the use of these analyzers or guarantee the performance of these analyzers. Any person authorized by the department to certify vehicles is solely responsible for insuring that the

testing equipment is operating within the following specifications at the time of certification testing.

(1) Accuracy: The readings or the printed test results of the exhaust analyzers compared to the true value of a measured sample shall have the following accuracy tolerances.

|                             |          |
|-----------------------------|----------|
| HC - Measured as n - hexane |          |
| 0 to 1000 ppm               | ±30 ppm  |
| 1000 to 2000 ppm            | ±100 ppm |
| CO                          |          |
| 0 to 5%                     | ±0.2 %   |
| 5 to 10%                    | ±0.5 %   |
| CO <sub>2</sub>             |          |
| 4 to 6%                     | ±1%      |

(2) Calibration: The analyzer shall have the capability of being calibrated electronically and by gas.

(3) Drift: The drift of the zero reading or any calibration reading of each analyzer shall not exceed 20 ppm HC, 0.1% CO or 0.5% CO<sub>2</sub> in one hour.

(4) Flow restriction indicator: The analyzer shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with a visual and/or audible warning that sample flow is not within operating requirements.

(5) Interference effects: Sampling the following concentrations of noninterest gases shall not cause the HC reading to change ±10 ppm: 15% CO<sub>2</sub> in N<sub>2</sub>, 10% CO in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO reading to change ±0.05%: 15% CO<sub>2</sub> in N<sub>2</sub>, 1600 ppm HC in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO<sub>2</sub> reading to change ±0.5%: 1600 ppm HC in N<sub>2</sub>, 10% CO in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

(6) Repeatability: The repeatability of the exhaust analyzers used shall be within 10 ppm HC, 0.05% CO and 0.2% CO<sub>2</sub> during five successive measurements of the same sample.

(7) Response: The response of the exhaust analyzers shall be at least ninety-five percent of the final value within fifteen seconds.

(8) Sensitivity: The sensitivity of each analyzer shall be equal to or less than 10 ppm HC, 0.05% CO and 0.2% CO<sub>2</sub>.

(9) Range of measurement: The analyzer shall have a range equal to or greater than 0-2000 ppm HC (n-Hexane), 0 to 10% CO, and 0 to 6% CO<sub>2</sub>.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-090, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-090, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-090, filed 2/28/80.]

**WAC 173-422-100 Testing equipment maintenance and calibration.** (1) Unless alternative procedures have been approved or required by the department all equipment used in the inspection shall be calibrated and



maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.

(2) The following procedures shall be followed by all testing facilities unless equivalent procedures have been approved by the department. Exhaust analyzers and all electronic components that could affect the gas concentration results shall be warmed up for at least thirty minutes prior to performing any test on equipment, calibration, span, or zero checks:

(a) Each test. Before each test can start, the exhaust analyzer readings must be less than 20 ppm HC, 0.1% CO and 0.5% CO<sub>2</sub>. If during a test the sampling system flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs to the analyzer have been completed.

(b) Hourly check. The exhaust analyzer shall not be used to test vehicles unless within an hour prior to the test it was spanned with a calibration gas. The following procedure shall be used:

(i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.

(ii) Adjust the exhaust analyzer using the electronic span.

(iii) Check the calibration of the exhaust analyzer using a calibration gas.

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090.

(c) Weekly check. The exhaust analyzer shall not be used to test vehicles unless within one week prior to the test it was spanned with a calibration gas. The following procedure shall be used:

(i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.

(ii) Adjust the exhaust analyzer using the electronic span.

(iii) Check the calibration of the exhaust analyzer using a calibration gas with a CO concentration of 0.6 to 2.4%, a HC concentration of 110 to 440 ppm measured as n-hexane, and a CO<sub>2</sub> concentration of 4.0 to 6.0%.

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090.

(d) Monthly check. The exhaust analyzer shall not be used to test vehicles unless a multipoint calibration has been performed within the last thirty days. The following procedure shall be used:

(i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.

(ii) Adjust the exhaust analyzer using the electronic span.

(iii) Check the calibration of the exhaust analyzer using calibration gases of approximately twenty, forty, sixty, and eighty percent for each range. (CO<sub>2</sub> must be present at concentrations of at least 2.0%.)

Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090 at each calibration point.

(e) Repair check. A multipoint calibration as specified in WAC 173-422-100(d) shall be performed before the analyzer is used for certification testing following the

replacement of an optical or electronic component that can cause a variation in the analyzer reading.

The manufacturer's recommended procedures to determine any change in the correction factor from the propane calibration gas to n-hexane readings shall be followed.

(f) Leak check. The exhaust analyzer shall not be used to test vehicles unless within one week prior to the testing, CO readings have been taken while introducing calibration gas through the calibration port and through the probe. Discrepancies of over 3% in the readings shall require repair of leaks. No analyzer adjustments shall be permitted during this check. Other leak check procedures may be used if it can be shown to the department's satisfaction that the method identifies leaks as well as the method in this subsection.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1), 83-23-115 (Order DE 83-31), § 173-422-100, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-100, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-100, filed 2/28/80.]

**WAC 173-422-110 Data system requirements.** The data system shall consist of the following units:

(1) Vehicle identification terminal. The vehicle identification terminal shall have a standard typewriter formatted keyboard with a visual display to verify data entered. The data entered shall be transferred to the programmable processor on command.

(2) Programmable processor. The programmable processor shall perform the following functions:

(a) Accept and validate vehicle and test data required in WAC 173-422-140 from the vehicle identification terminal, exhaust analyzer, or other sources. Indicate on the vehicle identification terminal any data entered that does not meet the validation criteria.

(b) Convert analog emission measurements to digital information for each analyzer range.

(c) Verify that there is no excessive dilution of the exhaust sample by determining the carbon dioxide concentration and provide carbon dioxide output signal to printer and bulk storage device.

(d) Compare test results to the state's emissions standards. Test results shall be determined by averaging five consecutive readings taken at one second intervals, at fifteen seconds after the probe has been inserted into the tailpipe. The results shall be considered stable and recorded if the five readings do not vary more than ten percent of their average or 30 ppm HC, or 0.2% CO, or 1% CO<sub>2</sub> from their average, whichever is greater. If stability has not occurred before thirty seconds of testing, the thirty second reading along with four other consecutive readings shall be averaged and recorded as the result.

(e) Outputs vehicle and test data and established standards for report printout.

(f) Outputs vehicle and test data for storage on bulk storage devices.

(3) Report printer. The report printer shall print the vehicle inspection report and the certificate of compliance. The forms used shall be provided or approved by the department.

(4) Bulk storage devices. All data from the vehicle inspection report and the certificate of compliance shall be written on the bulk storage devices at the same time the printed report(s) are produced.

The data handling system shall be so designed to prevent any data changes on the bulk storage devices that would eliminate or alter the original entry.

Inspection shall be redone if errors result in an incorrect vehicle inspection report.

To insure that the bulk storage devices are compatible with the state's data processing equipment, all bulk storage devices and data handling methods used by the contractor shall be expressly approved by the department.

[Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-110, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-110, filed 2/28/80.]

**WAC 173-422-120 Quality assurance.** The department, or its designee, will monitor the operation of each authorized emission testing facility with unannounced, unscheduled inspections to check the calibration and maintenance of the exhaust analyzers, test procedures, and records.

Vehicle inspection reports and fiscal reports submitted by inspection station operators will be checked for completeness and accuracy. The department or its designee shall have the right to audit contractor's and subcontractor's records.

The department (or its designee) may conduct un-identified surveillance.

The department (or its designee) may require that the use of an exhaust analyzer be suspended due to a malfunction or incorrect calibration of the analyzer.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1), 83-23-115 (Order DE 83-31), § 173-422-120, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 80-03-070 (Order DE 79-35), § 173-422-120, filed 2/28/80.]

**WAC 173-422-130 Inspection fees.** A fee of ten dollars shall be collected for the first emission test on each vehicle applicable to each vehicle license year. If the vehicle fails, one retest will be provided free of charge at any inspection station operated by the contractor who collected the fee, provided that the retest is requested within sixty days of the initial test and other requirements specified in WAC 173-422-140 are met. Any additional retests applicable to the same vehicle license year will require the payment of the same fee charged for the initial test.

Inspection station operators shall forward to the department within ten working days after the end of each month, the amount of fees due to the state for inspections conducted during the month.

The department or its designee shall have the right to audit any inspection station operator's or contractor's records and procedures to substantiate that the operator or contractor is properly collecting and accounting for such fees.

[Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-130, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-130, filed 2/28/80.]

**WAC 173-422-140 Inspection forms and certificates.** All inspection stations shall use inspection forms and certificates provided or approved by the department. Additional diagnostic information may be provided to the vehicle operator. Other materials may be given to the vehicle operator only if approved by the department.

(1) Vehicle inspection report: The driver of each vehicle tested shall be given a vehicle inspection report on a form to be provided or approved by the department. The inspection station operator shall provide the following information.

- (a) Station number (lane number).
- (b) Date and time of test(s).
- (c) Who conducted the test(s) (name or identification number).
- (d) Vehicle identification number (VIN).
- (e) Odometer reading in thousands of miles.
- (f) Vehicle license number.
- (g) Vehicle model year.
- (h) Make of the vehicle.
- (i) Number of cylinders.
- (j) Whether or not the vehicle was manufactured with a catalytic converter.
- (k) Gross vehicle weight class.
- (l) Emission test results.
- (m) Applicable standards.
- (n) Whether the vehicle has passed or failed the appropriate emission standards.
- (o) Carbon dioxide reading.
- (p) When and who issued a certificate of compliance or acceptance (name or identification number).
- (q) First test or retest.
- (r) All other information required on the form.

(2) Certificate of compliance: The driver of a vehicle meeting the appropriate emission standards shall be issued a certificate of compliance. A vehicle failing the initial test shall be allowed one free retest within sixty days of the initial test.

(3) Certificate of acceptance: If a vehicle has failed to pass the emission test applicable to any vehicle license year, the vehicle owner may request a certificate of acceptance. To receive the certificate of acceptance the vehicle owner must provide original receipts totalling at least fifty dollars, dated on or between the date of the first test and the final retest, for costs of repairs and/or parts solely devoted to meeting the emission standards. Guidelines for obtaining a certificate of acceptance are on file with the department and printed on the emission test report.

(4) Form storage: Copies of each certificate of compliance/acceptance, and all vehicle inspection reports shall be kept on file by the contractor and be available for the department's review for one year after they are issued. This requirement includes forms that are voided for any reason.

(5) Reporting: The inspection station operator shall forward to the department within ten working days after the end of each month (a) an approved storage device containing all data collected from each inspection conducted that month, and (b) a copy of all certificates of

acceptance issued that month along with the related vehicle inspection reports and repair and/or parts receipts.

Before the storage device is forwarded to the department, a backup bulk storage device shall be in the possession of the contractor. The backup bulk storage device shall be retained for one year and be available to the department upon request.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-140, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120, 82-02-027 (Order DE 81-32), § 173-422-140, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-140, filed 2/28/80.]

**WAC 173-422-145 Fraudulent certificates of compliance/acceptance.** (1)(a) Obtaining or attempting to obtain a certificate of compliance by (i) providing false information or (ii) any fraudulent means; or

(b) Obtaining or attempting to obtain a certificate of acceptance (i) through the use of receipts or other documentation containing false information, or (ii) without having expended more than fifty dollars after the first test and before the final test for repairs or parts solely devoted to meeting the emission standards, or (iii) any fraudulent means shall be construed as a violation of these rules implementing chapter 70.94 RCW as supplemented by chapter 70.120 RCW.

(2) Any person who commits such violation or who aids or abets another in committing the same shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(3) For the purposes of this section the term "expended" refers to the net actual cost to the vehicle owner in the purchase of repairs or parts derived after the amount of any rebate, discount or cash-return has been subtracted.

(4) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearing board as provided for in chapter 43.21B RCW.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-145, filed 11/23/83, effective 1/2/84.]

**WAC 173-422-150 Inspection personnel requirements.** (1) Training. All inspection personnel must successfully complete a training course approved by the department.

(2) Inspection personnel identification. Whenever inspection personnel are in contact with the public they shall wear identification tags visible to the motorist.

[Statutory Authority: RCW 70.120.120, 80-03-070 (Order DE 79-35), § 173-422-150, filed 2/28/80.]

**WAC 173-422-160 Fleet testing requirements.** Self-inspection of vehicles by a fleet operator may be authorized by the department. The department may also authorize emission inspection of fleet vehicles by an automotive service or testing facility engaged by the fleet for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to vehicles within the fleet or fleets requesting such authorization. Any person or facility

conducting fleet tests under authorization of this section must meet all requirements of this section.

(1) The exhaust analyzers used for certification testing shall meet the specifications in WAC 173-422-090 except for those that pertain to CO<sub>2</sub>. (CO<sub>2</sub> does not need to be measured.)

In order to utilize existing equipment as much as possible, the department may allow testing facilities to use analyzers that do not meet all the specifications of WAC 173-422-090 if the analyzers were purchased prior to December 31, 1981.

To qualify for this exception, the test facility must request a waiver for each analyzer, demonstrate to the satisfaction of the department that the analyzer and procedures being used will provide satisfactory emission tests, and obtain approval from the department prior to using the analyzer for certification testing. Any analyzer model that has been approved by the State of California Bureau of Automotive Repair will qualify for this exception.

(2) All persons engaged in testing of fleet vehicles must comply with all provisions of this chapter except WAC 173-422-080, 173-422-100 (2)(d), 173-422-110, 173-422-130, 173-422-140, and 173-422-150. The check specified in WAC 173-422-100 (2)(b)(i) and (ii) shall be performed within one hour prior to the test. The complete check specified in WAC 173-422-100 (2)(c) shall have been performed within one week prior to the test. The check specified in WAC 173-422-100 (2)(c), in addition to being required weekly, shall be performed after each relocation of the analyzer.

(3) All persons conducting tests for the purpose of issuing certificates for fleets shall demonstrate to the satisfaction of the department the knowledge and capability to calibrate and operate emission testing equipment, and perform an emission test according to WAC 173-422-070.

(4) The department will provide test forms upon request. Legibly completed forms with appropriate signature(s) will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance.

Forms must be purchased from the department in advance of issuance through payment of one dollar fifty cents to the department for each certificate requested. Refunds may be given for unused certificates.

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

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

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

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

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

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-160, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-160, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-160, filed 2/28/80.]

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

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

(2) Vehicles whose model year when subtracted from the calendar year equals or exceeds fourteen.

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

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

(5) Motor-driven cycles as defined by RCW 46.04.332.

(6) Motor vehicles powered by diesel engines or two-cycle engines.

(7) Farm vehicles.

(8) Vehicles exempted from licensing pursuant to RCW 46.16.010.

(9) Mopeds as defined by RCW 46.04.304.

(10)(a) Vehicles garaged and operated out of the emission contributing area and not returning prior to six months following the registration renewal date, may be exempted provided the registered owner/authorized agent provides a signed statement which includes:

(i) The registered owner's name and address.

(ii) The vehicle license number.

(iii) A statement that the vehicle is now garaged and operated outside the emission contributing area and will not be returning to the emission contributing area prior to six months following the registration renewal date.

(b) Vehicles garaged and operated out of the emission contributing area and returning to the emission contributing area within six months after the registration renewal date may postpone the emission testing requirements provided the registered owner/agent provides a signed exemption statement which includes:

(i) The registered owner's name and address.

(ii) The vehicle license number.

(iii) A statement that the vehicle will not be returning to the emission contributing area prior to the registration renewal date.

(iv) A statement that within thirty days of returning to the emission contributing area the vehicle will be tested and a valid certificate of compliance or a certificate of acceptance will be obtained and forwarded to the department.

(v) The date of departure from the emission contributing area.

(vi) The anticipated date of return to the emission contributing area.

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

(12) Used vehicles which are offered for sale by a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(13) Motor vehicles fueled exclusively by propane, compressed natural gas, or liquid petroleum gas.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-170, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-170, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-170, filed 2/28/80.]

**WAC 173-422-175 Fraudulent exemptions.** (1) Obtaining or attempting to obtain an exemption from emission inspection requirements by false statements, or failure to comply with the exemption procedures established to implement WAC 173-422-170, shall be construed as a violation of these rules implementing chapter 70.94 RCW as supplemented by chapter 70.120 RCW.

(2) Any person who commits such violation or who aids or abets another in committing the same shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control board as provided for in chapter 43.21B RCW.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-175, filed 11/23/83, effective 1/2/84.]

**WAC 173-422-180 Air quality standards.** The air quality standards set forth in chapter 173-415 WAC are the air quality standards applicable to the establishment of noncompliance areas pursuant to this chapter.

[Statutory Authority: RCW 70.120.120. 80-03-070 (Order DE 79-35), § 173-422-180, filed 2/28/80.]

## Chapter 173-425 WAC OPEN BURNING

### WAC

|             |  |
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**WAC 173-425-010 Purpose.** This rule, promulgated under chapter 70.94 RCW, the Washington State Clean Air Act, authorizes the department of ecology to implement the provisions of that act. This rule establishes controls for open burning in the state in order to:

- (1) Minimize the impact of emissions from open burning;
- (2) Establish rules and procedures by which open burning may be conducted;
- (3) Encourage the development and specify the use of alternate methods of disposal of combustible waste materials.

[Order DE 77-19, § 173-425-010, filed 10/24/77. Formerly WAC 18-12-010.]

**WAC 173-425-020 Applicability.** This chapter applies to open burning in all of the state, except to:

- (1) Burning of field and turf grasses grown for seed (governed by chapter 173-430 WAC).
- (2) Open burning within the boundaries of any activated air pollution control authority, where that authority is enforcing its own controls for open burning. These controls shall not be less stringent than the requirements in this chapter.

(3) Open burning for activities subject to the permit issuing authority of the department of natural resources, as given in RCW 70.94.660.

[Order DE 77-19, § 173-425-020, filed 10/24/77. Formerly WAC 18-12-020.]

**WAC 173-425-030 Definitions.** (1) Agricultural open burning: Open burning conducted as part of any agricultural operation; but not including yard and gardening activities connected with a residence.

(2) Commercial open burning: Open burning conducted as part of any commercial or business operation, including land clearing when the land is cleared to change the use of the cleared land. Commercial open burning does not include agricultural open burning.

- (3) Department: The department of ecology.
- (4) Director: The director of the department of ecology, or his authorized representative.
- (5) Episode: A period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in RCW 70.94.415.

(6) Land clearing: Removing structures, trees, shrubbery, or other natural vegetation from a plot of land.

(7) No burn area: An area designated by the department as an area exceeding or threatening to exceed a state ambient air quality standard.

(8) Open burning: The combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion.

(9) Person: An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, government agency.

(10) Small fire: A fire not more than four feet in diameter or more than three feet high.

(11) Silvicultural operation: The growing of trees for commercial or recreational use, including preparing the land, planting, growing, and harvesting of trees.

(12) Wood waste residue: Residue of a natural character such as trees, stumps, shrubbery, or other natural vegetation arising from land clearing projects (RCW 70.94.750(2)).

[Order DE 77-19, § 173-425-030, filed 10/24/77. Formerly WAC 18-12-030.]

**WAC 173-425-035 Episodes.** (1) No open fire shall be ignited during any stage of an episode.

(2) Any person responsible for an open fire already ignited when any stage of an episode is declared shall extinguish that fire when informed that an episode has been declared. Open fires conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down.

[Order DE 77-19, § 173-425-035, filed 10/24/77. Formerly WAC 18-12-035.]

**WAC 173-425-045 Prohibited materials.** Except as provided in WAC 173-425-055, the following materials shall not be burned in any open fire:

- (1) Garbage;
- (2) Dead animals;
- (3) Asphaltic products;
- (4) Waste petroleum products;
- (5) Paints;
- (6) Rubber products;
- (7) Plastics;
- (8) Any substance, other than natural vegetation, which normally emits dense smoke or obnoxious odors.

[Order DE 77-19, § 173-425-045, filed 10/24/77. Formerly WAC 18-12-045.]

**WAC 173-425-055 Exceptions.** Exceptions to this chapter shall be made only as follows:

(1) When ordered by a duly authorized health officer and when authorized by the department, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.

(2) When ordered by a fire protection agency and when authorized by the department, fires to dispose of materials presenting a danger to life, property, or public welfare may be burned, if no approved practical alternate method of disposal is available.

(3) When approved by the department, fires authorized by a fire protection agency as necessary for training may be burned.

(4) When approved by the department, fires set as part of a defined research project may be burned.

(5) The following fires may be burned, if they do not contain prohibited materials, as provided in WAC 173-425-045:

- (a) Fires set for recreational, religious ceremony, food preparation, or social purposes;
- (b) Small fires set for hand-warming purposes.

(6) At any solid waste disposal site, compliance with any schedule given in any comprehensive solid waste management plan approved by the department shall be considered compliance with this chapter. For any solid waste disposal site not subject to an approved plan, the department may authorize up to six months for a corrective program. If more time is needed, and no comprehensive solid waste management plan has been adopted covering a solid waste disposal site, a compliance schedule for meeting the requirements of this chapter will be adopted by the department for the site.

[Order DE 77-19, § 173-425-055, filed 10/24/77. Formerly WAC 18-12-055.]

**WAC 173-425-065 Residential open burning.** (1) No open fire shall be allowed on the premises of any residence:

- (a) Within a no burn area designated in WAC 173-425-095;
- (b) During any stage of an episode (see WAC 173-425-035);
- (c) If the fire contains prohibited materials, as given in WAC 173-425-045;
- (d) If the fire contains any material other than wood, paper, and natural vegetation; or
- (e) If the fire is larger than a small fire.

The premises of a residence include the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural use, other than yard and gardening activities connected with the residence.

(2) Small fires on the premises of a residence may be allowed to dispose of wood, paper, and natural vegetation, if:

- (a) None of the provisions of WAC 173-425-065(1) are violated;
- (b) Such fires do not violate any regulations of a local order to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to a nuisance; and
- (c) Reasonable precautions are taken to prevent particulate emissions when paper is being burned.

[Order DE 77-19, § 173-425-065, filed 10/24/77. Formerly WAC 18-12-065.]

**WAC 173-425-075 Commercial open burning.** (1) No permit shall be issued for commercial open burning, and commercial open burning shall not be conducted:

- (a) Within a no burn area designated in WAC 173-425-095;
- (b) During any stage of an episode (see WAC 173-425-035);
- (c) If the burning contains prohibited materials, as provided in WAC 173-425-045; or
- (d) Where a practical alternate method of disposal listed in WAC 173-425-115(2), is reasonably available.

(2) No commercial open burning shall be conducted without authorization from the department. Open burning shall be authorized only if:

- (a) The applicant shows that no approved practical alternate method of disposal is reasonably available; and

(b) The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in; and

(c) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits, to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance.

(3) Considering population concentration and local conditions affecting air quality, the department shall condition permits issued under this chapter. Permits shall be conditioned to minimize air pollution as much as practical but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

[Order DE 77-19, § 173-425-075, filed 10/24/77. Formerly WAC 173-425-075.]

**WAC 173-425-085 Agricultural open burning.** (1) No permit shall be issued for agricultural open burning, and agricultural open burning shall not be conducted:

- (a) Within a no burn area designated in WAC 173-425-095;
- (b) During any stage of an episode (see WAC 173-425-035);
- (c) If the burning contains prohibited materials, described in WAC 173-425-045; or
- (d) If the burning contains any material other than natural vegetation and wood wastes generated on the property, which is the burning site, or transported to the burning site by wind or water.

(2) Except as provided in WAC 173-425-085(3), agricultural open burning shall not be conducted without a permit from the department. Permits shall be issued only if:

- (a) None of WAC 173-425-085(1) would be violated by the burning;
- (b) The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in;
- (c) The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance; and,

(d) The burning is necessary to control disease or insect infestation, and other measures are not available; or

(e) The burning is necessary to develop physiological conditions conducive to increased crop yield, and other measures are not available.

In making a determination under WAC 173-425-085(2)(d) or (e), the department will consult the county extension agent.

(3) Agricultural open burning may be conducted without a permit if:

- (a) None of WAC 173-425-085(1) would be violated by the burning;
- (b) The burning will not violate any regulations of a local fire protection agency authorized to issue burning

permits to prevent or abate nuisances, or any local or city ordinance or resolution pertaining to a nuisance; and

(c) The fire covers one acre or less and the burning is done to destroy obnoxious weeds or crop residue along fence rows, ditches, or in cultivated fields.

(4) Considering population concentration and local conditions affecting air quality, the department shall condition permits issued under this chapter. Permits shall be conditioned to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

[Order DE 77-19, § 173-425-085, filed 10/24/77. Formerly WAC 18-12-085.]

**WAC 173-425-095 No burn area designation.** (1) The department shall designate as no burn areas those geographic areas where ambient air quality standards for suspended particulates, set forth in WAC 18-40-030, are being exceeded or are threatened to be exceeded. These designations shall be based on monitoring data gathered at primary air mass stations.

(2) The department shall not designate "no burn" areas within the boundaries of any activated air pollution control authority, unless data exist to support that designation and the authority, after being notified, refuses to make such a designation.

(3) The designation of any area as a "no burn" area by the department shall be made by rule-making procedure and only after public hearing.

(4) Open burning shall not be conducted in any designated "no burn" area.

[Order DE 77-19, § 173-425-095, filed 10/24/77. Formerly WAC 18-12-095.]

**WAC 173-425-100 Delegation of agricultural open burning program.** (1) When the department finds that any county, which is outside the jurisdictional boundaries of an activated air pollution control authority, is capable of administering the permit program of WAC 173-425-085 and desires to do so, the department may delegate the administration of the program to the county.

(2) This delegation may be withdrawn if the department finds that the county is not effectively administering the permit program. Before withdrawing delegation, the department shall give the county a chance to correct permit program deficiencies.

[Order DE 77-19, § 173-425-100, filed 10/24/77. Formerly WAC 18-12-100.]

**WAC 173-425-115 Limited outdoor burning.** (1) To further the policies of this chapter and policies expressed in RCW 70.94.745, the department has determined, that alternate technology and methods exist for disposing of wood waste residue resulting from highway right of way land clearing projects or commercial land clearing projects which generate five hundred or more tons of wood

waste residue (two thousand or more cubic yards). Further, these methods and technology are considered less harmful to the environment than open burning. These alternates are also reasonably economical when the cost of disposal is nine hundred dollars or less per acre.

(2) These alternate methods and technology are:

(a) Chipping, with chips disposed of commercially or by on-site dispersal, haul to landfill, burning in an approved way, or other approved methods, as may be available.

(b) Hauling for disposal elsewhere, such as landfill, commercial use, or other approved methods, as may be available.

(c) On-site disposal in landfill.

(d) On or off-site disposal by a waste combustion method capable of complying with the emission standards set forth in WAC 173-425-115(3).

(3) As a result of the determination made in WAC 173-425-115(1) for disposing of wood waste residue that results from highway right of way land clearing projects which generate five hundred or more tons of wood waste residue (two thousand or more cubic yards) or from commercial land clearing projects which generate five hundred or more tons of wood waste residue (two thousand or more cubic yards):

(a) No person shall cause or permit the emission, for more than three minutes in any one hour, of an air contaminant from any disposal method covered by WAC 173-425-115 which, at the emission point or within a reasonable distance from the emission point, exceeds twenty percent opacity, except as follows:

(i) The emission may exceed twenty percent opacity for the first fifteen minutes after a startup, for not more than two startups every twenty-four hours.

(ii) When the person responsible for the source can show that the emission over twenty percent opacity will not exceed fifteen minutes in any eight consecutive hours after startup.

(b) No person shall cause or permit the emission of particulate matter from any source, which then becomes deposited beyond the property directly controlled by the owner or operator of the source in sufficient quantity to interfere unreasonably with using and enjoying the property where the material was deposited. (WAC 173-400-040(2)).

(c) No person shall cause or permit the emission of any air contaminant or water vapor from any source, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant or water vapor harms the health, safety, or welfare of any person or damages property or business. (WAC 173-400-040(5)).

(4) Using alternates listed in WAC 173-425-115(2) is reasonably economical for the projects described in WAC 173-425-115(3) when the alternates can be provided without delay in the project which will create an economic or other hardship, and without costing more than nine hundred dollars per acre.

If the requirement to use an alternate will cause a delay of sixty days or more in completing a project, then the alternate will not be required. Any delay shorter

than sixty days will be evaluated on a case-by-case basis.

If the cost of disposing of the wood waste residue is greater than nine hundred dollars per acre, then the alternate will not be required. The cost of clearing and grubbing will not be considered as part of the cost of disposal, unless certain additional costs are required to use the alternate, such as the cost of building a road which would not otherwise be required.

(5) Using an alternate must comply with all other applicable statutes, regulations, ordinances, and/or resolutions of state or local government entities. These include noise regulations, solid waste regulations, and those requirements of local air pollution control authorities which are more stringent than those of the department.

(6) The requirements for owner or operator of the source to comply with WAC 173-425-115 (3)(a) may be waived. Open burning may then be authorized by the department or air pollution control authority, as appropriate, if the owner or operator of the source shows, to the department or air pollution control authority, that:

(a) A delay will result from using the alternates, causing an economic or other hardship;

(b) Other legal requirements may be violated;

(c) A bid cannot be obtained for disposal using an alternate described in WAC 173-425-115, at a cost of nine hundred dollars per acre or less; or

(d) The wood waste residue to be disposed of from the land clearing project is less than five hundred tons (two thousand cubic yards).

(7) The department or air pollution control authority may charge a fee to cover administrative costs of processing the waiver request.

(8) When an alternate is to be used at any site for six or more months, the requirements of WAC 173-400-110 (notice of construction) shall be met.

(9) In this chapter, land clearing projects located close to one another and burned near the same time, which appear to be a single project, shall be presumed to be one project.

(10) In this chapter, normal clearing and grubbing do not include any activity or action related to using alternate methods and technology listed in WAC 173-425-115(2).

(11) In this chapter, one cubic yard of wood waste residue equals five hundred pounds.

[Order DE 77-19, § 173-425-115, filed 10/24/77. Formerly WAC 18-12-115.]

**WAC 173-425-120 Department of natural resources--Smoke management plan.** The department of natural resources has the responsibility for issuing and regulating burning permits for open fire in areas protected by the department of natural resources, when such fires are for:

(1) Abating a forest fire hazard;

(2) Preventing a fire hazard;

(3) Instructing public officials in methods of forest fire fighting;

(4) Any silvicultural operation to improve the forest lands of the state.

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Fires set for these purposes must be conducted according to the provisions of the smoke management plan administered by the department of natural resources in agreement with the department of ecology and other involved agencies.

[Order DE 77-19, § 173-425-120, filed 10/24/77. Formerly WAC 18-12-120.]

**WAC 173-425-130 Notice of violation.** The department may issue a notice of violation to the person responsible for the fire when:

(1) Conditions of a permit issued under this chapter are violated;

(2) Any open fire is ignited or, if ignited, is not extinguished, when the person responsible for the fire is aware that any air pollution episode stage has been declared;

(3) An open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and no such permit has been obtained;

(4) Prohibited materials are burned in an open fire.

Procedures for notices of violation shall follow RCW 70.94.332.

[Order DE 77-19, § 173-425-130, filed 10/24/77. Formerly WAC 18-12-130.]

**WAC 173-425-140 Remedies.** Any violation of this chapter may be subject to any penalty or other remedy given in chapter 70.94 RCW.

[Order DE 77-19, § 173-425-140, filed 10/24/77. Formerly WAC 18-12-140.]

## Chapter 173-430 WAC

### BURNING OF FIELD AND FORAGE AND TURF GRASSES GROWN FOR SEED

#### WAC

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**WAC 173-430-010 Purpose.** (1) These rules are enacted under the provisions of the Washington State Clean Air Act, chapter 70.94 RCW, as amended, to assume state jurisdiction over and to control emissions from the burning of field and forage, and turf grasses grown for seed.

(2) Authority to enforce all provisions of this regulation, including establishing permit conditions and issuing permits, is delegated to and shall be carried out by all activated air pollution control authorities. In those areas not under the jurisdiction of any activated air pollution control authority, the department of ecology shall enforce these regulations, including establishing permit conditions and issuing permits.

(3) The purpose of this chapter is to:



(a) Minimize adverse effects on air quality from the open burning of field and forage, and turf grasses grown for seed;

(b) Provide for implementation of a research program to explore and identify economical and practical alternative agricultural practices to the open burning of field and forage, and turf grasses grown for seed;

(c) Provide for interim regulation of such burning until practical alternatives are found.

[Order DE 77-20, § 173-430-010, filed 11/9/77. Formerly WAC 18-16-010.]

**WAC 173-430-020 Definitions.** (1) Department: The department of ecology.

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

(3) Emissions: A release of air contaminants into the outdoor atmosphere.

(4) Field and forage grasses: Canarygrass, brome-grass, oatgrass, timothy, wheatgrass, and orchardgrass, planted to produce seed.

(5) Open burning: The combustion of material in the open or in a container, with no provisions for control of the combustion or control over the combustion products.

(6) Particulate: A small discrete mass of solid or liquid matter, not including uncombined water.

(7) Standard conditions: 60°F and 29.92 inches of mercury.

(8) Straw: All material, other than seed, removed by swathing, combining, or cutting.

(9) Turf grasses: All blue grasses, fescues, bentgrass, and perennial ryegrass, planted to produce seed.

[Order DE 77-20, § 173-430-020, filed 11/9/77. Formerly WAC 18-16-020.]

**WAC 173-430-030 Permits, conditions, and restrictions.** (1) No open burning of field or forage grasses, or turf grasses shall be undertaken unless a permit has been obtained from the department or from an activated air pollution control authority, as appropriate. The issuance of permits shall be governed by consideration of air quality conditions in the area affected by the proposed burning, the time of year, meteorological conditions, the size and duration of the proposed burning activity, the applicant's need to carry out such burning, and the public's interest in the environment. Permits will be conditioned to minimize air pollution effects as far as practical. Until approved alternatives become available, the department or the authority may limit the number of acres, on a pro rata basis, among those affected for which permits to burn will be issued in order to control emissions from this source.

(2) The department or activated air pollution control authority may deny permits or establish permit conditions based on the considerations cited in WAC 173-430-030(1).

Permit conditions may include requirements for straw removal and limits on acreage to be burned. Burning of acreage not previously under permit may be banned or subject to more restrictive conditions. Burning of field

and forage grasses may be restricted, and other measures may be required to minimize air pollution effects.

Permits issued before 1978 will establish a permit history for the applicant. This permit history will apply to an applicant and not to specific parcels of land, except land transferred to a spouse, son, or daughter, will retain a permit history as established by the original applicant.

Permit history will be established only for the maximum amount of acreage included in any permit issued before 1978.

Denying permits or establishing more restrictive permit conditions may become necessary. This denial or restriction may first be applied to applicants without a permit history and to amounts of acreage not included in an applicant's permit history.

Applicants who received permits before 1978 may be given priority for burning the amount of acreage cited in the permit history, if any program is implemented to limit acreage burned or to impose more stringent permit conditions.

(3) Open burning of field and forage grasses shall be prohibited. However, a permit may be issued to burn field and forage grasses for disease, pest, or weed control, if such need is certified by a county agent or other agricultural authority; or if such grasses were planted as part of a soil erosion control plan approved by a conservation district.

(4) Permit restrictions or conditions for burning turf grasses may be established for the reasons cited in WAC 173-430-030(3).

(5) Open burning of all grasses scheduled for tear-out shall be prohibited unless a permit specifically allows such burning.

(6) Practical alternative production methods and disease controls which would reduce or eliminate open burning shall be used when reasonably available. These methods and controls shall be used regardless of specific provisions of the compliance program described in this section.

[Order DE 77-20, § 173-430-030, filed 11/9/77. Formerly WAC 18-16-030.]

**WAC 173-430-040 Mobile field burners.** Mobile field burners, and other methods of incineration not classified as open burning, shall not be prohibited by the restrictions in WAC 173-430-030: *Provided*, That emissions do not exceed the following standards:

(1) Visible emissions shall not exceed an opacity of 20 percent for more than three minutes in any one hour;

(2) Particulate emissions shall not exceed 0.1 grains per standard cubic foot of exhaust gas, corrected to seven percent oxygen at standard conditions, dry.

[Order DE 77-20, § 173-430-040, filed 11/9/77. Formerly WAC 18-16-040.]

**WAC 173-430-050 Other approvals.** Nothing in this chapter shall relieve any applicant for a permit hereunder from obtaining permits, licenses, or approvals required by any other laws, regulations, or ordinances.

[Order DE 77-20, § 173-430-050, filed 11/9/77. Formerly WAC 18-16-050.]

**WAC 173-430-060 Study of alternatives.** The department shall conduct, cause to be conducted, or approve of a study or studies to explore and identify economical and practical alternative practices to open burning of field and forage, and turf grasses grown for seed. To conduct any such study, the department may contract with public or private entities. Any approved study shall provide for the identification of such alternatives as soon as possible. The department shall annually review the progress of such studies. The department shall, by January 1, 1981, review provisions of this regulation and available alternatives to open burning and determine if continuing open burning of field and forage, and turf grasses is justified.

[Order DE 77-20, § 173-430-060, filed 11/9/77. Formerly WAC 18-16-060.]

**WAC 173-430-070 Fees.** (1) To support the study or studies described in WAC 173-430-060, the department or activated air pollution control authority, as appropriate, shall collect a fee of fifty cents per acre of crop to be burned before any permit is issued under WAC 173-430-030. This fee shall be submitted with individual permit applications.

(2) When a permit is granted to burn fewer acres than requested in the permit application, the department or authority, as appropriate, shall refund to the permit applicant that part of the permit fee which applies to the acreage not permitted to burn.

(3) Permits issued under this chapter grant approval to burn the number of acres specified in the permit. If, after receiving a permit, a grower burns fewer acres than allowed under the permit, no part of the permit fee will be refunded.

(4) After granting any permit and making any refund required under WAC 173-430-070(2), any authority shall transfer the permit fee to the department.

(5) The department shall deposit all permit fees in a special grass seed burning research account in the general fund.

(6) The department shall allocate moneys annually from this account to support approved studies provided for in WAC 173-430-060, up to the amount appropriated to the department for such purpose.

(7) When the department concludes that enough reasonably available alternative practices to the open burning of field and forage, and turf grasses grown for seed have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved. Any money remaining in the account shall revert to the general fund.

[Order DE 77-20, § 173-430-070, filed 11/9/77. Formerly WAC 18-16-070.]

**WAC 173-430-080 Certification of alternatives.** When enough information on alternative practices to open burning becomes available, the department shall conduct public hearings to receive testimony from interested parties. If the department then concludes that any procedure, program, technique, or device is a practical

alternative to the open burning of field and forage, or turf grasses grown for seed, the department shall, by order, approve such alternative. After approval, any alternative that is reasonably available shall be used; and open burning of field and forage, and turf grasses grown for seed shall not be allowed.

[Order DE 77-20, § 173-430-080, filed 11/9/77. Formerly WAC 18-16-080.]

## Chapter 173-435 WAC EMERGENCY EPISODE PLAN

### WAC

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**WAC 173-435-010 Purpose.** These rules implement chapter 70.94 RCW, the Washington State Clean Air Act, as amended by chapter 194, Laws of 1971 ex. sess.

Air pollution episodes occur under meteorological conditions that reduce the effective volume of air into which air contaminants are introduced. When these conditions occur, there is a possible danger that normal operations at air contaminant sources will be detrimental to public health and safety. The avoidance of high contaminant concentrations during an episode requires a plan which will provide for rapid short-term emission reduction. This chapter sets up such an episode avoidance plan.

[Order DE 77-21, § 173-435-010, filed 10/31/77. Formerly WAC 18-08-010.]

**WAC 173-435-020 Definitions.** (1) Air quality control region: An area designated as an air quality control region by the federal environmental protection agency.

(2) Air contaminant: Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combinations thereof.

(3) Department: The department of ecology.

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

(5) Emission: A release of air contaminants into the outdoor atmosphere.

(6) Episode stage: A prescribed level of air contaminants or meteorological conditions where certain control actions are required to prevent ambient pollutant concentrations from reaching levels which could cause significant harm to the health of persons.

(7) Emergency action center: The headquarters for all department actions during an episode stage.

(8) Hour: A 60 minute period, beginning and ending on a clock hour.

(9) 8 hours: Any consecutive 8 hours, starting at any clock hour.

(10) Major source: Any source which is estimated to emit at an annual rate of 25 tons per year or more of SO<sub>2</sub>, particulates, or carbon monoxide.

(11) ppm: Parts per million (parts of contaminant per million parts of gas or air by volume).

(12) Particulates: Small discrete masses of solid or liquid matter, but not including uncombined water. (For air pollution usage, sizes generally range from submicron to over 2000 microns.)

(13) Person: An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, governmental agency, or other entity.

(14) Source emission reduction plan (SERP): A plan developed for an individual air pollution source and approved by the director, which sets forth the actions to be taken at that source upon the declaration of various stages of an episode.

(15) 24 hours: Any consecutive 24 hours, starting at any clock hour.

[Order DE 77-21, § 173-435-020, filed 10/31/77. Formerly WAC 18-08-020.]

**WAC 173-435-030 Episode stage criteria.** The declaration of episode stages shall be in accordance with the following criteria:

(1) **Stage:** "First or forecast" – the forecast stage indicates the presence of meteorological conditions conducive to the accumulation of air contaminants. A forecast stage may be declared when an air stagnation advisory is issued by the national weather service or there is equivalent indication of stagnant atmospheric conditions and conditions are forecast to persist for 24 hours. Declaration of this stage will activate increased air quality surveillance.

(2) **Stage:** "Second or alert" – the alert stage is that concentration of pollutants at which control actions are to begin. An alert will be declared when any one of the following levels is reached:

- (a) SO<sub>2</sub> – 800 µg/m<sup>3</sup> (0.3 ppm), 24-hour average.
- (b) Particulate – 375 µg/m<sup>3</sup>, 24-hour average.
- (c) SO<sub>2</sub> and particulate combined – product of SO<sub>2</sub> – µg/m<sup>3</sup>, 24-hour average, and particulate µg/m<sup>3</sup>, 24-hour average equal to 65 x 10<sup>3</sup>.
- (d) CO – 17 mg/m<sup>3</sup> (15 ppm), 8-hour average.
- (e) Oxidant (O<sub>3</sub>) – 400 µg/m<sup>3</sup> (0.2 ppm) – 1-hour average.

(f) NO<sub>2</sub> – 1130 µg/m<sup>3</sup> (0.6 ppm) 1-hour average, 282 µg/m<sup>3</sup> (0.15 ppm) 24-hour average; and meteorological conditions are such that the pollutant concentrations can be expected to remain at or above the alert levels for 12 or more hours or can be expected to recur within 24 hours unless control actions are taken.

(3) **Stage:** "Third or warning" – the warning stage indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached:

- (a) SO<sub>2</sub> – 1,600 µg/m<sup>3</sup> (0.6 ppm), 24-hour average.
- (b) Particulate – 625 µg/m<sup>3</sup>, 24-hour average.

(c) SO<sub>2</sub> and particulate combined – product of SO<sub>2</sub> µg/m<sup>3</sup>, 24-hour average and particulate µg/m<sup>3</sup>, 24-hour average equal to 261 x 10<sup>3</sup>.

(d) CO – 34 mg/m<sup>3</sup> (30 ppm), 8-hour average.

(e) Oxidant (O<sub>3</sub>) – 800 µg/m<sup>3</sup> (0.4 ppm), 1-hour average.

(f) NO<sub>2</sub> – 2,260 µg/m<sup>3</sup> (1.2 ppm), 1-hour average; 565 µg/m<sup>3</sup> (0.3 ppm), 24-hour average; and meteorological conditions are such that pollutant concentrations can be expected to remain at or above the warning levels for 12 or more hours or can be expected to recur within 24 hours unless control actions are taken.

(4) **Stage:** "Fourth or emergency" – the emergency stage indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

(a) SO<sub>2</sub> – 2,100 µg/m<sup>3</sup> (0.8 ppm), 24-hour average.

(b) Particulate – 875 µg/m<sup>3</sup>, 24-hour average.

(c) SO<sub>2</sub> and particulate combined – product of SO<sub>2</sub> µg/m<sup>3</sup>, 24-hour average and particulate µg/m<sup>3</sup>, 24-hour average equal to 393 x 10<sup>3</sup>.

(d) CO – 46 mg/m<sup>3</sup> (40 ppm), 8-hour average.

(e) Oxidant (O<sub>3</sub>) – 1,200 µg/m<sup>3</sup> (0.6 ppm), 1-hour average.

(f) NO<sub>2</sub> – 3,000 µg/m<sup>3</sup> (1.6 ppm), 1-hour average; 750 µg/m<sup>3</sup> (0.4 ppm), 24-hour average; and meteorological conditions are such that this condition can be expected to remain at or above emergency levels for 12 or more hours, or can be expected to recur within 24 hours.

(5) **Stage:** "Termination" – once declared, any stage reached by applying these criteria will remain in effect until the criteria for that level are no longer met. At that time, the next lower stage will be declared. When conditions improve to where the criteria are no longer met for any episode stage, the episode will be terminated.

[Order DE 77-21, § 173-435-030, filed 10/31/77. Formerly WAC 18-08-030.]

**WAC 173-435-040 Source emission reduction plans.**

(1) Any person responsible for the operation of a major source, when requested in writing by the director or his authorized representative, shall prepare, in consultation with the department, a source emission reduction plan (SERP). This SERP shall be consistent with good industrial practice and safe operating procedures for reducing the emissions of air contaminants into the outdoor atmosphere during periods of air pollution alert, warning, and emergency.

(2) SERPs shall be in writing and shall show the source of air contamination, describe the manner in which the reduction of air contaminant emissions will be achieved during periods of air pollution alert, warning, and emergency, and give the amount of reduction for each stage.

(3) During periods of air pollution alert, warning, or emergency, SERPs shall be made available, on the premises of sources required under this section to have them, to any person authorized to enforce the provisions of this episode avoidance plan.

(4) SERPs shall be submitted to the director within 30 days after receipt of a request thereof.

(5) SERPs shall be reviewed and approved by the director. If, in the opinion of the director, and SERP does not, in whole or in part, provide for satisfactory emission reduction during an episode, the director may disapprove such SERP, give the reason for disapproval, and require the resubmittal of same within a specified time period.

If within the time period specified, the person responsible fails to submit a SERP satisfactory to the director, the director may revise the SERP to cause it to meet episode avoidance objectives. This revised plan will then be the SERP for the source to which it applies.

(6) SERPs may be amended after submission to the director of a revised SERP. This revised SERP will be processed in the same manner as the originally submitted SERP.

(7) An emission reduction plan for the purpose of reducing motor vehicle emissions during episode stages, will be developed or approved by the department. These plans may include actions to be taken by other governmental units, citizens, and businesses.

[Order DE 77-21, § 173-435-040, filed 10/31/77. Formerly WAC 18-08-040.]

**WAC 173-435-050 Action procedures.** (1) Whenever applicable criteria are met, the director, or his duly authorized representative, may declare and terminate the forecast, alert, and warning stages of an episode. This declaration shall constitute an order for action in accordance with applicable SERPs.

(2) No open fires shall be ignited during any stage of an episode. Any person responsible for an open fire already ignited shall extinguish that fire when informed that an episode has been declared. Open fires conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down.

(3) Whenever applicable criteria are met, the governor may declare and terminate the emergency stage of an episode. This declaration shall constitute an order for action in accordance with applicable SERPs.

(4) Adverse air quality need not be region-wide for any episode stage to be declared. Action procedures may be taken for any area affected or likely to be affected by episode conditions. The declaration of any episode stage shall specify the area to which it applies.

(5) The broadest publicity practicable shall be given to the declaration of any episode stage. Such declaration shall, as soon as possible, be directly communicated to all persons responsible for the carrying out of SERPs within the affected area.

(6) Regardless of whether any episode stages have previously been declared, whenever the governor finds that emissions are causing imminent danger to public health or safety, the governor may declare an air pollution emergency and order the persons responsible for the operation of sources causing the danger, to reduce or

discontinue emissions consistent with good operating practice, safe operating procedures, and SERPs, if any.

(7) Whenever an episode stage is declared on the basis of contaminant levels of carbon monoxide, oxidant, or nitrogen dioxide, the director, or his duly authorized representative, shall take such action as may be required to reduce emissions from motor vehicles. These actions may include, but are not limited to, the rerouting or detouring of traffic. Actions to be taken by cities and businesses will be established and implemented according to plans developed by them and approved by the department. These plans must meet criteria for emission reduction established by the department.

[Order DE 77-21, § 173-435-050, filed 10/31/77. Formerly WAC 18-08-050.]

**WAC 173-435-060 Enforcement.** (1) Whenever any episode stage has been declared, the department shall establish an emergency action center, which shall be the headquarters for all department actions during the episode.

(2) The department shall develop an operations manual, which shall set forth a plan for the receipt, processing, and dissemination of information and data during an episode.

(3) Enforcement with respect to any episode shall be directed from the emergency action center by the director and/or his authorized representatives in consultation with the governor's office.

(4) Authorized personnel of the department, the department of social and health services, and the state police shall have the authority to enforce orders of the director or the governor, issued under this chapter, as directed from the emergency action center. In addition, authorized personnel of any local air pollution control agency or local police force shall have the authority to enforce such orders against sources within the area over which that agency or police force has jurisdiction, as directed from the emergency action center.

(5) To determine compliance with any SERP, those persons authorized to enforce orders, hereunder, shall have the authority to enter upon any private or public property, excepting nonmultiple unit private dwellings, housing two families or less. No person shall refuse entry or access to enforcement personnel who request entry and present appropriate credentials.

(6) Whenever it appears that action being taken in compliance with SERPs will not avert imminent danger to public health and safety, the governor may order the following additional measures:

(a) Stopping and prohibiting motor vehicle travel and traffic;

(b) Closing down or restricting the use of any business, commercial, industrial or other establishment or activity which contributes to the emission of contaminants to the air.

(7) Any declaration or order issued in accordance with WAC 173-435-050 shall be effective immediately and shall not be stayed, pending completion of review.

(8) Whenever any order has been issued hereunder, the attorney general, upon the request of the governor or

the director, or the authorized representative of either, shall petition the superior court of the county in which a source is located for a temporary restraining order for the immediate reduction or discontinuance of emissions from that source.

[Order DE 77-21, § 173-435-060, filed 10/31/77. Formerly WAC 18-08-060.]

**WAC 173-435-070 Sampling sites, equipment, and methods.** (1) Data from all stations shall be considered when determining episode conditions. The department shall specify particulate monitoring stations to be operated continuously during any episode stage for episode management purposes. Stations from which episode declarations are based must be located in such a manner that the area represented by that station and the sources contributing to the episode condition can reasonably be determined and corrective actions taken.

(2) Sampling and analysis will be done by federal reference or federal equivalent methods; except the department may approve other sampling and analysis methods for particulate if reasonable site specific equivalency with the federal reference method has been demonstrated. This equivalency must be reestablished biennially.

[Order DE 77-21, § 173-435-070, filed 10/31/77.]

### Chapter 173-475 WAC

#### AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE, OZONE, AND NITROGEN DIOXIDE

##### WAC

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| 173-475-010 | Purpose.               |
| 173-475-020 | Definitions.           |
| 173-475-030 | Air quality standards. |
| 173-475-040 | Measurement methods.   |
| 173-475-050 | Reporting of data.     |

**WAC 173-475-010 Purpose.** These rules implement chapter 70.94 RCW, the Washington State Clean Air Act, and chapter 163, Laws of 1979 ex. sess. The purpose of this chapter is to set statewide air quality standards for carbon monoxide, ozone, and nitrogen dioxide.

[Statutory Authority: RCW 43.21A.080, 70.94.331, 70.120.030, and 70.120.120. 80-03-071 (Order DE 79-36), § 173-475-010, filed 2/29/80.]

**WAC 173-475-020 Definitions.** (1) "Air quality standard" means an established concentration, exposure time, or frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(2) "Ambient air" means the surrounding outside air.

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

(4) "National air monitoring stations (NAMS)" means fixed monitoring stations operated by the state

and local air pollution control agencies to meet national monitoring objectives. The stations are a subset of the SLAMS network and are sited with emphasis on urban and multi-source areas.

(5) "State and local air monitoring stations (SLAMS)" means stations designed to meet any of four basic monitoring objectives:

(a) To determine highest concentrations expected to occur;

(b) To determine representative concentrations in areas of high population density;

(c) To determine the impact on ambient air pollution levels of significant sources or source categories; and

(d) To determine general background concentration levels.

(6) "Special purpose monitoring stations (SPMS)" means monitoring stations operated by state and local air pollution control agencies to supplement the SLAMS network in order to increase the overall effectiveness of the state's monitoring efforts.

[Statutory Authority: RCW 43.21A.080, 70.94.331, 70.120.030, and 70.120.120. 80-03-071 (Order DE 79-36), § 173-475-020, filed 2/29/80. Formerly chapters 18-32 and 18-46 WAC (part).]

**WAC 173-475-030 Air quality standards.** (1) Carbon monoxide in the ambient air as measured at a SPMS designated by the department for the purpose of determining compliance with air quality standards, or at any NAMS or SLAMS, shall not exceed the following values:

(a) Nine parts per million (ten milligrams per cubic meter) eight-hour average concentration not to be exceeded more than once per year at any location where people would be exposed to such concentrations for eight consecutive hours or more. Compliance shall be based on data that begins and ends on a clock hour. There shall be no overlapping of hours in any violation period. A maximum of three violations can occur in any one day.

(b) Thirty-five parts per million (forty milligrams per cubic meter) one-hour average concentration not to be exceeded more than once per year at any location where people would be exposed to such concentrations for one hour or more. Compliance shall be determined from data that begins on a clock hour.

(2) Ozone in the ambient air as measured at a SPMS designated by the department for the purpose of determining compliance with this air quality standard, or at any NAMS or SLAMS, shall not exceed 0.12 parts per million (two hundred and thirty-five milligrams per cubic meter) hourly concentration on more than 1.0 days per calendar year as determined under the following conditions:

(a) Three calendar years of data shall be used in determining compliance with this standard. If three years of data are not available, a minimum of one calendar year must be used;

(b) All hourly measurements must start on the clock hour; and

(c) All daily maximum hourly averages not available for a year shall be accounted for by use of the following equation:

$$e = v + v/n (N-n-z)$$

e = the estimated number of potential times the allowed concentrations are exceeded for the year.

N = the number of required monitoring days in the year.

n = the number of days that valid data was available.

v = the number of days that readings have exceeded compliance level.

z = the number of days that readings are assumed to be less than the level of the standard. If a day should be included is based on whether the daily maximum one-hour reading on both the preceding day and the following day do not exceed 0.09 ppm ozone.

(3) Nitrogen dioxide. The annual arithmetic mean of nitrogen dioxide readings in the ambient air measured at a SPMS designated by the department for the purpose of determining compliance with this air quality standard, or at any NAMS or SLAMS, shall not exceed 0.05 parts per million (one hundred micrograms per cubic meter).

[Statutory Authority: RCW 43.21A.080, 70.94.331, 70.120.030, and 70.120.120. 80-03-071 (Order DE 79-36), § 173-475-030, filed 2/29/80. Formerly WAC 18-32-020 and 18-46-030.]

**WAC 173-475-040 Measurement methods.** Measurements for determining compliance with WAC 173-475-030 shall be made by equipment and procedures approved by and on file with the department. All methods and procedures shall be available to the public upon request.

[Statutory Authority: RCW 43.21A.080, 70.94.331, 70.120.030, and 70.120.120. 80-03-071 (Order DE 79-36), § 173-475-040, filed 2/29/80. Formerly WAC 18-32-040 and 18-46-040.]

**WAC 173-475-050 Reporting of data.** Local and regional air pollution control agencies shall notify the department of all occurrences which exceed the applicable standards for carbon monoxide, ozone, or nitrogen dioxide. Notification shall be made quarterly and shall include:

- (a) Location of monitoring sites by address and UTM coordinates;
- (b) Date and time of each violation;
- (c) Concentrations recorded; and
- (d) Method of sampling used.

[Statutory Authority: RCW 43.21A.080, 70.94.331, 70.120.030, and 70.120.120. 80-03-071 (Order DE 79-36), § 173-475-050, filed 2/29/80. Formerly WAC 18-32-050 and 18-46-050.]

### Chapter 173-480 WAC AMBIENT AIR QUALITY STANDARDS AND EMISSION LIMITS FOR RADIONUCLIDES

WAC  
173-480-010 Purpose.

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| 173-480-050 | General standards for maximum permissible emissions.    |
| 173-480-060 | Emission standards for new and modified emission units. |
| 173-480-070 | Emission monitoring and compliance procedures.          |
| 173-480-080 | Regulatory actions and penalties.                       |

**WAC 173-480-010 Purpose.** The purpose of this chapter is to define maximum allowable levels for radionuclides in the ambient air and control emissions from specific sources.

[Statutory Authority: RCW 70.94.331. 86-10-053 (Order 86-04), § 173-480-010, filed 5/7/86.]

**WAC 173-480-020 Applicability.** (1) The ambient air standards shall apply to the entire state. Measurements may be made at all points up to property lines of point, area and fugitive emission sources.

(2) The emission limits of this chapter shall apply to all radionuclide emission units.

[Statutory Authority: RCW 70.94.331. 86-10-053 (Order 86-04), § 173-480-020, filed 5/7/86.]

**WAC 173-480-030 Definitions.** Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings: General terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to the standards and limits of radionuclides as defined in this section.

(1) Best available radionuclide control technology "BARCT" means technology which will result in a radionuclide emission limitation based on the maximum degree of reduction for radionuclides which would be emitted from any proposed new or modified emission units 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 emission unit or modification through application of production processes or available methods, systems, and techniques. In no event shall application of best available radionuclide technology result in emissions of radionuclides which would exceed the ambient annual standard limitation specified in this chapter.

(2) "Critical organ" means the most exposed human organ or tissue exclusive of the skin (integumentary system) and the cornea.

(3) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quantity of radiation and its distribution in the body.

(4) "Radionuclide" means any nuclide that emits radiation.

(5) "Rem" means a unit of dose equivalent radiation.

(6) "Whole body" means all human organs or tissue exclusive of the skin (integumentary system) and the cornea.

[Statutory Authority: RCW 70.94.331. 86-10-053 (Order 86-04), § 173-480-030, filed 5/7/86.]

**WAC 173-480-040 Ambient standard.** Emissions of radionuclides in the air shall not cause a maximum accumulated dose equivalent of more than 25 mrem/y to the whole body or 75 mrem/y to a critical organ of any member of the public. Doses due to radon-220, radon-222, and their respective decay products are excluded from these limits. Compliance with the standard shall be determined by procedures in WAC 173-480-070.

[Statutory Authority: RCW 70.94.331. 86-10-053 (Order 86-04), § 173-480-040, filed 5/7/86.]

**WAC 173-480-050 General standards for maximum permissible emissions.** (1) All radionuclide emission units are required to meet the emission standards in this chapter. At a minimum all emission units shall meet WAC 402-10-010 requiring every reasonable effort to maintain radioactive materials in effluents to unrestricted areas, as low as reasonably achievable (ALARA). For the purposes of this chapter, control equipment of facilities operating under ALARA shall be defined as reasonably available control technology (RACT).

(2) PSD: The emission requirements for an emission unit of radionuclides shall be the same for all areas of the state independent of prevention of significant deterioration (PSD) classification.

(3) Whenever another federal or state regulation or limitation in effect controls the emission of radionuclides to the ambient air, the more stringent control of emissions shall govern.

[Statutory Authority: RCW 70.94.331. 86-10-053 (Order 86-04), § 173-480-050, filed 5/7/86.]

**WAC 173-480-060 Emission standards for new and modified emission units.** (1) Whenever the construction, installation or establishment of a new emission unit subject to this chapter is contemplated, the project shall utilize best available radionuclide control technology (BARCT).

(2) Addition to, enlargement, modification, replacement, alteration of any process or emission unit or replacement of air pollution control equipment which will significantly change potential radionuclide emissions or significantly change the dose equivalent will require the proposed project to utilize best available radionuclide control technology (BARCT) for emission control.

[Statutory Authority: RCW 70.94.331. 86-10-053 (Order 86-04), § 173-480-060, filed 5/7/86.]

**WAC 173-480-070 Emission monitoring and compliance procedures.** (1) The procedures specified in chapter 402-80 WAC shall be used to determine compliance with the standard. Radionuclide emissions shall be determined and dose equivalents to members of the public shall be calculated using department of social and health services approved sampling procedures, department of social and health services approved models, or other procedures, including those based on environmental measurements that department of social and health services has determined to be suitable.

(2) Compliance with this standard shall be determined by calculating the dose to members of the public at the point of maximum annual air concentration in an unrestricted area where any member of the public may be.

[Statutory Authority: RCW 70.94.331. 86-10-053 (Order 86-04), § 173-480-070, filed 5/7/86.]

**WAC 173-480-080 Regulatory actions and penalties.** (1) The department or any activated local air pollution control authority may enforce this chapter with the provisions of WAC 173-403-170, Regulatory actions; and 173-403-180, Criminal penalties.

(2) The responsible person may also be subject to the provisions of RCW 34.04.030, Emergency rules and amendments; 70.98.130, Administrative procedure; 70.98.140, Injunction proceedings; and 70.98.200, Penalties as cited by the department of social and health services.

[Statutory Authority: RCW 70.94.331. 86-10-053 (Order 86-04), § 173-480-080, filed 5/7/86.]

## Chapter 173-490 WAC

### EMISSION STANDARDS AND CONTROLS FOR SOURCES EMITTING VOLATILE ORGANIC COMPOUNDS (VOC)

#### WAC

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|-------------|---|
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| 173-490-200 | Petroleum refinery equipment leaks.                               |
| 173-490-201 | Petroleum liquid storage in external floating roof tanks.         |
| 173-490-202 | Leaks from gasoline transport tanks and vapor collection systems. |
| 173-490-203 | Perchloroethylene dry cleaning systems.                           |
| 173-490-204 | Graphic arts systems.   |
| 173-490-205 | Surface coating of miscellaneous metal parts and products.        |
| 173-490-207 | Surface coating of flatwood paneling.                             |
| 173-490-208 | Aerospace assembly and component coating operations.              |

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

|             |   |
|-------------|---|
| 173-490-206 | Synthesized pharmaceutical products. [Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-206, filed 8/20/80.] Repealed by 82-16-021 (Order DE 82-22), filed 7/27/82. Statutory Authority: Chapters 70.94 and 43.21A RCW. |
|-------------|---|

**WAC 173-490-010 Purpose.** The purpose of this chapter is to establish control requirements for sources emitting volatile organic compounds.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-010, filed 8/20/80. 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.** The specific definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter, and all words and phrases there defined shall, when used in this chapter, carry the meanings set forth in chapter 173-400 WAC. Unless a different meaning is indicated by context, the following words and phrases, as 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) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

(4) "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.

(5) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

(6) "Condenser" means a device for cooling a gas stream to a temperature where specific volatile organic compounds become liquid and are removed.

(7) "Control system" means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOC emitted to the atmosphere.

(8) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

(9) "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.

(10) "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.

(11) "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.

(12) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially nonaqueous

solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

(13) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(14) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(15) "Gas service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

(16) "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.

(17) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

(18) "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.

(19) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(20) "Hardboard plywood" means plywood whose surface layer is a veneer of hardwood.

(21) "Lease custody transfer" means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(22) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

(23) "Liquid service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.

(24) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(25) "Packaging rotogravure printing" means roto-gravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.



(26) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery, excluding No. 2 through 6 fuel oils (ASTM D396-69), No. 2GT through 4 GT gas turbine fuel oils (ASTM D2880-71) or No. 2D and 4D diesel fuel oils (ASTM D975-68).

(27) "Petroleum refinery" means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(28) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(29) "Proper attachment fittings" means hardware for the attachment of gasoline transfer or vapor collection lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.

(30) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(31) "Reactor" means a vessel that may be jacketed for temperature control in which to conduct chemical reactions.

(32) "Refinery unit" means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

(33) "Roll printing" means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(34) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image areas in the form of cells.

(35) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

(36) "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.

(37) "Submerged loading" means the filling of a tank with a submerged fill line.

(38) "Suitable closure or 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.

(39) "Thin particleboard" means a manufactured board one-quarter inch or less in thickness made of individual wood particles which have been coated with a binder and former into flat sheets by pressure.

(40) "Tileboard" means panelling that has a colored waterproof surface coating.

(41) "Transport tank" means a container having a usable liquid volume greater than one thousand liters (260 gallons) used for shipping gasoline on land, including but not limited to, tank trucks, tank trailers, railroad tank cars, and metallic or nonmetallic tanks or cells conveyed on any vehicle.

(42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, 1980.

(43) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(44) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(45) "Vapor control system" means a system designed and operated to reduce or limit the emission of VOC, or to recover the VOC to prevent their emission into the ambient air.

(46) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(47) "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. Excluded compounds are methane, ethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), methylene chloride and 1, 1, 1-trichloroethane (methyl chloroform).

(48) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

[Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-020, filed 7/27/82. Statutory Authority: RCW 70.94.331, 70.94.510, and 70.94.785. 81-03-003 (Order DE 80-54), § 173-490-020, filed 1/8/81. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-020, filed 8/20/80. 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 General applicability.** (1) This chapter shall apply to the specified emission sources of volatile organic compounds located in or operating within designated ozone nonattainment areas of the state of Washington.

(2) Sources of volatile organic compound emissions may be exempted, by the director, from any or all 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 source complies with a phase-out schedule approved by the director. The phase-out schedule shall contain specific actions and dates necessary to the orderly termination of the source's activities. 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.

(3) This chapter does not apply to those sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(4) A source of volatile organic compound emissions not belonging to any of the categories listed in WAC 173-490-030 nor specifically identified in any section, but which is located on the same or adjacent property and owned or operated by the same person as a regulated emission source, shall not be required to comply with the regulations of this chapter.

(5) Sources of volatile organic compound emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of volatile organic compounds when the source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions of volatile organic compounds from such operations do not exceed 300 kg (660 lbs) per month.

[Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-025, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-025, filed 8/20/80. 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 in the following source categories and located in a designated ozone nonattainment area shall register the source with the department unless 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).

- (a) Petroleum refineries.
- (b) Petroleum liquid storage tanks.
- (c) Gasoline loading terminals.
- (d) Bulk gasoline plants.
- (e) Gasoline dispensing facilities.
- (f) Surface coaters.
- (g) Open top vapor degreasers.
- (h) Conveyorized degreasers.
- (i) Gasoline transport tanks.
- (j) Vapor collection systems.
- (k) Perchloroethylene dry cleaning systems.
- (l) Graphic arts systems.
- (m) Surface coaters of miscellaneous metal parts and products.

(n) Synthesized pharmaceutical manufacturing facilities.

(o) Flatwood panel manufacturers and surface finishing facilities.

(2) The owner or operator of a registered stationary emission source of volatile organic compounds shall furnish, upon request of the director, such data as the director 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 director 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 WAC 173-490-040, 173-490-200, 173-490-201, 173-490-202, 173-490-203, 173-490-204, 173-490-205, 173-490-206 and 173-490-207, 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.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-030, filed 8/20/80. 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 this chapter using the sampling procedures on file with and approved by the director.

(1) Petroleum refineries.

(a) This chapter 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 WAC 173-490-040 (1)(d)(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 WAC 173-490-040 (1)(e)(ii).

(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 fixed-roof 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 WAC 173-490-040 (2)(a)(i) 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 WAC 173-490-040 (2)(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 WAC 173-490-040 (4)(b) shall be exempt from the requirements of WAC 173-490-040(2).

(3) Gasoline loading terminals.

(a) This chapter 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 WAC 173-490-040 (3)(c) 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) This chapter 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 WAC 173-490-040 (4)(d), 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 WAC 173-490-040(5); and

(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 tank shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All tanks shall be submerged filled or bottom loaded.

(ii) The loading of all tanks, except those exempted under WAC 173-490-040 (4)(d) 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 this chapter 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 transport 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) This chapter shall apply to all gasoline dispensing facilities with a total annual gasoline output greater than seven hundred fifty-seven thousand liters (200,000 gallons) or sixty-three thousand one hundred liters (16,670 gallons) per month and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons).

(b) All gasoline storage tanks of the facilities defined in WAC 173-490-040 (5)(a) 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 WAC 173-490-040 (5)(c).

(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 WAC 173-490-040 (5)(b) if installed prior to January 1, 1979.

(d) 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. A vapor balance system that is designed, built and operated according to accepted industrial practices will satisfy this requirement.

(e) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(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, flashoff areas, and dryer would be greater than 18 kg (40 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<br>Grams/Liter<br>of Coating<br>(Excluding Water) | lb/Gal.of<br>Coating<br>(Excluding Water) |
|---|--|---|
| Can Coating   |  |   |
| Sheet basecoat and overvarnish;<br>two-piece can exterior                     | 340  | 2.8                                       |
| Two and three piece can interior<br>body spray, two piece can exterior<br>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                                       |

| Process                           | Limitation<br>Grams/Liter<br>of Coating<br>(Excluding Water) | lb/Gal. of<br>Coating<br>(Excluding Water) |
|-----------------------------------|--|--|
| Can Coating                       |  |  |
| 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 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. When a degreaser has a freeboard ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(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) Be equipped with at least the following three safety switches:

(A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm).

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively).

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(iv) 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) Degrease the workload in the vapor zone until condensation ceases.

(H) Spraying operations should be done within the vapor layer.

(I) Hold parts in the degreaser until visually dry.

(J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(K) 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.

(L) 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.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(8) Conveyorized degreasers.

(a) The owner or operator of conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation shall not exceed twenty cubic meters per minute of square meter (65 cfm per ft.<sup>2</sup>) of degreaser opening, unless necessary to meet OSHA requirements.

(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.

(iii) Vapor degreasers shall be equipped with at least the following three safety switches:

(A) Condenser flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm).

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively).

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(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.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(f) All conveyerized cold cleaners and conveyerized vapor degreasers with air/vapor interfaces of 2.0 m<sup>2</sup> or greater shall have one of the following major control devices installed and operating after April 1, 1982:

(i) Carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m<sup>2</sup>/min per m<sup>2</sup> of air/vapor area, when downtime covers are open), or

(ii) Refrigerated chiller with control effectiveness equal to or better than WAC 173-490-040 (8)(f)(i), or

(iii) A system with control effectiveness equal to or better than WAC 173-490-040 (8)(f)(i).

(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 WAC 173-490-040 (9)(b).

(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). Any person using cutback asphalt for paving shall demonstrate that the ambient air temperature at 8 a.m. (PST) is below 50°F. The paving application of cutback asphalt when the ambient air temperature is 50°F or higher is in violation of this chapter.

(10) Cold cleaners.

(a) The owner or operator of all cold cleaners shall comply with the following equipment specifications:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drainrack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a vapor pressure greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(f) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), then one of the following solvent vapor control systems must be used:

(i) The freeboard ratio must be equal to or greater than 0.70; or

(ii) Water must be kept over the solvent, which must be insoluble in and heavier than water; or

(iii) Other systems of equivalent control, such as a refrigerated chiller.

[Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-040, filed 7/27/82. Statutory Authority: RCW 70.94.331, 70.94.510, and 70.94.785. 81-03-003 (Order DE 80-54), § 173-490-040, filed 1/8/81. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-040, filed 8/20/80. 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 condition in WAC 173-490-040 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 conditional or full approval of chapter 173-490 WAC, by the U.S. Environmental Protection Agency.

(1) Petroleum refineries.

(a) A schedule of control dates may be developed for each refinery on a case-by-case basis by the local air pollution control authority in consultation with refinery representatives. The schedule shall be submitted to the department within ninety days from the date of approval of this regulation by the U.S. EPA. The schedule shall then be submitted to the U.S. EPA for approval as a SIP revision.

(b) Should a schedule of control dates not be submitted to the department within the specified time period then the following schedule shall apply:

|                        |    |
|------------------------|----|
| Notice of Construction | 3  |
| Contract Let           | 10 |
| Commence Construction  | 12 |
| Complete Construction  | 22 |
| Final Compliance       | 24 |

(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 Serviced Primarily By:

|                        | Terminals | 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 |

(8) Cold cleaners.

|                  |   |
|------------------|---|
| Final compliance | 8 |
|------------------|---|

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-070, filed 8/20/80. 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 173-490-071 Alternative schedule of control dates.** (1) The owner or operator of a source of volatile organic compound emissions subject to regulation under this chapter may submit to the director, and the director may approve, a proposed alternative schedule of control dates provided:

(a) The proposed alternative schedule is submitted prior to March 1, 1981;

(b) The owner or operator of the source provides sufficient information to justify the need for an alternative schedule;

(c) The alternative schedule contains increments of progress;

(d) Final compliance is achieved as expeditiously as practicable and before the photochemical oxidant attainment date.

(2) The owner or operator of a source of volatile organic compound emissions subject to an alternative schedule of control dates shall certify to the director within ten calendar days after the deadline for each increment of progress whether the required increment of progress has been met.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-071, filed 8/20/80.]

**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 chapter shall 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: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-080, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-080, filed 8/20/80. 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) 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 chapter.

(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 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-150, filed 8/20/80. Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-150, filed 5/8/79.]

**WAC 173-490-200 Petroleum refinery equipment leaks.** (1) Specific applicability. This section shall apply to all petroleum refineries as qualified in WAC 173-490-025.

(2) Provisions for specific processes.

(a) The owner or operator of a petroleum refinery shall:

(i) Develop a monitoring program consistent with the provisions in WAC 173-490-200(3);

(ii) Conduct a monitoring program consistent with the provisions in WAC 173-490-200(5);

(iii) Record all leaking components which have a VOC concentration greater than 10,000 ppm when tested according to the provisions in WAC 173-490-200(4) and place an identification tag on each component consistent with the provisions of WAC 173-490-200 (5)(c);

(iv) Correct and retest the leaking component, as defined in WAC 173-490-200 (2)(a)(iii), as soon as practicable, but not later than fifteen days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(v) Identify all leaking components, as defined in WAC 173-490-200 (2)(a)(iii), that cannot be corrected until the refinery unit is shut down for turnaround.

(b) The owner or operator of a petroleum refinery shall not install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(3) Schedule of control dates.

(a) The owner or operator of a petroleum refinery shall meet the increments of progress contained in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(b) Submit to the director a monitoring program by July 1, 1981. This program shall contain, at a minimum, a list of the refinery units and the quarter in which they will be monitored, a copy of the log book format, and the make and model of the monitoring equipment to be used. In no case shall a monitoring contract relieve the owner or operator of a petroleum refinery of the responsibility for compliance with this chapter.

(c) The first quarter of monitoring shall be completed by December 15, 1981.

(4) Testing procedures. Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the director.

(5) Monitoring.

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(i) Monitor yearly by the methods referenced in WAC 173-490-200(4) all pump seals, pipeline valves in liquid service and process drains;

(ii) Monitor quarterly by the methods referenced in WAC 173-490-200(4) all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service;

(iii) Monitor weekly by visual methods all pump seals;

(iv) Monitor immediately any pump seal from which liquids are observed dripping;

(v) Monitor any relief valve within twenty-four hours after it has vented to the atmosphere; and

(vi) Monitor immediately after repair any component that was found leaking.

(b) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in WAC 173-490-200 (5)(a).

(c) The owner or operator of a petroleum refinery, upon the detection of a leaking component, as defined in WAC 173-490-200 (2)(a)(iii), shall affix a weather-proof and readily visible tag, bearing an identification number and the date the leak is located, to the leaking component. This tag shall remain in place until the leak is corrected.

(6) Recordkeeping.

(a) The owner or operator of a petroleum refinery shall maintain a leaking component's monitoring log as



specified in WAC 173-490-200 (2)(a)(iii) that shall contain, at a minimum, the following data:

(i) The name of the process unit where the component is located.

(ii) The type of component (e.g., valve, seal).

(iii) The tag number of the component.

(iv) The date on which a leaking component is discovered.

(v) The date on which a leaking component is repaired.

(vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.

(vii) A record of the calibration of the monitoring instrument.

(viii) Those leaks that cannot be repaired until turnaround.

(ix) The total number of components checked and the total number of components found leaking.

(b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared.

(c) Copies of the monitoring log shall immediately be made available to the department, upon verbal or written request, at any reasonable time.

(7) Reporting. The owner or operator of a petroleum refinery shall notify the director in writing within forty-five days following each quarterly or annual inspection for component leaks when:

(a) The number of discovered leaks has increased by more than ten percent above the number recorded during the last inspection of the same components;

(b) The number of leaking components has increased for two consecutive quarterly or annual inspections;

(c) The number of leaks not corrected within fifteen days exceeds five percent of the leaks detected;

(d) The next scheduled process unit turnaround needed to repair an uncorrectable leak is more than twelve months away.

(8) Petition for alternative monitoring.

(a) After two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery may petition the director for alternative monitoring procedures or a reduction in monitoring frequency.

(b) A petition for alternative monitoring procedures shall contain:

(i) The name and address of the company and the name and telephone number of the responsible person over whose signature the petition is submitted;

(ii) A detailed description of the problems encountered under WAC 173-490-200(5); and

(iii) A detailed description of the alternative monitoring procedures and how this alternative procedure will solve or reduce the problems encountered under WAC 173-490-200(5).

(c) A petition for a reduction in monitoring frequency shall contain:

(i) The information requested in WAC 173-490-200 (8)(b)(i);

(ii) A detailed description of the proposed component-monitoring schedule;

(iii) A demonstration by the owner or operator that the facility is currently operating with a low level of component leaks and is committed to a maintenance program that will assure a frequency and severity of component leaks as good as that attainable under WAC 173-490-200(2).

(d) An approved petition for a reduction in monitoring frequency shall begin with the next quarterly inspection and shall be valid for a period of twelve quarters (three years). At the time of the last inspection in the twelve quarters, a new submittal of the information required in WAC 173-490-200 (8)(c) shall be made if the reduced frequency of monitoring is to continue.

(e) The department may approve a part or all of a petition for alternative monitoring requested under WAC 173-490-200 (8)(b) or (c). Approval or disapproval will be in writing and within forty-five calendar days of receipt of the petition by the department. A failure to approve or disapprove a new petition or petition for renewal within the stated time limit shall be taken as an approval.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-200, filed 8/20/80.]

**WAC 173-490-201 Petroleum liquid storage in external floating roof tanks.** (1) Specific applicability.

(a) This section shall apply to all petroleum liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (40,000 gallons), and as qualified in WAC 173-490-025.

(b) This section does not apply to petroleum liquid storage vessels that:

(i) Are used to store waxy, heavy pour crude oil;

(ii) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer;

(iii) Contain a petroleum liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia);

(iv) Contain a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); are of welded construction; and presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by the director; or

(v) Are of welded construction, equipped with a metallic-type shoe primary seal and have secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).

(2) Provisions for specific processes.

(a) No owner of a petroleum liquid storage vessel shall store a petroleum liquid in that vessel unless:

(i) The vessel has been fitted with:

(A) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(B) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under WAC 173-490-201 (2)(a)(i)(A) and approved by the director.

(ii) All seal closure devices meet the following requirements:

(A) There are no visible holes, tears, or other openings in the seal or seal fabric;

(B) The seal is intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(C) For vapor mounted primary seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 cm<sup>2</sup> per meter of tank diameter (1.0 in.<sup>2</sup> per foot of tank diameter), as determined by the method in WAC 173-490-201(4).

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(A) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(B) Equipped with projections into the tank which remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least ninety percent of the area of the opening.

(b) The owner or operator of a petroleum liquid storage vessel with an external floating roof subject to this chapter shall:

(i) Perform routine inspections annually in order to insure compliance with WAC 173-490-201 (2)(a) and the inspection shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with WAC 173-490-201(4) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in WAC 173-490-201 (2)(b)(i) and (ii).

(c) The owner or operator of a petroleum liquid storage vessel with an external floating roof exempted from this chapter by WAC 173-490-201 (1)(b)(iii), but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psi), shall maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all petroleum liquids with a true vapor pressure greater than 7.0 kPa.

(d) Copies of all records under WAC 173-490-201 (2)(b) and (c) shall be retained by the owner or operator for a minimum of two years after the date on which the record was made.

(e) Copies of all records required under WAC 173-490-201 shall immediately be made available to the director, upon verbal or written request, at any reasonable time.

(3) Schedule of control dates.

(a) The owner or operator of a petroleum liquid storage vessel shall meet the increments of progress contained in the following schedule or an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Submit final plans for the emission control system before March 1, 1981;

(ii) Award contracts for the emission control system before May 1, 1981;

(iii) Initiate on-site construction or installation of the emission control equipment before July 1, 1981;

(iv) Complete on-site construction or installation of the emission control equipment before November 1, 1981; and

(v) Achieve final compliance with subsection (2) of this section before January 1, 1982.

(b) The owner or operator of a source of VOC emissions subject to a schedule of control dates shall certify to the director within ten calendar days after the deadline for each increment of progress, whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) The owner or operator of a storage vessel covered under WAC 173-490-201 shall demonstrate compliance by the methods of this subsection or an alternative method approved by the director.

(b) A person proposing to measure the seal fit of a storage vessel in order to comply with this section shall notify the director of the intent to measure not less than five working days before the measurement so the director may at his option observe the measurement.

(c) Compliance with WAC 173-490-201 (2)(a)(ii)(C) shall be determined by physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 0.32 cm (1/8 in.) uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and the tank wall and summing the area of the individual gaps.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-201, filed 8/20/80.]

**WAC 173-490-202 Leaks from gasoline transport tanks and vapor collection systems.** (1) Specific applicability.

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants and gasoline dispensing facilities as qualified in WAC 173-490-025 and 173-490-040.

(2) Provisions for specific processes.

(a) The owner or operator of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle.

(b) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of

loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank:

(i) Is tested annually according to the test procedure referenced in WAC 173-490-202 (4)(c);

(ii) Sustains a pressure change of no more than 0.75 kilopascals (3 inches of water) in five minutes when pressurized to a gauge pressure of 4.5 kilopascals (18 inches of water) or evacuated to a gauge pressure of 1.5 kilopascals (6 inches of water) during the testing required in WAC 173-490-202 (2)(b)(i);

(iii) Is repaired by the owner or operator and retested within fifteen days of testing if it does not meet the criteria of WAC 173-490-202 (2)(b)(ii);

(c) The owner or operator of a transport tank shall:

(i) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(ii) Display a sticker near the department of transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in WAC 173-490-202 (2)(b)(i) and (ii);

(B) Shows the identification number of the gasoline tank truck; and

(C) Expires not more than one year from the date of the leak tight test.

(d) The owner or operator of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) A gauge reading of tank pressure will not exceed 4.5 kilopascals (18 inches of water) or vacuum 1.5 kilopascals (6 inches of water);

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of 2.5 cm (1 inch) from potential leak sources when measured by the method in WAC 173-490-202(4); and

(C) There are no visible liquid leaks.

(ii) Repair and retest a vapor collection system that exceeds the limits of WAC 173-490-202 (2)(d)(i) within fifteen days.

(e) The department may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in WAC 173-490-202 (4)(d) to confirm continuing compliance with WAC 173-490-202 (2)(b) or (d).

(3) Schedule of control dates.

(a) The owner or operator of a gasoline transport tank shall meet the increments of progress contained in the following schedule or an approved alternative schedule of control dates as stipulated in WAC 173-490-071;

(i) Submit plans to the department for operating and maintenance procedures to implement WAC 173-490-202 (2) and (4) before March 1, 1981;

(ii) Issue purchase orders or contracts for all needed test equipment before May 1, 1981;

(iii) Commence certification of vapor collection systems before January 1, 1982; and

(iv) Complete initial certification of all vapor collection systems before July 1, 1982.

(b) The owner or operator of a vapor collection system subject to this schedule of control dates shall certify to the department within ten calendar days after the deadline for each increment of progress, whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with WAC 173-490-202 (2)(a) and (b), respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by the department.

(b) The owner or operator of a gasoline transport tank shall notify the department in writing of the date and location of a certification test at least ten calendar days before the anticipated test date.

(c) Testing procedures to determine compliance with WAC 173-490-202 shall be consistent with the procedures on file with and approved by the department.

(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures on file with and approved by the department.

(5) Recordkeeping.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by WAC 173-490-202 (5)(a) shall, as a minimum, contain:

(i) The transport tank identification number;

(ii) The initial test pressure and the time of the reading;

(iii) The final test pressure and the time of the reading;

(iv) The initial test vacuum and the time of the reading;

(v) The final test vacuum and the time of the reading;

(vi) At the top of each report page the company name, date and location of the tests on that page; and

(vii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Copies of all records required under WAC 173-490-202 shall immediately be made available to the department, upon written request, at any reasonable time.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-202, filed 8/20/80.]

**WAC 173-490-203 Perchloroethylene dry cleaning systems.** (1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in WAC 173-490-203 (1)(a) and (b) and 173-490-025.

(a) The following dry cleaning systems are exempt from the requirements of WAC 173-490-203 (2)(a)(i) and (ii):

- (i) Coin-operated systems;
- (ii) Systems located in a facility with inadequate space to accommodate an adsorber;
- (iii) Systems with an average monthly loss less than twenty-five gallons (2 tons per year); and
- (iv) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in WAC 173-490-203 (2)(a)(i) and (ii) may be granted by the director when sufficient evidence is submitted by the owner or operator of the dry cleaning system to justify the exemption.

(2) Provisions for specific processes.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall:

(i) Vent the entire dryer exhaust through a properly functioning carbon absorption system or equally effective control device;

(ii) Emit no more than 100 ppmv when determined in accordance with WAC 173-490-203 (4)(c)(i), of volatile organic compounds from the dryer control device before dilution;

(iii) Immediately repair all components found to be leaking liquid volatile organic compounds;

(iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of volatile organic compounds per 100 kg of wet waste material;

(v) Reduce the volatile organic compounds from all solvent stills to 60 kg or less per 100 kg of wet waste material;

(vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and

(vii) When possible, dry all drained cartridges without emitting volatile organic compounds to the atmosphere.

(3) Schedule of control dates.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to WAC 173-490-203 (2)(a)(i) and (ii) shall meet the applicable increments of progress in the following schedule or a schedule approved under WAC 173-490-071.

(i) Award contracts, issue purchase orders, or otherwise order the emission control system and process equipment, before July 1, 1981;

(ii) Complete installation of the emission control and process equipment before July 1, 1982;

(iii) Achieve final compliance, determined in accordance with WAC 173-490-203(4) before July 1, 1982;

(iv) In the event that equipment cannot be delivered prior to May 1, 1982, and the owner or operator placed the order prior to July 1, 1981, the final compliance date shall be sixty days following delivery of the equipment.

(b) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall comply with the operational and maintenance provisions of WAC 173-490-203 (2)(a)(iii) through (vii) by July 1, 1981.

(4) Testing and monitoring.

(a) Compliance with WAC 173-490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.

(b) Compliance with WAC 173-490-203 (2)(a)(iii) shall be determined by means of visual inspection of the following components:

(i) Hose connections, unions, couplings and valves;

(ii) Machine door gaskets and seatings;

(iii) Filter head gasket and seating;

(iv) Pumps;

(v) Base tanks and storage containers;

(vi) Water separators;

(vii) Filter sludge recovery;

(viii) Distillation unit;

(ix) Diverter valves;

(x) Saturated lint from lint basket; and

(xi) Cartridge filters.

(c) Compliance with WAC 173-490-203 (2)(a)(ii) shall be determined by:

(i) A test consistent with the procedures on file with and approved by the department; or

(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner or operator to adequately meet the emission limits in WAC 173-490-203 (2)(a)(ii).

(d) Compliance with WAC 173-490-203 (2)(a)(iv) and (v) shall be determined by tests consistent with the procedures on file with and approved by the department.

[Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-203, filed 7/27/82. Statutory Authority: RCW 70.94.331, 70.94.510, and 70.94.785. 81-03-003 (Order DE 80-54), § 173-490-203, filed 1/8/81. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-203, filed 8/20/80.]

**WAC 173-490-204 Graphic arts systems.** (1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, specialty printing operations, and flexographic printing facilities that use more than 90 megagrams (100 tons) per year of volatile organic compounds as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by WAC 173-490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under WAC 173-490-204 rather than WAC 173-490-040(6), Surface coaters.

(2) Provisions for specific processes.

(a) No owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner or operator installs and operates:

(A) A carbon adsorption system which reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system which oxidizes at least ninety percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative volatile organic compound emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by the department.

(b) A collection system shall be used with the emission controls of WAC 173-490-204 (2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of volatile organic compounds of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) Schedule of control dates.

(a) The owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility subject to this chapter shall meet the applicable increments of progress in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071:

(i) For process equipment changes and add-on control devices, including incineration with heat recovery:

(A) Submit final plans for the emission control system or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4), before January 1, 1983.

(ii) For incineration equipment without heat recovery or process modifications not requiring purchase orders:

(A) Submit final plans for the emission control system or process modifications, or both, before March 1, 1981;

(B) Award contracts for process modifications or for incineration equipment, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of process modifications or emission control equipment, or both, before July 1, 1981;

(D) Complete on-site construction or installation of process modifications or incineration equipment, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4) before January 1, 1982.

(iii) For low solvent technology:

(A) Submit a plan for an extended schedule of control dates meeting the conditions in WAC 173-490-071;

(B) Achieve a final reduction in emissions greater than that which would have been attained from the controls specified in WAC 173-490-204(2);

(C) Commit to the installation of the controls in WAC 173-490-204(2) and achieving final compliance by January 1, 1987 should progress toward low solvent technology not meet expectations;

(D) Provide for a major reduction in emissions by January 1, 1983 as an increment of progress as required in WAC 173-490-071.

(b) The owner or operator of a volatile organic compound source subject to a compliance schedule of WAC 173-490-204 shall certify to the department within five days after the deadline for each increment of progress whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) Testing procedures to determine compliance with this chapter shall be on file with and approved by the department.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit; and

(iv) Any other continuous monitoring or recording device required by the department.

(c) The owner or operator of a facility shall be responsible for all expense of monitoring required by WAC 173-490-204 (4)(b).

[Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-204, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-204, filed 8/20/80.]

**WAC 173-490-205 Surface coating of miscellaneous metal parts and products.** (1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries having VOC emissions greater than one hundred six kilograms (two hundred thirty-five pounds) per day and as qualified in WAC 173-490-205 (1)(b), (c), and (d), and 173-490-025.

(a) Miscellaneous metal parts and products shall include:

(i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) Fabricated metal products (metal covered doors, frames, etc.); and

(vii) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries).

(b) This chapter is not applicable to the surface coating of the following metal parts and products:

(i) Automobiles and light-duty trucks;

(ii) Metal cans;

(iii) Flat metal sheets and strips in the form of rolls or coils;

(iv) Magnet wire for use in electrical machinery;

(v) Metal furniture;

(vi) Large appliances;

(vii) Airplanes;

(viii) Automobile refinishing;

(ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and

(x) Exterior of marine vessels.

(c) This chapter applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in WAC 173-490-205 (1)(a). This chapter also applies to prime coat, top coat, and single coat operations.

(d) The application of coatings whose formulations are controlled by federal specifications and the use of which is required by federal agencies shall be exempt from the emission limits in WAC 173-490-205 (2)(a).

(e) A case-by-case determination of the emission controls best representing RACT may be substituted for the requirements of WAC 173-490-205(2). Such a determination shall be approved by the department.

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of volatile organic compounds greater than those listed by specific coating, excluding water and as delivered to the application system:

(i) Clear coatings 0.52 kg/liter (4.3 lb/gallon)

(ii) Extreme performance coatings 0.42 kg/liter (3.5 lb/gallon)

(iii) Air dried coatings 0.42 kg/liter (3.5 lb/gallon)

(iv) All others 0.36 kg/liter (3.0 lb/gallon)

(v) Powder coatings 0.05 kg/liter (0.4 lb/gallon)

(b) When more than one emission limitation listed in WAC 173-490-205 (2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations in WAC 173-

490-205 (2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in WAC 173-490-205 (2)(a) shall be achieved by:

(i) The application of low solvent coating technology; or

(ii) An incineration system that oxidizes at least ninety percent of the volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC reduction certified by the owner or operator and approved by the department.

(e) A collection system shall be used together with the incinerator of WAC 173-490-205 (2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of WAC 173-490-205 (2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Sources using low solvent content coatings shall:

(A) Submit final plans for the application of low solvent technology before April 1, 1981;

(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;

(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;

(D) Initiate process modifications before January 1, 1982; and

(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.

(ii) Sources using process equipment changes or add-on control devices, including incineration with heat recovery, shall:

(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4) before January 1, 1983.

(iii) Sources using incineration without heat recovery or process modifications not requiring purchase orders shall:

(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4), before January 1, 1982.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a source to demonstrate at his own expense, compliance by the methods of WAC 173-490-205 (4)(c).

(b) The owner or operator of a source shall notify the department at least ten days before a proposed emission certification test so the director may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

[Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-205, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-205, filed 8/20/80.]

**WAC 173-490-207 Surface coating of flatwood paneling.** (1) Specific applicability.

(a) This section shall apply to all flatwood panel manufacturers and surface finishing facilities as qualified in WAC 173-490-207 (1)(b) and (c) and 173-490-025.

(b) These chapters shall apply to all operations and equipment that is used to apply, convey and dry (including flashoff areas) a surface pattern or coating on the following products:

(i) Printed interior panels made of hardwood plywood and thin particle board;

(ii) Natural finish hardwood plywood panels; or

(iii) Hardboard paneling with Class II finishes.

(c) These chapters do not apply to the manufacture of exterior siding, tileboard, or particleboard used as a furniture component.

(2) Provisions for specific processes.

(a) The owner or operator of a facility shall not emit volatile organic compounds from a coating application system in excess of:

(i) 2.9 kg per 100 square meters of coated finished product (6.0 lb/1,000 square feet) from printed interior panels, regardless of the number of coats applied;

(ii) 5.8 kg per 100 square meters of coated finished product (12.0 lb/1,000 square feet) from natural finish

hardwood plywood panels, regardless of the number of coats applied; and

(iii) 4.8 kg per 100 square meters of coated finished product (10.0 lb/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(b) The emission limits in WAC 173-490-207 (2)(a) shall be achieved by:

(i) The application of low solvent content coating technology; or

(ii) An incineration system which oxidizes at least ninety percent of the nonmethane volatile organic compounds entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC removal. The equivalent means must be certified by the owner or operator and approved by the department.

(c) A capture system shall be used in conjunction with the emission control systems in WAC 173-490-207 (2)(b)(ii) and (iii). The design and operation of the capture system must be consistent with good engineering practice and shall be required to provide for an overall emission reduction sufficient to meet the emission limitation in WAC 173-490-207 (2)(a).

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Sources using low solvent content coatings shall:

(A) Submit final plans for the application of low solvent technology before April 1, 1981;

(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;

(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;

(D) Initiate process modifications before January 1, 1982; and

(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.

(ii) Sources utilizing process equipment changes or add-on control devices, including incineration with heat recovery, to comply with the emission limitations in WAC 173-490-207 (2)(a) shall:

(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-207(4) before January 1, 1983.

(iii) Sources utilizing incineration without heat recovery or process modifications not requiring purchase orders to comply with the emission limitation in WAC 173-490-207 (2)(a) shall:

(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-207(4), before January 1, 1982.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a facility to demonstrate at his own expense compliance by the methods of WAC 173-490-207 (4)(c).

(b) The owner or operator of a facility shall notify the department at least ten days before a proposed emission certification test so the department may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedure on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

[Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-207, filed 8/20/80.]

**WAC 173-490-208 Aerospace assembly and component coating operations.** (1) Specific applicability. This section shall apply to all aerospace component coating facilities that emit an annual average of eighteen kilograms (forty pounds) or more of volatile organic compounds per operating day and as qualified in WAC 173-490-025.

(2) It shall be unlawful for any person to cause or allow:

(a) The application of any primer or topcoat to aerospace components which contains in excess of:

(i) 650 grams of VOC per liter of primer, less water, as applied.

(ii) 600 grams of VOC per liter of topcoat, less water, as applied.

(b) The application of any temporary protective coating to aerospace components that contains more than 250 grams of VOC per liter of material, less water, as applied.

(c) The use of volatile organic compounds of composite vapor pressure of 10.4 kPa (1.5 psia) or greater at a

temperature of 21.1°C (70°F) for surface preparation or cleanup, excluding paint removal.

(d) The use of volatile organic compounds for the cleanup of spray equipment used in aerospace component coating operations unless 85 percent of the volatile organic compounds by weight, are collected and disposed such that they are not emitted to the atmosphere.

(e) The use of a stripper which contains more than 400 grams of VOC per liter or has a composite vapor pressure of volatile organic compounds more than 1.3 kPa (0.19 psia) at 21.1°C (70°F).

(3) The emission limits of paragraph (2) shall be achieved by:

(a) The application of reasonably available low solvent coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent method of VOC reduction certified by the owner or operator and approved by the director.

(4) The provisions of WAC 173-490-208 (2)(a) and (2)(b) shall not apply to the following materials:

(a) Coatings for masking in chemical etching operations,

(b) Adhesive bonding primer,

(c) Flight test coatings,

(d) Space vehicle coatings, or

(e) Fuel tank coatings.

(5) Upon the submission of an alternative coating evaluation, the director may determine that a reasonably available low solvent coating does exist for a given application and may exempt the coating from requirements of WAC 173-490-208. All alternative coating evaluations shall contain, as a minimum:

(a) Types of products to be coated,

(b) Types of coatings evaluated,

(c) Results of performance tests,

(d) Status of research into development of low VOC coatings for the application,

(e) Feasibility of installing control equipment,

(f) Mitigating measures that could be implemented to reduce VOC emissions.

(6) Any facility subject to this section shall submit a report to the department by January 1, 1983. This report shall include, as a minimum, a discussion of the advances in coating technology that have occurred since January 1, 1980, and a forecast of future technology improvements.

(7) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress.

(i) Submit final plans for the emission control system, process equipment or low solvent coatings substitution before September 1, 1982.

(ii) Award contracts or purchase orders for the emission control system, process equipment or low solvent coatings before January 1, 1983.

(iii) Initiate construction or process modifications before March 1, 1983.

(iv) Achieve final compliance before July 1, 1983.

[Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-208, filed 7/27/82.]



**Chapter 173-495 WAC**  
**WEATHER MODIFICATION**

**WAC**

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**WAC 173-495-010 Purpose.** The department of ecology, under the authority vested in it by chapter 43.37 RCW, is charged with responsibilities for the supervision and control of all weather modification activities within the state, and representation by the state in all interstate contacts relating to weather modification and control. This regulation provides the basic framework for carrying out the state's responsibility for such a program through the establishment of license and permit requirements and procedures, report requirements, and fee requirements. The provisions of this chapter shall apply to all weather modification activities in all parts of the state except as specifically exempted in this chapter on in chapter 43.37 RCW.

[Order DE 77-29, § 173-495-010, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-020 Definitions.** As used in these regulations unless the context requires otherwise:

- (1) "Department" means the department of ecology.
- (2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing or attempting to produce a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or in the case of the performance of weather modification and control activities, individually or jointly, by a person or persons to be benefited and not undertaken pursuant to a contract, operation means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area and one continuing time interval not exceeding one year.
- (3) "Research and development" means theoretical analysis, exploration and experimentation, and the extension of investigative findings of theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processing.
- (4) "Weather modification and control" means changing or controlling, or attempting to change or control by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

(1986 Ed.)

[Order DE 77-29, § 173-495-020, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-030 Requirement for licenses and permits.** No person shall engage in weather modification activities except under and in accordance with a license and a permit issued by the department, unless specifically exempt from this requirement in WAC 173-495-050.

[Order DE 77-29, § 173-495-030, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-040 Exempt activities—Requirements of those exempted.** The following weather modification and control activity shall be exempt from the license requirement of RCW 43.37.100, the permit requirements of RCW 43.37.100, and the liability requirements of RCW 43.37.190:

(1) All research and experiments related to weather modification control conducted within laboratories.

(2) Those weather modification operations designed to alleviate sudden, unexpected, hazardous conditions which require expeditious localized action for:

- (a) Protection against fire
- (b) Prevention of frost
- (c) Dispersal of fog

(3) Field research and development by institutions of higher learning.

(4) Any person proposing to conduct weather modification and control activities as described in subsection (2) above shall make every reasonable effort prior thereto to notify the department of ecology, headquarters offices in Olympia, Washington, of the type of activity to be carried out, the person carrying out the activity and the materials and technique of application to be used.

(5) Any person proposing to conduct weather modification and control activities as described in subsection (3) above shall provide a written description of the proposed program, notice of actual operations ten days prior to commencement, and quarterly reports of operations and status to the headquarters office department of ecology, Olympia, Washington

[Order DE 77-29, § 173-495-040, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-045 Qualifications for license—Regular.** All applicants for a weather modification license shall be certified professional members of the American Meteorological Society or possess the academic achievements and professional experience necessary to receive such certification. In cases where the applicant is an organization, the individual or individuals who will be in control and in charge of the weather modification and control activities shall be required to meet the above standard.

[Order DE 77-29, § 173-495-045, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-050 Qualifications for license—Restricted license.** (1) A restricted license may be issued to an applicant for such license when:

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(a) The applicant's proposed weather modification activities are limited solely to those designed to disperse fog over airports; and

(b) The applicant will be fully advised of the pertinent weather information by the meteorologist on duty during the carrying out of the airport fog dispersal.

(2) Applicants for restricted licenses are not required to meet the qualifications otherwise imposed by WAC 173-495-040.

[Order DE 77-29, § 173-495-050, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-060 Procedures for issuing license.**

(1) Any person or organization desiring to obtain a license or restricted license shall make an application to the department of ecology on the form prescribed, listing name, business address, etc.

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

(3) Prior to the issuance of any license, the applicant shall pay a fee of \$100 to the state of Washington.

(4) The application shall be deemed received by the department of ecology when received at the Headquarters Offices, Department of Ecology, Olympia, Washington, 98504.

[Order DE 77-29, § 173-495-060, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-065 Period of license.** (1) Licenses issued pursuant to chapter 43.37 RCW and these regulations shall be effective for a period of one year, to terminate at the end of the calendar year of issuance.

(2) No later than thirty days prior to the end of the calendar year, the licensee may request a renewal of the license. The department shall review said license upon the payment of a renewal fee of \$100 to the state of Washington.

(3) In the determination of whether or not to grant such renewal request, the department shall consider, and the applicant shall provide, information as to whether the facts and circumstances relied on in the issuance of the original permit have changed or altered. If the department determines that the licensee no longer meets the requirements of competency in the field of meteorology, the department may refuse to renew said license.

[Order DE 77-29, § 173-495-065, filed 12/29/77. Formerly chapter 508-20 WAC.]

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

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

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

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(4) The applicant shall publish notice of intention at least once a week for three consecutive weeks in a legal newspaper having general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a legal newspaper having a general circulation and published within each of such counties. In case there is no legal newspaper published within the appropriate county, publication shall be made in a legal newspaper having a general circulation within the county.

(5) Proof of publication of the notice of intention, made in the manner provided herein, shall be filed by the licensee with the department within fifteen days from the date of last publication of the notice.

(6) The notice of intention shall contain at least the following:

(a) The name and address of the licensee;

(b) The nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;

(c) The area in which and the appropriate time during which the operation will be conducted;

(d) The area which is intended to be affected by the operation;

(e) The materials and methods to be used in conducting the operation.

(7) The applicant shall furnish proof of financial responsibility, as described in WAC 173-495-120 of this chapter.

(8) The applicant shall pay a permit fee of one and one-half percent of the estimated cost of the operation. The estimated cost will be computed by the department from evidence available to it.

(9) Prior to issuance of a permit the department shall make a determination in writing that the weather modification and control activities proposed to be conducted under authority of the permit have been determined to be for the general welfare and public good.

(10) The department shall hold an open public hearing at its headquarters office in Olympia prior to any such permit issuance.

[Order DE 77-29, § 173-495-070, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-080 Permittee's report of operations—Requirement.** The permittee shall be required to maintain reports on all operations on a daily basis, and submit twice a month (1st day and 15th day) to the department of ecology. The semi-monthly reports shall include the following information:

(1) Number of days under contract.

(2) Number of days of operation and number of hours of each day, for all stations operated.

(3) The consumption rate and name of seeding agent used.

(4) A brief summary statement evaluating the past fifteen day period in regard to the seeding potential and experience.

(5) Location of operations.

(6) Name and mailing address of each individual, other than the licensee, participating or assisting in the operation.

(7) A brief statement of projected plans for the coming fifteen day period.

(8) In the event operations are unexpectedly terminated, a special report covering that fraction of the half-month period of operation is required. All reports must be post-marked not later than one day after due date.

(9) All such records are public records which shall be open to public inspection.

[Order DE 77-29, § 173-495-080, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-100 Revocation, suspension, modification.** (1) All permits authorized by RCW 43.37.110 shall contain the following provisions: "The department may, if it appears that continuing operation under this permit will cause immediate injury to persons or property, terminate or otherwise modify the terms of this permit in order to alleviate an emergency situation by giving notice to the permittee by telegram or other writing."

(2) All permits authorized by RCW 43.37.110 may be revoked, suspended, or modified when the department has reason to believe that good cause exists and that the revocation, suspension, or modification is required for the general welfare and public good. Any such revocation, suspension, or modification shall not be undertaken prior to written notice by certified mail to the permittee. Opportunity for comment by the permittee shall be allowed. Any final departmental decision shall be in writing.

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

[Order DE 77-29, § 173-495-100, filed 12/29/77. Formerly chapter 508-20 WAC.]

**WAC 173-495-120 Proof of financial responsibility.** A permit applicant shall furnish proof of financial responsibility to the department of ecology by one of the following:

(1) Copy of insurance policy or binder for the operator.

(2) A current balance sheet showing sufficient assets to demonstrate financial responsibility.

(3) Bond for safe performance.

(4) Such other information as the applicant may provide the department, in writing, if one of the alternate methods (1) - (3), above, is not feasible or available, provided the applicant explains the infeasibility or unavailability.

[Order DE 77-29, § 173-495-120, filed 12/29/77.]

### Chapter 173-500 WAC

## WATER RESOURCES MANAGEMENT PROGRAM ESTABLISHED PURSUANT TO THE WATER RESOURCES ACT OF 1971

### WAC

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**WAC 173-500-010 Background.** (1) The Water Resources Act of 1971 (chapter 90.54 RCW) set forth fundamentals of water resource policy to insure that the waters of the state will be protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology and other state agencies and officials in carrying out water and related resource programs.

(2) The department was directed, through the adoption of appropriate rules, to develop and implement a comprehensive state water program which would provide a process for making decisions on future water resource allocations and uses.

(3) The act provides that the department of ecology may develop a water program in regional segments so that immediate attention may be given to waters of a give physio-economic region of the state or to specific critical problems of water allocation and use.

(4) The act further directed the department of ecology to modify existing regulations and adopt new regulations to insure that existing regulatory programs are in accord with the water resource policies of the act.

[Order DE 75-23, § 173-500-010, filed 1/6/76.]

**WAC 173-500-020 Purpose.** The purpose of this chapter is to set forth a program which will provide guidelines to facilitate the further development of the water resources to the extent of their availability for further appropriation and implement the legislative intent as contained in RCW 90.54.040(1). The program shall, where appropriate:

(1) Identify and foster development of water resource projects;

(2) Declare preferences or priorities of use by categories;

(3) Set forth streams closed to future appropriation;

(4) Establish flows on perennial streams of the state in amounts necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values, and navigational values;

(5) Allocate quantities for beneficial uses;

(6) Reserve water for future beneficial use;

(7) Withdraw waters from additional appropriation when sufficient information or data are lacking for the making of sound decisions;

(8) Establish criteria for limit beyond which further appropriation will not be made;

(9) Designate areas within the state to be used for management purposes; and

(10) Be guided by the declaration of fundamentals contained in RCW 90.54.020.

[Order DE 75-23, § 173-500-020, filed 1/6/76.]

**WAC 173-500-030 Authority.** This regulation is promulgated by the department of ecology under the authority of chapter 90.54 WAC.

[Order DE 75-23, § 173-500-030, filed 1/6/76.]

**WAC 173-500-040 Water resource inventory areas.** For the purposes of this chapter, the state is divided into 62 areas known as water resource inventory areas (WRIAs). The names and numbers of these areas are as follows and are shown on the attached map:

WATER RESOURCES INVENTORY AREAS

WRIA Number, Name

01. Nooksack
02. San Juan
03. Lower Skagit-Samish
04. Upper Skagit
05. Stillaguamish
06. Island
07. Snohomish
08. Cedar-Sammamish
09. Duwamish-Green
10. Puyallup-White
11. Nisqually
12. Chambers-Clover
13. Deschutes
14. Kennedy-Goldsborough
15. Kitsap
16. Skokomish-Dosewallips
17. Quilcene-Snow
18. Elwah-Dungeness
19. Lyre-Hoko
20. Soleduck-Hoh
21. Queets-Quinault
22. Lower Chehalis
23. Upper Chehalis
24. Willapa
25. Grays-Elokoman
26. Cowlitz
27. Lewis
28. Salmon-Washougal
29. Wind-White Salmon
30. Klickitat
31. Rock-Glade
32. Walla Walla
33. Lower Snake
34. Palouse
35. Middle Snake
36. Esquatzel Coulee
37. Lower Yakima
38. Naches
39. Upper Yakima
40. Alkali-Squilchuck
41. Lower Crab

WRIA Number, Name

42. Grand Coulee
43. Upper Crab-Wilson
44. Moses Coulee
45. Wenatchee
46. Entiat
47. Chelan
48. Methow
49. Okanogan
50. Foster
51. Nespelem
52. Sanpoil
53. Lower Lake Roosevelt
54. Lower Spokane
55. Little Spokane
56. Hangman
57. Middle Spokane
58. Middle Lake Roosevelt
59. Colville
60. Kettle
61. Upper Lake Roosevelt
62. Pend Oreille

[Order DE 75-23, § 173-500-040, filed 1/6/76.]

**WAC 173-500-050 Definitions.** For purposes of this chapter and subsequent regulations formulated for planning and management within individual water resource inventory areas, the following definitions shall be used:

(1) "ALLOCATION" means the designating of specific amounts of the water resource for specific beneficial uses.

(2) "APPROPRIATION" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses.

(3) "BASE FLOW" means a level of streamflow established in accordance with provisions of chapter 90.54 RCW required in perennial streams to preserve wildlife, fish, scenic, aesthetic, and other environmental and navigational values.

(4) "BENEFICIAL USES" are uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

(5) "CONSUMPTIVE USE" means use of water whereby there is a diminishment of the water source.

(6) "DEPARTMENT" means the Washington state department of ecology.

(7) "HYDROGRAPH" is a graph showing the variations of streamflow (or stream discharge) with respect to time during a year as determined at a specific cross-sectional location on the stream.

(8) "LOW FLOW" means those flow level limitations appearing as provisions on permits and certificates issued by the department, or its predecessors, prior to the effective dates of chapters 173-501 through 173-599 WAC.

(9) "NONCONSUMPTIVE USE" is a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

(10) "PERENNIAL STREAM" means a stream the natural flow of which is normally continuous at any given location.

(11) "STREAM MANAGEMENT UNIT" means stream segments, reaches, or tributaries, each containing a control station, that are identified on stream reach maps in adopted water resource management program documents as units for defining base flow levels.

(12) "WATER RIGHT" means a right to make beneficial use of public waters of the state.

[Order DE 75-23, § 173-500-050, filed 1/6/76.]

**WAC 173-500-060 General provisions.** (1) The provisions of this chapter shall apply to chapters 173-501 through 173-599 WAC unless the language of said chapters is clearly to the contrary.

(2) As sufficient data are obtained for each WRIA and/or grouping thereof in the state to enable the department to formulate a water resource planning and management program for such area, the department shall by regulation establish policies for the beneficial use of public waters pursuant to RCW 90.54.040.

(3) Water rights established prior to the effective date of rules adopted under chapters 173-500 and 173-501 through 173-599 WAC shall not be affected by such rules.

(4) **LOW FLOW LIMITATIONS TO PREVAIL** (1) Notwithstanding the establishment of base flows established hereunder, existing low flow limitations shall remain in effect.

(5) **BASE FLOW PROVISIONS FOR WATER RIGHTS.**

(a) Surface water and/or ground water appropriation permits, issued subsequent to the effective dates of chapters 173-501 through 173-599 WAC, that will allow either direct diversion from or have a measurable effect on streams where base flow limitations of this chapter, and any such permits or certificates shall be appropriately conditioned to assure maintenance of said base flows.

(b) The base flow provisions for any water right located in a stream management unit shall specifically describe the base flow levels for the control station in that unit and shall refer generally to other downstream base flow requirements that may also become controlling and critical to the use of water under such right.

(6) **BASE FLOW CHANGES.** If it becomes necessary to change a control station location or to add new control stations to improve management capability, the department shall develop streamflow relationships, by accepted engineering procedures, between previously established control station locations and the new location for use in regulating water rights that are subject to base flow limitations.

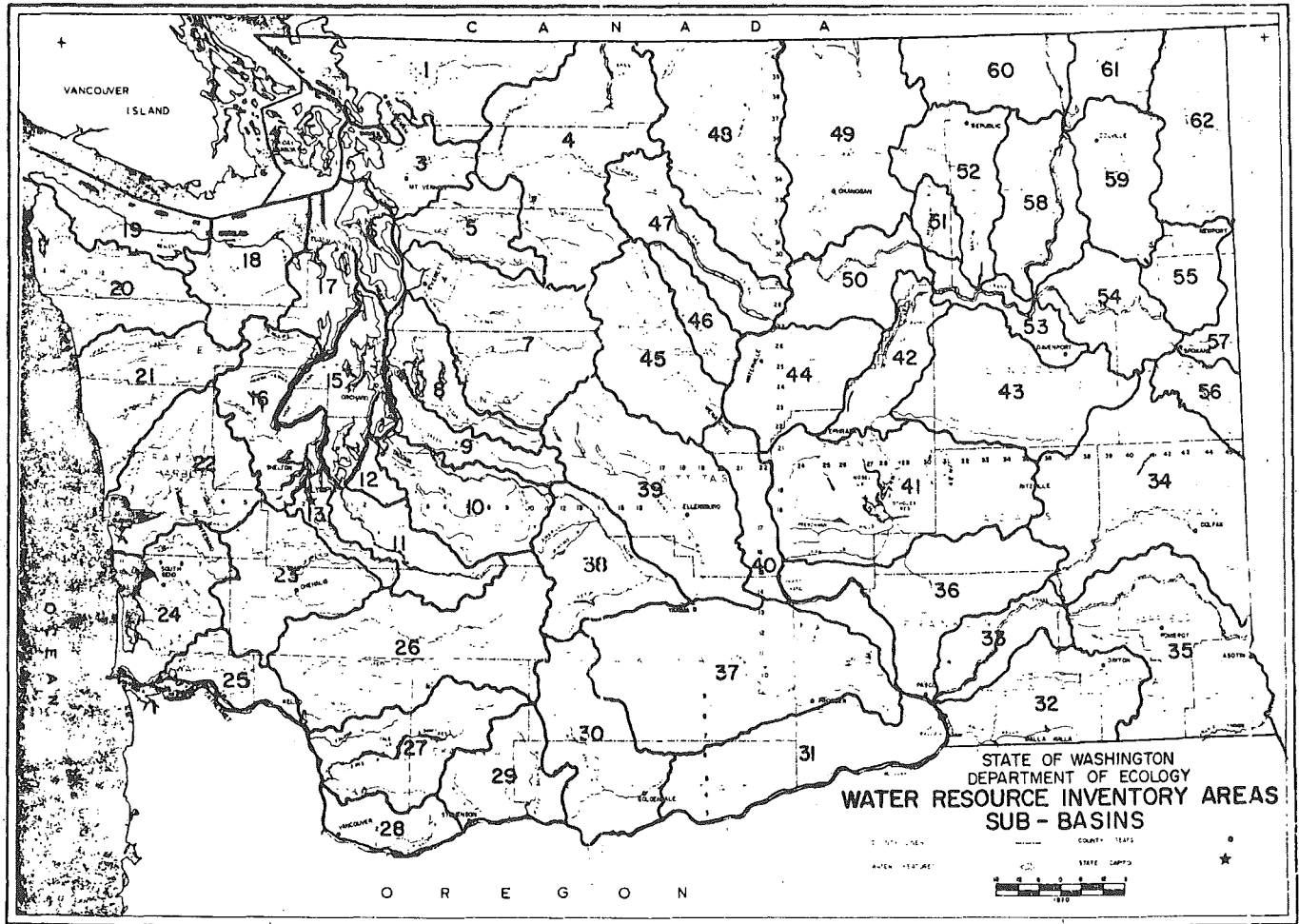
(7) **MINIMUM WATER FLOWS AND LEVELS.** The provisions of this chapter shall in no manner be interpreted to preclude utilization of chapter 90.22 RCW.

(8) **PRIORITIES OR ALLOCATION BY USE CATEGORIES - LIMITATIONS.** Nothing in chapters 173-501 through 173-599 WAC relating to priorities or allocations by use shall be construed to apply to water rights or the historic water use patterns that predate the individual management regulations.

[Order DE 75-23, § 173-500-060, filed 1/6/76.]

WAC 173-500-990 Map--Water resources inventory areas sub-basins.

WATER RESOURCES INVENTORY AREAS SUB-BASINS.



[Order DE 75-23, Map (codified as WAC 173-500-990), filed 1/6/76.]

**Chapter 173-501 WAC  
INSTREAM RESOURCES PROTECTION  
PROGRAM--NOOKSACK WATER RESOURCE  
INVENTORY AREA (WRIA) 1**

**WAC**

- 173-501-010 General provision.
- 173-501-020 Purpose.
- 173-501-030 Establishment of instream flows.
- 173-501-040 Surface water source limitations to further consumptive appropriation.
- 173-501-050 Lakes.
- 173-501-060 Ground water.
- 173-501-070 Exemptions.
- 173-501-080 Policy statement for future permitting actions.
- 173-501-090 Enforcement.
- 173-501-100 Regulation review.

**WAC 173-501-010 General provision.** These rules apply to waters within the Nooksack water resource inventory area (WRIA 1), as defined in WAC 173-500-040. 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 resources management program).

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-010, filed 12/4/85.]

**WAC 173-501-020 Purpose.** Chapter 90.54 RCW (Water Resources Act of 1971) requires that utilization and management of waters of the state be guided by a number of fundamentals, including:

Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (RCW 90.54.020(1))

The quality of the natural environment shall be protected and, where possible, enhanced as follows:

Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (RCW 90.54.020 (3)(a))

Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. (RCW 90.54.020 (3)(b))

The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Nooksack water resource inventory area with instream flows and levels necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values, and navigational values, as well as recreation and water quality.

In administering and enforcing this regulation, the department's actions shall be consistent with the provisions of chapter 90.54 RCW.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-020, filed 12/4/85.]

**WAC 173-501-030 Establishment of instream flows.** (1) Stream management units and associated control stations are established as follows:

**Stream Management Unit Information**

| Control Station No. Stream Management Unit Name | Control Station by River Mile and Section, Township and Range | Stream Management Reach   |
|---|---|---|
| Anderson Creek<br>Gage # WDOE-2109-00           | 1.4<br>Section 19<br>T. 39 N., R. 4 E.                        | From confluence with Nooksack River to headwaters, including all tributaries.                                 |
| Bells Creek<br>Gage # WDOE-2073-00              | 0.5<br>Section 21<br>T. 39 N., R. 5 E.                        | From confluence with Nooksack River to headwaters, including all tributaries.                                 |
| Bertrand Creek<br>Gage # WDOE-2124-00           | 1.0<br>Section 26<br>T. 40 N., R. 2 E.                        | From U.S./Canada border to confluence with Nooksack River, including all tributaries.                         |
| California Creek<br>Gage # WDOE-2134-00         | 3.0<br>Section 21<br>T. 40 N., R. 1 E.                        | From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries. |

| Control Station No. Stream Management Unit Name | Control Station by River Mile and Section, Township and Range | Stream Management Reach   |
|---|---|---|
| Canyon Creek<br>Gage # WDOE-2045-00             | 0.2<br>Section 35<br>T. 40 N., R. 6 E.                        | From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.                                |
| Canyon Creek at Kulshan<br>Gage # 12-2085-00    | 0.2<br>Section 27<br>T. 39 N., R. 5 E.                        | From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.                                |
| Cornell Creek<br>Gage # WDOE-2057-00            | 0.6<br>Section 1<br>T. 39 N., R. 6 E.                         | From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.                            |
| Dakota Creek near Blaine<br>Gage # 12-2140-00   | 3.5<br>Section 9<br>T. 40 N., R. 1 E.                         | From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.       |
| Deer Creek<br>Gage # WDOE-2130-50               | 0.2<br>Section 28<br>T. 39 N., R. 2 E.                        | From the confluence with Tenmile Creek to headwaters, including all tributaries.                                    |
| Fishtrap Creek at Lynden<br>Gage # 12-2120-00   | 6.9<br>Section 16<br>T. 40 N., R. 3 E.                        | From U.S./Canada border to confluence with Nooksack River, including all tributaries.                               |
| Gallop Creek<br>Gage # WDOE-2056-00             | 0.3<br>Section 7<br>T. 39 N., R. 7 E.                         | From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.                            |
| Hutchinson Creek<br>Gage # WDOE-2101-00         | 1.8<br>Section 36<br>T. 38 N., R. 5 E.                        | From confluence with South Fork Nooksack River to headwaters, including all tributaries.                            |
| Johnson Creek<br>Gage # WDOE-2149-00            | 0.5<br>Section 35<br>T. 41 N., R. 4 E.                        | From U.S./Canada border to headwaters including all tributaries.  |
| Kendall Creek<br>Gage # 12-2065-00              | 0.1<br>Section 3<br>T. 39 N., R. 5 E.                         | From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.                            |
| Maple Creek<br>Gage # WDOE-2059-00              | 0.8<br>Section 30<br>T. 40 N., R. 6 E.                        | From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.                                |
| Nooksack River (at Deming)<br>12-2105-00        | 36.6<br>Section 31<br>T. 39 N., R. 5 E.                       | From confluence with Smith Creek to confluence of North Fork and Middle Fork Nooksack Rivers.                       |
| Nooksack River (at Ferndale)<br>12-2131-00      | 5.8<br>Section 29<br>T. 39 N., R. 2 E.                        | From influence of mean annual high tide at low instream flow levels to confluence with, and including, Smith Creek. |
| Nooksack River (Middle Fork)<br>12-2080-00      | 5.0<br>Section 13<br>T. 38 N., R. 5 E.                        | From confluence with North Fork to headwaters.  |
| Nooksack River (North Fork)<br>12-2072-00       | 44.1<br>Section 10<br>T. 39 N., R. 5 E.                       | From confluence with Middle Fork to headwaters.   |
| Nooksack River (South Fork)<br>12-2090-00       | 5.0<br>Section 19<br>T. 38 N., R. 5 E.                        | From confluence with Nooksack River (mainstem) to headwaters.   |
| Porter Creek<br>Gage # WDOE-2084-00             | 0.7<br>Section 11<br>T. 38 N., R. 5 E.                        | From the confluence with M. Fk. Nooksack R. to headwaters, including all tributaries.                               |

| Control Station No. Stream Management Unit Name    | Control Station by River Mile and Section, Township and Range | Stream Management Reach   |
|--|---|---|
| Racehorse Creek<br>Gage # WDOE-2071-00             | 1.5<br>Section 11<br>T. 39 N., R. 5 E.                        | From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.                          |
| Saar Creek<br>Gage # 12-2155-00                    | 0.2<br>Section 31<br>T. 41 N., R. 5 E.                        | From U.S./Canada border to headwaters, including all tributaries.   |
| Silver Creek<br>Gage # WDOE-2132-00                | 2.0<br>Section 4<br>T. 38 N., R. 2 E.                         | From confluence with Nooksack River to headwaters, including all tributaries.                                 |
| Skookum Creek near Wickersham<br>Gage # 12-2095-00 | 0.1<br>Section 27<br>T. 37 N., R. 5 E.                        | From confluence with South Fork Nooksack River to headwaters, including all tributaries.                      |
| Smith Creek<br>Gage # WDOE-2111-00                 | 0.8<br>Section 22<br>T. 39 N., R. 4 E.                        | From confluence with Nooksack River to headwaters, including all tributaries.                                 |
| Sumas River near Sumas<br>Gage # 12-2145-00        | 2.1<br>Section 2<br>T. 41 N., R. 4 E.                         | From U.S./Canada border to headwaters including all tributaries.  |
| Tenmile Creek at Laurel<br>Gage # 12-2129-00       | 4.4<br>Section 13<br>T. 39 N., R. 2 E.                        | From confluence with Nooksack River to headwaters, including all tributaries.                                 |
| Terrell Creek<br>Gage # WDOE-2133-00               | 2.2<br>Section 31<br>T. 40 N., R. 1 E.                        | From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries. |
| Wiser Lake Creek<br>Gage # WDOE-2126-00            | 0.7<br>Section 2<br>T. 39 N., R. 2 E.                         | From confluence with Nooksack River to headwaters, including all tributaries.                                 |

(2) Instream flows are established for the stream management units in WAC 173-501-030(1) as follows:

**Instream Flows in the Nooksack WRIA**  
(Instantaneous cubic feet per second)

| Month | Day | WDOE-2109-00<br>Anderson Cr. | WDOE-2073-00<br>Bells Creek | WDOE-2124-00<br>Bertrand Cr. | WDOE-2134-00<br>California Cr. |
|-------|-----|------------------------------|-----------------------------|------------------------------|--------------------------------|
| Jan.  | 1   | 50                           | 4*                          | 90*                          | 40*                            |
|       | 15  | 50                           | 4*                          | 90*                          | 40*                            |
| Feb.  | 1   | 50                           | 4*                          | 90*                          | 40*                            |
|       | 15  | 50                           | 3*                          | 90*                          | 40*                            |
| Mar.  | 1   | 50                           | 2*                          | 90*                          | 40*                            |
|       | 15  | 50                           | 2*                          | 90*                          | 25*                            |
| Apr.  | 1   | 40                           | 3*                          | 80*                          | 18*                            |
|       | 15  | 31                           | 4*                          | 60*                          | 13*                            |
| May   | 1   | 25*                          | 5*                          | 50*                          | 9*                             |
|       | 15  | 20*                          | 6*                          | 40*                          | 6*                             |
| Jun.  | 1   | 16*                          | 6*                          | 33*                          | 4*                             |
|       | 15  | 13*                          | 6*                          | 25*                          | 3*                             |
| Jul.  | 1   | 10*                          | 3*                          | 21*                          | 2*                             |
|       | 15  | 8*                           | 2*                          | 17*                          | 2*                             |
| Aug.  | 1   | 6*                           | 1*                          | 13*                          | 2*                             |
|       | 15  | 6*                           | 1*                          | 13*                          | 2*                             |
| Sep.  | 1   | 6*                           | 1*                          | 13*                          | 2*                             |
|       | 15  | 6*                           | 1*                          | 13*                          | 2*                             |
| Oct.  | 1   | 8*                           | 1*                          | 13*                          | 2*                             |
|       | 15  | 11*                          | 2*                          | 20*                          | 2*                             |
| Nov.  | 1   | 15*                          | 3*                          | 30*                          | 4*                             |
|       | 15  | 20                           | 4*                          | 40*                          | 7*                             |

| Month | Day | WDOE-2109-00<br>Anderson Cr. | WDOE-2073-00<br>Bells Creek | WDOE-2124-00<br>Bertrand Cr. | WDOE-2134-00<br>California Cr. |
|-------|-----|------------------------------|-----------------------------|------------------------------|--------------------------------|
| Dec.  | 1   | 30                           | 4*                          | 60*                          | 15*                            |
|       | 15  | 50                           | 4*                          | 90*                          | 40*                            |

\*Denotes closure period. No further consumptive rights issued for use during this time.

| Month | Day | WDOE-2045-00<br>Canyon Creek | WDOE-2085-00<br>Canyon (Lk) Cr. | WDOE-2057-00<br>Cornell Creek |
|-------|-----|------------------------------|---------------------------------|-------------------------------|
| Jan.  | 1   | 150                          | 50                              | 20                            |
|       | 15  | 150                          | 50                              | 20                            |
| Feb.  | 1   | 150                          | 50                              | 20                            |
|       | 15  | 150                          | 50                              | 20                            |
| Mar.  | 1   | 150                          | 50                              | 20                            |
|       | 15  | 150                          | 50                              | 20                            |
| Apr.  | 1   | 150                          | 50                              | 20                            |
|       | 15  | 150                          | 50                              | 20                            |
| May   | 1   | 150                          | 50                              | 20                            |
|       | 15  | 150                          | 50                              | 20                            |
| Jun.  | 1   | 150                          | 50                              | 15                            |
|       | 15  | 150                          | 50                              | 9                             |
| Jul.  | 1   | 150*                         | 50*                             | 5*                            |
|       | 15  | 80*                          | 30*                             | 3*                            |
| Aug.  | 1   | 40*                          | 15*                             | 3*                            |
|       | 15  | 40*                          | 10*                             | 3*                            |
| Sep.  | 1   | 40*                          | 10*                             | 3*                            |
|       | 15  | 40*                          | 10*                             | 3*                            |
| Oct.  | 1   | 55*                          | 20*                             | 5*                            |
|       | 15  | 80*                          | 23*                             | 10*                           |
| Nov.  | 1   | 90*                          | 27*                             | 20*                           |
|       | 15  | 110                          | 32                              | 20                            |
| Dec.  | 1   | 130                          | 40                              | 20                            |
|       | 15  | 150                          | 43                              | 20                            |

| Month | Day | 12-2140-00<br>Dakota Creek | WDOE-2130-50<br>Deer Creek | 12-2120-00<br>Fishtrap Cr. |
|-------|-----|----------------------------|----------------------------|----------------------------|
| Jan.  | 1   | 60*                        | 10*                        | 55*                        |
|       | 15  | 60*                        | 10*                        | 55*                        |
| Feb.  | 1   | 60*                        | 10*                        | 55*                        |
|       | 15  | 60*                        | 10*                        | 55*                        |
| Mar.  | 1   | 60*                        | 10*                        | 55*                        |
|       | 15  | 40*                        | 10*                        | 55*                        |
| Apr.  | 1   | 30*                        | 8*                         | 45*                        |
|       | 15  | 20*                        | 6*                         | 35*                        |
| May   | 1   | 15*                        | 5*                         | 30*                        |
|       | 15  | 10*                        | 4*                         | 25*                        |
| Jun.  | 1   | 7*                         | 3*                         | 20*                        |
|       | 15  | 5*                         | 2*                         | 15*                        |
| Jul.  | 1   | 4*                         | 2*                         | 12*                        |
|       | 15  | 3*                         | 1*                         | 10*                        |
| Aug.  | 1   | 3*                         | 1*                         | 8*                         |
|       | 15  | 3*                         | 1*                         | 8*                         |
| Sep.  | 1   | 3*                         | 1*                         | 8*                         |
|       | 15  | 3*                         | 1*                         | 8*                         |
| Oct.  | 1   | 3*                         | 2*                         | 18*                        |
|       | 15  | 4*                         | 2*                         | 20*                        |
| Nov.  | 1   | 5*                         | 3*                         | 30*                        |
|       | 15  | 10*                        | 4*                         | 40*                        |
| Dec.  | 1   | 20*                        | 5*                         | 55*                        |
|       | 15  | 60*                        | 7*                         | 55*                        |



Nooksack--WRIA 1

173-501-030

| Month | Day | WDOE-2056-00<br>Gallop<br>Creek | WDOE-2101-00<br>Hutchinson<br>Creek | WDOE-2149-00<br>Johnson<br>Creek | 12-2065-00<br>Kendall<br>Cr. |
|-------|-----|---------------------------------|-------------------------------------|----------------------------------|------------------------------|
| Jan.  | 1   | 12                              | 60                                  | 60*                              | 10*                          |
|       | 15  | 12                              | 60                                  | 60*                              | 10*                          |
| Feb.  | 1   | 12                              | 60                                  | 60*                              | 10*                          |
|       | 15  | 12                              | 60                                  | 60*                              | 10*                          |
| Mar.  | 1   | 12                              | 60                                  | 60*                              | 10*                          |
|       | 15  | 12                              | 60                                  | 60*                              | 10*                          |
| Apr.  | 1   | 12                              | 60                                  | 60*                              | 10*                          |
|       | 15  | 12                              | 60                                  | 45*                              | 10*                          |
| May   | 1   | 12                              | 60                                  | 35*                              | 10*                          |
|       | 15  | 12                              | 60                                  | 25*                              | 10*                          |
| Jun.  | 1   | 12                              | 60                                  | 20*                              | 10*                          |
|       | 15  | 12                              | 60                                  | 15*                              | 10*                          |
| Jul.  | 1   | 12*                             | 60*                                 | 12*                              | 10*                          |
|       | 15  | 8*                              | 40*                                 | 9*                               | 6*                           |
| Aug.  | 1   | 6*                              | 25*                                 | 9*                               | 4*                           |
|       | 15  | 5*                              | 15*                                 | 9*                               | 3*                           |
| Sep.  | 1   | 5*                              | 15*                                 | 9*                               | 3*                           |
|       | 15  | 5*                              | 15*                                 | 9*                               | 3*                           |
| Oct.  | 1   | 5*                              | 25*                                 | 9*                               | 5*                           |
|       | 15  | 5*                              | 30*                                 | 9*                               | 6*                           |
| Nov.  | 1   | 8*                              | 35*                                 | 13*                              | 7*                           |
|       | 15  | 12                              | 40                                  | 20*                              | 8*                           |
| Dec.  | 1   | 12                              | 50                                  | 30*                              | 9*                           |
|       | 15  | 12                              | 60                                  | 60*                              | 10*                          |

| Month | Day | WDOE-2059-00<br>Maple Creek | 12-2105-00<br>Nooksack R.<br>(at Deming) | 12-2131-00<br>Nooksack R.<br>(at Ferndale) |
|-------|-----|-----------------------------|--|--|
| Jan.  | 1   | 20                          | 2050                                     | 2900                                       |
|       | 15  | 20                          | 2050                                     | 2900                                       |
| Feb.  | 1   | 20                          | 2150                                     | 2900                                       |
|       | 15  | 30                          | 2350                                     | 2900                                       |
| Mar.  | 1   | 30                          | 2350                                     | 2900                                       |
|       | 15  | 30                          | 2350                                     | 2900                                       |
| Apr.  | 1   | 30                          | 2350                                     | 2900                                       |
|       | 15  | 30                          | 2350                                     | 2900                                       |
| May   | 1   | 30                          | 3325                                     | 2900                                       |
|       | 15  | 30                          | 3400                                     | 3500                                       |
| Jun.  | 1   | 30                          | 3400                                     | 3500                                       |
|       | 15  | 30                          | 3400                                     | 3500                                       |
| Jul.  | 1   | 20*                         | 3400                                     | 3500                                       |
|       | 15  | 20*                         | 2950                                     | 3000                                       |
| Aug.  | 1   | 20*                         | 1700                                     | 2400                                       |
|       | 15  | 10*                         | 1700                                     | 1900                                       |
| Sep.  | 1   | 10*                         | 1700                                     | 1800                                       |
|       | 15  | 10*                         | 1700                                     | 1700                                       |
| Oct.  | 1   | 20*                         | 1700                                     | 1700                                       |
|       | 15  | 20*                         | 2050                                     | 2050                                       |
| Nov.  | 1   | 20*                         | 2050                                     | 2300                                       |
|       | 15  | 20                          | 2050                                     | 2500                                       |
| Dec.  | 1   | 20                          | 2050                                     | 2900                                       |
|       | 15  | 20                          | 2050                                     | 2900                                       |

| Month | Day | 12-2080-00<br>Nooksack River<br>(Middle Fork) | 12-2072-00<br>Nooksack River<br>(North Fork nr. Deming) | 12-2090-00<br>Nooksack River<br>(South Fork) |
|-------|-----|---|---|--|
| Jan.  | 1   | 275   | 1100  | 650  |
|       | 15  | 275   | 1100  | 650  |
| Feb.  | 1   | 380   | 1100  | 650  |
|       | 15  | 380   | 1100  | 850  |
| Mar.  | 1   | 380   | 1100  | 850  |
|       | 15  | 380   | 1100  | 850  |
| Apr.  | 1   | 380   | 1100  | 850  |
|       | 15  | 380   | 1100  | 850  |
| May   | 1   | 380   | 1100  | 850  |
|       | 15  | 450   | 2000  | 850  |

| Month | Day | 12-2080-00<br>Nooksack River<br>(Middle Fork) | 12-2072-00<br>Nooksack River<br>(North Fork nr. Deming) | 12-2090-00<br>Nooksack River<br>(South Fork) |
|-------|-----|---|---|--|
| Jun.  | 1   | 525   | 2000  | 850  |
|       | 15  | 525   | 2000  | 850  |
| Jul.  | 1   | 525   | 2000  | 850*   |
|       | 15  | 400   | 2000  | 550*   |
| Aug.  | 1   | 275   | 1100  | 300*   |
|       | 15  | 275   | 1100  | 300*   |
| Sep.  | 1   | 275   | 1100*   | 300*   |
|       | 15  | 275   | 1100*   | 300*   |
| Oct.  | 1   | 275   | 1100*   | 300*   |
|       | 15  | 275   | 1100*   | 650*   |
| Nov.  | 1   | 275   | 1100*   | 650  |
|       | 15  | 275   | 1100  | 650  |
| Dec.  | 1   | 275   | 1100  | 650  |
|       | 15  | 275   | 1100  | 650  |

| Month | Day | WDOE-2084-00<br>Porter Creek | WDOE-2071-00<br>Racehorse Cr. | WDOE-2155-00<br>Saar Creek |
|-------|-----|------------------------------|-------------------------------|----------------------------|
| Jan.  | 1   | 10                           | 60                            | 35*                        |
|       | 15  | 10                           | 60                            | 35*                        |
| Feb.  | 1   | 10                           | 60                            | 35*                        |
|       | 15  | 10                           | 60                            | 35*                        |
| Mar.  | 1   | 10                           | 60                            | 35*                        |
|       | 15  | 10                           | 60                            | 35*                        |
| Apr.  | 1   | 10                           | 60                            | 35*                        |
|       | 15  | 10                           | 80                            | 35*                        |
| May   | 1   | 10                           | 80                            | 35*                        |
|       | 15  | 10                           | 90                            | 35*                        |
| Jun.  | 1   | 10                           | 90                            | 35*                        |
|       | 15  | 10                           | 90                            | 35*                        |
| Jul.  | 1   | 10*                          | 50*                           | 22*                        |
|       | 15  | 6*                           | 35*                           | 15*                        |
| Aug.  | 1   | 3*                           | 20*                           | 9*                         |
|       | 15  | 3*                           | 20*                           | 6*                         |
| Sep.  | 1   | 3*                           | 20*                           | 6*                         |
|       | 15  | 3*                           | 20*                           | 6*                         |
| Oct.  | 1   | 3*                           | 20*                           | 12*                        |
|       | 15  | 6*                           | 30*                           | 14*                        |
| Nov.  | 1   | 10*                          | 35*                           | 17*                        |
|       | 15  | 10                           | 40                            | 19*                        |
| Dec.  | 1   | 10                           | 47                            | 23*                        |
|       | 15  | 10                           | 55                            | 35*                        |

| Month | Day | WDOE-2132-00<br>Silver Creek | 12-2095-00<br>Skookum Cr. | WDOE-2111-00<br>Smith Creek |
|-------|-----|------------------------------|---------------------------|-----------------------------|
| Jan.  | 1   | 12                           | 115                       | 40                          |
|       | 15  | 12                           | 115                       | 40                          |
| Feb.  | 1   | 12                           | 115                       | 40                          |
|       | 15  | 12                           | 115                       | 40                          |
| Mar.  | 1   | 12                           | 115                       | 40                          |
|       | 15  | 12                           | 115                       | 40                          |
| Apr.  | 1   | 12                           | 115                       | 40                          |
|       | 15  | 12                           | 115                       | 60                          |
| May   | 1   | 12*                          | 115                       | 60*                         |
|       | 15  | 9*                           | 115                       | 60*                         |
| Jun.  | 1   | 7*                           | 115                       | 60*                         |
|       | 15  | 6*                           | 115                       | 40*                         |
| Jul.  | 1   | 4*                           | 115*                      | 35*                         |
|       | 15  | 3*                           | 66*                       | 25*                         |
| Aug.  | 1   | 3*                           | 66*                       | 15*                         |
|       | 15  | 3*                           | 66*                       | 10*                         |
| Sep.  | 1   | 3*                           | 66*                       | 10*                         |
|       | 15  | 3*                           | 66*                       | 10*                         |
| Oct.  | 1   | 4*                           | 66*                       | 15*                         |
|       | 15  | 4*                           | 80*                       | 20*                         |
| Nov.  | 1   | 6*                           | 115*                      | 23*                         |
|       | 15  | 10                           | 115                       | 25                          |
| Dec.  | 1   | 12                           | 115                       | 30                          |
|       | 15  | 12                           | 115                       | 35                          |

| Month | Day | 12-2145-00<br>Sumas River | 12-2129-00<br>Tenmile Cr. | WDOE-<br>2133-00<br>Terrell Creek | WDOE-<br>2126-00<br>Wiser Lk. Cr. |
|-------|-----|---------------------------|---------------------------|-----------------------------------|-----------------------------------|
| Jan.  | 1   | 100*                      | 40*                       | 12                                | 11                                |
|       | 15  | 100*                      | 40*                       | 12                                | 11                                |
| Feb.  | 1   | 100*                      | 40*                       | 12                                | 11                                |
|       | 15  | 100*                      | 40*                       | 12                                | 11                                |
| Mar.  | 1   | 100*                      | 40*                       | 12                                | 11                                |
|       | 15  | 100*                      | 40*                       | 12                                | 11                                |
| Apr.  | 1   | 100*                      | 40*                       | 12                                | 9                                 |
|       | 15  | 100*                      | 40*                       | 12                                | 7                                 |
| May   | 1   | 70*                       | 30*                       | 8*                                | 6*                                |
|       | 15  | 60*                       | 22*                       | 5*                                | 5*                                |
| Jun.  | 1   | 40*                       | 17*                       | 4*                                | 4*                                |
|       | 15  | 35*                       | 12*                       | 3*                                | 3*                                |
| Jul.  | 1   | 25*                       | 10*                       | 2*                                | 2*                                |
|       | 15  | 20*                       | 7*                        | 2*                                | 2*                                |
| Aug.  | 1   | 20*                       | 5*                        | 2*                                | 2*                                |
|       | 15  | 20*                       | 5*                        | 2*                                | 2*                                |
| Sep.  | 1   | 20*                       | 5*                        | 2*                                | 2*                                |
|       | 15  | 20*                       | 6*                        | 2*                                | 2*                                |
| Oct.  | 1   | 20*                       | 7*                        | 2*                                | 2*                                |
|       | 15  | 20*                       | 10*                       | 2*                                | 2*                                |
| Nov.  | 1   | 35*                       | 15*                       | 3*                                | 3*                                |
|       | 15  | 60*                       | 20*                       | 5                                 | 6                                 |
| Dec.  | 1   | 80*                       | 30*                       | 7                                 | 8                                 |
|       | 15  | 100*                      | 40*                       | 12                                | 11                                |

(4) Future consumptive water right permits issued hereafter for diversion of surface water in the Nooksack WRIA and perennial tributaries shall be expressly subject to instream flows established in WAC 173-501-030 (1) through (3) as measured at the appropriate gage, preferably the nearest one downstream and at all other downstream control stations, except for those uses described in WAC 173-501-070 (1) through (3).

(5) Projects that would reduce the flow in a section of stream's length (e.g., hydroelectric projects that withdraw streamflow from some length of the channel) are considered consumptive with respect to the affected stream reach. Such projects will be subject to instream flow requirements as specified by the department. These flows will be those established in WAC 173-501-030 (1) through (3) and WAC 173-501-040, or may be flows specifically tailored to that particular project and stream reach. When studies are required to determine such reach and project-specific flow requirements, the department will require the project proponent to conduct such studies in consultation with affected state and federal agencies and Indian tribes.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-030, filed 12/4/85.]

(3) Instream flow hydrographs, as represented in Appendix A of the document entitled Nooksack Instream Resources Protection Program, shall be used for identification of instream flows on those days not specifically identified in WAC 173-501-030(2).

**WAC 173-501-040 Surface water source limitations to further consumptive appropriation.** (1) The following table indicates the status of streams, tributaries and lakes affected by this chapter.

| Source Name                         | Tributary To           | Former Administrative Status | Status Under Regulation | Period of Closure | Flow Established   |
|-------------------------------------|------------------------|------------------------------|-------------------------|-------------------|--------------------|
| Anderson Creek                      | Nooksack River         | low flow                     | partial year closure    | May 1-Oct. 31     | WAC 173-501-030(2) |
| Bells Creek                         | North Fork Nooksack    | open                         | closure                 | year round        | WAC 173-501-030(2) |
| Bertrand Creek                      | Nooksack River         | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Black Slough                        | Nooksack - South Fork  | low flow                     | low flow                | year round        | WAC 173-501-030(2) |
| California Creek                    | Drayton Harbor         | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Canyon Creek                        | North Fork Nooksack    | open                         | partial year closure    | July 1-Oct. 31    | WAC 173-501-030(2) |
| Canyon (Lake) Creek                 | Middle Fork Nooksack   | open                         | partial year closure    | July 1-Oct. 31    | WAC 173-501-030(2) |
| Chuckanut Creek                     | Chuckanut Bay          | low flow                     | closure                 | year round        | natural flow       |
| Colony Creek (incl. Whitehall)      | Samish Bay             | open                         | closure                 | year round        | natural flow       |
| Cornell Creek                       | North Fork Nooksack    | open                         | partial year closure    | July 1-Oct. 31    | WAC 173-501-030(2) |
| Dakota Creek                        | Drayton Harbor         | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Deer Creek                          | Barrett Lake (Tenmile) | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Fishtrap Creek (incl. Double Ditch) | Nooksack River         | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Fourmile Creek                      | Tenmile Creek          | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Gallop Creek                        | North Fork Nooksack    | open                         | partial year closure    | July 1-Oct. 31    | WAC 173-501-030(2) |
| Hutchinson Creek                    | South Fork Nooksack    | open                         | partial year closure    | July 1-Oct. 31    | WAC 173-501-030(2) |
| Johnson Creek                       | Sumas River            | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Kamm Ditch/ Stickney Slough         | Nooksack River         | closure                      | closure                 | year round        | natural flow       |
| Kendall Creek                       | North Fork Nooksack    | open                         | closure                 | year round        | WAC 173-501-030(2) |
| Maple Creek                         | North Fork Nooksack    | open                         | closure                 | July 1-Oct. 31    | WAC 173-501-030(2) |
| Nooksack River - mainstem           | Bellingham Bay         | low flow                     | minimum flow (new flow) |                   | WAC 173-501-030(2) |
| Nooksack River - Middle Fk.         | Nooksack River         | low flow                     | minimum flow (new flow) |                   | WAC 173-501-030(2) |
| Nooksack River - North Fk.          | Nooksack River         | low flow                     | partial year closure    | Sept. 1-Oct. 31   | WAC 173-501-030(2) |
| Nooksack River - South Fk.          | Nooksack River         | open                         | partial year closure    | July 1-Oct. 31    | WAC 173-501-030(2) |
| Oyster Creek                        | Samish Bay             | open                         | closure                 | year round        | natural flow       |
| Padden Creek                        | Bellingham Bay         | open                         | closure                 | year round        | natural flow       |
| Porter Creek                        | Middle Fork Nooksack   | open                         | partial year closure    | July 1-Oct. 1     | WAC 173-501-030(2) |

| Source Name                              | Tributary To        | Former Administrative Status | Status Under Regulation | Period of Closure | Flow Established   |
|--|---------------------|------------------------------|-------------------------|-------------------|--------------------|
| Racehorse Creek                          | North Fork Nooksack | open                         | partial year closure    | July 1-Oct. 31    | WAC 173-501-030(2) |
| Saar Creek                               | Vedder Canal-Canada | open                         | closure                 | year round        | WAC 173-501-030(2) |
| Saxon Creek                              | South Fork Nooksack | open                         | closure                 | year round        | natural flow       |
| Silver Creek                             | Nooksack River      | low flow                     | partial year closure    | May 1-Oct. 31     | WAC 173-501-030(2) |
| Skookum Creek                            | South Fork Nooksack | low flow                     | partial year closure    | July 1-Oct. 31    | WAC 173-501-030(2) |
| Smith Creek                              | Nooksack River      | low flow                     | partial year closure    | May 1-Oct. 31     | WAC 173-501-030(2) |
| Squalicum Creek                          | Bellingham Bay      | closure                      | closure                 | year round        |                    |
| Sumas River                              | Vedder Canal-Canada | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Tenmile Creek                            | Nooksack River      | closure                      | closure                 | year round        | WAC 173-501-030(2) |
| Terrell Creek                            | Birch Bay           | open                         | partial year closure    | May 1-Oct. 31     | WAC 173-501-030(2) |
| Thompson Creek                           | Glacier Cr./N. Fk.  | open                         | partial year closure    | July 1-Oct. 31    | natural flow       |
| Unnamed Stream - Elder Ditch/Scott Ditch | Nooksack River      | low flow                     | low flow                |                   |                    |
| Unnamed stream - White Creek             | Colony Creek        | closure                      | closure                 |                   |                    |
| Whatcom Creek*                           | Bellingham Bay      | open                         | closure                 | year round        | natural flow       |
| Wiser Lake Creek                         | Nooksack River      | low flow                     | partial year closure    | May 1-Oct. 31     | WAC 173-501-030(2) |
| Lummi Indian Reservation Streams         |                     | closure                      | closure                 |                   |                    |
| Barrett Lake                             | Tenmile Creek       | closure                      | closure                 |                   | NA                 |
| Green Lake                               | Fourmile Creek      | closure                      | closure                 |                   | NA                 |
| Lake Terrell                             | Terrell Creek       | closure                      | closure                 |                   | NA                 |
| Lake Whatcom**                           | Whatcom Creek       | court-ordered lake level     | closure                 | year round        |                    |
| Wiser Lake                               | Wiser Lake Creek    | closure                      | closure                 |                   | NA                 |

For streams listed as "natural flow," insufficient data are available to develop instream flows outside the closure period. Water right applications for consumptive use will be considered on a case by case basis in consultation with the departments of fisheries and game; tribes will also be notified.

Streams which are not specifically listed in this regulation are affected by the regulation if they are tributary to streams or lakes listed herein; otherwise such streams are not affected.

\*No exemptions. See WAC 173-501-070(2).

\*\*Lake Whatcom and its tributaries are closed to all further consumptive appropriation; however, any water right applications for consumptive use which were on file with the department of ecology on August 7, 1985 shall be exempt from the closure through the period extending one year from the effective date of this chapter.

(2) When a project (as described in WAC 173-501-030(5)) is proposed on a stream that is closed to further appropriations, the department shall deny the water right application unless the project proponent can adequately demonstrate that the project does not conflict with the intent of the closure.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-040, filed 12/4/85.]

**WAC 173-501-050 Lakes.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-050, filed 12/4/85.]

**WAC 173-501-060 Ground water.** If department investigations determine that there is significant hydraulic continuity between surface water and the proposed ground water source, any water right permit or certificate issued shall be subject to the same conditions as affected surface waters. If department investigations determine that withdrawal of ground water from the source aquifers would not interfere with stream flow during the period of stream closure or with maintenance of minimum instream flows, then applications to appropriate public ground waters may be approved.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-060, filed 12/4/85.]

**WAC 173-501-070 Exemptions.** (1) Nothing in this chapter shall affect existing water rights, perfected riparian rights, federal Indian and non-Indian reserved rights, 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) Single domestic, (including up to 1/2 acre lawn and garden irrigation and associated noncommercial stockwatering) shall be exempt from the provisions established in this chapter, except that Whatcom Creek is closed to any further appropriation, including otherwise exempted single domestic use. For all other streams, when the cumulative impact of single domestic diversions begins to significantly affect the quantity of water available for instream uses, then any water rights issued after that time shall be issued for in-house use only, if no alternative source is available.

(3) Nonconsumptive uses which are compatible with the intent of this chapter may be approved.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-070, filed 12/4/85.]

**WAC 173-501-080 Policy statement for future permitting actions.** (1) No rights to divert or store public surface waters of WRIA 1 shall hereafter be granted which shall conflict with the purpose of this chapter except as provided in RCW 90.54.020 (3)(a).

(2) Consistent with the provisions of chapter 90.54 RCW, it is the policy of the department to preserve an appropriate minimum instream flow in all perennial streams and rivers as well as the water levels in all lakes in the Nooksack WRIA by encouraging the use of alternate sources of water which include (a) ground water, (b) storage water, or (c) acquisition of existing water rights.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-080, filed 12/4/85.]

**WAC 173-501-090 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: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-090, filed 12/4/85.]

**WAC 173-501-100 Regulation review.** Review of the rules in this chapter shall be initiated by the department of ecology within five years of the date of adoption.

[Statutory Authority: RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2). 85-24-073 (Order 85-19), § 173-501-100, filed 12/4/85.]

**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.<br>Stream Management<br>Unit Name | Control Station<br>by River Mile and<br>Section, Township<br>and Range | Affected Stream<br>Reach Including<br>Tributaries  |
|---|--|--|
| 12.1330.00<br>So. Fk. Skykomish<br>River              | 51.6<br>28-27-10E  | From confluence<br>with N. Fk. Sky-<br>komish River to<br>headwaters.  |
| 12.1381.50<br>Sultan River                            | 5.1<br>17-28-8E  | From mouth to<br>headwaters.   |
| 12.1411.00<br>Skykomish River                         | 25.0<br>12-27-6E   | From mouth to<br>headwaters, ex-<br>cluding So. Fk.<br>Skykomish River<br>and Sultan River.  |
| 12.1430.00<br>No. Fk. Snoqualmie                      | 2.2<br>26-24-8E  | From mouth to<br>headwaters.   |
| 12.1445.00<br>Snoqualmie River                        | 40.0<br>19-24-8E   | From Snoqualmie<br>Falls to head-<br>waters, excluding<br>No. Fork Snoqualmie<br>River.  |
| 12.1485.00<br>Tolt River                              | 8.7<br>31-26-8E  | From mouth to<br>headwaters.   |
| 12.1490.00<br>Snoqualmie River                        | 23.0<br>9-25-7E  | From confluence<br>with Harris Creek<br>to Snoqualmie<br>Falls, excluding<br>Tolt River.   |
| 12.<br>Snoqualmie River                               | 2.5<br>26-27-6E  | From mouth to<br>confluence with<br>Harris Creek,<br>including Harris<br>Creek.  |
| 12.1554.00<br>Pilchuck River                          | 1.9<br>18-28-6E  | From mouth to<br>headwaters.   |
| 12.1508.00<br>Snohomish River                         | 20.4<br>16-27-6E   | From influence of<br>mean annual high<br>tide at low base<br>flow levels to<br>confluence with<br>Skykomish River<br>and Snoqualmie<br>River, excluding<br>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<br>So.Fk.<br>Skykomish | 12.1411.00<br>Skykomish | 12.1430.00<br>No.Fk*<br>Snoqualmie | No.Fk.**<br>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                    |

| Month | Day | 12.1330.00<br>So.Fk.<br>Skykomish | 12.1411.00<br>Skykomish | 12.1430.00<br>No.Fk*<br>Snoqualmie | No.Fk.**<br>Snoqualmie |
|-------|-----|-----------------------------------|-------------------------|------------------------------------|------------------------|
| 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<br>Sultan | 12.1445.00<br>Snoqualmie<br>(above Falls) | 12.1485.50<br>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<br>Snoqualmie<br>(Carnation) | 12.<br>Snoqualmie<br>(mouth) | 12.1554.00<br>Pilchuck<br>R. | 12.1508.00<br>Snohomish<br>R. |
|-------|-----|---|------------------------------|------------------------------|-------------------------------|
| 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. |

| Stream  | Limitation                                   | Point of Measurement   | Stream   | Limitation                                  | Point of Measurement  |
|---|--|--|--|---|---|
| Foye Creek Tributary to Riley Slough                          | No diversion when flow 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.              | Woods Creek, Tributary to Skykomish River  | No diversion when flow drops below 5.0 cfs. | West Fork, immediately above said confl. with Woods Creek.              |
| French Creek, Tributary to Snohomish River                    | No diversion when flow 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.                  | 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. |
| Langlois Creek Tributary to Tolt River                        | No diversion when flow 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.           | 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.              |
| 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.              | Note: Affected stream reaches extend from mouth to headwaters and include all tributaries in the contributing drainage area unless specifically excluded.  |   |   |
| 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.             | (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 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. |   |   |
| Unnamed Stream (Coon Creek), Tributary to Pilchuck River.     | No diversion when flow 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.                 | <b>SURFACE WATER CLOSURES</b>  |   |   |
| 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.             | Stream   | Date of Closure                             | Period of Closure   |
| 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.               | Griffin Creek, Tributary to Snoqualmie River   | 9/22/53                                     | All year  |
| 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.                 | Harris Creek, Tributary to Snoqualmie River  | 1/20/44                                     | All year  |
| 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.                 | Little Pilchuck Creek, Tributary to Pilchuck River   | 5/6/52                                      | All year  |
| 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.                | May Creek, Tributary to Wallace River  | 10/13/53                                    | All year  |
| 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.                   | Patterson Creek, Tributary to Snoqualmie River   | 2/19/52                                     | All year  |
| 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.                               | Quilceda Creek, Tributary to Ebey Slough   | 6/10/46                                     | All year  |
| 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.               | Raging River, Tributary to Snoqualmie River  | 9/20/51                                     | All year  |
| 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.       | Unnamed Stream (Bodell Creek), Tributary to Pilchuck River   | 9/6/51                                      | All year  |
| Woods Creek, Tributary to Skykomish River                     | No diversion when flow drops below 6.0 cfs.  | Immediately above said confl. of West Fork.  | [Statutory Authority: Chapters 90.22 and 90.54 RCW. 79-10-003 (Order DE 79-8), § 173-507-030, filed 9/6/79.]   |   |   |
| 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. | 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.   |   |   |
| Woods Creek, Tributary to Skykomish River                     | No diversion when flow drops below 0.5 cfs.  | Roesigner Creek, immediately above said confl. with Woods Creek.                         |  |   |   |

[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              |
| 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              |

| Stream or Lake                  | Tributary to    | Restriction |
|---------------------------------|-----------------|-------------|
| 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 |
|-----------------------|---------|

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|                          |  |
|--------------------------|--|
| 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 173-509 WAC  
INSTREAM RESOURCES PROTECTION  
PROGRAM—GREEN-DUWAMISH RIVER BASIN,  
WATER RESOURCE INVENTORY AREA (WRIA) 9**

| WAC         | Purpose.           |
|-------------|--------------------|
| 173-509-010 | Purpose.           |
| 173-509-015 | Background.        |
| 173-509-020 | General provision. |



- 173-509-030 Establishment of instream flows.
- 173-509-040 Surface water source limitations to further consumptive appropriations.
- 173-509-050 Ground water.
- 173-509-060 Future rights.
- 173-509-070 Exemptions.
- 173-509-080 Enforcement.
- 173-509-090 Regulation review.
- 173-509-100 Implementation.

**WAC 173-509-010 Purpose.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Green-Duwamish drainage basin with instream flows and levels necessary for preservation and protection of wildlife, fish, scenic, aesthetic and other environmental values, recreational and navigational values, and to preserve water quality. Nothing in this chapter shall preclude the future issuance of regulations and/or signing of intergovernmental agreements which attempt to optimize the total public use of the basin water resources, providing they are consistent with the intent of this chapter. The instream flow rules presented here are for preservation of the existing resources so that when future planning or development occurs on this river these resources will be available.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-010, filed 6/6/80.]

**WAC 173-509-015 Background.** The Green-Duwamish River basin has been modified significantly since settlement of the area. Urbanization in the lower basin has influenced water quality and diversions for municipal and industrial water supply have altered the stream flow of the Green-Duwamish River. Ground water has been developed for consumptive use within the basin. The White River originally had a confluence with the Green River near Auburn but since 1906 it has been diverted into the Puyallup River. A dam on the Black River near Tukwila prevents water from the Green River from flowing into Lake Washington during periods of high flow. In 1913 the city of Tacoma commenced diversions for municipal and industrial uses. Since 1962 the Green-Duwamish River has been influenced by the operation of the Howard A. Hanson Dam, a Corps of Engineers flood control project with authorization to provide instream flow maintenance of at least 110 cfs for fisheries conservation purposes. The operation has also considered drinking water quality requirements of the city of Tacoma.

The Green-Duwamish River basin is a natural rearing and spawning area primarily for steelhead trout and chinook, coho and chum salmon. Fish hatcheries are located on tributary streams and these contribute to total numbers of fish produced by the river system. The river itself and the shoreline also offer easily accessible recreational opportunities.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-015, filed 6/6/80.]

**WAC 173-509-020 General provision.** These rules apply to all waters within the Green-Duwamish River basin, WRIA 9 (see WAC 173-500-040). 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 resources management program). The provisions of this chapter apply, as a matter of state law, to future water right authorizations issued pursuant to the state's water rights codes.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-020, filed 6/6/80.]

**WAC 173-509-030 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.<br>Stream Management<br>Unit Name | Control Station<br>by River Mile and<br>Section, Township<br>and Range | Affected Stream<br>Reach Including<br>Tributaries   |
|---|--|---|
| 12.1130.00<br>Green River<br>near Auburn, WA          | 32.0<br>17-21-5  | From influence of mean annual high tide at low instream flow levels (approximately River Mile 11.0) to USGS Gage #12.1067.000 |
| 12.1067.00<br>Gage<br>Green River<br>near Palmer, WA  | 60.4<br>13-21-7  | From USGS #12.1067.000 to headwaters.   |

The Palmer gage will be used to condition future water rights upstream from that gage. The Auburn gage will be used to condition future water right appropriations downstream from the Palmer gage. If it becomes necessary to change a control station location to improve measurement accuracy or management capability, the department shall do so under provisions in WAC 173-500-060(6).

(2) Instream flows established for the stream management units in WAC 173-509-030(1) are as follows:

INSTREAM FLOWS FOR FUTURE WATER RIGHTS IN THE  
GREEN-DUWAMISH RIVER BASIN  
(in Cubic Feet per Second)

| Month | Day | 12.1130.00<br>Normal Year<br>Green River<br>Near Auburn | 12.1067.00<br>Normal Year<br>Green River<br>Near Palmer | 12.1067.00<br>Critical Year<br>Green River<br>Near Palmer |
|-------|-----|---|---|---|
| Jan.  | 1   | 650   | 300   | 300   |
|       | 15  | 650   | 300   | 300   |
| Feb.  | 1   | 650   | 300   | 300   |
|       | 15  | 650   | 300   | 300   |
| Mar.  | 1   | 650   | 300   | 300   |
|       | 15  | 650   | 300   | 300   |
| Apr.  | 1   | 650   | 300   | 300   |
|       | 15  | 650   | 300   | 300   |
| May   | 1   | 650   | 300   | 300   |
|       | 15  | 650   | 300   | 300   |
| June  | 1   | 650   | 300   | 300   |
|       | 15  | 650   | 300   | 210   |
| July  | 1   | 550   | 300   | 150   |
|       | 15  | 300   | 150   | 150   |
| Aug.  | 1   | 300   | 150   | 150   |
|       | 15  | 300   | 150   | 150   |
| Sept. | 1   | 300   | 150   | 150   |
|       | 15  | 300   | 150   | 150   |

| Month | Day | 12.1130.00<br>Normal Year<br>Green River<br>Near Auburn | 12.1067.00<br>Normal Year<br>Green River<br>Near Palmer | 12.1067.00<br>Critical Year<br>Green River<br>Near Palmer |
|-------|-----|---|---|---|
| Oct.  | 1   | 300   | 190   | 150   |
|       | 15  | 350   | 240   | 150   |
| Nov.  | 1   | 550   | 300   | 190   |
|       | 15  | 550   | 300   | 240   |
| Dec.  | 1   | 650   | 300   | 300   |
|       | 15  | 650   | 300   | 300   |

(a) Future water right holders subject to regulation by the Palmer gage will not be allowed to continue diversions when flows fall below the normal year instream flows at the Palmer gage 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 will diversions subject to regulation by the Palmer gage be continued when flows fall below the critical year instream flows at Palmer. At no time will diversions subject to regulation by the Auburn gage be continued when flows fall below the normal year instream flows at Auburn. When a declaration of overriding considerations of public interest is made by the director, these requirements may be modified or waived. A declaration of overriding consideration because of drought conditions shall not be made when natural flows equal or exceed the one-in-fifty year low flow condition. The director shall consult with the directors of the state departments of game and fisheries before making a declaration of overriding consideration. Any declaration of critical conditions or overriding considerations of public interest made by the director shall be communicated to all basin resource agencies, water purveyors, and local general purpose governments, and include the reason for such declaration and its expected duration.

(b) The director will consider declaring a critical period when:

(1) In the spring the basin runoff volume forecast of May 1 is not adequate to meet the sum of any rights which the city of Tacoma may have established through historical usage prior to the adoption of this regulation plus the normal year instream flows plus the volume required to replenish the conservation storage.

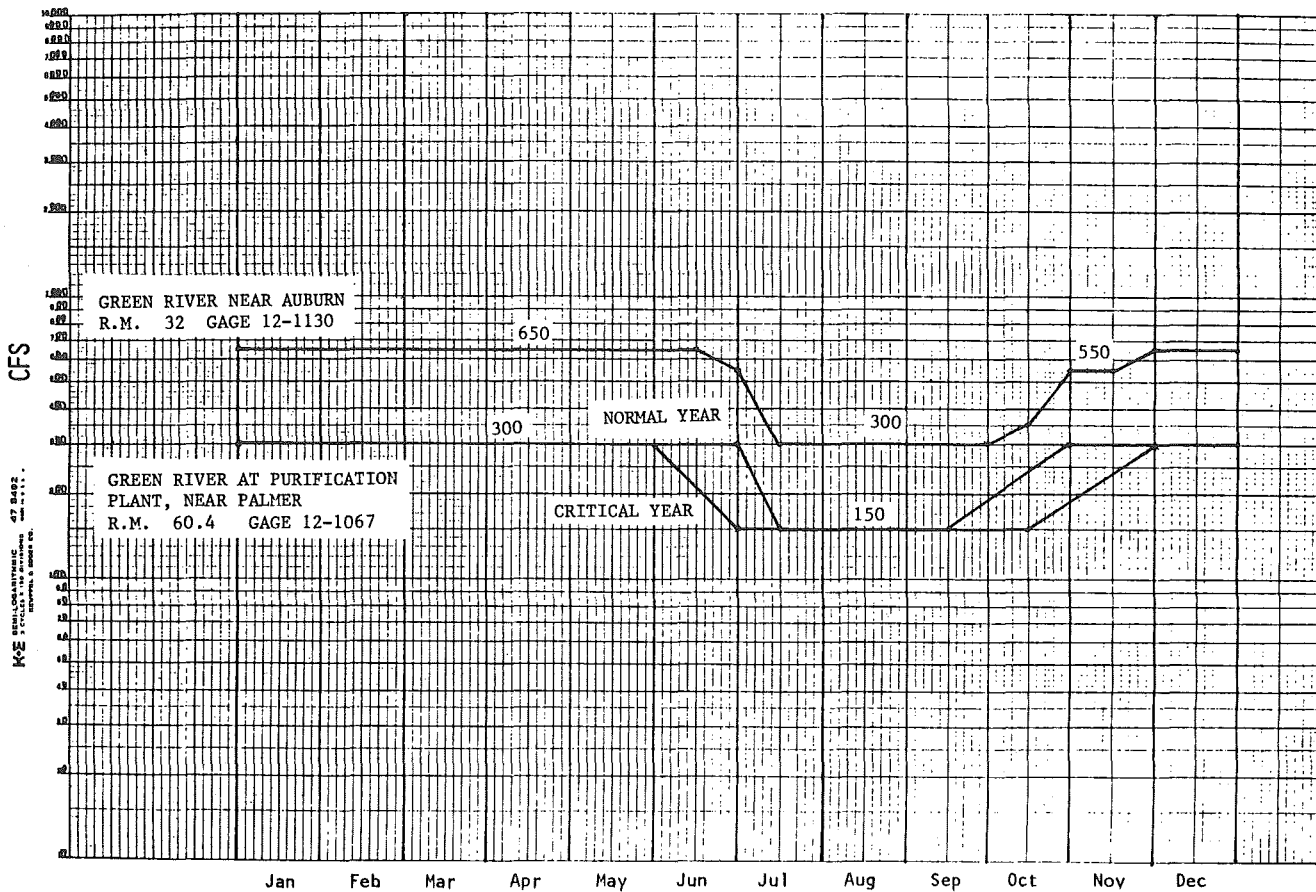
(2) In the summer and fall the sum of the reservoir inflows extrapolated from current observations plus the volume of water in storage at Howard A. Hanson Dam is not adequate to meet the sum of any rights which the city of Tacoma may have established through historical usage prior to the adoption of this regulation plus the normal year instream flows. Within five days the director will inform the major affected water right holders of the extent of the allowed deviation from the normal year instream flows. Once a deviation from normal year instream flows is allowed, the water resources shall be evaluated at least every 7 days to see if additional deviation is warranted. Before allowing deviation from the normal year instream flows, water conservation practices and use of other sources shall be considered.

(c) In addition to other necessary provisions, any diversion of the natural flow, including diversion to storage under future water rights shall cease (or be regulated to the extent necessary) when the flow at the applicable control station falls below (or is less than) the instream flows established by this regulation and made a condition of said future water right. Said future water rights are subject to the rights and authority of the Corps of Engineers to utilize for storage and conservation flows, the natural inflow to the Howard A. Hanson reservoir and to all other prior water right holders' authorized use of natural flows, including any rights that the city of Tacoma may have established through historical usage. The use of stored waters is not to be impaired, limited, or diminished by this regulation.

The department recognizes that from time to time the Corps of Engineers may establish a minimum reservoir level which is necessary to provide conservation flows with a high measure of assurance. When the reservoir falls below this level it may be necessary for the Corps of Engineers to replenish conservation storage. When this occurs, water rights subject to the provisions of this chapter may be temporarily regulated or diminished and the actual stream discharge diminished.

(3) Instream flows, as represented in Figure 1, shall be used for definition of instream flows on those days not specifically identified in WAC 173-509-030(2).

FIGURE 1 - PROPOSED INSTREAM FLOWS FOR FUTURE WATER RIGHTS IN THE GREEN-DUWAMISH RIVER BASIN



(4) All consumptive water rights hereafter established shall be expressly subject to the instream flows established in WAC 173-509-030(1) through (3). However, nothing in this section shall prohibit the release or diversion of stored water or the use of any water course as a means for its conveyance in accordance with RCW 90.03.030.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-030, filed 6/6/80.]

**WAC 173-509-040 Surface water source limitations to further consumptive appropriations.** (1) The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to further consumptive appropriation 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.

| Stream  | Date of Administrative Closure | Period of Administrative Closure |
|---|--------------------------------|----------------------------------|
| Deep Creek (including Hyde Lk.), tributary to Deep Lake<br>NW1/4SE1/4 sec. 18, T.21N., R.7E.                  | 4/17/53                        | All year                         |
| Unnamed stream (Des Moines Creek, Tributary to Puget Sound<br>SW1/4SW1/4 sec. 8, T.22N., R.4E.                | 8/22/52                        | All year                         |
| Unnamed stream (Garrison Creek), Tributary to Black River (indirect)<br>NW1/4NW1/4NW1/4 sec. 6, T.22N., R.5E. | 10/18/51                       | All year                         |
| Unnamed stream (Miller Creek) (Maybrook Creek), Tributary to Puget Sound<br>NE1/4NE1/4 sec. 36, T.23N., R.3E. | 1/7/46                         | All year                         |
| Unnamed stream (Springbrook Creek), Tributary to Black River<br>NE1/4SE1/4SW1/4 sec. 13, T.23N., R.4E.        | 11/14/45                       | All year                         |

**SURFACE WATER CLOSURES**

| Stream   | Date of Administrative Closure | Period of Administrative Closure |
|--|--------------------------------|----------------------------------|
| All tributaries of Green River<br>SE1/4SE1/4 sec. 14, T.32 N., R.4E. | 8/19/53                        | All year                         |

(2) The department, having determined that maximum lake levels have been established by court decree for certain lakes in WRIA 9, adopts the following lake levels. These maximum lake levels confirm lake levels previously established by order of the superior court for King County.

## MAXIMUM LAKE LEVELS

| Lakes  | Lake Level Established | Date of Order |
|--|------------------------|---------------|
| Angle Lake                                       | 349.27 ft. at MSL      | 4/21/75       |
| Star Lake  | 324.46 ft. at MSL      | 9/20/50       |
| Lake Sawyer<br>(Tributary to<br>Covington Creek) | 518.94 ft. at MSL      | 8/5/52        |

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-040, filed 6/6/80.]

**WAC 173-509-050 Ground water.** Future ground-water withdrawal permits will not be affected by this chapter unless such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-050, filed 6/6/80.]

**WAC 173-509-060 Future rights.** No right to divert or store public waters of the Green-Duwamish River basin, WRIA 9, shall be granted which shall conflict with the purposes of this chapter: *Provided however*, Withdrawals of water which would conflict with said purposes may be authorized in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-060, filed 6/6/80.]

**WAC 173-509-070 Exemptions.** (1) Nothing in this chapter shall affect 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, including but not limited to: (a) Howard Hanson Dam storage and operation as authorized in the Flood Control Act of May 17, 1950; (b) any existing right the city of Tacoma may have.

(2) Domestic inhouse use for a single residence and stock watering, except that related to feed lots, shall be exempt from the provisions of this chapter.

(3) Storage projects may be approved if they are not in conflict with the purposes of this chapter.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-070, filed 6/6/80.]

**WAC 173-509-080 Enforcement.** In the 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: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-080, filed 6/6/80.]

**WAC 173-509-090 Regulation review.** The rules in this chapter shall be reviewed by the department of

ecology at least once in every five year period. The director shall initiate a review of the rules by appointing a committee of major affected water right holders, basin resource management interests, and governmental agencies.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-090, filed 6/6/80.]

**WAC 173-509-100 Implementation.** In the event the COE is authorized to change the operation of Howard Hanson Dam in order to meet the stream flows established in this chapter and so advises the director, these regulations shall be reviewed by the department within 180 days of the COE authorization to determine, what, if any, amendments are required to maintain the integrity and purpose of this chapter.

[Statutory Authority: RCW 90.22.020, 90.54.020 and 90.54.040. 80-07-005 (Order DE 79-32), § 173-509-100, filed 6/6/80.]

## Chapter 173-510 WAC

INSTREAM RESOURCES PROTECTION  
PROGRAM--PUYALLUP RIVER BASIN, WATER  
RESOURCE INVENTORY AREA (WRIA) 10

## WAC

|             |   |
|-------------|---|
| 173-510-010 | General provision.  |
| 173-510-020 | Purpose.  |
| 173-510-030 | Establishment of instream flows.  |
| 173-510-040 | Surface water source limitations to further consumptive appropriations. |
| 173-510-050 | Ground water.   |
| 173-510-060 | Lakes.  |
| 173-510-070 | Exemptions.   |
| 173-510-080 | Future rights.  |
| 173-510-090 | Enforcement.  |
| 173-510-100 | Regulation review.  |

**WAC 173-510-010 General provision.** These rules apply to waters within the Puyallup River basin, WRIA 10, as defined in WAC 173-500-040. 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 resources management program).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-010, filed 3/21/80.]

**WAC 173-510-020 Purpose.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Puyallup River basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic-aesthetic, environmental values, recreation, navigation, and to preserve high water quality standards.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047 (Order DE 79-31), § 173-510-020, filed 3/21/80.]

**WAC 173-510-030 Establishment of instream flows.** (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

| Control Station No.<br>Stream Management<br>Unit Name | Control Station by<br>River Mile and<br>Section, Township,<br>and Range | Affected Stream<br>Reach(es)   |
|---|---|--|
| 12-0965.00<br>Upper Puyallup River                    | 12.2<br>25-20-4E  | Confluence with Puyallup River<br>to the headwaters including<br>all tributaries   |
| 12-0957.00<br>Carbon River                            | 0.1<br>13-19-4E   | From the confluence with the<br>White River to the headwaters<br>including all tributaries,<br>excluding the Carbon River.   |
| 12-1015.00<br>Lower Puyallup River                    | 6.6<br>20-20N-R4E   | From the influence of mean<br>annual high tide at low base<br>flow levels to the confluence<br>with the White River<br>including all tributaries<br>and excluding the White River. |

(2) Instream flows are established for the stream management units in WAC 173-510-030(1) as follows:

Instream Flows in the Puyallup River Basin

(in cubic feet per second)

| Month | Day | 12-0965.00<br>Puyallup River<br>(At Alderton) | 12-1015.00<br>Puyallup River | 12-0957.00<br>Carbon River |
|-------|-----|---|------------------------------|----------------------------|
| Jan   | 1   | 700   | 1400                         | 600                        |
|       | 15  | 700   | 1400                         | 550                        |
| Feb   | 1   | 750   | 1400                         | 550                        |
|       | 15  | 800   | 1500                         | 550                        |
| Mar   | 1   | 800   | 1600                         | 550                        |
|       | 15  | 850   | 1700                         | 550                        |
| Apr   | 1   | 900   | 1800                         | 600                        |
|       | 15  | 950   | 1900                         | 700                        |
| May   | 1   | 950   | 2000                         | 900                        |
|       | 15  | 1000  | 2000                         | 900                        |
| Jun   | 1   | 1050  | 2000                         | 600                        |
|       | 15  | 1050  | 2000                         | 500                        |
| Jul   | 1   | 1050  | 2000                         | 450                        |
|       | 15  | 1050  | 1750                         | 400                        |
| Aug   | 1   | 900   | 1500                         | 350                        |
|       | 15  | 800   | 1300                         | 350                        |
| Sep   | 1   | 600   | 1150                         | 350                        |
|       | 15  | 500   | 1000                         | 350                        |
| Oct   | 1   | 500   | 1000                         | 350                        |
|       | 15  | 500   | 1000                         | 550                        |
| Nov   | 1   | 600   | 1000                         | 550                        |
|       | 15  | 700   | 1100                         | 600                        |
| Dec   | 1   | 700   | 1200                         | 700                        |
|       | 15  | 700   | 1300                         | 700                        |

(3) Instream flow hydrographs, as represented in the document entitled "Puyallup River basin instream resource protection program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-510-030(2).

(4) All consumptive water rights hereafter established shall be expressly, subject to instream flows established in WAC 173-510-030(1) through (3).

(5) At such time as the department of fisheries and/or department of game and the department of ecology shall agree that additional stream management units should be identified other than those specified in WAC 173-510-030(1), the department of ecology shall identify additional control stations and management units on

streams and tributaries within the basin and shall further protect 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. 80-04-047 (Order DE 79-31), § 173-510-030, filed 3/21/80.]

**WAC 173-510-040 Surface water source limitations to further consumptive appropriations.** (1) The department of ecology, having determined unlimited consumptive appropriations would harmfully impact instream values, adopts instream flows as follows confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

Low Flow Limitations

| Stream Number<br>Stream Name<br>Section, Township, Range of<br>Stream Mouth or Lake Outlet                     | Limitation   |
|--|--|
| 10.0594<br>Unnamed stream, tributary to<br>Puyallup River<br>NE1/4SE1/4, Sec. 8, T.18N, R.5E                   | No diversion when flow<br>falls to 0.10 cfs.                                   |
| 10.0415<br>Unnamed stream, (Taylor Creek)<br>tributary of Carbon River<br>NW1/4SW1/4, Sec. 33, T.19N., R.5E    | No diversion when flow<br>falls to 1.0 cfs.                                    |
| 10.0402<br>Unnamed stream, (Van Ogle Creek)<br>tributary to Puyallup River<br>NW1/4SE1/4, Sec. 30, T.20N, R.5E | No diversion when<br>discharge into the<br>Puyallup River drops<br>to 1.0 cfs. |
| Unnamed stream, (Canyon Creek)<br>tributary to Puyallup River<br>SE1/4NE1/4, Sec. 24, T. 20N, R.3E             | No diversion when flow<br>falls to 1.0 cfs.                                    |

(2) The following stream and lake closures are adopted confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

Existing Surface Water Closures

| Stream Number<br>Stream Name<br>Section, Township, Range  | Date of<br>Closure | Period of<br>Closure |
|---|--------------------|----------------------|
| 10.0414<br>Voight Creek, tributary to Carbon River<br>NW1/4SW1/4, Sec. 33, T.19N., R.5E                                     | 2/26/75            | All year             |
| 10.0589<br>Unnamed stream (Lawrence Creek),<br>tributary to Puyallup River<br>NW1/4NE1/4, Sec. 25, T.19N, R.4E              | 2/26/75            | All year             |
| Unnamed springs, tributary to<br>Puyallup River<br>SE1/4,NE1/4, Sec. 35, T.20N, R.4E  | 12/14/64           | All year             |
| 10. 0006 Hylebos Creek<br>Hylebos Creek, drains into<br>Commencement Bay and Puget Sound<br>NW1/4NE1/4,Sec. 27, T.21N, R.3E | 4/26/76            | All year             |
| 10.0406<br>Fennel Creek, tributary to Puyallup River<br>SE1/4SE1/4, Sec. 6, T.19N, R.SE                                     | 2/26/75            | All year             |
| North Lake<br>Sec. 15, T.21N, R.4E  | 8/19/47            | All year             |

(3) The department, having determined that further consumptive appropriations would harmfully impact instream values, closes the following streams and lakes in WRIA 10 to further consumptive appropriations.

New Surface Water Closures

| Stream Number<br>Stream or Lake Name<br>Section, Township, Range of<br>Stream Mouth or Lake Outlet   | Period of<br>Closure |
|--|----------------------|
| 10.0429<br>South Prairie Creek and all tributaries, tributary<br>to Carbon River<br>SW1/4SE1/4, Sec. 27, T.19N, R.5E                               | All year             |
| 10.0027<br>Clarks Creek and all tributaries, tributary<br>to Puyallup River<br>NE1/4NE1/4, Sec. 19, T.20N, R.4E                                    | All year             |
| 10.0600<br>Kapowsin Creek and all tributaries, tributary<br>to Puyallup River<br>SW1/4SW1/4, Sec. 20, T.18N, R.5E                                  | All year             |
| 10.0031 -0397<br>White River and all tributaries<br>SW1/4SE1/4, Sec 23, T.20N, R.4E  | All year             |
| Kapowsin Lake<br>SE1/4NE1/4, Sec. 5, T.17N., R.5E  | All year             |
| 10.0603 -0607<br>Ohop Creek and all tributaries source<br>of Kapowsin Lake<br>SE1/4NW1/4, Sec. 18, T.17N., R.3E                                    | All year             |
| 10.0022<br>Clear Creek and all tributaries, tributary<br>to Puyallup River<br>NW1/4SW1/4, Sec. 11, T.20N., R.3E                                    | All year             |
| 10.0410<br>Canyon Falls Creek and all tributaries, tributary<br>to Puyallup River<br>Sec. 7, T.19N., R.5E  | All year             |
| 10.0596<br>Fiske Creek and all tributaries, tributary<br>to Puyallup River<br>SW1/4SW1/4, Sec. 17, T.18N., R.5E                                    | All year             |
| 10.0006<br>Hylebos Creek and all tributaries, tributary<br>to Commencement Bay<br>NW1/4NE1/4, Sec. 27, T.21N., R.3E                                | All year             |
| 10.0620<br>Le Dout Creek and all tributaries, tributary<br>to Puyallup River<br>NW1/4NW1/4, Sec. 28, T.17N., R.6E                                  | All year             |
| 10.0622<br>Niesson Creek and all tributaries, tributary<br>to Puyallup River<br>NE1/4SE1/4, Sec. 33, T.17N., R.6E                                  | All year             |
| 10.0017<br>Wapato Creek and all tributaries, tributary<br>to Commencement Bay<br>NW1/4SW1/4, Sec. 27, T.21N., R.3E                                 | All year             |
| 10.0035<br>Unnamed Stream (Strawberry Creek), (Salmon Creek)<br>and all tributaries, tributary to White River<br>NE1/4SE1/4, Sec. 13, T.20N., R.4E | All year             |
| 10.0621<br>Kellogg Creek and all tributaries, tributary<br>to Puyallup River<br>SE1/4SW1/4, Sec. 28, T.17N., R.6E                                  | All year             |

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047  
(Order DE 79-31), § 173-510-040, filed 3/21/80.]

**WAC 173-510-050 Ground water.** In future permitting actions relating to ground water withdrawals, particularly from shallow aquifers, a determination shall be made as to whether the proposed withdrawal will have a direct, and measurable, impact on stream flows in streams for which closures and instream flows have been

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adopted (WAC 173-510-040). If the determination affirms such interrelationship, the provisions of WAC 173-510-040 shall apply.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047  
(Order DE 79-31), § 173-510-050, filed 3/21/80.]

**WAC 173-510-060 Lakes.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047  
(Order DE 79-31), § 173-510-060, filed 3/21/80.]

**WAC 173-510-070 Exemptions.** (1) Nothing in this chapter shall affect 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 in-house use for a single residence and stock watering shall be exempt except that use related to feedlots.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047  
(Order DE 79-31), § 173-510-070, filed 3/21/80.]

**WAC 173-510-080 Future rights.** No rights to divert or store public surface waters of the Puyallup WRIA 10 shall hereafter be granted which shall conflict with the purpose of this chapter as stated in WAC 173-510-02 [WAC 173-510-020].

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047  
(Order DE 79-31), § 173-510-080, filed 3/21/80.]

**WAC 173-510-090 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. 80-04-047  
(Order DE 79-31), § 173-510-090, filed 3/21/80.]

**WAC 173-510-100 Regulation review.** The rules in this chapter shall be reviewed by the department of ecology at least once in every five years.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-04-047  
(Order DE 79-31), § 173-510-100, filed 3/21/80.]

**Chapter 173-511 WAC****INSTREAM RESOURCES PROTECTION  
PROGRAM--NISQUALLY RIVER BASIN, WATER  
RESOURCE INVENTORY AREA (WRIA) 11****WAC**

|             |                                  |
|-------------|----------------------------------|
| 173-511-010 | General provision.               |
| 173-511-020 | Purpose.                         |
| 173-511-030 | Establishment of instream flows. |

- 173-511-040 Surface water source limitations to further consumptive appropriations.
- 173-511-050 Ground water.
- 173-511-060 Lakes.
- 173-511-070 Exemptions.
- 173-511-080 Future rights.
- 173-511-090 Enforcement.
- 173-511-100 Regulation review.

water flows and levels), and in accordance with chapter 173-500 WAC (water resources management program).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-010, filed 2/2/81.]

**WAC 173-511-020 Purpose.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Nisqually River basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic, aesthetic, environmental values, recreation, navigation, and to preserve water quality.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-020, filed 2/2/81.]

**WAC 173-511-010 General provision.** These rules apply to waters within the Nisqually River basin, WRIA 11, as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (minimum

**WAC 173-511-030 Establishment of instream flows.** (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

| Control Station No.<br>Stream Management<br>Unit Name | Control Station Location,<br>River Mile and Section,<br>Township and Range | Affected Stream<br>Reach   |
|---|--|--|
| New gage<br>Nisqually River                           | 4.3<br>9, 18N, 1E  | From influence of mean annual high tide at low base flow levels to the outlet of the Centralia City Light Power Plant.   |
| 12-0895-00<br>Nisqually River                         | 21.8<br>28, 17N, 2E  | From outlet of the Centralia City Light Power Plant at river mile 12.6 to Centralia City Light Power Canal diversion at river mile 26.2, including all tributaries.          |
| 12-0884-00<br>Nisqually River                         | 32.6<br>21, 16N, 3E  | From the Centralia City Light Power canal diversion at river mile 26.2 to gage 12-0865-00 near the La Grande Power Plant, including all tributaries except the Mashel River. |
| 12-0825-00<br>Nisqually River                         | 57.8<br>29, 15N, 6E  | From gage 12-0865-00 near the La Grande Power Plant to the headwaters including all tributaries.   |
| 12-0870.00  | 3.25   | From mouth upstream  |

| Control Station No.<br>Stream Management<br>Unit Name | Control Station Location,<br>River Mile and Section,<br>Township and Range | Affected Stream<br>Reach |
|---|--|--------------------------|
|---|--|--------------------------|

|              |             |  |
|--------------|-------------|--|
| Mashel River | 11, 16N, 4E | to the headwaters<br>including all<br>tributaries. |
|--------------|-------------|--|

(2) Instream flows established for the stream management unit described in WAC 173-511-030(1) are as follows:

INSTREAM FLOWS IN THE NISQUALLY RIVER BASIN  
(in Cubic Feet per Second)

| Month     | Day | Lower Reach of the<br>Nisqually River<br>USGS Gage<br>12-* RM 4.3 | Bypass Reach of the<br>Nisqually River<br>USGS Gage<br>12-0895-00 RM 21.8 | Mid Reach of the<br>Nisqually River<br>USGS Gage<br>12-0884-00 RM 32.6 |
|-----------|-----|---|---|--|
| January   | 1   | 900   | 600   | 900  |
|           | 15  | 900   | 600   | 900  |
| February  | 1   | 900   | 600   | 900  |
|           | 15  | 900   | 600   | 900  |
| March     | 1   | 900   | 600   | 900  |
|           | 15  | 900   | 600   | 900  |
| April     | 1   | 900   | 600   | 900  |
|           | 15  | 900   | 600   | 900  |
| May       | 1   | 900   | 600   | 900  |
|           | 15  | 900   | 600   | 900  |
| June      | 1   | 900   | 500(closed)   | 800(closed)  |
|           | 15  | 850   | 450(closed)   | 800(closed)  |
| July      | 1   | 800   | 400(closed)   | 800(closed)  |
|           | 15  | 800   | 400(closed)   | 800(closed)  |
| August    | 1   | 800   | 370(closed)   | 800(closed)  |
|           | 15  | 800   | 370(closed)   | 650(closed)  |
| September | 1   | 600   | 370(closed)   | 600(closed)  |
|           | 15  | 600   | 370(closed)   | 600(closed)  |
| October   | 1   | 700   | 550(closed)   | 700(closed)  |
|           | 15  | 700   | 550(closed)   | 700(closed)  |
| November  | 1   | 700   | 600   | 700  |
|           | 15  | 700   | 600   | 700  |
| December  | 1   | 800   | 600   | 800  |
|           | 15  | 900   | 600   | 900  |

\*New gage to be established.

| Month    | Day | Upper Reach of the<br>Nisqually River<br>USGS Gage<br>12-0825-00 RM 57.8 | Mashel River<br>USGS Gage<br>12-0870-00 RM 3.25 |
|----------|-----|--|---|
| January  | 1   | 450  | 100   |
|          | 15  | 450  | 100   |
| February | 1   | 450  | 100   |
|          | 15  | 450  | 100   |
| March    | 1   | 450  | 100   |
|          | 15  | 450  | 100   |
| April    | 1   | 450  | 100   |
|          | 15  | 450  | 100   |



| Month     | Day | Upper Reach of the                                 | Mashel River                    |
|-----------|-----|--|---------------------------------|
|           |     | Nisqually River<br>USGS Gage<br>12-0825-00 RM 57.8 | USGS Gage<br>12-0870-00 RM 3.25 |
| May       | 1   | 450  | 100                             |
|           | 15  | 450  | 80                              |
| June      | 1   | 600  | 80(closed)                      |
|           | 15  | 650  | 70(closed)                      |
| July      | 1   | 550  | 50(closed)                      |
|           | 15  | 500  | 40(closed)                      |
| August    | 1   | 450  | 30(closed)                      |
|           | 15  | 400  | 30(closed)                      |
| September | 1   | 350  | 20(closed)                      |
|           | 15  | 300  | 20(closed)                      |
| October   | 1   | 300  | 20(closed)                      |
|           | 15  | 300  | 20(closed)                      |
| November  | 1   | 350  | 40                              |
|           | 15  | 400  | 70                              |
| December  | 1   | 450  | 100                             |
|           | 15  | 450  | 100                             |

(3) Instream flow hydrographs, as represented in the document entitled "Nisqually River basin instream resource protection program," shall be used for identification of instream flows on those days not specifically identified in WAC 173-511-030(2).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-030, filed 2/2/81.]

**WAC 173-511-040 Surface water source limitations to further consumptive appropriations.** (1) The department has determined that (a) certain streams exhibit low summer flows or have a potential for going dry thereby inhibiting anadromous fish passage during critical life stages, and (b) historic flow regimes and current uses of certain other streams indicate that no water is available for additional appropriation. Based upon these determinations the following streams and lakes are closed to further appropriation for the periods indicated:

New Surface Water Closures

| Stream or Lake<br>Section, Township, and<br>Range of Mouth or Outlet                              | Tributary to    | Period of Closure |
|---|-----------------|-------------------|
| Mashel River<br>NE1/4SW1/4 Sec. 29, T16N, R4E<br>and all tributaries                              | Nisqually River | June 1 - Oct. 31  |
| Red Salmon Creek<br>(Mounts Creek)<br>NE1/4NW1/4 Sec. 33, T19N, R1E<br>and all tributaries        | Nisqually River | April 1 - Oct. 31 |
| Clear Creek<br>NE1/4SE1/4 Sec. 21, T18N, R1E<br>and all tributaries                               | Nisqually River | April 1 - Oct. 31 |
| Tanwax Creek<br>NW1/4NE1/4 Sec. 20, T16N, R3E<br>and all tributaries                              | Nisqually River | April 1 - Oct. 31 |
| McAllister Creek<br>(except Medicine Creek)<br>NW1/4N1/4 Sec. 6, T18N, R1E<br>and all tributaries | Puget Sound     | all year          |

| Stream or Lake<br>Section, Township, and<br>Range of Mouth or Outlet                         | Tributary to    | Period of Closure |
|--|-----------------|-------------------|
| Lake Saint Clair<br>SE1/4NW1/4 Sec. 6, T17N, R1E   |                 | all year          |
| Toboton Creek<br>(above Hopson Road)<br>SW1/4SW1/4 Sec. 19, T16N, R3E<br>and all tributaries | Nisqually River | April 1 – Nov. 30 |
| Lackamas Creek<br>SE1/4SE1/4 Sec. 13, T16N, R2E<br>and all tributaries                       | Nisqually River | April 1 – Nov. 30 |
| Murray Creek<br>NW1/4NW1/4 Sec. 16, T17N, R2E  | Nisqually River | April 1 – Nov. 30 |
| Bypass Reach,<br>Nisqually River<br>NE1/4SE1/4 Sec. 11, T17N, R1E                            | Puget Sound     | June 1 – Oct. 31  |
| Mid Reach, Nisqually River<br>SE1/4NW1/4 Sec. 1, T16N, R2E                                   | Puget Sound     | June 1 – Oct. 31  |

(2) The following stream and lake low flows and closures are adopted confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

Existing Surface Water Source Limitations  
Current Administrative Status of Streams and Lakes  
Nisqually Basin, WRIA 11

| Stream  | Tributary to    | Action                       | Dates    |
|---|-----------------|------------------------------|----------|
| Eaton Creek<br>SE1/4NW1/4 Sec. 6,<br>T17N, R1E                            | Lake St. Clair  | Closure                      | 12/1/53  |
| Harts Lake and<br>outlet streams<br>SW1/4SE1/4 Sec. 1,<br>T16N, R2E       | Nisqually River | Low Flow (0.5<br>cfs bypass) | 10/7/44  |
| Horn Creek<br>SW1/4NE1/4 Sec. 1,<br>T16N, R2E                             | Nisqually River | Closure                      | 7/22/74  |
| Muck Creek<br>and all tributaries<br>SW1/4SW1/4 Sec. 36,<br>T18N, R1E     | Nisqually River | Closure                      | 5/26/48  |
| Ohop Creek<br>and all tributaries<br>SW1/4NE1/4 Sec. 25,<br>T16N, R3E     | Nisqually River | Closure                      | 2/15/52  |
| Ohop Lake<br>NE1/4SE1/4 Sec. 10,<br>T16N, R1E                             | Ohop Creek      | Lake Level<br>(523 ft)       | 3/25/66  |
| Thompson Creek<br>and all tributaries<br>SE1/4NE1/4 Sec. 11,<br>T17N, R1E | Nisqually River | Low Flow (1.0<br>cfs bypass) | 11/19/51 |

| Stream   | Tributary to                      | Action                     | Dates    |
|--|-----------------------------------|----------------------------|----------|
| Unnamed Stream and all tributaries SW1/4NW1/4 Sec. 11, T15N, R4E | Alder Lake (Nisqually River)      | Closure                    | 4/28/64  |
| Unnamed Stream and all tributaries SW1/4SE1/4 Sec. 17, T17N, R2E | Centralia Canal (Nisqually River) | Low Flow (0.75 cfs bypass) | 11/19/51 |
| Unnamed Stream and all tributaries SE1/4SE1/4 Sec. 27, T17N, R2E | Nisqually River                   | Low Flow (0.50 cfs bypass) | 12/6/50  |
| Yelm Creek and all tributaries SW1/4SW1/4 Sec. 12, T.17N, R1E    | Nisqually River                   | Closure                    | 8/7/51   |

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-040, filed 2/2/81.]

**WAC 173-511-050 Ground water.** Future ground water withdrawal proposals will not be affected by this chapter unless it is verified that such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-050, filed 2/2/81.]

**WAC 173-511-060 Lakes.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-060, filed 2/2/81.]

**WAC 173-511-070 Exemptions.** (1) Nothing in this chapter shall affect 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) If, upon detailed analysis, appropriate and environmentally sound proposed storage facilities are found to be compatible with this chapter, such facilities may be approved.

(3) Domestic use for a single residence shall be exempt from the provisions of this chapter; provided that, if the cumulative effects of numerous single domestic diversions and/or withdrawals would seriously affect the quantity of water available for instream uses, then only

domestic in-house use shall be exempt if no alternative source is available.

(4) Stock-watering use, except that related to feed-lots, shall be exempt from the provisions established in this chapter.

(5) Future rights for nonconsumptive uses may be granted.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-070, filed 2/2/81.]

**WAC 173-511-080 Future rights.** No rights to divert or store public surface waters of the Nisqually River basin, WRIA 11, shall hereafter be granted, except as provided in WAC 173-511-070, which shall conflict with the purpose of this chapter as stated in WAC 173-511-020.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-080, filed 2/2/81.]

**WAC 173-511-090 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. 81-04-028 (Order DE 80-42), § 173-511-090, filed 2/2/81.]

**WAC 173-511-100 Regulation review.** The rules in this chapter shall be reviewed by the department of ecology at least once in every four years. In addition, the department may review this regulation whenever requested by private, public, state, and federal agencies.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-100, filed 2/2/81.]

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 in-stream 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 in-stream 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<br>and all tributaries, including<br>among others:<br>Leach Creek<br>Flett Creek<br>Steilacoom Lake<br>Ponce De Leon Creek                 | Puget Sound<br><br><br><br>Chambers Creek<br>Chambers Creek<br>Chambers Creek<br>Steilacoom Lake |
| Clover Creek<br>and all tributaries, including<br>among others:<br>North Fork Clover Creek<br>Spanaway Creek<br>Morey Creek<br>Spanaway Lake<br>Tule Lake | Clover Creek<br>Clover Creek<br>Clover Creek<br>Spanaway Creek<br>Spanaway Creek                 |

SURFACE WATER CLOSURES

| <u>Stream or Lake</u>   | <u>Tributary to</u>  |
|---|--|
| Unnamed Stream (Crystal Springs Creek)<br>including tributaries<br>Sequalitchew Creek<br>and all tributaries, including<br>among others:<br>Sequalitchew Lake<br>American Lake<br>Murray Creek<br>(and tributaries) | Puget Sound<br>Puget Sound<br><br><br>Sequalitchew Creek<br>Sequalitchew Lake<br><br><br>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 173-513 WAC

INSTREAM RESOURCES PROTECTION PROGRAM--DESCHUTES RIVER BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 13

WAC

|             |   |
|-------------|---|
| 173-513-010 | General provision.  |
| 173-513-020 | Purpose.  |
| 173-513-030 | Establishment of instream flows.  |
| 173-513-040 | Surface water source limitations to further consumptive appropriations. |
| 173-513-050 | Ground water.   |
| 173-513-060 | Lakes.  |
| 173-513-070 | Exemptions.   |
| 173-513-080 | Future rights.  |
| 173-513-090 | Enforcement.  |
| 173-513-100 | Regulation review.  |

**WAC 173-513-010 General provision.** These rules apply to waters within the Deschutes River basin, WRIA 13, as defined in WAC 173-500-040. 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 resources management program).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-010, filed 6/24/80.]

**WAC 173-513-020 Purpose.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Deschutes River basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic, aesthetic, environmental values, recreation, navigation, and water quality.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-020, filed 6/24/80.]

**WAC 173-513-030 Establishment of instream flows.** (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

| Control Station No.<br>Stream Management Unit Name | Control Station Location,<br>River Mile and Section,<br>Township and Range | Affected Stream Reach  |
|--|--|--|
| 12.0800-00<br>Deschutes River                      | 3.4<br>Sec. 35-18N-2W  | From the confluence of the Deschutes River with Capitol Lake upstream to the Deschutes Falls at river mile 41. |

(2) Instream flows established for the stream management unit described in WAC 173-513-030(1) are as follows:

INSTREAM FLOWS IN THE DESCHUTES RIVER BASIN  
(in Cubic Feet per Second)

| Month | Day | USGS Gage<br>12-0800-00<br>Deschutes River |
|-------|-----|--|
| Jan.  | 1   | 400  |
|       | 15  | 400  |
| Feb.  | 1   | 400  |
|       | 15  | 400  |

| Month | Day | USGS Gage<br>12-0800-00<br>Deschutes River |
|-------|-----|--|
| Mar.  | 1   | 400  |
|       | 15  | 400  |
| Apr.  | 1   | 350  |
|       | 15  | (Closed)                                   |
| May   | 1   | (Closed)                                   |
|       | 15  | (Closed)                                   |
| June  | 1   | (Closed)                                   |
|       | 15  | (Closed)                                   |
| July  | 1   | (Closed)                                   |
|       | 15  | (Closed)                                   |
| Aug.  | 1   | (Closed)                                   |
|       | 15  | (Closed)                                   |
| Sept. | 1   | (Closed)                                   |
|       | 15  | (Closed)                                   |
| Oct.  | 1   | (Closed)                                   |
|       | 15  | (Closed)                                   |
| Nov.  | 1   | 150  |
|       | 15  | 200  |
| Dec.  | 1   | 300  |
|       | 15  | 400  |

(3) Instream flow hydrograph, as represented in the document entitled "Deschutes River basin instream resource protection program," shall be used for identification of instream flows on those days not specifically identified in WAC 173-513-030(2).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-030, filed 6/24/80.]

**WAC 173-513-040 Surface water source limitations to further consumptive appropriations.** (1) The department of ecology, having determined that further consumptive appropriations would harmfully impact instream values, closes the following streams and lakes to further consumptive appropriation for the periods indicated.

New Surface Water Closures

| Stream or Lake<br>Section, Township and<br>Range of Mouth or Outlet  | Tributary to                     | Period of Closure |
|--|----------------------------------|-------------------|
| Deschutes River below Deschutes Falls (river mile 41)<br>NW1/4SW1/4 Sec. 26, T. 18N., R. 2W.   | Puget Sound<br>(Budd Inlet)      | Apr. 15 to Nov. 1 |
| Deschutes River above Deschutes Falls (river mile 41) and all tributaries of Deschutes River<br>E1/2NE1/4 Sec. 10, T. 15N., R. 3E. (Deschutes Falls) |                                  | All year          |
| McLane Creek and all tributaries<br>SW1/4NW1/4 Sec. 33, T. 18N., R. 2W.  | Puget Sound<br>(Eld Inlet)       | All year          |
| Woodland Creek and all tributaries<br>SW1/4NW1/4 Sec. 19, T. 19N., R. 1W.  | Puget Sound<br>(Henderson Inlet) | All year          |
| Long Lake<br>SE1/4NE1/4 Sec. 22, T. 18N., R. 1W.   | Woodland Creek                   | All year          |
| Patterson Lake<br>SE1/4SW1/4 Sec. 35, T. 18N., R. 1W.  | Woodland Creek                   | All year          |
| Hicks Lake<br>NE1/4SW1/4 Sec. 27, T. 18N., R. 1W.  | Woodland Creek                   | All year          |

(2) The following stream and lake low flows and closures are adopted confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

Existing Low Flow Limitations and Closures

| <u>Stream Section, Township and Range of Mouth</u>       | <u>Tributary to</u>        | <u>Action</u>         |
|--|----------------------------|-----------------------|
| Percival Creek<br>SW1/4NE1/4 Sec. 22,<br>T. 18N., R. 2W. | Capital Lake               | Closure               |
| Unnamed Stream<br>NW1/4NW1/4 Sec. 33,<br>T. 19N., R. 2W. | Puget Sound<br>(Eld Inlet) | Low Flow<br>(1.5 cfs) |
| Unnamed Stream<br>NW1/4NW1/4 Sec. 25,<br>T. 19N., R. 2W. | Gull Harbor                | Low Flow<br>(1.0 cfs) |
| Woodward Creek<br>SW1/4NW1/4 Sec. 19,<br>T. 19N., R. 1W. | Woodward Bay               | Closure               |

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-040, filed 6/24/80.]

**WAC 173-513-050 Ground water.** Future ground water withdrawal proposals will not be affected by this chapter unless it is verified that such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-050, filed 6/24/80.]

**WAC 173-513-060 Lakes.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-060, filed 6/24/80.]

**WAC 173-513-070 Exemptions.** (1) Nothing in this chapter shall affect 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 use for a single residence and stock watering, except that use related to feedlots, shall be exempt from the provisions of this chapter if no alternative source is available. If the cumulative effects of numerous single domestic diversions would seriously affect the quantity of water available for instream uses, then only domestic in-house use shall be exempt.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-070, filed 6/24/80.]

**WAC 173-513-080 Future rights.** No rights to divert or store public surface waters of the Deschutes River basin, WRIA 13, shall hereafter be granted which shall conflict with the purpose of this chapter as stated in WAC 173-513-020.

[Title 173 WAC—p 516]

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-080, filed 6/24/80.]

**WAC 173-513-090 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. 80-08-019 (Order DE 80-11), § 173-513-090, filed 6/24/80.]

**WAC 173-513-100 Regulation review.** The rules in this chapter shall be reviewed by the department of ecology at least once in every five years.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 80-08-019 (Order DE 80-11), § 173-513-100, filed 6/24/80.]

### Chapter 173-514 WAC

#### INSTREAM RESOURCES PROTECTION PROGRAM--KENNEDY-GOLDSBOROUGH WATER RESOURCE INVENTORY AREA (WRIA) 14

##### WAC

|             |  |
|-------------|--|
| 173-514-010 | General provision.   |
| 173-514-020 | Purpose.   |
| 173-514-030 | Establishment of instream flows.                                       |
| 173-514-040 | Surface water source limitations to further consumptive appropriation. |
| 173-514-050 | Lakes.   |
| 173-514-060 | Exemptions.  |
| 173-514-070 | Future rights.   |
| 173-514-080 | Enforcement.   |
| 173-514-090 | Regulation review.   |

**WAC 173-514-010 General provision.** These rules apply to waters within the Kennedy-Goldsborough water resource inventory area (WRIA 14), as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (minimum water flows and levels), chapter 75.20 RCW (State Fisheries Code) and in accordance with chapter 173-500 WAC (water resources management program).

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-010, filed 1/23/84.]

**WAC 173-514-020 Purpose.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Kennedy-Goldsborough water resource inventory area with instream flows and levels necessary to provide protection for wildlife, fish, scenic, aesthetic, and environmental values, recreation, navigation, and water quality.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-020, filed 1/23/84.]

**WAC 173-514-030 Establishment of instream flows.** (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

| Control Station No.<br>Stream Management<br>Unit Name<br>Reach | Control Station By<br>River Mile and Sec.<br>Township, & Range | Stream Management   |
|--|--|---|
| 12-0740-00<br>Shumocher Creek                                  | .02<br>Sec.7, T.21N.,<br>R.2WWM                                | From Mason Lake to headwaters including all tributaries.  |
| WDOE-0745-50<br>Sherwood Creek                                 | 0.14<br>Sec.20, T.22N.,<br>R.1WWM                              | From influence of mean annual high tide at low instream flow levels to Mason Lake, including Mason Lake and all tributaries.                    |
| 12-0750-00<br>Deer Creek                                       | 0.8<br>Sec.20, T.21N.,<br>R.3WWM                               | From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.                                   |
| 12-0755-00<br>Cranberry Creek                                  | 0.5<br>Sec.36, T.21N.,<br>R.3WWM                               | From influence of mean annual high tide at low instream flow levels to headwaters, including Cranberry Lake, Lake Limerick and all tributaries. |
| 12-0760-00<br>Johns Creek                                      | 2.5<br>Sec.3, T.20N.,<br>R.3WWM                                | From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.                                   |
| WDOE-0770-50<br>Goldsborough Creek                             | 0.23<br>Sec.20, T.20N.,<br>R.3WWM                              | From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.                                   |
| WDOE-0775-50<br>Mill Creek                                     | 3.1<br>Sec.25, T.20N.,<br>R.3WWM                               | From influence of mean annual high tide at low instream flow levels to headwaters, including Lake Isabella and all tributaries.                 |
| 12-0780-00<br>Skookum Creek                                    | 3.0<br>Sec.19, T.19N.,<br>R.3WWM                               | From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.                                   |
| WDOE-0785-50<br>Kennedy Creek                                  | 0.06<br>Sec.32, T.19N.,<br>R.3WWM                              | From influence of mean annual high tide at low instream flow levels to headwaters, including Summit Lake and all tributaries.                   |
| WDOE-0787-00<br>Perry Creek                                    | 1.06<br>Sec.13, T.18N.,<br>R.3WWM                              | From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.                                   |

(2) Instream flows are established for the stream management units in WAC 173-514-030(1) as follows:

Instream Flows in the Kennedy-Goldsborough WRIA  
(Instantaneous cubic feet per second)

| Month | Day | 12-0740-00         | WDOE 0745-50      | 12-0750-00    |
|-------|-----|--------------------|-------------------|---------------|
|       |     | Shumocher<br>Creek | Sherwood<br>Creek | Deer<br>Creek |
| Jan   | 1   | 20                 | 60                | 55            |
|       | 15  | 20                 | 60                | 55            |
| Feb   | 1   | 20                 | 60                | 55            |
|       | 15  | 20                 | 60                | 55            |
| Mar   | 1   | 20                 | 60                | 55            |
|       | 15  | 20                 | 60                | 55            |
| Apr   | 1   | 20                 | 60                | 55            |
|       | 15  | 20                 | 60                | 46            |
| May   | 1   | 17                 | 48                | 39            |
|       | 15  | 14                 | 37                | 33            |
| Jun   | 1   | 12                 | 29                | 28            |
|       | 15  | 10                 | 23                | 23.5          |
| Jul   | 1   | 8.6                | 17.5              | 20            |
|       | 15  | 7.2                | 14                | 20            |
| Aug   | 1   | 6                  | 11                | 20            |
|       | 15  | 6                  | 11                | 20            |
| Sep   | 1   | 6                  | 11                | 20            |
|       | 15  | 6                  | 11                | 20            |
| Oct   | 1   | 6                  | 11*               | 20*           |
|       | 15  | 6                  | 19*               | 20*           |
| Nov   | 1   | 11                 | 34*               | 33*           |
|       | 15  | 20                 | 60*               | 55*           |
| Dec   | 1   | 20                 | 60                | 55            |
|       | 15  | 20                 | 60                | 55            |

\*Denotes closure period to all consumptive uses

Instream Flows in the Kennedy-Goldsborough WRIA  
(Cont'd)  
(Instantaneous cubic feet per second)

| Month | Day | 12-0755-00         | 12-0760-00     | WDOE-0770-50          |
|-------|-----|--------------------|----------------|-----------------------|
|       |     | Cranberry<br>Creek | Johns<br>Creek | Goldsborough<br>Creek |
| Jan   | 1   | 50                 | 45             | 50                    |
|       | 15  | 50                 | 45             | 50                    |
| Feb   | 1   | 50                 | 45             | 50                    |
|       | 15  | 50                 | 45             | 85                    |
| Mar   | 1   | 50                 | 45             | 85                    |
|       | 15  | 50                 | 45             | 85                    |
| Apr   | 1   | 50                 | 45             | 85                    |
|       | 15  | 40                 | 45             | 85                    |
| May   | 1   | 31                 | 34             | 85*                   |
|       | 15  | 23.5               | 26             | 85*                   |
| Jun   | 1   | 18                 | 20             | 85*                   |
|       | 15  | 14                 | 15.5           | 69*                   |
| Jul   | 1   | 10.5               | 12             | 55*                   |
|       | 15  | 8                  | 9              | 52*                   |
| Aug   | 1   | 8                  | 7              | 48*                   |
|       | 15  | 8                  | 7              | 45*                   |
| Sept  | 1   | 8                  | 7              | 45*                   |
|       | 15  | 8                  | 7              | 45*                   |
| Oct   | 1   | 8*                 | 7*             | 45*                   |
|       | 15  | 15*                | 7*             | 50*                   |
| Nov   | 1   | 28*                | 18*            | 50                    |
|       | 15  | 50*                | 45*            | 50                    |
| Dec   | 1   | 50                 | 45             | 50                    |
|       | 15  | 50                 | 45             | 50                    |

\*Denotes closure period to all consumptive uses

**Instream Flows in the Kennedy-Goldsborough WRIA**  
(Cont'd)  
(Instantaneous cubic feet per second)

| Month | Day | WDOE 0775-50<br>Mill<br>Creek | 12-0765-00<br>Skookum<br>Creek | WDOE-0785-50<br>Kennedy<br>Creek | WDOE-0787-00<br>Perry<br>Creek |
|-------|-----|-------------------------------|--------------------------------|----------------------------------|--------------------------------|
| Jan   | 1   | 65                            | 40                             | 60                               | 30                             |
|       | 15  | 65                            | 40                             | 60                               | 30                             |
| Feb   | 1   | 65                            | 40                             | 60                               | 30                             |
|       | 15  | 65                            | 40                             | 60                               | 30                             |
| Mar   | 1   | 65                            | 40                             | 60                               | 30                             |
|       | 15  | 65                            | 40                             | 60                               | 30                             |
| Apr   | 1   | 65                            | 40                             | 60                               | 21                             |
|       | 15  | 65                            | 40                             | 46                               | 14                             |
| May   | 1   | 55                            | 26*                            | 35*                              | 10*                            |
|       | 15  | 46                            | 16.5*                          | 27*                              | 6.8*                           |
| Jun   | 1   | 40                            | 11*                            | 20*                              | 4.6*                           |
|       | 15  | 33                            | 7*                             | 16*                              | 3.2*                           |
| Jul   | 1   | 28                            | 4.6*                           | 12*                              | 2.2*                           |
|       | 15  | 24                            | 3*                             | 9*                               | 1.5*                           |
| Aug   | 1   | 20                            | 3*                             | 7*                               | 1*                             |
|       | 15  | 20                            | 3*                             | 7*                               | 1*                             |
| Sep   | 1   | 20                            | 3*                             | 7*                               | 1*                             |
|       | 15  | 20                            | 3*                             | 7*                               | 1*                             |
| Oct   | 1   | 20                            | 3*                             | 7*                               | 1*                             |
|       | 15  | 20                            | 5.6*                           | 14*                              | 2.5*                           |
| Nov   | 1   | 35                            | 15                             | 29*                              | 5.4                            |
|       | 15  | 65                            | 40                             | 60*                              | 13                             |
| Dec   | 1   | 65                            | 40                             | 60                               | 30                             |
|       | 15  | 65                            | 40                             | 60                               | 30                             |

\*Denotes closure period to all consumptive uses

(3) Instream flow hydrographs, as represented in the document entitled "Kennedy-Goldsborough instream resources protection program, figs. 2-7, pgs. 26-28," shall be used for identification of instream flows on those days not specifically identified in WAC 173-514-030(2).

(4) Future consumptive water right permits issued hereafter for diversion of surface water in the Kennedy-Goldsborough WRIA and perennial tributaries shall be expressly subject to instream flows established in WAC 173-514-030 (1) through (3) as measured at the appropriate gage, preferably the nearest one downstream, except from those exempted uses described in WAC 173-514-060 (1) through (3).

(5) Projects that would reduce the flow in a portion of a stream's length (e.g.: Hydroelectric projects that bypass a portion of a stream) will be considered consumptive only with respect to the affected portion of the stream and will be subject to specific instream flow requirements as specified by the department for the bypassed reach notwithstanding WAC 173-514-030 (1) through (3) and 173-514-040 if detailed, project-specific instream flow studies for the bypassed reach, as may be required, demonstrate that a different flow requirement is appropriate. The department may require the project proponent to conduct such studies.

(6) If department investigations determine that withdrawal of ground water from the source aquifers would not interfere significantly with stream flow during the period of stream closure or with maintenance of minimum flows, then applications to appropriate public ground waters may be approved and permits or certificates issued.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-030, filed 1/23/84.]

**WAC 173-514-040 Surface water source limitations to further consumptive appropriation.** (1) The department, having determined further consumptive appropriation for all uses would harmfully impact instream values, closes the following streams including tributaries for the period indicated:

| (a) Stream Name  | Tributary to      | Closure Period     |
|------------------|-------------------|--------------------|
| Alderbrook Creek | Hood Canal        | May 1 - October 31 |
| Campbell Creek   | Oakland Bay       | May 1 - October 31 |
| Elson Creek      | Skookum Inlet     | May 1 - October 31 |
| Fawn Lake Outlet | Skookum Inlet     | May 1 - October 31 |
| Jones Creek      | Pickering Passage | May 1 - October 31 |
| Jarrell Creek    | Jarrell Cove      | May 1 - October 31 |
| Little Creek     | Skookum Creek     | May 1 - October 31 |
| Melaney Creek    | Oakland Bay       | May 1 - October 31 |
| Shelton Creek    | Oakland Bay       | May 1 - October 31 |
| Twahnoh Creek    | Hood Canal        | May 1 - October 31 |
| Uncle John Creek | Oakland Bay       | May 1 - October 31 |

The minimum flow during the closure period on the streams listed above is the natural flow. Because insufficient flow data is available to develop instream flows outside the closure period, minimum flows for any water right application for consumptive use will be considered on a case by case basis in consultation with the departments of fisheries and game (RCW 75.20.050).

| (b) Stream Name | Closure Period             |
|-----------------|----------------------------|
| Kennedy Creek   | May 1 - November 15        |
| Cranberry Creek | September 16 - November 15 |
| Deer Creek      | September 16 - November 15 |
| Johns Creek     | September 16 - November 15 |
| Sherwood Creek  | September 16 - November 15 |
| Perry Creek     | May 1 - October 31         |

Because sufficient hydrologic data is available for the above streams, a minimum flow is established during the closed and nonclosed period in WAC 173-514-030(2).

(2) Except as noted in the footnotes, the following existing surface water source limitations, previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050 are hereby confirmed and adopted for the period indicated:

| Stream*/Tributary to                                    | Action                 | Period                 |
|---|------------------------|------------------------|
| Goldsborough Creek - Oakland Bay                        | Closure+               | May 1 - October 31     |
| Gosnell Creek - Isabella Lake                           | Low flow<br>(10 cfs)   | All year               |
| Jarrell Creek - Jarrell Cove                            | Low flow@<br>(.30 cfs) | May 1 - October 31     |
| Johns Creek - Oakland Bay                               | Low flow@<br>(4 cfs)   | Sept. 16 - November 15 |
| Kennedy Creek - Totten Inlet                            | Low flow@<br>(3 cfs)   | May 1 - November 15    |
| Schneider Creek - Totten Inlet                          | Closure#               | May 1 - October 31     |
| Skookum Creek - Skookum Inlet                           | Closure+               | May 1 - October 31     |
| Summit Lake - Kennedy Creek                             | Lake level             | All year               |
| Unnamed Stream - Mill Creek<br>Sec.34, T.20N<br>R.3 EWM | Low flow<br>(2 cfs)    | All year               |

\*Closures and low flow limitations also apply to tributaries of these streams.

@Superseded by a new action in this section.

#The minimum flow during the closure period is the natural flow.

+Minimum flows are specified in WAC 173-514-030(2).

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-040, filed 1/23/84.]



**WAC 173-514-050 Lakes.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-050, filed 1/23/84.]

**WAC 173-514-060 Exemptions.** (1) Nothing in this chapter shall affect 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) Single domestic and stockwatering use, except that related to feedlots, shall be exempt from the provisions established in this chapter. If the cumulative impacts of numerous single domestic diversions would significantly affect the quantity of water available for instream uses, then only single domestic in-house use shall be exempt if no alternative source is available.

(3) Nonconsumptive uses which are compatible with the intent of the chapter may be approved.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-060, filed 1/23/84.]

**WAC 173-514-070 Future rights.** No rights to divert or store public surface waters of the Kennedy-Goldsborough WRIA 14, shall hereafter be granted which shall conflict with the purpose of this chapter.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-070, filed 1/23/84.]

**WAC 173-514-080 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 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-080, filed 1/23/84.]

**WAC 173-514-090 Regulation review.** Review of the rules in this chapter shall be initiated by the department of ecology within five years of the date of adoption.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 84-04-014 (Order DE 83-34), § 173-514-090, filed 1/23/84.]

**Chapter 173-515 WAC**  
**INSTREAM RESOURCES PROTECTION**  
**PROGRAM--KITSAP WATER RESOURCE**  
**INVENTORY AREA (WRIA) 15**

|             |                                  |
|-------------|----------------------------------|
| WAC         |                                  |
| 173-515-010 | General provision.               |
| 173-515-020 | Purpose.                         |
| 173-515-030 | Establishment of instream flows. |
| 173-515-040 | Surface water closures.          |

|             |                    |
|-------------|--------------------|
| 173-515-050 | Groundwater.       |
| 173-515-060 | Lakes.             |
| 173-515-070 | Exemptions.        |
| 173-515-080 | Future rights.     |
| 173-515-090 | Enforcement.       |
| 173-515-100 | Regulation review. |

**WAC 173-515-010 General provision.** These rules apply to waters within the Kitsap water resource inventory area (WRIA) 15 as defined in WAC 173-500-040. 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 resources management program).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-010, filed 7/24/81.]

**WAC 173-515-020 Purpose.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Kitsap water resource inventory area (WRIA) 15 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. 81-16-003 (Order DE 80-45), § 173-515-020, filed 7/24/81.]

**WAC 173-515-030 Establishment of instream flows.** (1) The following instream flows are established for each stream listed, from the point of influence of mean high tide at low flow to the stream's headwaters including tributaries except where indicated otherwise. Monitoring will take place at the control locations indicated.

INSTREAM FLOWS IN THE KITSAP WATER RESOURCE  
INVENTORY AREA (WRIA) 15

\*WAC 173-515-040(2) closes certain streams to additional consumptive appropriations during specific time periods. These closures are indicated by asterisks in the following table. Such closures supersede the indicated instream flow. The Union River closure extends upstream to McKenna Falls (RM 6.7).

\*\*Stream numbers correlate with Plate I, instream resources protection program, Kitsap water resource inventory area (WRIA) 15.

| Stream Number**  | #7          | #44          | #60           |
|------------------|-------------|--------------|---------------|
| Stream Name      | Union River | Tahuya River | Rendsland Cr. |
| Gage Number      | 12-0635.00  | 12-0680.00   |               |
| River Mile       | 2           | 2.5          | near mouth    |
| Sec., Twp., Rge. | 20,23N.,1W. | 12,22N.,3W.  | 19,22N.,3W.   |

| Month | Day | cfs |     |     |
|-------|-----|-----|-----|-----|
|       |     | #7  | #44 | #60 |
| Jan.  | 1   | 65* | 90  | 18  |
|       | 15  | 65* | 90  | 18  |
| Feb.  | 1   | 65* | 90  | 18  |
|       | 15  | 65* | 90  | 18  |
| Mar.  | 1   | 59* | 90  | 18  |
|       | 15  | 53* | 90  | 18  |

|                  |             |              |               |
|------------------|-------------|--------------|---------------|
| Stream Number**  | #7          | #44          | #60           |
| Stream Name      | Union River | Tahuya River | Rendsland Cr. |
| Gage Number      | 12-0635.00  | 12-0680.00   |               |
| River Mile       | 2           | 2.5          | near mouth    |
| Sec., Twp., Rge. | 20,23N.,1W. | 12,22N.,3W.  | 19,22N.,3W.   |

|                  |              |              |              |
|------------------|--------------|--------------|--------------|
| Stream Number**  | #121         | #124         | #192         |
| Stream Name      | Big Beef Cr. | Anderson Cr. | Grover's Cr. |
| Gage Number      | 12-0695.50   |              |              |
| River Mile       | 0.25         | near mouth   | near mouth   |
| Sec., Twp., Rge. | 22,25N.,1W.  | 13,25N.,1W.  | 4,26N.,2E.   |

| Month Day | cfs | cfs  | cfs  |
|-----------|-----|------|------|
| Apr. 1    | 48* | 72   | 18   |
| 15        | 44* | 58   | 16   |
| May 1     | 40* | 47   | 13.5 |
| 15        | 36* | 38   | 12   |
| June 1    | 33* | 31   | 10*  |
| 15        | 29* | 25*  | 9*   |
| July 1    | 27* | 18*  | 8*   |
| 15        | 24* | 12*  | 7*   |
| Aug. 1    | 22* | 8.5* | 6*   |
| 15        | 20* | 5.5* | 5*   |
| Sept. 1   | 20* | 5.5* | 5*   |
| 15        | 20* | 5.5* | 5*   |
| Oct. 1    | 20* | 7*   | 5*   |
| 15        | 20* | 13*  | 7*   |
| Nov. 1    | 27* | 25   | 9.5  |
| 15        | 35* | 48   | 13   |
| Dec. 1    | 47* | 90   | 18   |
| 15        | 65* | 90   | 18   |

| Month Day | cfs  | cfs  | cfs  |
|-----------|------|------|------|
| Jan. 1    | 40   | 8    | 5.5  |
| 15        | 40   | 8    | 5.5  |
| Feb. 1    | 40   | 8    | 5.5  |
| 15        | 40   | 8    | 5.5  |
| Mar. 1    | 40   | 8    | 5.5  |
| 15        | 40   | 8    | 5.5  |
| Apr. 1    | 31   | 8    | 5.5  |
| 15        | 24   | 6    | 4.5  |
| May 1     | 18   | 4.5  | 4    |
| 15        | 14*  | 3.5  | 3.5  |
| June 1    | 11*  | 3*   | 3*   |
| 15        | 8.5* | 2*   | 2.5* |
| July 1    | 6.5* | 1.5* | 2.5* |
| 15        | 5*   | 1.5* | 2*   |
| Aug. 1    | 4*   | 1*   | 2*   |
| 15        | 4*   | 1*   | 2*   |
| Sept. 1   | 4*   | 1*   | 2*   |
| 15        | 4.5* | 1*   | 2.5* |
| Oct. 1    | 5.5* | 1.5* | 3*   |
| 15        | 6*   | 1.5* | 3.5* |
| Nov. 1    | 7*   | 2.5* | 4    |
| 15        | 12   | 4.5  | 4.5  |
| Dec. 1    | 22   | 8    | 5.5  |
| 15        | 40   | 8    | 5.5  |

|                  |               |              |             |
|------------------|---------------|--------------|-------------|
| Stream Number**  | #70           | #96          | #113        |
| Stream Name      | Dewatto River | Anderson Cr. | Stavis Cr.  |
| Gage Number      | 12-0685.00    |              | 12-0695.00  |
| River Mile       | 1.5           | 0.1          | 0.75        |
| Sec., Twp., Rge. | 23,23N.,3W.   | 17,24N.,2W.  | 25,25N.,2W. |

| Month Day | cfs   | cfs  | cfs  |
|-----------|-------|------|------|
| Jan. 1    | 75    | 10.5 | 15   |
| 15        | 75    | 10.5 | 15   |
| Feb. 1    | 75    | 10.5 | 15   |
| 15        | 75    | 10.5 | 15   |
| Mar. 1    | 75    | 10.5 | 15   |
| 15        | 75    | 10.5 | 15   |
| Apr. 1    | 60    | 10.5 | 14   |
| 15        | 49    | 10   | 13   |
| May 1     | 39    | 9    | 12   |
| 15        | 32    | 8.5  | 11   |
| June 1    | 25    | 8    | 10   |
| 15        | 22*   | 7.5  | 9.5  |
| July 1    | 20*   | 7    | 9    |
| 15        | 17.5* | 6.5  | 8    |
| Aug. 1    | 15.5* | 6    | 7.5  |
| 15        | 13.5* | 6    | 7    |
| Sept. 1   | 13.5* | 6    | 7    |
| 15        | 13.5* | 6    | 7    |
| Oct. 1    | 13.5* | 6.5  | 7    |
| 15        | 17*   | 7    | 8.5  |
| Nov. 1    | 21    | 8    | 10.5 |
| 15        | 39    | 8.5  | 12.5 |
| Dec. 1    | 75    | 9.5  | 15   |
| 15        | 75    | 10.5 | 15   |

|                  |             |                            |                              |
|------------------|-------------|----------------------------|------------------------------|
| Stream Number**  | #223        | #248                       | #259                         |
| Stream Name      | Steel Creek | Strawberry/<br>Kochs/Cooks | Dickerson Cr.                |
| Gage Number      |             |                            |                              |
| River Mile       | near mouth  | near mouth                 | Confluence<br>with Chico Cr. |
| Sec., Twp., Rge. | 14,25N.,1E. | 20,25N.,1E.                | 8,24N.,1E.                   |

| Month Day | cfs  | cfs  | cfs  |
|-----------|------|------|------|
| Jan. 1    | 6    | 7    | 3*   |
| 15        | 6    | 7    | 3*   |
| Feb. 1    | 6    | 7    | 3*   |
| 15        | 6    | 7    | 3*   |
| Mar. 1    | 6    | 7    | 3*   |
| 15        | 6    | 7    | 3*   |
| Apr. 1    | 6    | 7    | 2.5* |
| 15        | 5    | 5.5  | 2.5* |
| May 1     | 4.5  | 4.5  | 2*   |
| 15        | 4    | 3.5  | 2*   |
| June 1    | 3.5* | 2.5* | 1.5* |
| 15        | 3*   | 2*   | 1.5* |
| July 1    | 3*   | 1.5* | 1.5* |
| 15        | 2.5* | 1.5* | 1.5* |
| Aug. 1    | 2.5* | 1*   | 1*   |
| 15        | 2.5* | 1*   | 1*   |

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|                  |             |                            |                              |
|------------------|-------------|----------------------------|------------------------------|
| Stream Number**  | #223        | #248                       | #259                         |
| Stream Name      | Steel Creek | Strawberry/<br>Kochs/Cooks | Dickerson Cr.                |
| Gage Number      |             |                            |                              |
| River Mile       | near mouth  | near mouth                 | Confluence<br>with Chico Cr. |
| Sec., Twp., Rge. | 14,25N.,1E. | 20,25N.,1E.                | 8,24N.,1E.                   |

|                  |            |              |             |
|------------------|------------|--------------|-------------|
| Stream Number**  | #313       | #321         | #354        |
| Stream Name      | Olalla Cr. | Crescent Cr. | Purdy Cr.   |
| Gage Number      |            |              | 12-0728.00  |
| River Mile       | near mouth | near mouth   | 0.1         |
| Sec., Twp., Rge. | 4,22N.,2E  | 32,22N.,2E.  | 24,22N.,1E. |

| Month | Day | cfs  | cfs  | cfs  |
|-------|-----|------|------|------|
| Sept. | 1   | 2.5* | 1*   | 1*   |
|       | 15  | 3*   | 1*   | 1*   |
| Oct.  | 1   | 3.5* | 1*   | 1*   |
|       | 15  | 4*   | 1.5* | 1.5* |
| Nov.  | 1   | 4.5  | 2.5  | 1.5* |
|       | 15  | 5    | 4    | 1.5* |
| Dec.  | 1   | 6    | 7    | 3*   |
|       | 15  | 6    | 7    | 3*   |

|                  |            |             |            |
|------------------|------------|-------------|------------|
| Stream Number**  | #259       | #268        | #294       |
| Stream Name      | Chico Cr.  | Gorst Cr.   | Curley Cr. |
| Gage Number      |            |             |            |
| River Mile       | near mouth | 0.1         | 0.1        |
| Sec., Twp., Rge. | 5,24N.,1E. | 32,24N.,1E. | 4,23N.,2E. |

| Month | Day | cfs   | cfs  | cfs  |
|-------|-----|-------|------|------|
| Jan.  | 1   | 15*   | 25   | 40   |
|       | 15  | 15*   | 25   | 40   |
| Feb.  | 1   | 15*   | 25   | 40   |
|       | 15  | 15*   | 25   | 40   |
| Mar.  | 1   | 15*   | 25   | 40   |
|       | 15  | 15*   | 21   | 40   |
| Apr.  | 1   | 15*   | 18   | 31   |
|       | 15  | 13.5* | 15   | 25   |
| May   | 1   | 12*   | 13   | 20   |
|       | 15  | 11*   | 11   | 16   |
| June  | 1   | 10*   | 10.5 | 12.5 |
|       | 15  | 9*    | 10   | 10*  |
| July  | 1   | 8.5*  | 9    | 8*   |
|       | 15  | 8*    | 8.5  | 6.5* |
| Aug.  | 1   | 7.5*  | 8    | 5*   |
|       | 15  | 7*    | 7.5  | 5*   |
| Sept. | 1   | 7*    | 7.5  | 5*   |
|       | 15  | 7*    | 7.5  | 5*   |
| Oct.  | 1   | 7*    | 8    | 5*   |
|       | 15  | 8*    | 8.5  | 8*   |
| Nov.  | 1   | 9*    | 9    | 14   |
|       | 15  | 11.5* | 15   | 23   |
| Dec.  | 1   | 15*   | 25   | 40   |
|       | 15  | 15*   | 25   | 40   |

| Month | Day | cfs  | cfs  | cfs  |
|-------|-----|------|------|------|
| Jan.  | 1   | 13   | 9    | 7    |
|       | 15  | 13   | 9    | 7    |
| Feb.  | 1   | 13   | 9    | 7    |
|       | 15  | 13   | 9    | 7    |
| Mar.  | 1   | 13   | 9    | 7    |
|       | 15  | 13   | 9    | 6    |
| Apr.  | 1   | 13   | 9    | 5.5  |
|       | 15  | 11   | 7.5  | 5    |
| May   | 1   | 9.5  | 7    | 4.5  |
|       | 15  | 8.5  | 6    | 4    |
| June  | 1   | 7.5* | 5*   | 3.5* |
|       | 15  | 6.5* | 4.5* | 3*   |
| July  | 1   | 5.5* | 4*   | 3*   |
|       | 15  | 5*   | 3.5* | 2.5* |
| Aug.  | 1   | 5*   | 3.5* | 2.5* |
|       | 15  | 5*   | 3.5* | 2.5* |
| Sept. | 1   | 5*   | 3.5* | 2.5* |
|       | 15  | 6*   | 4*   | 3*   |
| Oct.  | 1   | 7*   | 5*   | 3*   |
|       | 15  | 8*   | 5.5* | 3.5* |
| Nov.  | 1   | 9    | 6.5  | 4.5  |
|       | 15  | 11   | 7.5  | 5.5  |
| Dec.  | 1   | 13   | 9    | 7    |
|       | 15  | 13   | 9    | 7    |

|                  |             |            |               |
|------------------|-------------|------------|---------------|
| Stream Number**  | #369        | #415       | #425          |
| Stream Name      | Lackey Cr.  | Rocky Cr.  | Coulter Cr.a/ |
| Gage Number      |             |            |               |
| River Mile       | near mouth  | 0.1        | 0.1           |
| Sec., Twp., Rge. | 31,21N.,1E. | 27,22N.,1W | 9,22N.,1W.    |

| Month | Day | cfs  | cfs  | cfs  |
|-------|-----|------|------|------|
| Jan.  | 1   | 5    | 18   | 18   |
|       | 15  | 5    | 18   | 18   |
| Feb.  | 1   | 5    | 18   | 18   |
|       | 15  | 5    | 18   | 18   |
| Mar.  | 1   | 5    | 18   | 18   |
|       | 15  | 4.5  | 18   | 18   |
| Apr.  | 1   | 4    | 14.5 | 18   |
|       | 15  | 3.5  | 11.5 | 17   |
| May   | 1   | 3    | 9    | 16.5 |
|       | 15  | 2.5  | 7.5  | 15.5 |
| June  | 1   | 2.5* | 6*   | 15   |
|       | 15  | 2*   | 5.5* | 14.5 |
| July  | 1   | 2*   | 5*   | 13.5 |
|       | 15  | 2*   | 4.5* | 13   |
| Aug.  | 1   | 1.5* | 4.5* | 13   |
|       | 15  | 1.5* | 4*   | 13   |
| Sept. | 1   | 1.5* | 4*   | 13   |
|       | 15  | 1.5* | 4*   | 13   |

|                  |             |            |               |
|------------------|-------------|------------|---------------|
| Stream Number**  | #369        | #415       | #425          |
| Stream Name      | Lackey Cr.  | Rocky Cr.  | Coulter Cr.a/ |
| Gage Number      |             |            |               |
| River Mile       | near mouth  | 0.1        | 0.1           |
| Sec., Twp., Rge. | 31,21N.,1E. | 27,22N.,1W | 9,22N.,1W.    |

| Month | Day | cfs  | cfs | cfs  |
|-------|-----|------|-----|------|
| Oct.  | 1   | 2*   | 4*  | 13   |
|       | 15  | 2*   | 5*  | 14   |
| Nov.  | 1   | 2*   | 6   | 15   |
|       | 15  | 2.5* | 7   | 16.5 |
| Dec.  | 1   | 3    | 18  | 18   |
|       | 15  | 4    | 18  | 18   |

a/ Relating to the waters of Coulter Creek, the department is cognizant of a settlement agreement resulting from Cause No. 14262, in the superior court of the state of Washington for Mason County, "*Peter E. Overton, et al., v. Washington Department of Fisheries, et al.*" Although the department of ecology was not a party in this litigation, the department will, to the extent possible, give full consideration to the intent of the settlement agreement in any future water right actions involving said parties: *Provided*, That, said actions must be consistent with the requirements of chapters 90.03 and 90.44 RCW, and satisfy the general intent of chapter 173-515 WAC.

(2) Instream flow hydrographs, as represented in the document entitled "instream resources protection program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-515-030(1).

(3) All consumptive water rights hereafter established shall be expressly subject to instream flows and closures established in WAC 173-515-030(1) and 173-515-040 (1) through (3). Closures override the instream flows where both are shown except as provided in WAC 173-515-070.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-030, filed 7/24/81.]

**WAC 173-515-040 Surface water closures.** (1) The department, having determined there are no waters available for further appropriation, closes the following streams to further consumptive appropriation. 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 numbers correlate with Plate I, instream resources protection program, Kitsap water resource inventory area (WRIA) 15.

| Stream Number** | Stream or Lake Name  | Tributary to         | Date of Original Closure |
|-----------------|--|----------------------|--------------------------|
|                 | Stansberry Lake and tributaries Sec. 19, T.22N., R.1E.   | Carr Inlet           | 5-17-66                  |
|                 | Mission Lake and tributaries Outlet: NE1/4NW1/4 Sec. 32, T.24N.,R.1W.  | Mission Creek        | 7-19-78                  |
| #12             | Mission Creek and tributaries NW1/4NE1/4 Sec. 1, T.22N., R.2W.   | Hood Canal           | 12-5-51                  |
| #57             | Unnamed Stream and tributaries Sec. 20, T.21N., R.4W.  | Hood Canal           | 11-3-48                  |
| #117            | Seabeck Creek and tributaries SE1/4SW1/4 Sec. 20, T.25N., R.1W.  | Seabeck Bay          | 8-27-54                  |
| #158            | Unnamed Stream (Gamble Creek, Christianson Creek) and tributaries SW1/4SW1/4 Sec. 20, T.27N., R.2E.              | Port Gamble          | 8-15-75                  |
| #207            | Unnamed Stream (Dogfish Creek, Harding Creek) and tributaries NE1/4NE1/4 Sec. 15, T.26N., R.1E.                  | Liberty Bay          | 8-21-75                  |
| #245            | Barker Creek and tributaries SW1/4SW1/4 Sec. 22, T.25N., R.1E.   | Dyes Inlet           | 2-21-61                  |
| #246            | Clear Creek and tributaries SE1/4SW1/4 Sec. 16, T.25N., R.1E.  | Dyes Inlet           | 7-27-53                  |
| #259            | Chico Creek and tributaries above confluence of Dickerson Creek, (excluding Wildcat Lake). Sec. 5, T.24N., R.1E. | Chico Bay            | 11-3-52                  |
| #259            | Kitsap Creek and tributaries Sec. 5, T.24N., R.1E.   | Chico Creek          | 7-2-42                   |
| #259            | Unnamed Stream and tributaries SE1/4SW1/4 Sec. 17, T.24N., R.1E.   | Kitsap Lake          | 12-8-52                  |
| #279            | Blackjack Creek and tributaries NE1/4SE1/4 Sec. 25, T.24N., R.1E.  | Sinclair Inlet       | 4-5-60                   |
| #285            | Unnamed Stream (Sullivan Creek) and tributaries NE1/4SW1/4 Sec. 19, T.24N., R.2E                                 | Sinclair Inlet       | 5-9-75                   |
| #294            | Salmonberry Creek and tributaries NW1/4SE1/4 Sec. 18, T.23N., R.2E.  | Long Lake            | 1-7-48                   |
| #356            | Burley Creek and tributaries, SW1/4NW1/4 Sec. 12, T.22N., R.1E.  | Burley Lagoon        | 5-10-51                  |
| #367            | Minter Creek and tributaries SW1/4NE1/4 Sec. 29, T.22N., R.1E.   | Henderson Bay        | 12-28-73                 |
| #402            | Unnamed Stream (Dutcher Creek) and tributaries NE1/4NE1/4 Sec. 15, T.21N., R.1W.                                 | Dutcher Cove         | 3-10-54                  |
| #510            | Judd Creek and tributaries NE1/4NE1/4 Sec. 18, T.22N., R.3E.   | Quartermaster Harbor | 5-10-51                  |

(2) The department has determined that (a) certain streams exhibit low summer flows and have a potential for drying up or inhibiting anadromous fish passage during critical life stages, and (b) historic flow regimes and current uses of certain other streams indicate that

no water is available for additional appropriation. Based upon these determinations and in accordance with the general intent of RCW 75.20.050, the following streams are closed to further appropriation for the periods indicated:

New Surface Water Closures

\*\*Stream numbers correlate with Plate I, instream resources protection program, Kitsap water resource inventory area (WRIA) 15.

| Stream Number** | Stream Name  | Sec., Twp., Rge. at Mouth          | Tributary to   | Period of Closure |
|-----------------|--|------------------------------------|----------------|-------------------|
| #7              | Union River and tributaries from the mouth to McKenna Falls (R.M. 6.7) | SE1/4SW1/4 Sec. 29, T.23N., R.1W.  | Hood Canal     | All year          |
| #44             | Tahuya River and tributaries   | SE1/4SE1/4 Sec. 22, T.22N., R.3W.  | Hood Canal     | June 15-Oct. 15   |
| #60             | Rendsland Creek and tributaries  | NW1/4NW1/4 Sec. 19, T.22N., R.3W.  | Hood Canal     | June 1-Oct. 31    |
| #70             | Dewatto River and tributaries  | NW1/4SE1/4 Sec. 27, T.22N., R.3W.  | Hood Canal     | June 15-Oct. 31   |
| #121            | Big Beef Creek and tributaries   | SW1/4SE1/4 Sec. 15, T.25N., R.1W.  | Hood Canal     | May 15-Oct. 31    |
| #124            | Anderson Creek and tributaries   | NW1/4NW1/4 Sec. 13, T.26N., R.1W.  | Hood Canal     | June 1-Oct. 31    |
| #192            | Grover's Creek and tributaries   | NW1/4SW1/4 Sec. 4, T.26N., R.2E.   | Puget Sound    | June 1-Oct. 15    |
| #223            | Unnamed Stream (Steel Creek) and tributaries                           | SE1/4SE1/4 Sec. 14, T.25N., R.1E.  | Port Orchard   | June 1-Oct. 15    |
| #248            | Unnamed Stream and tributaries (Strawberry/Cook's/Koch's Creek)        | SE1/4NE1/4 Sec. 20, T.25N., R.1E.  | Dyes Inlet     | June 1-Oct. 31    |
| #259            | Dickerson Creek and tributaries  | SW1/4NW1/4 Sec. 7, T.24N., R.1E.   | Chico Creek    | All year          |
| #259            | Chico Creek and tributaries below confluence of Dickerson Creek        | SW1/4SW1/4 Sec. 5, T.25N., R.1E.   | Chico Bay      | All year          |
| #294            | Curley Creek and tributaries   | NE1/4NE1/4 Sec. 18, T.23N., R.2E.  | Yukon Harbor   | June 15-Oct. 15   |
| #313            | Olalla Creek and tributaries   | SE1/4NE1/4 Sec. 4, T.22N., R.2E.   | Colvos Passage | June 1-Oct. 15    |
| #321            | Crescent Creek and tributaries   | SE1/4SW1/4 Sec. 32, T. 22N., R.2E. | Gig Harbor     | June 1-Oct. 15    |
| #354            | Purdy Creek and tributaries  | NE1/4NW1/4 Sec. 12, T.22N., R.1E.  | Henderson Bay  | June 1-Oct. 31    |
| #369            | Lackey Creek and tributaries   | SE1/4SW1/4 Sec. 31, T.21N., R.1E.  | Carr Inlet     | June 1-Nov. 15    |

(1986 Ed.)

| Stream Number** | Stream Name                 | Sec., Twp., Rge. at Mouth         | Tributary to | Period of Closure |
|-----------------|-----------------------------|-----------------------------------|--------------|-------------------|
| #415            | Rocky Creek and tributaries | SE1/4SE1/4 Sec. 27, T.22N., R.1E. | Case Inlet   | June 1-Oct. 31    |

(3) In the Kitsap basin numerous small streams with estimated mean annual flow of 5 cfs or less have been identified as having high instream values for anadromous fish, aesthetics, water quality, and/or recreation. In accordance with the general intent of RCW 75.20.050 the department has determined that the total natural flow of these streams is required for protection and preservation of instream resources, and that no water is available for additional consumptive appropriation. The natural flow, in effect, constitutes the minimum flow for protection of the instream resources. The following streams possess such characteristics and are therefore closed year-round to further consumptive appropriation.

New Surface Water Closures

\*\*Stream numbers correlate with Plate I, instream resources protection program, Kitsap water resource inventory area (WRIA) 15.

| Stream Number** | Stream Name   | Sec., Twp., Rge. at Mouth         | Tributary to |
|-----------------|---|-----------------------------------|--------------|
| #13             | Little Mission Creek and tributaries                  | SE1/4NW1/4 Sec. 1, T.22N., R.2W.  | Hood Canal   |
| #18             | Stimson Creek and tributaries                         | NW1/4NW1/4 Sec. 11, T.22N., R.2W. | Hood Canal   |
| #31             | Unnamed Stream (Little Shoefly Creek) and tributaries | SW1/4NW1/4 Sec. 17, T.22N., R.2W. | Hood Canal   |
| #34             | Shoefly Creek and tributaries                         | SE1/4SW1/4 Sec. 18, T.22N., R.2W. | Hood Canal   |
| #46             | Caldervin Creek and tributaries                       | NE1/4NE1/4 Sec. 28, T.21N., R.3W. | Hood Canal   |
| #50             | Hall Creek and tributaries                            | Sec. 20, T.21N., R.3W.            | Hood Canal   |
| #52             | Hoddy Creek and tributaries                           | Sec. 20, T.21N., R.3W.            | Hood Canal   |
| #54             | Fay Creek and tributaries                             | Sec. 21, T.20N., R.3W.            | Hood Canal   |
| #55             | Brown Creek and tributaries                           | Sec. 21, T.20N., R.3W.            | Hood Canal   |
| #56             | Unnamed Stream (West Creek) and tributaries           | Sec. 20, T.22N., R.3W.            | Hood Canal   |
| #101            | Harding Creek and tributaries                         | NW1/4SW1/4 Sec. 9, T.24N., R.2W.  | Hood Canal   |

| Stream Number**<br>Stream Name<br>Sec., Twp., Rge. at Mouth                                      | Tributary to         |
|--|----------------------|
| -----  |                      |
| #164<br>Unnamed Stream (Little Boston Creek) and tributaries<br>SW1/4SW1/4 Sec. 5, T.27N., R.2E. | Port Gamble          |
| #181<br>Unnamed Stream and tributaries<br>SE1/4SW1/4 Sec. 26, T.27N., R.2E.                      | Apple Tree Cove      |
| #184<br>Unnamed Stream and tributaries<br>NE1/4SW1/4 Sec. 36, T.27N., R.2E.                      | Apple Tree Cove      |
| #190<br>Unnamed Stream and tributaries<br>Sec. 9, T.26N., R.2E.                                  | Puget Sound          |
| #196<br>Cowling Creek and tributaries<br>NW1/4NW1/4 Sec. 16, T.26N., R.2E.                       | Miller Bay           |
| #198<br>Thompson Creek and tributaries<br>SW1/4SE1/4 Sec. 29, T.26N., R.2E.                      | Port Orchard         |
| #208<br>Johnson Creek and tributaries<br>SE1/4NW1/4 Sec. 22, T.26N., R.1E.                       | Liberty Bay          |
| #213<br>Scandia Creek and tributaries<br>SW1/4NE1/4 Sec. 27, T.26N., R.1E.                       | Liberty Bay          |
| #241<br>Mosher Creek and tributaries<br>SW1/4NE1/4 Sec. 34, T.25N., R.1E.                        | Dyes Inlet           |
| #272<br>Anderson Creek and tributaries<br>SE1/4NE1/4 Sec. 33, T.24N., R.1E.                      | Sinclair Inlet       |
| #275<br>Ross Creek and tributaries<br>SE1/4SE1/4 Sec. 27, T.24N., R.1E.                          | Sinclair Inlet       |
| #289<br>Beaver Creek and tributaries<br>NW1/4SE1/4 Sec. 16, T.24N., R.2E.                        | Rich Passage         |
| #322<br>North Creek and tributaries<br>NE1/4SE1/4 Sec. 6, T.21N., R.2E.                          | Gig Harbor           |
| #342<br>Unnamed Stream and tributaries<br>NW1/4SE1/4 Sec. 10, T.21N., R.1E.                      | Henderson Bay        |
| #343<br>Unnamed Stream (Meyer Creek) and tributaries<br>SW1/4SW1/4 Sec. 2, T.21N., R.1E.         | Hood Canal           |
| #407<br>Unnamed Stream and tributaries<br>SE1/4NW1/4 Sec. 2, T.21N., R.1W.                       | Vaughn Bay           |
| #434<br>Unnamed stream and tributaries<br>SE1/4SE1/4 Sec. 15, T.25N., R.2E.                      | Murden Cove          |
| #461<br>Unnamed Stream and tributaries<br>SE1/4NE1/4 Sec. 20, T.25N., R.2E.                      | Fletcher Bay         |
| #514<br>Unnamed Stream (Fisher Creek) and tributaries<br>SW1/4NW1/4 Sec. 19, T.22N., R.3E.       | Quartermaster Harbor |
| #530<br>Jod Creek and tributaries<br>NW1/4NW1/4 Sec. 14, T.22N., R.2E.                           | Colvos Passage       |
| #540<br>Needle Creek and tributaries<br>NE1/4SE1/4 Sec. 13, T.23N., R.3E.                        | Colvos Passage       |

(4) Closures listed in WAC 173-515-040 (2) and (3) will supersede low flow surface water source limitations

previously imposed by administrative authority pursuant to chapter 75.20 RCW.

(5) Lakes perennially tributary to closed streams are closed to further consumptive appropriation.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-040, filed 7/24/81.]

**WAC 173-515-050 Groundwater.** Future groundwater withdrawal proposals will not be affected by this chapter unless it is determined that such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-050, filed 7/24/81.]

**WAC 173-515-060 Lakes.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-060, filed 7/24/81.]

**WAC 173-515-070 Exemptions.** (1) Nothing in this chapter shall affect 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) If, upon detailed analysis, appropriate and environmentally sound proposed storage facilities are found to be compatible with this chapter, such facilities may be approved but will be subject to the establishment of appropriate protection flows for drought or low runoff periods.

(3) Domestic use for a single residence shall be exempt from the provisions of this chapter. If the cumulative effects of numerous single domestic diversions would seriously affect the quantity of water available for in-stream uses, then domestic in-house use shall be exempt if no alternative source is available.

(4) Stockwatering use, except that related to feedlots, shall be exempt from the provisions established in this chapter.

(5) Future rights for nonconsumptive uses may be granted.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-070, filed 7/24/81.]

**WAC 173-515-080 Future rights.** No right to divert or store public surface waters of the Kitsap water resource inventory area (WRIA) 15 shall hereafter be granted which shall conflict with the purpose of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-080, filed 7/24/81.]

**WAC 173-515-090 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. 81-16-003 (Order DE 80-45), § 173-515-090, filed 7/24/81.]

**WAC 173-515-100 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. 81-16-003 (Order DE 80-45), § 173-515-100, filed 7/24/81.]

**Chapter 173-522 WAC**

**WATER RESOURCES PROGRAM IN THE CHEHALIS RIVER BASIN, WRIA-22 AND 23**

**WAC**

- 173-522-010 General provision.
- 173-522-020 Establishment of base flows.
- 173-522-030 Future allocation of surface water for beneficial uses.
- 173-522-040 Priority of future rights during times of water shortage.
- 173-522-050 Streams closed to further consumptive appropriations.
- 173-522-060 Effect on prior rights.

**WAC 173-522-010 General provision.** These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Chehalis River basin, WRIA-22 and 23 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-522 WAC.

[Order 75-31, § 173-522-010, filed 3/10/76.]

**WAC 173-522-020 Establishment of base flows. (1)** Base flows are established for stream management units with monitoring to take place at certain control stations as follows:

**STREAM MANAGEMENT UNIT INFORMATION**

| Control Station No. Stream Management Unit Name | Control Station by River Mile and Section, Township and Range | Affected Stream Reach Including Tributaries   |
|---|---|---|
| 12.0200.00 Chehalis River Conf. w/Elk Creek     | 101.8 14-13-5W  | From confluence with Elk Creek to headwaters except Elk Cr.   |
| 12.0205.00 Elk Creek                            | 2.5 18-13-5W  | From confluence with Chehalis River to headwaters.  |
| 12.0216.30 So. Fork Chehalis R.                 | 0.3 24-13-4W  | From mouth to headwaters.   |
| 12.0235.00 Chehalis River                       | 77.6 2-13-3W  | From confluence with Newaukum River to confluence with Elk Cr., excluding Elk Creek, and Newaukum Rivers. |

| Control Station No. Stream Management Unit Name | Control Station by River Mile and Section, Township and Range | Affected Stream Reach Including Tributaries  |
|---|---|--|
| 12.0240.00 S. Fork Newaukum R.                  | 22.8 28-13-1E   | From confluence with Lost Creek to headwaters, excluding Lost Creek.   |
| 12.0245.00 N. Fork Newaukum River               | 6.6 35-14-1W  | From mouth to headwaters.  |
| 12.0250.00 Newaukum River                       | 4.1 9-13-2W   | From mouth to confluence with Lost Cr. on S. Fork Newaukum River, excluding N. Fork Newaukum River.            |
| 12.0253.00 Salzer Creek                         | 3.8 22-14-2W  | From mouth to headwaters.  |
| 12.0264.00 Skookumchuck River                   | 6.4 12-15-2W  | From mouth to headwaters.  |
| 12.0275.00 Chehalis River at Grand Mound        | 59.9 22-15-3W   | From confluence with Newaukum River to confluence with Prairie Creek.  |
| 12.0292.00 Black River                          | 4.1 33-16-4W  | From mouth to headwaters.  |
| 12.0305.00 Cedar Creek                          | 1.1 14-16-5W  | From mouth to headwaters.  |
| 12.0309.00 Porter Creek                         | 1.3 22-17-5W  | From mouth to headwaters.  |
| 12.0310.00 Chehalis River at Porter             | 33.3 28-17-5W   | From confluence with Prairie Creek near Grand Mound to confluence with Porter Creek including Prairie Creek.   |
| 12.0325.00 Cloquallum Creek                     | 1.9 36-18-6W  | From mouth to headwaters.  |
| 12.0342.00 East Fk. Satsop R.                   | 15.9 15-19-6W   | From confluence with Dry Run Cr. to headwaters excluding Dry Run Cr.   |
| 12.0343.00 Decker Creek                         | 0.3 31-19-6W  | From mouth to headwaters.  |
| 12.0345.00 Middle Fk. Satsop R.                 | 0.4 36-19-7W  | From mouth to headwaters.  |
| 12.0350.00 Satsop River                         | 2.3 36-18-7W  | From mouth to confl. with Dry Run Cr. on East Fk. Satsop R.  |
| 12.0350.02 Chehalis R. below confl. w/Satsop R. | 20.0 7-17-6W  | From confluence with Porter Ck. to just below confl. with Satsop River.  |
| 12.0374.00 Wynoochee River                      | 5.9 27-18-8W  | From mouth to headwaters.  |
| 12.0380.00 Wishkah River                        | 16.2 22-19-9W   | From influence of mean annual high tide at low base flow levels to headwaters. Excluding E. Fk. Wishkah River. |

| Control Station No.<br>Stream Management Unit Name | Control Station by River Mile and Section, Township and Range | Affected Stream Reach Including Tributaries                                    | Month | Day | 12.0240.00          | 12.0245.00          | 12.0250.00  | 12.0253.00 |
|--|---|--|-------|-----|---------------------|---------------------|-------------|------------|
|  |   |  |       |     | Newaukum R. S. Fork | Newaukum R. N. Fork | Newaukum R. | Salzer Cr. |
| 12.0382.90<br>E. Fk., Wishkah R.                   | 0.9<br>36-19-9W   | From mouth to headwaters.  | Jan.  | 1   | 125                 | 62                  | 250         | 11         |
|  |   |  |       | 15  | 125                 | 62                  | 250         | 11         |
| 12.0385.00<br>W. Fk. Hoquiam River                 | 9.4<br>14-18-10W  | From mouth to headwaters.  | Feb.  | 1   | 125                 | 62                  | 250         | 11         |
|  |   |  |       | 15  | 125                 | 62                  | 250         | 11         |
| 12.0385.80<br>Middle Fk. Hoquiam R.                | 1.6<br>4-18-10W   | From mouth to headwaters.  | Mar.  | 1   | 125                 | 62                  | 250         | 11         |
|  |   |  |       | 15  | 125                 | 62                  | 250         | 11         |
| 12.0386.60<br>East Fork Hoquiam                    | 7.1<br>8-18-9W  | From mouth to headwaters.  | Apr.  | 1   | 125                 | 62                  | 250         | 11         |
|  |   |  |       | 15  | 125                 | 62                  | 250         | 11         |
| 12.0390.00<br>Humptulips River                     | 24.8<br>17-20-10W   | From influence of mean annual high tide at low base flow levels to headwaters. | May   | 1   | 110                 | 47                  | 210         | 5.8        |
|  |   |  |       | 15  | 88                  | 36                  | 160         | 2.8        |
| 12.0174.00<br>Elk River                            | 3.0<br>3-16-11W   | From influence of mean annual high tide at low base flow levels to headwaters. | June  | 1   | 70                  | 27                  | 118         | 1.4        |
|  |   |  |       | 15  | 56                  | 21                  | 90          | .73        |
| 12.0175.00<br>Johns River                          | 6.0<br>21-16-10W  | From influence of mean annual high tide at low base flow levels to headwaters. | July  | 1   | 45                  | 16                  | 68          | .38        |
|  |   |  |       | 15  | 36                  | 12                  | 52          | .20        |
| 12.0180.00<br>Newkah Creek                         | 3.5<br>32-17-9W   | From influence of mean annual high tide at low base flow levels to headwaters. | Aug.  | 1   | 29                  | 9                   | 38          | .10        |
|  |   |  |       | 15  | 27                  | 7                   | 35          | .05        |
| 12.0185.00<br>Charley Creek                        | 2.0<br>21-17-9W   | From influence of mean annual high tide at low base flow levels to headwaters. | Sep.  | 1   | 27                  | 7                   | 35          | .05        |
|  |   |  |       | 15  | 27                  | 7                   | 35          | .05        |
|  |   |  | Oct.  | 1   | 33                  | 8.4                 | 43          | .14        |
|  |   |  |       | 15  | 40                  | 10                  | 54          | .40        |
|  |   |  | Nov.  | 1   | 58                  | 19                  | 91          | 1.35       |
|  |   |  |       | 15  | 85                  | 34                  | 150         | 3.9        |
|  |   |  | Dec.  | 1   | 125                 | 62                  | 250         | 11         |
|  |   |  |       | 15  | 125                 | 62                  | 250         | 11         |

(2) Base flows established for the stream management units in WAC 173-522-020(1) are as follows:

**BASE FLOWS IN THE CHEHALIS RIVER BASIN  
(In Cubic Feet per Second)**

| Month | Day | 12.0200.00<br>Chehalis R.<br>nr. Elk Cr. | 12.0205.00<br>Elk Cr. | 12.0216.30<br>So. Fk.<br>Chehalis R. | 12.0235.00<br>Chehalis R. |
|-------|-----|--|-----------------------|--------------------------------------|---------------------------|
| Jan.  | 1   | 260                                      | 100                   | 200                                  | 700                       |
|       | 15  | 260                                      | 100                   | 200                                  | 700                       |
| Feb.  | 1   | 260                                      | 100                   | 200                                  | 700                       |
|       | 15  | 260                                      | 100                   | 200                                  | 700                       |
| Mar.  | 1   | 260                                      | 100                   | 200                                  | 700                       |
|       | 15  | 260                                      | 100                   | 200                                  | 700                       |
| Apr.  | 1   | 260                                      | 100                   | 200                                  | 700                       |
|       | 15  | 260                                      | 100                   | 200                                  | 700                       |
| May   | 1   | 195                                      | 76                    | 145                                  | 525                       |
|       | 15  | 146                                      | 57                    | 105                                  | 400                       |
| June  | 1   | 108                                      | 43                    | 75                                   | 300                       |
|       | 15  | 82                                       | 32                    | 55                                   | 230                       |
| July  | 1   | 62                                       | 25                    | 40                                   | 175                       |
|       | 15  | 46                                       | 19                    | 29                                   | 130                       |
| Aug.  | 1   | 37                                       | 16                    | 21                                   | 98                        |
|       | 15  | 31                                       | 14                    | 15                                   | 75                        |
| Sep.  | 1   | 31                                       | 14                    | 15                                   | 75                        |
|       | 15  | 31                                       | 14                    | 15                                   | 75                        |
| Oct.  | 1   | 39                                       | 15                    | 21                                   | 92                        |
|       | 15  | 49                                       | 17                    | 28                                   | 115                       |
| Nov.  | 1   | 88                                       | 31                    | 56                                   | 215                       |
|       | 15  | 150                                      | 56                    | 105                                  | 390                       |
| Dec.  | 1   | 260                                      | 100                   | 200                                  | 700                       |
|       | 15  | 260                                      | 100                   | 200                                  | 700                       |

| Month | Day | 12.0264.00<br>Skookumchuck<br>River | 12.0275.00<br>Chehalis R.<br>at Grand M. | 12.0292.00<br>Black R. | 12.0305.00<br>Cedar Cr. |
|-------|-----|-------------------------------------|--|------------------------|-------------------------|
| Jan.  | 1   | 160                                 | 1300                                     | 200                    | 90                      |
|       | 15  | 160                                 | 1300                                     | 200                    | 90                      |
| Feb.  | 1   | 160                                 | 1300                                     | 200                    | 90                      |
|       | 15  | 160                                 | 1300                                     | 200                    | 90                      |
| Mar.  | 1   | 160                                 | 1300                                     | 200                    | 90                      |
|       | 15  | 160                                 | 1300                                     | 200                    | 90                      |
| Apr.  | 1   | 160                                 | 1300                                     | 200                    | 90                      |
|       | 15  | 160                                 | 1300                                     | 200                    | 90                      |
| May   | 1   | 160                                 | 1000                                     | 170                    | 70                      |
|       | 15  | 130                                 | 780                                      | 145                    | 54                      |
| June  | 1   | 103                                 | 600                                      | 120                    | 40                      |
|       | 15  | 83                                  | 460                                      | 104                    | 31                      |
| July  | 1   | 67                                  | 355                                      | 88                     | 24                      |
|       | 15  | 54                                  | 275                                      | 75                     | 19                      |
| Aug.  | 1   | 43                                  | 210                                      | 70                     | 14                      |
|       | 15  | 35                                  | 165                                      | 66                     | 11                      |
| Sep.  | 1   | 35                                  | 165                                      | 66                     | 11                      |
|       | 15  | 35                                  | 165                                      | 66                     | 11                      |
| Oct.  | 1   | 35                                  | 200                                      | 68                     | 13.8                    |
|       | 15  | 35                                  | 250                                      | 70                     | 17                      |
| Nov.  | 1   | 59                                  | 440                                      | 100                    | 30                      |
|       | 15  | 96                                  | 760                                      | 140                    | 52                      |
| Dec.  | 1   | 160                                 | 1300                                     | 200                    | 90                      |
|       | 15  | 160                                 | 1300                                     | 200                    | 90                      |

| Month | Day | 12.0309.00<br>Porter Cr. | 12.0310.00<br>Chehalis R.<br>at Porter | 12.0325.00<br>Cloquallum<br>Creek | 12.0342.00<br>Satsop R.<br>E. Fork |
|-------|-----|--------------------------|--|-----------------------------------|------------------------------------|
| Jan.  | 1   | 90                       | 2500                                   | 150                               | 280                                |
|       | 15  | 90                       | 2500                                   | 150                               | 280                                |
| Feb.  | 1   | 90                       | 2500                                   | 150                               | 280                                |
|       | 15  | 90                       | 2500                                   | 150                               | 280                                |
| Mar.  | 1   | 90                       | 2500                                   | 150                               | 280                                |
|       | 15  | 90                       | 2500                                   | 150                               | 280                                |
| Apr.  | 1   | 90                       | 2500                                   | 150                               | 280                                |
|       | 15  | 90                       | 2500                                   | 150                               | 280                                |
| May   | 1   | 56                       | 1900                                   | 118                               | 240                                |
|       | 15  | 35                       | 1420                                   | 92                                | 210                                |
| June  | 1   | 29                       | 1060                                   | 70                                | 175                                |
|       | 15  | 24                       | 800                                    | 55                                | 152                                |



Chehalis River Basin--WRIA's 22 And 23

173-522-020

| Month | Day | 12.0309.00<br>Porter Cr. | 12.0310.00<br>Chehalis R.<br>at Porter | 12.0325.00<br>Cloquallum<br>Creek | 12.0342.00<br>Satsop R.<br>E. Fork |
|-------|-----|--------------------------|--|-----------------------------------|------------------------------------|
| July  | 1   | 21                       | 610                                    | 43                                | 130                                |
|       | 15  | 17                       | 460                                    | 34                                | 112                                |
| Aug.  | 1   | 14.2                     | 340                                    | 29                                | 104                                |
|       | 15  | 12                       | 260                                    | 24                                | 95                                 |
| Sep.  | 1   | 12                       | 260                                    | 24                                | 86                                 |
|       | 15  | 12                       | 260                                    | 24                                | 80                                 |
| Oct.  | 1   | 13.3                     | 320                                    | 27                                | 80                                 |
|       | 15  | 15                       | 400                                    | 30                                | 80                                 |
| Nov.  | 1   | 28                       | 760                                    | 52                                | 125                                |
|       | 15  | 50                       | 1380                                   | 88                                | 185                                |
| Dec.  | 1   | 90                       | 2500                                   | 150                               | 280                                |
|       | 15  | 90                       | 2500                                   | 150                               | 280                                |

| Month | Day | 12.0343.00<br>Decker Cr. | 12.0345.00<br>Satsop R.<br>M. Fork | 12.0350.00<br>Satsop R.<br>nr. | 12.0350.02<br>Chehalis R.<br>Satsop |
|-------|-----|--------------------------|------------------------------------|--------------------------------|-------------------------------------|
| Jan.  | 1   | 130                      | 260                                | 1100                           | 3800                                |
|       | 15  | 130                      | 260                                | 1100                           | 3800                                |
| Feb.  | 1   | 130                      | 260                                | 1100                           | 3800                                |
|       | 15  | 130                      | 260                                | 1100                           | 3800                                |
| Mar.  | 1   | 130                      | 260                                | 1100                           | 3800                                |
|       | 15  | 130                      | 260                                | 1100                           | 3800                                |
| Apr.  | 1   | 130                      | 260                                | 1100                           | 3800                                |
|       | 15  | 130                      | 260                                | 1100                           | 3800                                |
| May   | 1   | 115                      | 203                                | 910                            | 2910                                |
|       | 15  | 103                      | 160                                | 750                            | 2300                                |
| June  | 1   | 91                       | 125                                | 600                            | 1750                                |
|       | 15  | 81                       | 98                                 | 500                            | 1360                                |
| July  | 1   | 72                       | 78                                 | 425                            | 1085                                |
|       | 15  | 64                       | 61                                 | 360                            | 860                                 |
| Aug.  | 1   | 56                       | 48                                 | 300                            | 680                                 |
|       | 15  | 50                       | 38                                 | 260                            | 550                                 |
| Sep.  | 1   | 50                       | 38                                 | 260                            | 550                                 |
|       | 15  | 50                       | 38                                 | 260                            | 550                                 |
| Oct.  | 1   | 54                       | 41                                 | 280                            | 640                                 |
|       | 15  | 58                       | 45                                 | 300                            | 750                                 |
| Nov.  | 1   | 77                       | 83                                 | 475                            | 1305                                |
|       | 15  | 100                      | 145                                | 720                            | 2220                                |
| Dec.  | 1   | 130                      | 260                                | 1100                           | 3800                                |
|       | 15  | 130                      | 260                                | 1100                           | 3800                                |

| Month | Day | 12-0374.00<br>Wynoochee<br>River | 12-0380.00<br>Wishkah R. | 12-0382.90<br>Wishkah R.<br>E. Fk. | 12-0385.00<br>Hoquiam R.<br>W. Fk. |
|-------|-----|----------------------------------|--------------------------|------------------------------------|------------------------------------|
| Jan.  | 1   | 560                              | 135                      | 33                                 | 32                                 |
|       | 15  | 560                              | 135                      | 33                                 | 32                                 |
| Feb.  | 1   | 560                              | 135                      | 33                                 | 32                                 |
|       | 15  | 560                              | 135                      | 33                                 | 32                                 |
| Mar.  | 1   | 560                              | 135                      | 33                                 | 32                                 |
|       | 15  | 560                              | 135                      | 33                                 | 32                                 |
| Apr.  | 1   | 560                              | 135                      | 33                                 | 32                                 |
|       | 15  | 560                              | 135                      | 33                                 | 32                                 |
| May   | 1   | 560                              | 135                      | 33                                 | 32                                 |
|       | 15  | 560                              | 113                      | 27                                 | 26                                 |
| June  | 1   | 450                              | 95                       | 21                                 | 20                                 |
|       | 15  | 360                              | 80                       | 17                                 | 16                                 |
| July  | 1   | 290                              | 68                       | 14                                 | 12.8                               |
|       | 15  | 230                              | 57                       | 11.3                               | 10                                 |
| Aug.  | 1   | 185                              | 47                       | 9                                  | 8                                  |
|       | 15  | 150                              | 47                       | 9                                  | 8                                  |
| Sep.  | 1   | 150                              | 47                       | 9                                  | 8                                  |
|       | 15  | 150                              | 47                       | 9                                  | 8                                  |
| Oct.  | 1   | 150                              | 53                       | 10.4                               | 9.4                                |
|       | 15  | 230                              | 60                       | 12                                 | 11                                 |
| Nov.  | 1   | 360                              | 91                       | 20                                 | 19                                 |
|       | 15  | 560                              | 135                      | 33                                 | 32                                 |
| Dec.  | 1   | 560                              | 135                      | 33                                 | 32                                 |
|       | 15  | 560                              | 135                      | 33                                 | 32                                 |

| Month | Day | 12-0385.80<br>Hoquiam R.<br>M. Fk. | 12-0386.60<br>Hoquiam R.<br>E. Fk. | 12-0390.00<br>Humptulips<br>River | 12-0174.00<br>Elk River |
|-------|-----|------------------------------------|------------------------------------|-----------------------------------|-------------------------|
| Jan.  | 1   | 27                                 | 44                                 | 600                               | 50                      |
|       | 15  | 27                                 | 44                                 | 600                               | 50                      |
| Feb.  | 1   | 27                                 | 44                                 | 600                               | 50                      |
|       | 15  | 27                                 | 44                                 | 600                               | 50                      |
| Mar.  | 1   | 27                                 | 44                                 | 600                               | 50                      |
|       | 15  | 27                                 | 44                                 | 600                               | 50                      |
| Apr.  | 1   | 27                                 | 44                                 | 600                               | 50                      |
|       | 15  | 27                                 | 44                                 | 600                               | 50                      |
| May   | 1   | 27                                 | 44                                 | 600                               | 43                      |
|       | 15  | 21                                 | 38                                 | 500                               | 37                      |
| June  | 1   | 16                                 | 33                                 | 400                               | 31                      |
|       | 15  | 12.2                               | 29                                 | 325                               | 26                      |
| July  | 1   | 9.5                                | 25                                 | 265                               | 22                      |
|       | 15  | 7.4                                | 22                                 | 215                               | 19                      |
| Aug.  | 1   | 5.6                                | 19                                 | 170                               | 16                      |
|       | 15  | 5.6                                | 19                                 | 170                               | 16                      |
| Sep.  | 1   | 5.6                                | 19                                 | 170                               | 16                      |
|       | 15  | 5.6                                | 19                                 | 170                               | 16                      |
| Oct.  | 1   | 6.7                                | 19                                 | 205                               | 20                      |
|       | 15  | 8.0                                | 25                                 | 250                               | 25                      |
| Nov.  | 1   | 15                                 | 34                                 | 390                               | 32                      |
|       | 15  | 27                                 | 44                                 | 600                               | 40                      |
| Dec.  | 1   | 27                                 | 44                                 | 600                               | 50                      |
|       | 15  | 27                                 | 44                                 | 600                               | 50                      |

| Month | Day | 12-0175.00<br>Johns River | 12-0180.00<br>Newskah<br>Creek | 12-0185.00<br>Charley<br>Creek |
|-------|-----|---------------------------|--------------------------------|--------------------------------|
| Jan.  | 1   | 70                        | 17                             | 14                             |
|       | 15  | 70                        | 17                             | 14                             |
| Feb.  | 1   | 70                        | 17                             | 14                             |
|       | 15  | 70                        | 17                             | 14                             |
| Mar.  | 1   | 70                        | 17                             | 14                             |
|       | 15  | 70                        | 17                             | 14                             |
| Apr.  | 1   | 70                        | 17                             | 14                             |
|       | 15  | 50                        | 17                             | 14                             |
| May   | 1   | 50                        | 13.4                           | 11                             |
|       | 15  | 42                        | 10.7                           | 8.6                            |
| June  | 1   | 35                        | 8.3                            | 6.7                            |
|       | 15  | 29                        | 6.5                            | 5.4                            |
| July  | 1   | 24                        | 5.2                            | 4.2                            |
|       | 15  | 21                        | 4.1                            | 3.3                            |
| Aug.  | 1   | 17                        | 3.2                            | 2.5                            |
|       | 15  | 17                        | 2.5                            | 2                              |
| Sep.  | 1   | 17                        | 2.5                            | 2                              |
|       | 15  | 17                        | 2.5                            | 2                              |
| Oct.  | 1   | 17                        | 3.2                            | 2.6                            |
|       | 15  | 24                        | 4                              | 3.5                            |
| Nov.  | 1   | 35                        | 8.4                            | 7.1                            |
|       | 15  | 49                        | 17                             | 14                             |
| Dec.  | 1   | 70                        | 17                             | 14                             |
|       | 15  | 70                        | 17                             | 14                             |

(3) Base flow hydrographs, Appendix 1, pages 19-23 in the document entitled "water resources management program in the Chehalis River basin" dated November, 1975 shall be used for definition of base flows on those days not specifically identified in WAC 173-522-020(2).

(4) All rights hereafter established shall be expressly subject to the base flows established in WAC 173-522-020 (1) through (3).

(5) At such time as the departments of fisheries and/or game provide specific information substantiating the need for flows higher than the flows set forth in WAC 173-522-020(2), the department of ecology

agrees to proceed with setting minimum flows as provided under chapter 90.22 RCW within one year from the time of said request, unless agreement to another time frame is reached between parties.

[Order 75-31, § 173-522-020, filed 3/10/76.]

**WAC 173-522-030 Future allocation of surface water for beneficial uses.** The department has determined that there are public waters available, subject to base flow, for allocation to beneficial uses from all streams within the Chehalis basin; except for those streams and times declared closed in WAC 173-522-050. The department shall maintain a current tabulation of the amount of water that is available for appropriation at each stream management unit specified under WAC 173-522-020(1).

[Order 75-31, § 173-522-030, filed 3/10/76.]

**WAC 173-522-040 Priority of future rights during times of water shortage.** (1) Rights established in the future pertaining to waters available for allocation in WAC 173-522-030 shall be subject to a priority of use. Rights for domestic use, including irrigation of lawn and noncommercial garden not to exceed one-half acre, and livestock use excluding feedlot operation, shall be superior to all other consumptive and nonconsumptive uses.

(2) As between rights established in the future within a priority of use, the date of priority shall control with an earlier-dated right being superior to those rights with later dates.

(3) Additional water use priorities may be promulgated, when required, in the future.

[Order 75-31, § 173-522-040, filed 3/10/76.]

**WAC 173-522-050 Streams closed to further consumptive appropriations.** The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to further consumptive appropriation. An exception is made for domestic and normal stockwatering where there is no alternative source of water supply.

**Surface Water Closures**

| STREAM  | DATE OF CLOSURE | PERIOD OF CLOSURE |
|---|-----------------|-------------------|
| Beaver Creek, tributary to S. Fk., Newaukum River | 12-5-52         | 1 May-31 Oct.     |
| Beaver Creek, tributary to Black River            | 10-28-52        | " "               |
| Bunker Creek                                      | 1-17-50         | " "               |
| Dempsey Creek                                     | 11-15-74        | " "               |
| Dillenbaugh Creek                                 | 8-21-72         | " "               |
| Hanaford Creek                                    | 5-7-52          | " "               |
| Hope Creek & Garrard Creek                        | 8-28-73         | " "               |
| Kearney Creek                                     | 10-27-52        | " "               |
| Lincoln Creek                                     | 11-5-48         | " "               |
| Middle Fork, Newaukum R.                          | 4-7-50          | " "               |
| Mill Creek  | 3-21-52         | " "               |
| Mox Chehalis                                      | 4-25-57         | " "               |
| Salmon Creek                                      | 12-18-56        | " "               |
| Rock Creek  | 4-11-73         | " "               |
| Scatter Creek                                     | 7-20-50         | " "               |

[Title 173 WAC—p 528]

| STREAM                | DATE OF CLOSURE  | PERIOD OF CLOSURE |
|-----------------------|------------------|-------------------|
| Stearns Creek         | 4-28-53          | " "               |
| Wildcat Creek         | 10-28-52         | " "               |
| Williams Creek        | 5-6-52           | " "               |
| Wynoochee River       | 3-9-62           | " "               |
| Black River           | Date of Adoption | 1 July-30 Sept.   |
| Skookumchuck River    | " "              | " "               |
| S. Fk. Chehalis River | " "              | " "               |
| Salzer Creek          | " "              | 1 June-30 Sept.   |

Note: Affected reach is from mouth to headwaters and includes all tributaries in the contributing drainage area unless specifically excluded.

[Order 75-31, § 173-522-050, filed 3/10/76.]

**WAC 173-522-060 Effect on prior rights.** Nothing in this chapter shall be construed to lessen, enlarge, or modify the existing rights acquired by appropriation or otherwise.

[Order 75-31, § 173-522-060, filed 3/10/76.]

**Chapter 173-530 WAC  
WATER RESOURCES PROGRAM IN THE  
KLICKITAT RIVER BASIN, WRIA-30**

- WAC
- 173-530-910 Authority.
  - 173-530-920 Purpose.
  - 173-530-930 Definitions.
  - 173-530-940 Declaration of withdrawal.
  - 173-530-950 Existing rights not affected.
  - 173-530-960 Exemptions.

**WAC 173-530-910 Authority.** This chapter is adopted pursuant to the Water Resources Act of 1971, under the specific authority set forth in RCW 90.54.050(2).

[Order DE 76-7, § 173-530-910, filed 4/14/76.]

**WAC 173-530-920 Purpose.** The department of ecology has the responsibility for management of the Little Klickitat River basin water resources in a manner which is consistent with the intent of the Water Resources Act of 1971, with particular reference to the general declaration of fundamentals of RCW 90.54.020.

This regulation has resulted from recent conflicts of interest between various parties over the use of the remaining waters of the Little Klickitat River and its tributaries. Sufficient information and data are lacking at this time to make sound decisions concerning the proper utilization of the unappropriated waters of this stream system. Therefore, the department, by regulation, is temporarily withdrawing the public waters of the Little Klickitat River basin from further appropriation in order that such information and data may be developed.

[Order DE 76-7, § 173-530-920, filed 4/14/76.]

**WAC 173-530-930 Definitions.** As used in this chapter:

(1) "Beneficial use" means the use of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production purposes, preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state (RCW 90.54.020).

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

(3) "Domestic supply" means the noncommercial use of water for (a) normal needs within a residence, for example cooking, drinking, washing, bathing and other sanitary purposes, and (b) normal needs for maintenance of exterior amenities and grounds of not more than one-half acre in size, associated with a residence, for example lawn and garden watering or automobile and boat washing.

(4) "Nonconsumptive" is a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

(5) "Water right" means a right to make beneficial use of public waters of the state.

(6) "Withdrawal" means administratively withholding public waters from additional appropriation for beneficial use (see chapters 90.03 and 90.44 RCW).

[Order DE 76-7, § 173-530-930, filed 4/14/76.]

**WAC 173-530-940 Declaration of withdrawal.** The department declares that, after the effective date hereof, the public waters of the Little Klickitat River basin are withdrawn from further appropriation until November 1, 1983 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, 81-20-041 (Order DE 81-30), 173-530-940, filed 10/1/81; 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.]

**WAC 173-530-950 Existing rights not affected.** (1) The withdrawal declared in WAC 173-530-940 shall neither affect any existing water rights, riparian, appropriative or otherwise; nor existing rights relating to hydroelectric or water storage reservoir or related facility; nor exploratory work, construction or operation of a thermal power plant by an electric utility in accordance with chapter 80.50 RCW.

(2) The watering of ranging stock on riparian grazing lands within the said watershed shall not be deemed in conflict with WAC 173-530-940.

[Order DE 76-7, § 173-530-950, filed 4/14/76.]

(1986 Ed.)

**WAC 173-530-960 Exemptions.** (1) Applications for permits to appropriate public waters for domestic supply and/or stock-watering purposes, excluding feed lot operations, within the Little Klickitat River basin filed prior to or after the effective date of this chapter may be processed to permit and certificate status if such proposed uses do not appear to be in conflict with existing rights nor the meaning and general intent of this regulation.

(2) In multiple-purpose applications, filed prior to or after the effective date of this chapter, which include domestic supply and/or stock-watering purposes excluding feed lot operations, the applicant may request a determination of approval or disapproval of the domestic supply and stock-water portion of his application only; thereafter a permit and certificate for such domestic supply and/or stock-watering uses may be issued by the department in these cases under the same conditions as cited in (1) above.

(3) The department may issue permits and certificates under applications for nonconsumptive uses if such issuance is compatible with the meaning and intent of this regulation.

(4) Applications to appropriate public ground waters may be approved and permits and certificates issued, if departmental investigation indicates that ground waters from the source aquifers do not contribute significantly to the surface water drainages of the Little Klickitat River basin.

[Order DE 76-7, § 173-530-960, filed 4/14/76.]

### Chapter 173-531A WAC WATER RESOURCE PROGRAM FOR THE JOHN DAY-MCNARY POOLS REACH OF THE COLUMBIA RIVER, WRIA 31 AND PARTS OF WRIA'S 32, 33, 36, AND 37

#### WAC

- 173-531A-010 Purpose.
- 173-531A-020 Definitions.
- 173-531A-030 Existing water rights protected.
- 173-531A-040 Reservation for future irrigation use.
- 173-531A-050 Reservation for municipal use.
- 173-531A-060 Permit conditions.
- 173-531A-070 Department to review regulation.

**WAC 173-531A-010 Purpose.** This chapter 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 of the John Day and McNary Pools of the Columbia River and the Lower Snake River.

[Statutory Authority: Chapter 90.54 RCW, 80-08-022 (Order DE 80-19), § 173-531A-010, filed 6/24/80. Formerly WAC 173-531-010.]

**WAC 173-531A-020 Definitions.** For the purposes of this chapter, the following definitions shall be used.

[Title 173 WAC—p 529]

(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: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-020, filed 6/24/80. Formerly WAC 173-531-020.]

**WAC 173-531A-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: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-030, filed 6/24/80. Formerly WAC 173-531-030.]

**WAC 173-531A-040 Reservation for future irrigation use.** (1) One million three hundred twenty thousand acre-feet per year are hereby reserved from the John Day/McNary Pools reach to provide a water supply for the 330,000 acres of irrigation projected to be developed by the year 2020. The 330,000 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 already on file covered by the reservation are the dates of filing with the department. The priority dates of permits issued under applications filed in the future under the reservation shall be the effective date of this regulation (see RCW 90.03.345).

(3) Waters represented by canceled or relinquished applications and permits will still be considered reserved and may be subsequently filed on by interested appropriators.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-040, filed 6/24/80. Formerly WAC 173-531-040.]

**WAC 173-531A-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 to the year 2020.

(2) 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 of chapter 173-590 WAC.

[Title 173 WAC—p 530]

(3) The priority dates of water right filings under the municipal reservation shall be the effective date of this regulation.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-050, filed 6/24/80. Formerly WAC 173-531-050.]

**WAC 173-531A-060 Permit conditions.** All permits issued for waters reserved under WAC 173-531A-040 or 173-531A-050 after the effective date of this chapter shall be subject to the provisions of chapter 173-563 WAC – instream resources protection program for the main stem of the Columbia River.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-060, filed 6/24/80. Formerly WAC 173-531-060.]

**WAC 173-531A-070 Department to review regulation.** (1) The department, in accordance with applicable statutory provisions, shall review the reservations for future irrigation use and future municipal use at least every five years after adoption of this management regulation.

(2) In reviewing the reservations, the department will evaluate the account of water rights established under the reservations as provided in WAC 173-531A-040(3) and 173-531A-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.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-070, filed 6/24/80.]

## Chapter 173-532 WAC

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

#### WAC

|             |  |
|-------------|--|
| 173-532-010 | Purpose.   |
| 173-532-020 | Definitions.   |
| 173-532-030 | Base flows.  |
| 173-532-040 | Streams closed to further consumptive appropriations.                      |
| 173-532-050 | Protection of surface water rights from new appropriators of ground water. |
| 173-532-060 | Designation of ground water areas for specific uses.                       |
| 173-532-070 | Closure of ground water aquifer to further appropriation.                  |
| 173-532-080 | Evaluation of ground water applications.                                   |

**WAC 173-532-010 Purpose.** This regulation is adopted in accordance with the water resources management regulation, chapter 173-500 WAC, which was promulgated under the authority of the Water Resources Act of 1971, chapter 90.54 RCW. This chapter, including any amendments, applies to all waters that lie within or contribute to the Walla Walla River drainage basin. This chapter sets forth the department's policies to manage the basin's water resources.

[Order DE 77-30, § 173-532-010, filed 12/14/77.]

**WAC 173-532-020 Definitions.** For purposes of this chapter, the following definitions shall be used.

(1) "Allocation" means the designating of specific amounts of the water resource for specific beneficial uses.

(2) "Base flow" means a level of stream flow established in accordance with provisions of chapter 90.54 RCW required in perennial streams to preserve wildlife, fish, scenic, aesthetic, and other environmental and navigational values.

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

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

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

(6) "Domestic use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn and garden per dwelling, and other incidental household uses.

(7) "In-house domestic use" means use of water for drinking, cleaning, sanitation, and other uses in a residence, excluding irrigation of lawn and garden.

(8) "Municipal water supply system" means a set of facilities including source, treatment, storage, transmission and distribution facilities whereby water is furnished for commercial and/or industrial uses, and public water supplies with 10 or more connections.

(9) "Nonconsumptive use" means a type of water use where either there is no diversion from a source body, or where there is no discernible diminishment of the source.

(10) "Perennial stream" means a stream with a natural flow which is normally continuous at any given location.

(11) "Public water supply" means any water supply intended or used for human consumption and community uses.

(12) "Water right" means a right to make beneficial use of public waters of the state.

(13) "Zone of direct hydraulic continuity" means that zone of inter action between the surface water stream and the adjacent ground water whereby a pumping well can effectively reduce the flow in the stream to the detriment of surface water users, as determined by the department.

[Order DE 77-30, § 173-532-020, filed 12/14/77.]

**WAC 173-532-030 Base flows.** The establishment of base flows for surface streams will be deferred until such time as storage project or projects become a reality. At present, all surface streams are totally appropriated during the irrigation season and water is not available for protection of instream values. With the advent of future storage projects, the department may establish base flows which can be included as project benefits and maintained by storage releases.

[Order DE 77-30, § 173-532-030, filed 12/14/77.]

**WAC 173-532-040 Streams closed to further consumptive appropriations.** The department has determined

that no waters are available for consumptive appropriation through the establishment of water rights for the following streams for the periods indicated:

TABLE II-1  
SURFACE WATER CLOSURES\*

| STREAM NAME       | AFFECTED REACH      | EFFECTIVE DATE OF CLOSURE | PERIOD OF CLOSURE  |
|-------------------|---------------------|---------------------------|--|
| Blue Creek        | Mouth to Headwaters | Date of Adoption          | June 1 - Oct. 31   |
| Mill Creek        | Mouth to State Line | 2-6-1957                  | May 1 - Oct. 1   |
| Walla Walla River | Mouth to State Line | Date of Adoption          | May 1 - Nov. 30  |
| Dry Creek         | Mouth to Headwaters | Date of Adoption          | April 15 - Nov. 15 or whenever Walla Walla at USGS Gage 14.0185 drops below 91.0 cfs.                                  |
| Touchet River     | Mouth to Headwaters | Date of Adoption          | June 1 - Oct. 31   |
| Coppei Creek      | Mouth to Headwaters | Date of Adoption          | April 1 - Nov. 10  |
| Doan Creek        | Mouth to Headwaters | Date of Adoption          | June 1 - Oct. 1  |
| Mud Creek         | Mouth to Headwaters | Date of Adoption          | May 1 - Oct. 31 or whenever Walla Walla below confluence with Mud Creek falls below 50 cfs.                            |
| Pine Creek        | Mouth to Headwaters | Date of Adoption          | May 1 - Oct. 31 or whenever Walla Walla River at confluence with Pine Creek or below Touchet River drops below 50 cfs. |
| Stone Creek       | Mouth to Headwaters | Date of Adoption          | May 1 - Oct. 31  |

\*Exception for single-domestic and stock water where no other practical source is available.

[Order DE 77-30, § 173-532-040, filed 12/14/77.]

**WAC 173-532-050 Protection of surface water rights from new appropriators of ground water.** New appropriators of ground water will be required to locate wells outside of the zone of direct hydraulic continuity between the surface water stream and the ground water aquifer. The actual limits of the zone of direct hydraulic continuity at a specific location will be determined by the department after an individual ground water application is received. The department will use accepted engineering methods for its determination.

[Order DE 77-30, § 173-532-050, filed 12/14/77.]

**WAC 173-532-060 Designation of ground water areas for specific uses.** A portion of the ground water resource in the Walla Walla-College Place vicinity is designated for the anticipated growth of the community. Within the following area, ground water in the basalt aquifer is limited to appropriation for municipal water supply systems only, and ground water in the shallow gravel aquifer is limited to uses other than municipal water supply systems:

All the area contained within the following listed sections: Sections 35 and 36, T8N, R35E; sections 1, 2, 11, 12, 13, 14, 15, 23, 24, 25, 26, 27, 28, 34, 35, and 36, T7N, R35E; sections 1, 2, 3, 10, 11, 12, and all of 13, 14, and 15 lying within Washington state, T6N, R35E; sections 31, 32, 33, 34, 35, and 36, T8N, R36E; all the area within T7N, R36E; all the area within T6N, R36E lying within the state of Washington; section 31, T8N, R37E; sections 6, 7, 18, 19, 30, and 31, T7N, R37E; and sections 6, 7, and all of section 18 lying within Washington state, T6N, R37E.

The provisional designation of water in the basalt aquifer for municipal water supply systems shall be effective for a period from February 1, 1978 to October 1, 1984. After October 1, 1984, all designated waters not appropriated or reserved under chapter 173-590 WAC reservation of water for future public water supply, shall be open for appropriations by other users as determined by the department.

The designation of water in the gravel aquifer for users other than municipal water supply systems shall remain indefinitely until changed by the department.

[Statutory Authority: RCW 90.54.050, 83-02-039 (Order DE 82-46), § 173-532-060, filed 12/30/82; Order DE 77-30, § 173-532-060, filed 12/14/77.]

**WAC 173-532-070 Closure of ground water aquifer to further appropriation.** When the department determines that annual ground water withdrawals from the basalt aquifer have reached 125,000 acre-feet, which is approximately 95 percent of the average annual recharge to that aquifer, the aquifer will be closed to further appropriation.

[Order DE 77-30, § 173-532-070, filed 12/14/77.]

**WAC 173-532-080 Evaluation of ground water applications.** Each new application for ground water appropriation will be evaluated to minimize interference with existing wells and with adjacent surface water streams. The department will issue permits for ground water withdrawal in those cases where senior surface water and ground water rights will not be adversely affected as determined by the department.

[Order DE 77-30, § 173-532-080, filed 12/14/77.]

**Chapter 173-545 WAC**

**INSTREAM RESOURCES PROTECTION PROGRAM--WENATCHEE RIVER BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 45**

**WAC**

- 173-545-010 General provision.
- 173-545-020 Purpose.
- 173-545-030 Establishment of instream flows.
- 173-545-040 Stream closure.
- 173-545-050 Policy statement for future permitting actions.
- 173-545-060 Lakes.
- 173-545-070 Exemptions.
- 173-545-080 Future rights.
- 173-545-090 Enforcement.
- 173-545-100 Regulation review.

**WAC 173-545-010 General provision.** These rules apply to waters within the Wenatchee River basin, WRIA 45, as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (minimum water flows and levels), chapter 75.20 RCW (state fisheries code) and in accordance with chapter 173-500 WAC (water resources management program).

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-010, filed 6/3/83.]

**WAC 173-545-020 Purpose.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Wenatchee River basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic, aesthetic, and environmental values, recreation, navigation, and water quality.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-020, filed 6/3/83.]

**WAC 173-545-030 Establishment of instream flows.** (1) Stream management units and associated control stations are established 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(es) including Tributaries   |
|---|--|---|
| 12-4570.00 Wenatchee River at Plain             | 46.2 Sec. 12, T. 26N., R. 17E. W.M                             | From Plain Road Bridge, R.M. 46.2, to headwaters  |
| 12-4585.00 Icicle Cr. near Leavenworth          | 1.5 Sec. 24, T. 24N., R. 17E. W.M                              | Headwaters of Icicle Creek to its mouth   |
| 12-4590.00 Wenatchee River at Peshastin         | 21.5 Sec. 8, T. 24N., R. 18E. W.M                              | From confluence of Derby Creek to Plain Road Bridge, R.M. 46.2 excluding Derby Creek and Icicle Creek |
| 12-4625.00 Wenatchee River at Monitor           | 7.0 Sec. 11, T. 23N., R. 19E. W.M                              | From mouth to confluence of Derby Creek, including Derby Creek and excluding Mission Creek            |
| 12-4620.00 Mission Creek near Cashmere          | 1.5 Sec. 8, T. 23N., R. 19E. W.M                               | From mouth to headwaters  |

(2) Instream flows are established for the stream management units in WAC-173-545-030(1) as follows:

Instream Flows in the Wenatchee River basin  
(instantaneous cubic feet per second)

| Month | Day | 12-4570.00<br>Wenatchee R.<br>at Plain | 12-4580.00<br>Icicle Cr. near<br>Leavenworth | 12-4590.00<br>Wenatchee R.<br>at Peshastin |
|-------|-----|--|--|--|
| Jan   | 1   | 550                                    | 120  | 700  |
|       | 15  | 550                                    | 120  | 700  |
| Feb   | 1   | 550                                    | 120  | 700  |
|       | 15  | 550                                    | 120  | 700  |
| Mar   | 1   | 550                                    | 150  | 750  |
|       | 15  | 700                                    | 170  | 940  |
| Apr   | 1   | 910                                    | 200  | 1300                                       |
|       | 15  | 1150                                   | 300  | 1750                                       |
| May   | 1   | 1500                                   | 450  | 2200                                       |
|       | 15  | 2000                                   | 660  | 2800                                       |
| Jun   | 1   | 2500                                   | 1000   | 3500                                       |
|       | 15  | 2000                                   | 660  | 2600                                       |
| Jul   | 1   | 1500                                   | 450  | 1900                                       |
|       | 15  | 1200                                   | 300  | 1400                                       |
| Aug   | 1   | 880                                    | 200  | 1000                                       |
|       | 15  | 700                                    | 170  | 840  |
| Sep   | 1   | 660                                    | 130  | 820  |
|       | 15  | 620                                    | 130  | 780  |
| Oct   | 1   | 580                                    | 130  | 750  |
|       | 15  | 520                                    | 130  | 700  |
| Nov   | 1   | 550                                    | 150  | 750  |
|       | 15  | 550                                    | 150  | 750  |
| Dec   | 1   | 550                                    | 150  | 750  |
|       | 15  | 550                                    | 150  | 750  |

Instream Flows in the Wenatchee River basin (cont'd)  
(instantaneous cubic feet per second)

| Month | Day | 12-4620.00<br>Mission Cr.<br>near Cashmere | 12-4625.00<br>Wenatchee R.<br>at Monitor |
|-------|-----|--|--|
| Jan   | 1   | 6  | 820                                      |
|       | 15  | 6  | 820                                      |
| Feb   | 1   | 6  | 820                                      |
|       | 15  | 6  | 800                                      |
| Mar   | 1   | 6  | 800                                      |
|       | 15  | 11   | 1040                                     |
| Apr   | 1   | 22   | 1350                                     |
|       | 15  | 40   | 1750                                     |
| May   | 1   | 40   | 2200                                     |
|       | 15  | 40   | 2800                                     |
| Jun   | 1   | 28   | 3500                                     |
|       | 15  | 20   | 2400                                     |
| Jul   | 1   | 14   | 1700                                     |
|       | 15  | 10   | 1200                                     |
| Aug   | 1   | 7  | 800                                      |
|       | 15  | 5  | 700                                      |
| Sep   | 1   | 4  | 700                                      |
|       | 15  | 4  | 700                                      |
| Oct   | 1   | 4  | 700                                      |
|       | 15  | 5  | 700                                      |
| Nov   | 1   | 6  | 800                                      |
|       | 15  | 6  | 800                                      |
| Dec   | 1   | 6  | 800                                      |
|       | 15  | 6  | 800                                      |

(3) Instream flow hydrographs, as represented in the document entitled "Wenatchee River basin instream resources protection program, figs. 7, 8, 9, pgs. 30 and 31," shall be used for identification of instream flows on those days not specifically identified in WAC 173-545-030(2).

(4) Future consumptive water right permits issued hereafter for diversion of surface water from the main stem Wenatchee River and perennial tributaries shall be expressly subject to instream flows established in WAC 173-545-030 (1) through (3) as measured at the appropriate gage, preferably the nearest one downstream, except for those exemptions described in WAC 173-545-070 (1) through (3).

(5) Projects that would reduce the flow in a portion of a stream's length (e.g.: hydroelectric diversion projects) will be considered consumptive with respect to the bypassed portion of the stream and will be subject to specific instream flow requirements as specified by the department for the bypassed reach notwithstanding WAC 173-545-030(1) through (3). The department may require detailed, project-specific instream flow studies to determine a specific instream flow for the bypassed reach.

(6) If department investigations determine that withdrawal of ground water from the source aquifers would not interfere significantly with stream flow during the period of stream closure or with maintenance of minimum flows, then applications to appropriate public ground waters may be approved and permits or certificates issued.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-030, filed 6/3/83.]

**WAC 173-545-040 Stream closure.** The department has determined that additional diversions of water from Peshastin Creek during the period June 15 to October 15 would deplete instream flows required to protect instream values. Peshastin Creek is, therefore, closed to further consumptive appropriation from June 15 to October 15 each year. During the nonclosed period, minimum instream flows will be controlled and measured from the control station on the Wenatchee River at Monitor.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-040, filed 6/3/83.]

**WAC 173-545-050 Policy statement for future permitting actions.** Consistent with the provisions of chapter 90.54 RCW, it is the policy of the department to preserve an appropriate base flow in all streams and rivers as well as the water levels in all lakes in the Wenatchee River basin by encouraging the use of alternate sources of water which include (1) ground water, (2) storage water, or (3) purchase of other valid water rights.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-050, filed 6/3/83.]

**WAC 173-545-060 Lakes.** In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-060, filed 6/3/83.]

**WAC 173-545-070 Exemptions.** (1) Nothing in this chapter shall affect 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) Future requests for group domestic uses, including municipal supply, may be exempted from the minimum instream flow provisions of this chapter when it is determined by the department, in consultation with the departments of fisheries and game, that overriding considerations of the public interest will be served.

(3) Single domestic and stockwatering use, except that related to feedlots, shall be exempt from the provisions established in this chapter. If the cumulative impacts of numerous single domestic diversions would significantly affect the quantity of water available for instream uses, then only single domestic in-house use shall be exempt if no alternative source is available.

(4) Nonconsumptive uses which are compatible with the intent of the chapter may be approved.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-070, filed 6/3/83.]

**WAC 173-545-080 Future rights.** No rights to divert or store public surface waters of the Wenatchee River basin, WRIA 45, shall hereafter be granted which shall conflict with the purpose of this chapter.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-080, filed 6/3/83.]

**WAC 173-545-090 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 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-090, filed 6/3/83.]

**WAC 173-545-100 Regulation review.** Review of the rules in this chapter shall be initiated by the department of ecology within five years of the date of adoption.

[Statutory Authority: Chapters 90.54, 90.22 and 75.20 RCW. 83-13-016 (Order DE 83-8), § 173-545-100, filed 6/3/83.]

**Chapter 173-548 WAC**

**WATER RESOURCES PROGRAM IN THE METHOW RIVER BASIN, WRIA 48**

|             |  |
|-------------|--|
| WAC         |  |
| 173-548-010 | General provision.   |
| 173-548-020 | Establishment of base flows.   |
| 173-548-030 | Future allocations—Reservation of surface water for beneficial uses. |
| 173-548-040 | Priority of future water rights during times of water shortage.      |
| 173-548-050 | Streams and lakes closed to further consumptive appropriations.      |
| 173-548-060 | Ground water.  |

173-548-070 Effect on prior rights.

**WAC 173-548-010 General provision.** These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Methow River basin, WRIA 48 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-548 WAC.

[Order DE 76-37, § 173-548-010, filed 12/28/76.]

**WAC 173-548-020 Establishment of base flows.** (1) Base flows are established for stream management units with monitoring to take place at certain control points as follows:

**Stream Management Unit Information**

| Stream Management Unit Name, Control Station Name and Number                | Control Station Location by River Mile, Section, Township, Range | Affected Stream Reach (includes tributaries)  |
|---|--|---|
| <u>Lower Methow</u><br>Methow R. nr. Pateros<br>(12.4499.50)                | 6.7<br>20-30-23E   | Methow River confluence with Wells Pool to confluence with Twisp River.   |
| <u>Middle Methow</u><br>Methow R. nr. Twisp<br>(12.4495.00)                 | 40.0<br>17-33-22E  | Methow River from confluence with Twisp River to confluence with Chewack River.   |
| <u>Upper Methow</u><br>Methow R. nr. Winthrop<br>(12.4473.89)               | 50.2<br>2-34-21E   | Methow River from confluence with Chewack River to confluence with Little Boulder Creek and including Little Boulder Creek. |
| <u>Methow Headwaters</u><br>Methow R. at Little Boulder Cr.<br>(12.4473.83) | 65.3<br>25-36-19E  | Methow River from confluence with Little Boulder Creek to headwaters.   |
| <u>Early Winters Creek</u><br>Early Winters Cr. near Mazama                 | 27-36-19E  | Early Winters Creek from confluence with Methow River to headwaters.  |
| <u>Chewack River</u><br>Chewack R. nr. Boulder Creek<br>(12.4475.00)        | 8.7<br>35-36-21E   | Chewack River confluence with Methow River to headwaters.   |
| <u>Twisp River</u><br>Twisp R. nr. Twisp<br>(12.4489.98)                    | 0.3<br>7-33-22E  | Twisp River from confluence with Methow River to headwaters.  |



(2) Base flows established for the stream management units in WAC 173-548-020(1) are as follows:

**Base Flows in the Methow River**  
(All Figures in Cubic Feet Per Second)

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specification for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables with Part 1 covering the Lower Methow, Middle Methow and Upper Methow and with Part 2 covering the Methow Headwaters, Early Winters Creek, Chewack River and Twisp River.]

PART 1

| Month Day | Lower Methow<br>(12.4499.50) | Middle Methow<br>(12.4495.00) | Upper Methow<br>(12.4473.89) |
|-----------|------------------------------|-------------------------------|------------------------------|
| Jan. 1    | 350                          | 260                           | 120                          |
| 15        | 350                          | 260                           | 120                          |
| Feb. 1    | 350                          | 260                           | 120                          |
| 15        | 350                          | 260                           | 120                          |
| Mar. 1    | 350                          | 260                           | 120                          |
| 15        | 350                          | 260                           | 120                          |
| Apr. 1    | 590                          | 430                           | 199                          |
| 15        | 860                          | 650                           | 300                          |
| May 1     | 1,300                        | 1,000                         | 480                          |
| 15        | 1,940                        | 1,500                         | 690                          |
| Jun. 1    | 2,220                        | 1,500                         | 790                          |
| 15        | 2,220                        | 1,500                         | 790                          |
| Jul. 1    | 2,150                        | 1,500                         | 694                          |
| 15        | 800                          | 500                           | 240                          |
| Aug. 1    | 480                          | 325                           | 153                          |
| 15        | 300                          | 220                           | 100                          |
| Sep. 1    | 300                          | 220                           | 100                          |
| 15        | 300                          | 220                           | 100                          |
| Oct. 1    | 360                          | 260                           | 122                          |
| 15        | 425                          | 320                           | 150                          |
| Nov. 1    | 425                          | 320                           | 150                          |
| 15        | 425                          | 320                           | 150                          |
| Dec. 1    | 390                          | 290                           | 135                          |
| 15        | 350                          | 260                           | 120                          |

PART 2

| Month Day | Methow Headwaters<br>(12.4473.83) | Early Winters Creek | Chewack River<br>(12.4475.00) | Twisp River<br>(12.4489.98) |
|-----------|-----------------------------------|---------------------|-------------------------------|-----------------------------|
| Jan. 1    | 42                                | 10                  | 56                            | 34                          |
| 15        | 42                                | 10                  | 56                            | 34                          |
| Feb. 1    | 42                                | 10                  | 56                            | 34                          |
| 15        | 42                                | 10                  | 56                            | 34                          |
| Mar. 1    | 42                                | 10                  | 56                            | 34                          |
| 15        | 42                                | 10                  | 56                            | 34                          |
| Apr. 1    | 64                                | 14                  | 90                            | 60                          |
| 15        | 90                                | 23                  | 140                           | 100                         |
| May 1     | 130                               | 32                  | 215                           | 170                         |
| 15        | 430                               | 108                 | 290                           | 300                         |
| Jun. 1    | 1,160                             | 290                 | 320                           | 440                         |
| 15        | 1,160                             | 290                 | 320                           | 440                         |
| Jul. 1    | 500                               | 125                 | 292                           | 390                         |
| 15        | 180                               | 45                  | 110                           | 130                         |
| Aug. 1    | 75                                | 20                  | 70                            | 58                          |
| 15        | 32                                | 8                   | 47                            | 27                          |
| Sep. 1    | 32                                | 8                   | 47                            | 27                          |
| 15        | 32                                | 8                   | 47                            | 27                          |

PART 2

| Month Day | Methow Headwaters<br>(12.4473.83) | Early Winters Creek | Chewack River<br>(12.4475.00) | Twisp River<br>(12.4489.98) |
|-----------|-----------------------------------|---------------------|-------------------------------|-----------------------------|
| Oct. 1    | 45                                | 11                  | 56                            | 35                          |
| 15        | 60                                | 15                  | 68                            | 45                          |
| Nov. 1    | 60                                | 15                  | 68                            | 45                          |
| 15        | 60                                | 15                  | 68                            | 45                          |
| Dec. 1    | 51                                | 12                  | 62                            | 39                          |
| 15        | 42                                | 10                  | 56                            | 34                          |

(3) Base flow hydrographs, as represented in Figure 1 in the document entitled "water resources management program, Methow River basin" dated 1976, shall be used for definition of base flows on those days not specifically identified in WAC 173-548-020(2) and 173-548-030.

(4) All rights hereafter established shall be subject to the base flows established in WAC 173-548-020(1) through (3), except as provided under WAC 173-548-030 herein.

(5) Future appropriations of water which would conflict with base flows shall be authorized, by the director, only in those situations when it is clear that overriding considerations of the public interest will be served.

[Order DE 76-37, § 173-548-020, filed 12/28/76.]

**WAC 173-548-030 Future allocations--Reservation of surface water for beneficial uses.** (1) The department determines that there are surface waters available for appropriation from the stream management units specified in the amount specified in cubic feet per second (cfs) during the time specified as follows:

(a) Maximum surface water available for future allocation from the indicated reach is as follows:

| Month | Lower Methow | Middle Methow | Upper Methow | Methow Headwaters | Early Winters Creek | Chewack River | Twisp River |
|-------|--------------|---------------|--------------|-------------------|---------------------|---------------|-------------|
| Oct.  | 95           | 50            | 44           | 15                | 29                  | 09            | 14          |
| Nov.  | 116          | 101           | 46           | 06                | 21                  | 10            | 15          |
| Dec.  | 112          | 99            | 44           | 17                | 26                  | 10            | 15          |
| Jan.  | 50           | 36            | 26           | 08                | 19                  | 03            | 09          |
| Feb.  | 51           | 37            | 29           | 09                | 19                  | 04            | 10          |
| Mar.  | 147          | 139           | 80           | 38                | 19                  | 24            | 18          |
| Apr.  | 565          | 590           | 273          | 336               | 35                  | 118           | 148         |
| May   | 2,922        | 2,927         | 784          | 412               | 403                 | 809           | 703         |
| Jun.  | 3,116        | 2,853         | 1,017        | 1,249             | 294                 | 1,292         | 890         |
| Jul.  | 965          | 877           | 583          | 608               | 189                 | 308           | 298         |
| Aug.  | 214          | 192           | 203          | 109               | 94                  | 70            | 70          |
| Sep.  | 62           | 55            | 76           | 33                | 47                  | 23            | 26          |

All figures in cubic feet per second.

(b) The control station for each reach is defined in WAC 173-548-020.

(c) The appropriation limit is set forth to be an amount equal to the one in two year natural reach discharge on a monthly basis for all management reaches except Early Winters Creek. The appropriation limit for Early Winters Creek is set forth to be an amount equal to the estimated natural mean monthly streamflow for that stream.

(2) The amounts of water referred to in WAC 173-548-030(1) above are allocated for beneficial uses in the future as follows:

(a) Allocation of surface waters by use category (April through September):

| Use Description                                 | Apr.   | May   | Jun.  | Jul. | Aug. | Sep. |
|---|--|-------|-------|------|------|------|
| <u>Lower Methow</u>                             |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 860  | 1,940 | 2,220 | 800  | 300  | 300  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |
| <u>Middle Methow</u>                            |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 650  | 1,500 | 1,500 | 500  | 220  | 220  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |
| <u>Upper Methow</u>                             |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 300  | 690   | 790   | 240  | 100  | 100  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |
| <u>Methow Headwaters</u>                        |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 90   | 430   | 1,160 | 180  | 32   | 32   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |
| <u>Early Winters Creek</u>                      |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 23   | 108   | 290   | 45   | 8.0  | 11.0 |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |
| <u>Chewack River</u>                            |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 140  | 290   | 320   | 110  | 47   | 47   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |
| <u>Twisp River</u>                              |  |       |       |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0   | 2.0   | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 100  | 300   | 440   | 130  | 27   | 27   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |       |       |      |      |      |

All figures in cubic feet per second

(b) Allocation of surface waters by use category (October through March):

| Use Description                                 | Oct.   | Nov. | Dec. | Jan. | Feb. | Mar. |
|---|--|------|------|------|------|------|
| <u>Lower Methow</u>                             |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 425  | 425  | 350  | 350  | 350  | 350  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Middle Methow</u>                            |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 320  | 320  | 260  | 260  | 260  | 260  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Upper Methow</u>                             |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 150  | 150  | 120  | 120  | 120  | 120  |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Methow Headwaters</u>                        |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 60   | 60   | 42   | 42   | 42   | 42   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Early Winters Creek</u>                      |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 15   | 15   | 10   | 10   | 10   | 10   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Chewack River</u>                            |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 68   | 68   | 56   | 56   | 56   | 56   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |
| <u>Twisp River</u>                              |  |      |      |      |      |      |
| Single Domestic and Stock Use                   | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  | 2.0  |
| Base Flow                                       | 45   | 45   | 34   | 34   | 34   | 34   |
| Public Water Supply, Irrigation, and Other Uses | Remaining waters up to the appropriation limit set forth in WAC 173-548-030 (1)(c) |      |      |      |      |      |

All figures in cubic feet per second.

(c) Allocations presented in this section do not limit the utilization of waters stored for later release, provided

such storage does not infringe upon existing rights or base flow and is duly permitted under RCW 90.03.290 and 90.03.350.

(d) As the amount of water allocated for each category of use approaches the amount available for future allocation set forth in WAC 173-548-030(1), the department shall review the program to determine whether there is a need for program revision.

[Order DE 76-37, § 173-548-030, filed 12/28/76.]

**WAC 173-548-040 Priority of future water rights during times of water shortage.** (1) As between rights established in the future pertaining to waters allocated in WAC 173-548-030 (2)(a) and (b), all rights subject to this program shall be regulated in descending order of use category priority regardless of the date of the priority of right.

(2) As between rights established in the future within a single use category allocation of WAC 173-548-030, the date of priority shall control with an earlier dated right being superior to those rights with later dates.

[Order DE 76-37, § 173-548-040, filed 12/28/76.]

**WAC 173-548-050 Streams and lakes closed to further consumptive appropriations.** The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams and lakes to further consumptive appropriation for the periods indicated, with exceptions as noted:

(a) STREAM CLOSURES

| Stream Name<br>(Includes<br>Tributaries) | Affected<br>Reach      | Period Closure             |
|--|------------------------|----------------------------|
| Wolf Creek                               | Mouth to<br>Headwaters | Closed all year**          |
| Bear Creek<br>(Davis Lake)               | "                      | Closed all year            |
| Thompson Creek                           | "                      | Closed all year**          |
| Beaver Creek                             | "                      | Closed May 1 to Oct. 1**   |
| Alder Creek                              | "                      | Closed all year            |
| Benson Creek                             | "                      | Closed all year**          |
| Texas Creek                              | "                      | Closed all year            |
| Libby Creek                              | "                      | Closed May 1 to Oct. 1**   |
| Cow Creek                                | "                      | Closed May 1 to Oct. 1     |
| Gold Creek                               | "                      | Closed May 1 to Oct. 1*/** |
| McFarland Creek                          | "                      | Closed May 1 to Oct. 1     |
| Squaw Creek                              | "                      | Closed May 1 to Oct. 1     |
| Black Canyon Creek                       | "                      | Closed May 1 to Oct. 1     |
| French Creek                             | "                      | Closed May 1 to Oct. 1*/** |

\*Exception for single domestic and stock water.

\*\*Exception for water developed solely from added storage capacity within the basin.

(b) LAKE CLOSURES

All lakes not listed below are restricted to rights to divert water for single domestic and stock watering purposes only, as appropriate:

| Name             | Location               |
|------------------|------------------------|
| Alta Lake        | 3 mi. SW of Pateros    |
| Black Lake       | 25 mi. N of Winthrop   |
| Black Pine Lake  | 9 mi. SW of Twisp      |
| Crater Lake      | 10 mi. W of Carlton    |
| Davis Lake       | Bear Creek Drainage    |
| Eagle Lake       | 11 mi. SW of Carlton   |
| French Creek     | Sec.28, T.31N., R.23E. |
| Libby Lake       | 10 mi. W of Carlton    |
| Louise Lake      | 20 mi. W of Winthrop   |
| Middle Oval Lake | 16 mi. W of Carlton    |
| North Lake       | 20 mi. W of Winthrop   |
| Patterson Lake   | Sec.8, T.34N., R.21E.  |
| Pearrygin Lake   | Sec.36, T.35N., R.21E. |
| Slate Lake       | 14 mi. W of Winthrop   |
| Sunrise Lake     | 16 mi. W of Methow     |
| Upper Eagle Lake | 12 mi. W of Carlton    |
| West Oval Lake   | 16 mi. W of Carlton    |

The development of future impoundments creating new lakes is provided for under WAC 173-548-050(a).

[Order DE 76-37, § 173-548-050, filed 12/28/76.]

**WAC 173-548-060 Ground water.** If it is determined that a future development of ground water measurably affects surface waters subject to the provisions of chapter 173-548 WAC, then rights to said ground water shall be subject to the same conditions as affected surface waters.

[Order DE 76-37, § 173-548-060, filed 12/28/76.]

**WAC 173-548-070 Effect on prior rights.** Nothing in this chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or otherwise, and legally vested prior to the effective date of this chapter.

[Order DE 76-37, § 173-548-070, filed 12/28/76.]

**Chapter 173-549 WAC  
WATER RESOURCES PROGRAM IN THE  
OKANOGAN RIVER BASIN, WRIA 49**

| WAC         | Description                                     |
|-------------|---|
| 173-549-010 | General provision.                              |
| 173-549-015 | Purpose.  |
| 173-549-016 | Definition.                                     |
| 173-549-020 | Establishment of minimum instream flows.        |
| 173-549-025 | Stream closures.                                |
| 173-549-027 | Policy statement for future permitting actions. |
| 173-549-035 | Lakes.  |
| 173-549-060 | Ground water.                                   |
| 173-549-070 | Effect on prior rights and exemptions.          |
| 173-549-080 | Future rights.                                  |
| 173-549-090 | Enforcement.                                    |
| 173-549-100 | Regulation review.                              |
| 173-549-900 | Minimum instream flow hydrographs.              |

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

- 173-549-030 Future allocations—Reservation of surface water for beneficial uses. [Order DE 76-25, § 173-549-030, filed 7/14/76.] Repealed by 84-13-076 (Order DE 84-15), filed 6/20/84. Statutory Authority: Chapters 90.54 and 90.22 RCW.
- 173-549-040 Priority of future water rights during times of water shortage. [Order DE 76-25, § 173-549-040, filed 7/14/76.] Repealed by 84-13-076 (Order DE 84-15), filed 6/20/84. Statutory Authority: Chapters 90.54 and 90.22 RCW.
- 173-549-050 Streams and lakes closed to further consumptive appropriations. [Order DE 76-25, § 173-549-050, filed 7/14/76.] Repealed by 84-13-076 (Order DE 84-15), filed 6/20/84. Statutory Authority: Chapters 90.54 and 90.22 RCW.

**WAC 173-549-010 General provision.** These rules apply to waters within the Okanogan River Basin (WRIA 49) as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (the Water Resources Act of 1971) and chapter 90.22 RCW (Minimum water flows and levels) and in accordance with chapter 173-500 WAC (Water resources management program).

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-010, filed 6/20/84; Order DE 76-25, § 173-549-010, filed 7/14/76.]

**WAC 173-549-015 Purpose.** Chapter 90.54 RCW (the Water Resources Act of 1971) requires that utilization and management of the waters of the state shall be guided by a number of fundamentals, including the following:

"(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial." (RCW 90.54.020(1).)

The act further specifies that "Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values." (RCW 90.54.020 (3)(a).)

The purpose of this chapter is to satisfy the requirements of RCW 90.54.020 (3)(a) while, at the same time, allowing the continued use of water for other beneficial uses such as agriculture, which is acknowledged as a vital activity greatly benefiting the citizens of the Okanogan Basin and the state of Washington.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-015, filed 6/20/84.]

**WAC 173-549-016 Definition.** For the purposes of this chapter, the term minimum instream flow shall be synonymous with the term base flow as defined in chapter 90.54 RCW and the term minimum flow as defined in chapter 90.22 RCW.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-016, filed 6/20/84.]

**WAC 173-549-020 Establishment of minimum instream flows.** (1) Minimum instream flows are established for stream management units with monitoring to take place at certain control points as follows:

**Stream Management Unit Information**

| Stream Management Unit Name, Control Station Name and Number | Control Station Location by River Mile, Section, Township, Range | Affected Stream Reach   |
|--|--|---|
| <b>Lower Okanogan</b>  |  |   |
| Okanogan R. at Malott (12447200)                             | 17.0, 9-32-25E   | Okanogan River confluence with Wells Pool to confluence of Chewiliken Cr.     |
| <b>Middle Okanogan</b>                                       |  |   |
| Okanogan R. nr. Tonasket (12445000)                          | 50.8, 8-36-27E   | Okanogan River confluence of Chewiliken Creek to confluence Similkameen River |
| <b>Upper Okanogan</b>  |  |   |
| Okanogan R. at Oroville (12439500)                           | 77.3, 27-40-27E  | Okanogan River confluence of Similkameen River to Osoyoos Lake                |
| <b>Similkameen</b>   |  |   |
| Similkameen R. at Nighthawk (12442500)                       | 15.8, 7-40-26E   | Similkameen River confluence with Okanogan River to Canadian Border           |

(2) Minimum instream flows established for the stream management units in WAC 173-549-020(1) are as follows:

**Minimum Instream Flows in the Okanogan River (All Figures in Cubic Feet Per Second)**

| Month | Day | Lower Okanogan<br>12447200 | Middle Okanogan<br>1244500 | Upper Okanogan<br>124426000 | Similkameen<br>12439500 |
|-------|-----|----------------------------|----------------------------|-----------------------------|-------------------------|
| Jan.  | 1   | 860                        | 800                        | 320                         | 400                     |
|       | 15  | 830                        | 800                        | 320                         | 400                     |
| Feb.  | 1   | 820                        | 800                        | 320                         | 400                     |
|       | 15  | 850                        | 800                        | 320                         | 400                     |
| Mar.  | 1   | 880                        | 800                        | 320                         | 425                     |
|       | 15  | 900                        | 800                        | 320                         | 450                     |
| Apr.  | 1   | 925                        | 910                        | 330                         | 510                     |
|       | 15  | 1,100                      | 1,070                      | 340                         | 640                     |
| May   | 1   | 1,750                      | 1,200                      | 350                         | 1,100                   |
|       | 15  | 3,800                      | 3,800                      | 500                         | 3,400                   |
| Jun.  | 1   | 3,800                      | 3,800                      | 500                         | 3,400                   |
|       | 15  | 3,800                      | 3,800                      | 500                         | 3,400                   |
| Jul.  | 1   | 2,100                      | 2,150                      | 420                         | 1,900                   |
|       | 15  | 1,200                      | 1,200                      | 350                         | 1,070                   |
| Aug.  | 1   | 800                        | 840                        | 320                         | 690                     |
|       | 15  | 600                        | 600                        | 300                         | 440                     |
| Sept. | 1   | 620                        | 600                        | 300                         | 400                     |
|       | 15  | 700                        | 600                        | 300                         | 400                     |
| Oct.  | 1   | 750                        | 600                        | 330                         | 450                     |
|       | 15  | 960                        | 900                        | 370                         | 500                     |
| Nov.  | 1   | 950                        | 900                        | 370                         | 500                     |
|       | 15  | 950                        | 900                        | 320                         | 500                     |
| Dec.  | 1   | 930                        | 900                        | 320                         | 500                     |
|       | 15  | 900                        | 850                        | 320                         | 450                     |

(3) Minimum instream flow hydrographs, as represented in WAC 173-549-900, shall be used for definition of minimum instream flows on those days not specifically identified in WAC 173-549-020(2).

(4) Future consumptive water right permits hereafter issued for diversion of surface water from the mainstem Okanogan River and the Similkameen River shall be expressly subject to minimum instream flows established in WAC 173-549-020 (1) through (3) except those described in WAC 173-549-070.

(5) Projects that would reduce the flow in a portion of a stream's length (e.g. hydroelectric projects that bypass a portion of a stream) will be considered consumptive only with respect to the affected portion of the stream. Such projects will be subject to instream flows as specified by the department. These flows may be those established in WAC 173-549-020 or, when appropriate, may be flows specifically tailored to that particular project and stream reach. When studies are required to determine such reach- and project-specific flow requirements, the department may require the project proponent to conduct such studies.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-020, filed 6/20/84; Order DE 76-25, § 173-549-020, filed 7/14/76.]

**WAC 173-549-025 Stream closures.** (1) Consistent with the provisions of chapter 90.54 RCW, it is the policy of the department to preserve an appropriate minimum instream flow in all perennial streams and rivers of the Okanogan River Basin for protection of instream values.

(2) In keeping with this policy, a partial year closure from May 1 to October 1 will be established on all perennial streams in the basin except those with established minimum instream flows as described in WAC 173-549-020.

(3) The upper Okanogan stream management unit as established in WAC 173-549-020(1) is closed to further consumptive appropriation from June 15 through August 31 with the exception of single-domestic use and stock-watering use, provided that no alternative source of supply is available.

(4) When a project (as described in WAC 173-549-020(5)) is proposed on a stream that is closed to further appropriations, the department shall deny the water right application unless the project proponent can adequately demonstrate that the project does not conflict with the intent of the closure.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-025, filed 6/20/84.]

**WAC 173-549-027 Policy statement for future permitting actions.** (1) Consistent with the provisions of chapter 90.54 RCW, it is the policy of the department to preserve an appropriate minimum instream flow in all perennial streams and rivers as well as the water levels in all lakes in the Okanogan River Basin by encouraging the use of alternate sources of water which include (a) ground water, (b) storage water, or (c) acquisition of existing water rights.

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(2) All future permits to appropriate water from the Okanogan River, the Similkameen River and perennial tributaries shall be subject to the required flows at all downstream control stations as established in WAC 173-549-020.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-027, filed 6/20/84.]

**WAC 173-549-035 Lakes.** (1) In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. In considering future water right applications, the department shall deny any application for surface or ground water which will result in a significant decrease in lake level or in the stream flow of any stream draining the lake, except that no decrease in stream flow shall be allowed during the May 1 - October 1 stream closure period.

(2) Notwithstanding the above, nothing in this chapter shall limit the utilization of waters stored for later release, provided such storage does not infringe upon existing rights or instream flow and is duly permitted under RCW 90.03.290 and 90.03.350.

(3) Any future water rights for waters from Osoyoos Lake or from ground waters determined to be in significant hydraulic continuity with Osoyoos Lake, issued after the effective date of this chapter and upon completion of the new Osoyoos Lake outlet control structure, shall be subject to the maintenance of a water surface level of 910.5 feet USCGS in Osoyoos Lake and said diversions shall be curtailed when the lake elevation drops below elevation 910.5 feet USCGS.

(4) Notwithstanding the provisions of this chapter, the construction and operation of the proposed new outlet control structure for Osoyoos Lake shall be consistent with the terms and conditions of the International Joint Commission Order of Approval signed on December 9, 1982, pursuant to the 1909 Boundary Waters Treaty.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-035, filed 6/20/84.]

**WAC 173-549-060 Ground water.** If department investigations determine that there is significant hydraulic continuity between surface water and the proposed ground water source, any water right permit or certificate issued shall be subject to the same conditions as affected surface waters. If department investigations determine that withdrawal of ground water from the source aquifers would not interfere with stream flow during the period of stream closure or with maintenance of minimum instream flows, then applications to appropriate public ground waters may be approved.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-060, filed 6/20/84; Order DE 76-25, § 173-549-060, filed 7/14/76.]

**WAC 173-549-070 Effect on prior rights and exemptions.** (1) Nothing in this chapter shall affect any existing water rights including, among others, riparian,

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appropriate, and federal Indian and non-Indian reserved rights, 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) Single domestic use and stockwatering use shall be exempt from the provisions established in this chapter except that, when the cumulative impacts of numerous domestic diversions begins to significantly affect the quantity of water available for instream uses or the maintenance of lake levels, then any water rights issued after that time shall be issued only for in-house use if no alternative supply is available.

(3) Nonconsumptive uses which are compatible with the intent of the chapter may be approved.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-070, filed 6/20/84; Order DE 76-25, § 173-549-070, filed 7/14/76.]

**WAC 173-549-080 Future rights.** No rights to divert or store public surface or ground waters of the

Okanogan River Basin, WRIA 49, shall hereafter be granted which shall conflict with the purpose of this chapter except as provided in RCW 90.54.020 (3)(a).

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-080, filed 6/20/84.]

**WAC 173-549-090 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 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-090, filed 6/20/84.]

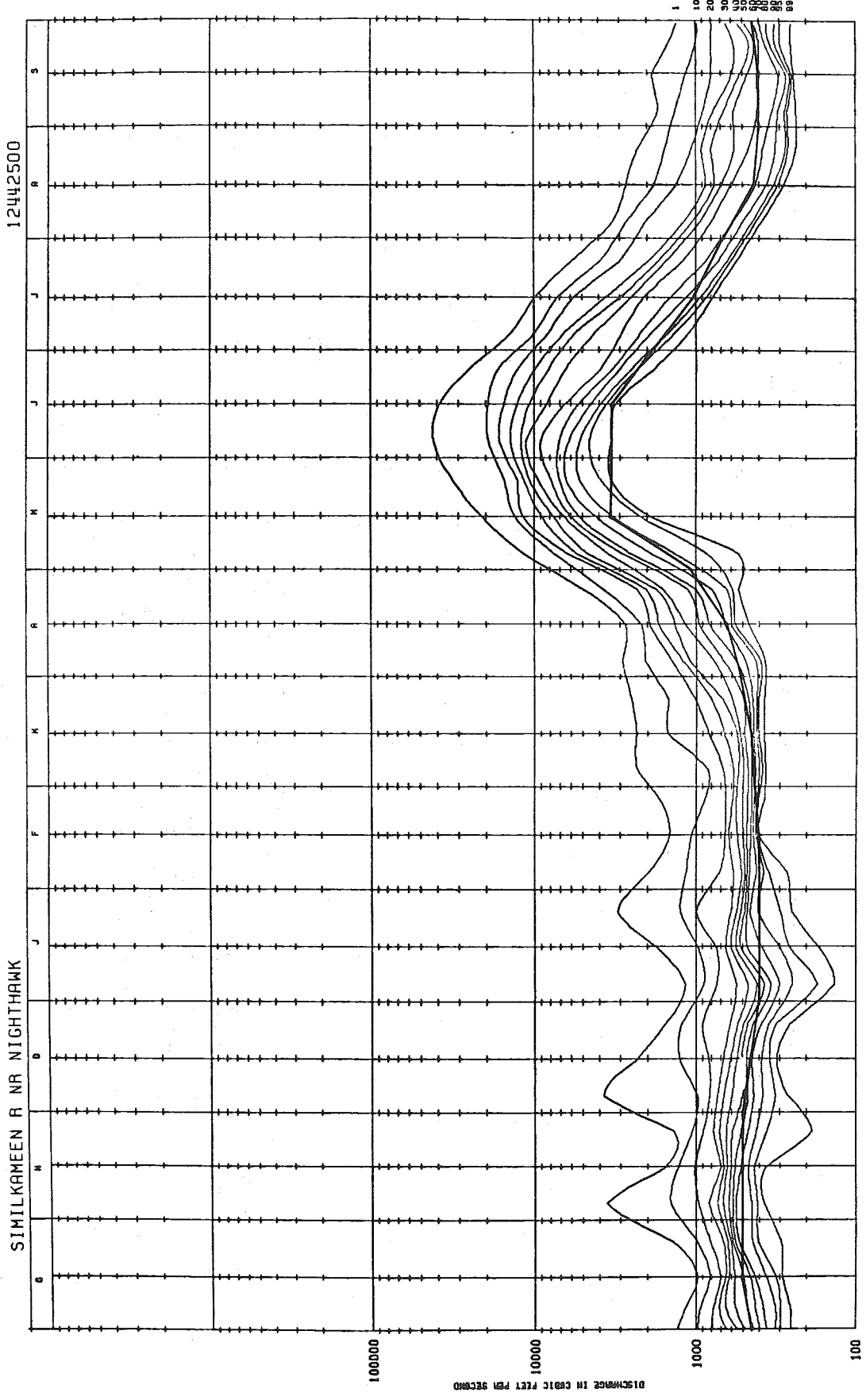
**WAC 173-549-100 Regulation review.** This chapter shall be reviewed by the department of ecology at least once in every five-year period.

[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-100, filed 6/20/84.]

WAC 173-549-900 Minimum instream flow hydrographs.

PERIOD(S) FROM - TO  
JAN 1966 - SEP 1970  
OCT 1971 - SEP 1975

STATE OF WASHINGTON  
DISCHARGE - DURATION HYDROGRAPH

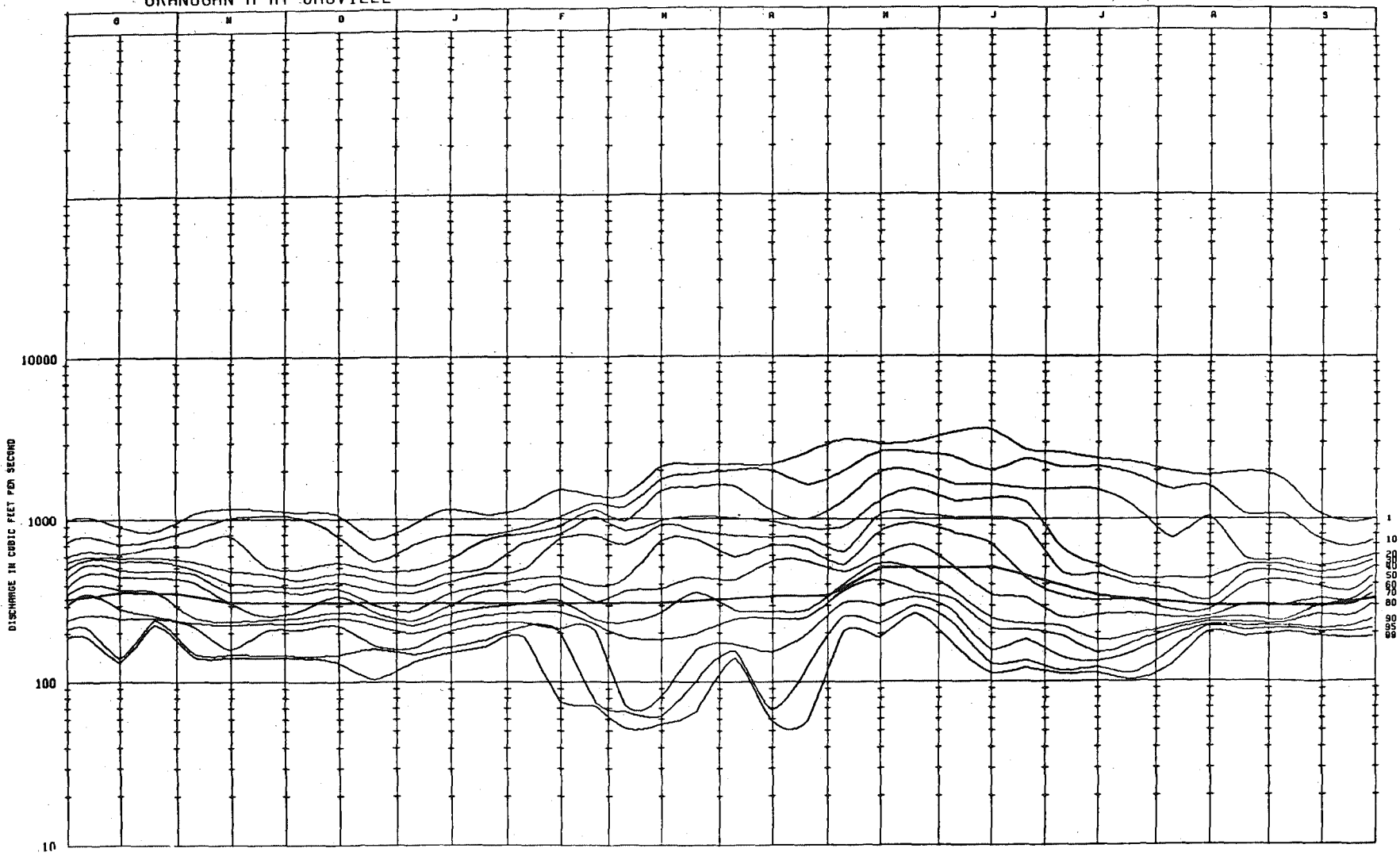


STATE OF WASHINGTON  
DISCHARGE - DURATION HYDROGRAPH

PERIOD(S) FROM - TO  
JAN 1966 - SEP 1970  
OCT 1971 - SEP 1979

OKANOGAN R AT OROVILLE

12439500



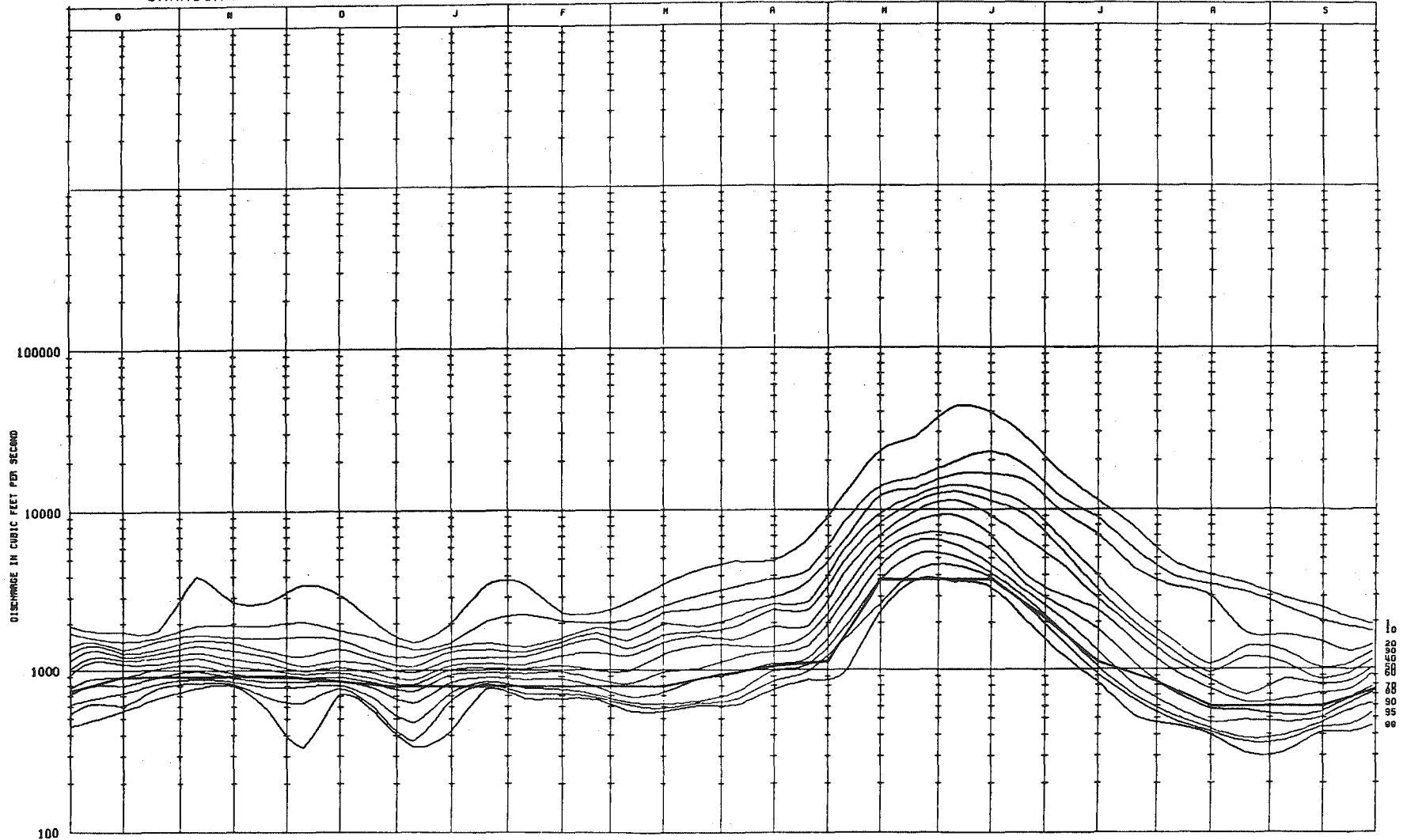


STATE OF WASHINGTON  
DISCHARGE - DURATION HYDROGRAPH

PERIOD(S) FROM - TO  
JAN 1968 - SEP 1970  
OCT 1971 - SEP 1979

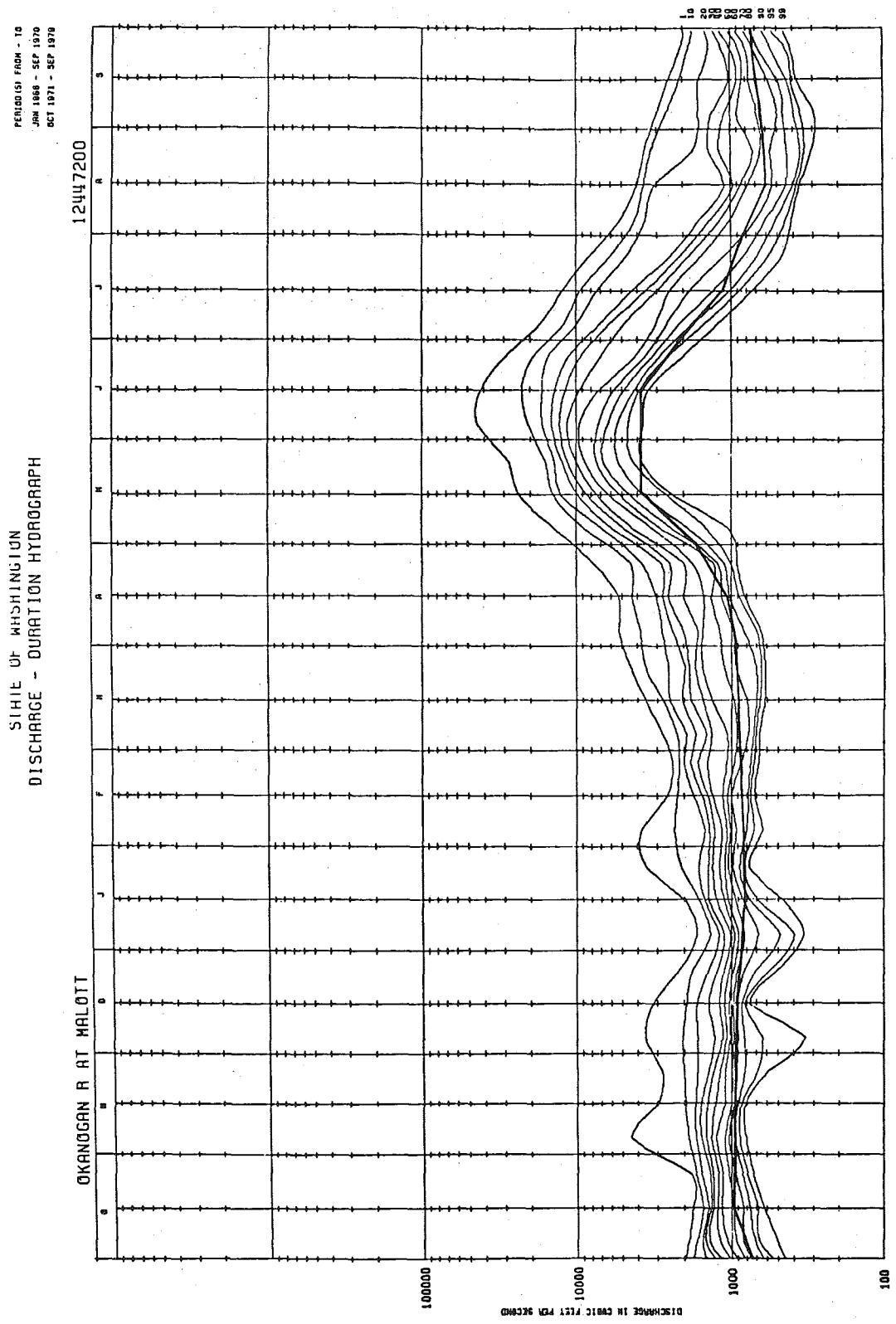
OKANOGAN R NR TONASKET

12445000



(1986 Ed.)

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[Statutory Authority: Chapters 90.54 and 90.22 RCW. 84-13-076 (Order DE 84-15), § 173-549-900, filed 6/20/84.]

Chapter 173-555 WAC

WATER RESOURCES PROGRAM IN THE LITTLE SPOKANE RIVER BASIN, WRIA 55

WAC

- 173-555-010 General provision.
- 173-555-020 Definition.
- 173-555-030 Establishment of base flows.
- 173-555-040 Future allocations—Reservation of surface water for beneficial uses.
- 173-555-050 Priority of future water rights during times of water shortage.
- 173-555-060 Streams and lakes closed to further consumptive appropriations.
- 173-555-070 Effect on prior rights.

**WAC 173-555-010 General provision.** These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Little Spokane River basin, WRIA-55 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-555 WAC.

[Order DE 75-24, § 173-555-010, filed 1/6/76.]

**WAC 173-555-020 Definition.** "NONCOMMERCIAL AGRICULTURAL IRRIGATION" means beneficial use of water upon not more than three acres for the purpose of crops and livestock for domestic use.

[Order DE 75-24, § 173-555-020, filed 1/6/76.]

**WAC 173-555-030 Establishment of base flows.** (1) Base flows are established for stream management units with monitoring to take place at certain control points as follows:

Stream Management Unit Information

| Control Station Number, Stream Management Unit Name | Control Station Location by River Mile and Section, Township Range | Affected Stream Reach  |
|---|--|--|
| No. 12-4270.00<br>Little Spokane River<br>Elk       | 34.6<br>Sec. 8, T.29N.,<br>R.43 E.W.M.                             | From confluence with Dry Creek to the headwaters including tributaries except Dry Creek.                   |
| No. 12-4295.00<br>Little Spokane River<br>Chattaroy | 23.05<br>Sec. 34, T.28N.,<br>R.43 E.W.M.                           | From confluence with Deer Creek to confluence with Dry Creek including tributaries except Deer Creek.      |
| No. 12-4310.00<br>Little Spokane River<br>Dartford  | 10.8<br>Sec. 6, T.26N.,<br>R.43 E.W.M.                             | From confluence with Little Creek to confluence with Deer Creek including tributaries except Little Creek. |

| Control Station Number, Stream Management Unit Name  | Control Station Location by River Mile and Section, Township Range | Affected Stream Reach   |
|--|--|---|
| No. 12-4315.00<br>Little Spokane River<br>Confluence | 3.9<br>Sec. 3, T.26N.,<br>R.42 E.W.M.                              | From mouth to confluence with Little Creek including tributaries. |

(2) Base flows established for the stream management units in WAC 173-555-030(1) are as follows:

Base Flows in the Little Spokane River Basin  
(in Cubic Feet Per Second)

| Month | Day | 12-4270.00<br>Elk | 12-4295.00<br>Chattaroy | 12-4310.00<br>Dartford | 12-4315.00<br>Confluence |
|-------|-----|-------------------|-------------------------|------------------------|--------------------------|
| Jan.  | 1   | 40                | 86                      | 150                    | 400                      |
|       | 15  | 40                | 86                      | 150                    | 400                      |
| Feb.  | 1   | 40                | 86                      | 150                    | 400                      |
|       | 15  | 43                | 104                     | 170                    | 420                      |
| Mar.  | 1   | 46                | 122                     | 190                    | 435                      |
|       | 15  | 50                | 143                     | 218                    | 460                      |
| Apr.  | 1   | 54                | 165                     | 250                    | 490                      |
|       | 15  | 52                | 143                     | 218                    | 460                      |
| May   | 1   | 49                | 124                     | 192                    | 440                      |
|       | 15  | 47                | 104                     | 170                    | 420                      |
| Jun.  | 1   | 45                | 83                      | 148                    | 395                      |
|       | 15  | 43                | 69                      | 130                    | 385                      |
| Jul.  | 1   | 41.5              | 57                      | 115                    | 375                      |
|       | 15  | 39.5              | 57                      | 115                    | 375                      |
| Aug.  | 1   | 38                | 57                      | 115                    | 375                      |
|       | 15  | 38                | 57                      | 115                    | 375                      |
| Sept. | 1   | 38                | 57                      | 115                    | 375                      |
|       | 15  | 38                | 63                      | 123                    | 380                      |
| Oct.  | 1   | 38                | 70                      | 130                    | 385                      |
|       | 15  | 39                | 77                      | 140                    | 390                      |
| Nov.  | 1   | 40                | 86                      | 150                    | 400                      |
|       | 15  | 40                | 86                      | 150                    | 400                      |
| Dec.  | 1   | 40                | 86                      | 150                    | 400                      |
|       | 15  | 40                | 86                      | 150                    | 400                      |

(3) Base Flow hydrographs, Figure II-1 in the document entitled "water resources management program in the Little Spokane River Basin" dated August, 1975 shall be used for definition of base flows on those days not specifically identified in WAC 173-555-030(2).

(4) All rights hereafter established shall be expressly subject to the base flows established in sections WAC 173-555-030 (1) through (3).

[Order DE 75-24, § 173-555-030, filed 1/6/76.]

**WAC 173-555-040 Future allocations—Reservation of surface water for beneficial uses.** (1) The department determines that these are surface waters available for appropriation from the stream management units specified in the amount specified in cubic feet per second (cfs) during the time specified as follows:

(a) Surface water available from the east branch of the Little Spokane River, confluence with Dry Creek to headwaters, based on measurement at control station number 12-4270.00 at Elk are:

| Month  | May   | June  | July | Aug. | Sept. | Oct. |
|--------|-------|-------|------|------|-------|------|
| Date   | 1 15  | 1 15  | 1 15 | 1 15 | 1 15  | 1 15 |
| Amount | 26 22 | 17 14 | 11 9 | 5 5  | 5 5   | 7 7  |

(b) Surface water available from the Little Spokane River from confluence with Little Creek at Dartford to Eloika Lake outlet, and to confluence with Dry Creek based on measurement at control station number 12-4310 at Dartford are:

| Month  | May     | June    | July  | Aug.  | Sept. | Oct.  |
|--------|---------|---------|-------|-------|-------|-------|
| Date   | 1 15    | 1 15    | 1 15  | 1 15  | 1 15  | 1 15  |
| Amount | 340 236 | 152 103 | 62 34 | 11 11 | 11 11 | 20 20 |

(c) Available surface waters for those days not specified in (a) and (b) shall be defined from Figures II-3 and II-4 in the document entitled "water resources management program in the Little Spokane River basin" dated August, 1975.

(2) The amounts of waters referred to in WAC 173-555-040(1) above are allocated for beneficial uses in the future as follows:

(a) Three cubic feet per second from the amount available in the east branch of the Little Spokane River referred to in WAC 173-555-040 (1)(a) above and five cubic feet per second from the amount available in the Little Spokane River, besides east branch, referred to in WAC 173-555-040 (1)(b) are allocated to future domestic, stockwatering and noncommercial agricultural irrigation purposes within the stream reaches specified therein throughout the year.

(b) The remainder of the amount referred to in WAC 173-555-040 (1)(a) and (b) besides the amount specified in WAC 173-555-040 (2)(a) are allocated to consumptive and nonconsumptive uses not specified in WAC 173-555-040 (2)(a). These are further described in the figures appended hereto.

[Order DE 75-24, § 173-555-040, filed 1/6/76.]

**WAC 173-555-050 Priority of future water rights during times of water shortage.** (1) As between rights established in the future pertaining to waters allocated in WAC 173-555-040 (2)(a) and (b), all rights established in (a) shall be superior to those pertaining to (b) regardless of the date of the priority of right.

(2) As between rights established in the future within a single use category allocation of WAC 173-555-040, the date of priority shall control with an earlier dated right being superior to those rights with later dates.

[Order DE 75-24, § 173-555-050, filed 1/6/76.]

**WAC 173-555-060 Streams and lakes closed to further consumptive appropriations.** The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to further consumptive appropriation except for domestic

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and normal stockwatering purposes excluding feedlot operation:

| SURFACE WATER CLOSURES         |                                     |                    |                      |
|--------------------------------|-------------------------------------|--------------------|----------------------|
| Stream*<br>Name                | Affected<br>Reach                   | Date of<br>Closure | Period of<br>Closure |
| Dry Creek                      | Mouth to headwaters                 | 5-26-1952          | 1 June-31 Oct.       |
| Otter Creek                    | Mouth to headwaters                 | 2-23-1971          | "                    |
| Bear Creek                     | Mouth to headwaters                 | 4-13-1953          | "                    |
| Deer Creek                     | Mouth to headwaters                 | 2-29-1968          | "                    |
| Dragoon Creek                  | Mouth to headwaters                 | 7-02-1951          | "                    |
| Deep Creek                     | Mouth to headwaters                 | 6-14-1961          | "                    |
| Deadman Creek <sup>1/</sup>    | Mouth to headwaters                 | 11-28-1961         | "                    |
| Little Creek                   | Mouth to headwaters                 | 4-13-1953          | "                    |
| W. Branch Little Spokane River | Outlet of Eloika Lake to headwaters | Date of adoption   | "                    |
| All natural lakes in the basin |                                     | "                  | "                    |

\* Includes all tributaries in the contributing drainage area unless specifically excluded.

<sup>1/</sup> An unnamed tributary flowing through Sec. 20, T26N., R.44E. is exempted from closure.

[Order DE 75-24, § 173-555-060, filed 1/6/76.]

**WAC 173-555-070 Effect on prior rights.** Nothing in this chapter shall be construed to lessen, enlarge or modify the existing rights acquired by appropriation or otherwise.

[Order DE 75-24, § 173-555-070, filed 1/6/76.]

### Chapter 173-559 WAC WATER RESOURCES PROGRAM FOR THE COLVILLE RIVER BASIN, WRIA-59

#### WAC

|             |   |
|-------------|---|
| 173-559-010 | Purpose.  |
| 173-559-020 | Definitions.  |
| 173-559-030 | Establishment of base flows.  |
| 173-559-040 | Allocation for future surface water appropriations.                         |
| 173-559-050 | Certain streams and lakes are closed to further consumptive appropriations. |
| 173-559-060 | Ground water.   |
| 173-559-070 | Effects on prior rights.  |

**WAC 173-559-010 Purpose.** This regulation is adopted in accordance with the water resources management regulation, chapter 173-500 WAC, which was promulgated under the authority of the Water Resources

Act of 1971, chapter 90.54 RCW. This chapter, including any amendments, applies to all waters that lie within or contribute to the Colville River drainage basin. This chapter sets forth the department's policies to manage the basin's water resources.

[Order DE 77-6, § 173-559-010, filed 7/22/77.]

**WAC 173-559-020 Definitions.** For purposes of this chapter, the following definitions shall be used.

(1) "Allocation" means the designating of specific amounts of the water resource for specific beneficial uses.

(2) "Base flow" means a level of stream flow established in accordance with provisions of chapter 90.54 RCW required in perennial streams to preserve wildlife, fish, scenic, aesthetic, and other environmental and navigational values.

(3) "Consumptive use" means use of water, whereby there is diminishment of the water resources.

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

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

(6) "Domestic use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn and garden per dwelling, and other incidental household uses.

(7) "Hydrograph" is a graph showing the variation of streamflow (or stream discharge) with respect to time during a year as determined at a specific cross-sectional location on the stream.

(8) "In-house domestic use" means use of water for drinking, cleaning, sanitation, and other uses in a residence, excluding irrigation of lawn and garden.

(9) "Nonconsumptive use" means a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.

(10) "Perennial stream" means a stream with a natural flow which is normally continuous at any given location.

(11) "Reservoir permit" means a water right permit which authorizes construction of an impoundment structure, storage of water and generally the use of water in the amount of one filling annually.

(12) "Secondary permit" means a water right permit which allows diversion of water for beneficial use from a storage reservoir. A secondary permit is necessary only for use in excess of one filling annually, or for diversion and use by a party other than the reservoir owner.

(13) "Stream management unit" means a stream segment, reach, or tributary, containing a control station, that is identified on a stream reach map in an adopted water resource management program document as a unit for defining base flow levels.

(14) "Water right" means a right to make beneficial use of public waters of the state.

[Order DE 77-6, § 173-559-020, filed 7/22/77.]

(1986 Ed.)

**WAC 173-559-030 Establishment of base flows.** RCW 90.54.020 requires that perennial rivers and streams shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values and navigational values. Under this provision, base flows for stream management units of a basin are established which describe discharge rates at stream measurement stations in each unit. The following subsections, WAC 173-559-030(1) through (4), establish these requirements for WRIA 59:

(1) In the Colville River basin, monitoring of base flows will take place at the following control points:

**Table 1**  
**Stream Management Units**

| Stream Management Unit and Control Station Number | Control Station Location by River-Mile, and Section Township and Range | Stream Management Reach   |
|---|--|---|
| Upper Colville River<br>No. 12.4080.00            | 32.1<br>Sec. 31, T. 33 N.,<br>R. 40 E.W.M.                             | Colville River from confluence with Stensgar Creek to confluence of Sheep Creek and Deer Creek. |
| Lower Colville River<br>No. 12.4090.00            | 5.0<br>Sec. 29, T. 36 N.,<br>R. 38 E.W.M.                              | Colville River from confluence with Lake Roosevelt to confluence with Stensgar Creek.           |

(2) In the Colville River basin, base flows for the stream management units in WAC 173-559-030(1) are set in Table 2 as follows:

**Table 2**  
**Base Flows in the Colville River basin**  
(in Cubic Feet Per Second)

| Month | Day | Upper Colville<br>(12.4080.00) | Lower Colville<br>(12.4090.00) |
|-------|-----|--------------------------------|--------------------------------|
| Jan.  | 1   | 30                             | 80                             |
|       | 15  | 30                             | 80                             |
| Feb.  | 1   | 30                             | 80                             |
|       | 15  | 38                             | 100                            |
| Mar.  | 1   | 47                             | 124                            |
|       | 15  | 59                             | 157                            |
| Apr.  | 1   | 76                             | 200                            |
|       | 15  | 76                             | 200                            |
| May   | 1   | 49                             | 200                            |
|       | 15  | 32                             | 135                            |
| Jun.  | 1   | 20                             | 90                             |
|       | 15  | 17                             | 70                             |
| Jul.  | 1   | 15                             | 55                             |
|       | 15  | 13                             | 43                             |
| Aug.  | 1   | 11                             | 33                             |
|       | 15  | 11                             | 33                             |
| Sep.  | 1   | 14                             | 40                             |
|       | 15  | 18                             | 49                             |
| Oct.  | 1   | 22                             | 60                             |
|       | 15  | 27                             | 70                             |

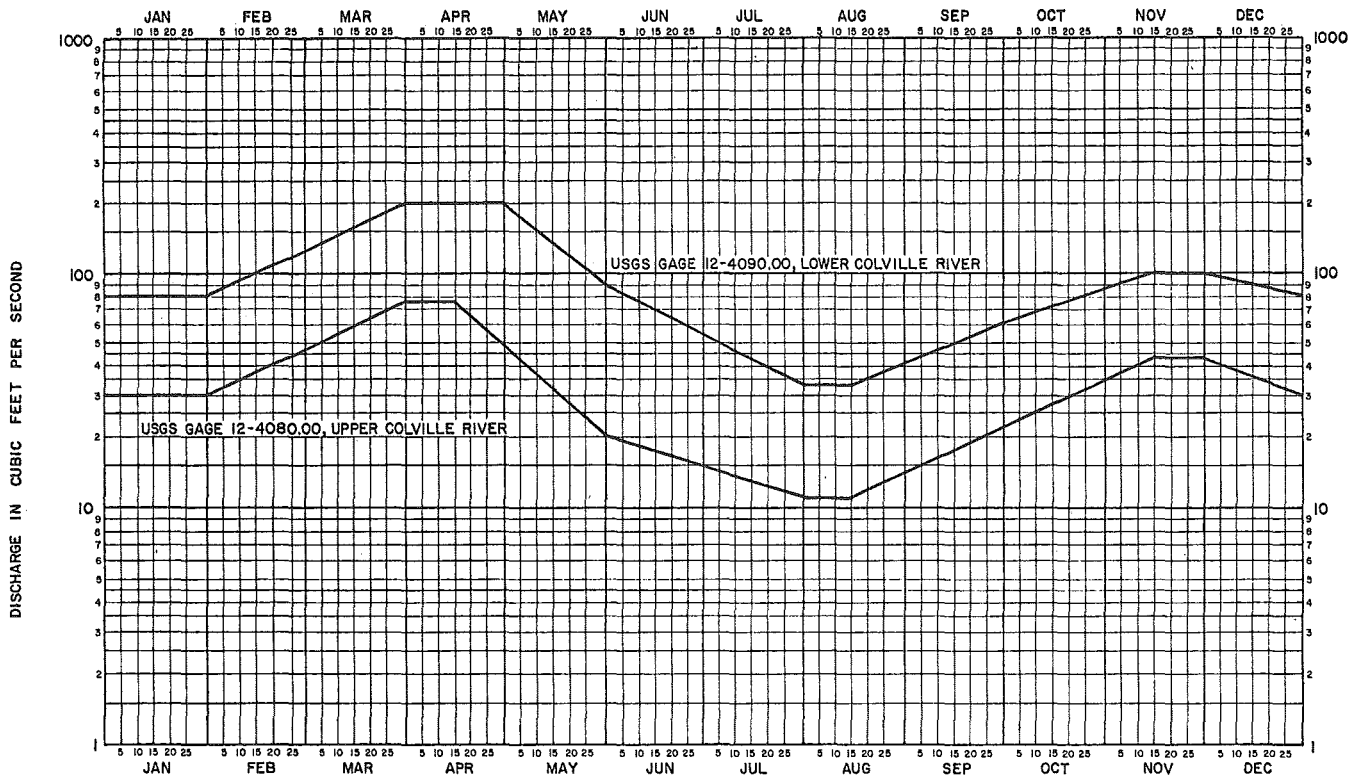
[Title 173 WAC—p 547]

| Month | Day | Upper Colville<br>(12.4080.00) | Lower Colville<br>(12.4090.00) |
|-------|-----|--------------------------------|--------------------------------|
| Nov.  | 1   | 35                             | 84                             |
|       | 15  | 43                             | 100                            |
| Dec.  | 1   | 43                             | 100                            |
|       | 15  | 36                             | 90                             |

(4) All surface water rights, established by appropriation in the Upper Colville and Lower Colville stream management units after adoption of this regulation, shall be subject to the base flows set in WAC 173-559-030 (1) through (3). However, these base flows will not apply to in-house domestic use and stock watering use, if an alternate source is not available to satisfy these uses. If the cumulative impact of numerous single in-house domestic use diversions is determined to substantially affect a stream's base flow or existing rights, then new permits for this use may be denied.

(3) Figure 1, base flow hydrographs for selected stations, shall be used to define base flows on those days not identified in WAC 173-559-030(2).

Figure 1 BASE FLOW HYDROGRAPH FOR SELECTED STATIONS



[Order DE 77-6, § 173-559-030, filed 7/22/77.]

**WAC 173-559-040 Allocation for future surface water appropriations.** (1) The department determines that surface water is available for appropriation from the Upper Colville River stream management unit and the Lower Colville River stream management unit except as provided in WAC 173-559-050(2). Tables 3 and 4 show the available amounts in cubic feet per second during specified periods, as follows:

Table 3 Allocation of Public Surface Water from the Upper Colville River Stream Management Unit (Units in Cubic Feet Per Second)

| Month | Base Flow | Future Consumptive Uses |
|-------|-----------|-------------------------|
| Jan.  | 30        | 47                      |
| Feb.  | 41        | 68                      |
| Mar.  | 61        | 129                     |

| Month | Base Flow | Future Consumptive Uses |
|-------|-----------|-------------------------|
| April | 44        | 256                     |
| May   | 20        | 192                     |
| June  | 13        | 93                      |
| July  |           |                         |
| 1-15  | 12        | 18                      |
| 16-31 | 12        | 0                       |
| Aug.  | 11        | 0                       |
| Sept. | 17        | 0                       |
| Oct.  | 27        | 16                      |
| Nov.  | 43        | 21                      |
| Dec.  | 36        | 37                      |

Table 4 Allocation of Public Surface Water from the Lower Colville River Management Unit  
(Units in Cubic Feet Per Second)

| Month | Base Flow | Future Consumptive Uses |
|-------|-----------|-------------------------|
| Jan.  | 80        | 47                      |
| Feb.  | 100       | 68                      |
| Mar.  | 157       | 129                     |
| April | 200       | 256                     |
| May   | 135       | 256                     |
| June  | 70        | 94                      |
| July  |           |                         |
| 1-15  | 43        | 18                      |
| 16-31 | 43        | 0                       |
| Aug.  | 33        | 0                       |
| Sept. | 49        | 0                       |
| Oct.  | 70        | 17                      |
| Nov.  | 100       | 21                      |
| Dec.  | 90        | 37                      |

(2) Total appropriations for nonconsumptive uses may exceed the allocation limits specified in Tables 3 and 4.

(3) Monthly allocations in Tables 3 and 4 do not apply to the use of stored water. Specific provision will be included in all reservoir permits regarding period of filling, use and release of water.

[Order DE 77-6, § 173-559-040, filed 7/22/77.]

**WAC 173-559-050 Certain streams and lakes are closed to further consumptive appropriations.** (1) The department has determined that no water is available for further consumptive appropriation in streams tributary to the Colville River. Therefore, these tributary streams are closed to further consumptive appropriation except for reservoir storage from November 1 through May 31. Applications for single in-house domestic use, or stockwatering may be approved if no alternate source of water supply is available and the proposed use will not impair existing water rights.

(1986 Ed.)

(2) The Upper Colville River and Lower Colville River will be closed to further consumptive appropriation from July 16 through September 30, except for in-house domestic use and normal stockwatering if no alternate source of water supply is available.

(3) If the cumulative impact of numerous single in-house domestic use diversions is determined to substantially affect a closed stream's base flow, then new permits for this use may be denied. Base flow levels for closed streams are specified in the department's publication, "water resources management program, Colville River basin."

(4) Appropriation of water from streams tributary to the Colville River for out of stream storage and on-stream storage shall be subject to the base flows recommended in the department's publication, "water resources management program, Colville River basin."

(5)(a) Lakes included in table 5 are closed to further consumptive appropriation for specified periods of the year, except for in-house domestic and stockwatering uses. The department may deny applications for domestic use if the cumulative effect of such diversions would be detrimental to retaining a lake substantially in its natural condition.

Table 5 Lake Closures

| Lake                      | Tributary to              | Location  | Period of Closure |
|---------------------------|---------------------------|---|-------------------|
| Deer Lake                 | Sheep Creek               | T. 30 N., R. 41 E. Secs. 1, 11,12,14                                    | June 1-Oct. 31    |
| Loon Lake                 | Sheep Creek               | T. 30 N., R. 41, E. Secs. 33, 34., T.29 N., R. 41 E. Secs. 2, 3,4,10,11 | June 1-Oct. 31    |
| Waits Lake                | Waits Creek               | T. 31 N., R. 40 E. Secs. 17-20  | June 1-Oct. 31    |
| Jumpoff Joe Lake          | Colville River            | T. 31 N., R. 40 E. Sec. 19  | June 1-Oct. 31    |
| White Mud Lake            |                           | T. 35 N., R. 40 E. Sec. 19.   | June 1-Oct. 31    |
| Heritage and Thomas Lakes | Little Pend Oreille River | T. 36 N., R. 42 E. Secs. 8,9, 17,18                                     | June 1-Oct. 31    |

(b) Appropriation of water from lakes not specified in table 5 will be permitted if prior water rights will not be adversely affected and if the appropriation will not conflict with the intent of RCW 90.54.020 (3)(a) which stipulates, in part, that "lakes and ponds shall be retained substantially in their natural condition."

[Order DE 77-6, § 173-559-050, filed 7/22/77.]

**WAC 173-559-060 Ground water.** If it is determined that a future development of ground water affects surface waters subject to the provisions of WAC 173-559-030 through 173-559-050, then rights to said ground water shall be subject to the same conditions as affects the surface water.

[Title 173 WAC--p 549]

[Order DE 77-6, § 173-559-060, filed 7/22/77.]

**WAC 173-559-070 Effects on prior rights.** Nothing in this chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or by other means.

[Order DE 77-6, § 173-559-070, filed 7/22/77.]

**Chapter 173-563 WAC**  
**INSTREAM RESOURCES PROTECTION**  
**PROGRAM FOR THE MAIN STEM COLUMBIA**  
**RIVER IN WASHINGTON STATE**

**WAC**

|             |  |
|-------------|--|
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**WAC 173-563-010 Background and purpose.** The Columbia River is an international as well as an interstate river with its waters subject to laws of seven western states, the Province of British Columbia, Canada and the federal governments of the United States and Canada. The flows and levels of the river are in a state of continuous change through the operation of numerous federally owned or federally licensed dams located within the river. The waters of the Columbia River are operated to support extensive irrigation development, inland navigation, municipal and industrial uses, and hydroelectric power development. Among all these uses, the anadromous fisheries of the Columbia River, which are dependent on clean flowing water, require for their survival the establishment of minimum flows of water and special actions by all agencies sharing in the management of the Columbia River.

The provisions of this chapter apply, as a matter of state law, to water right permits issued pursuant to the state's water rights code. The provisions hereof shall provide the department of ecology the basic state policy relating to minimum flows and levels for the Columbia River, for submission to various federal, interstate and state agencies having jurisdiction over the river. Further, the department of ecology of the state of Washington recognizes that, under our federal constitutional system, regulatory powers over the river are shared powers between the United States and the state of Washington and that by various federal actions the state's powers may, and in some cases have been superseded through

the mandates of the Supremacy Clause of the United States Constitution.

This chapter is adopted under state legislation, to promote the proper utilization of the water resources of the Columbia River and to protect and insure the viability of the instream resource values associated with the main stem of the Columbia River in the future through (1) the establishment of minimum flows on the main stem Columbia River in Washington state, and (2) the establishment of conservation and efficiency fundamentals relating to out-of-stream and instream uses and values.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 80-08-021 (Order DE 80-2), § 173-563-010, filed 6/24/80.]

**WAC 173-563-020 Applicability.** (1) This chapter applies to public surface waters of the main stem Columbia River in Washington state and to any ground water the withdrawal of which is determined by the department of ecology to have a significant and direct impact on the surface waters of the main stem Columbia River.

The extent of the "main stem" Columbia River shall be the Columbia River from the upstream extent of tidal influence (Bonneville Dam—River Mile 146.1) upstream to the United States—Canada border (River Mile 745) and including those areas inundated by impounded waters at full pool elevations.

(2) Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program mandated by RCW 90.54.040, applies to this chapter.

(3) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, including existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir, or related facilities. This exemption includes rights embodied in all water right permits and certificates existing on the effective date of this chapter.

(4) Water right permits and certificates for domestic/municipal water supplies issued subsequent to the effective date of this rule shall not be subject to the provisions of this chapter.

(5) Waters withdrawn by the United States pursuant to RCW 90.40.030 prior to the effective date of this rule relating to the second half of the Columbia basin project, and water right permits and certificates hereafter issued by the department of ecology pertaining to such withdrawn waters, are not subject to the provisions of this chapter.

(6) For the purposes of this chapter, average weekly flows shall be the average of the daily average flows reported in the Columbia River operational hydromet and management system (CROHMS) for a seven-day period beginning at 12:01 a.m. Monday and ending at midnight on Sunday. When the beginning of the seven-day period defined in this section does not correspond to the dates on which flows are established in WAC 173-563-040,



the flow requirements for that week shall be the arithmetic average of the required flows listed in WAC 173-563-040 for each of the seven days, rounded to the nearest 1,000 cfs.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-020, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-020, filed 6/24/80.]

**WAC 173-563-030 Authority.** These rules are adopted under the authority of chapters 90.54, 90.22, and 90.03 RCW, and in relation to chapter 173-500 WAC.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 80-08-021 (Order DE 80-2), § 173-563-030, filed 6/24/80.]

**WAC 173-563-040 Establishment of instream flows for instream uses.** (1) In order to protect the quality of the natural environment and provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values, minimum instantaneous flows and minimum average weekly flows are established for instream uses at the following project locations on the main stem Columbia River in Washington state:

| CONTROL STATION   | RIVER MILE | MANAGEMENT UNIT   |
|---|------------|---|
| The Dalles Dam  | 191.5      | John Day Dam to Bonneville Dam (Lake Bonneville and Celilo Lake) (River Mile 146.1-215.6)     |
| John Day Dam  | 215.6      | John Day Dam to McNary Dam (Umatilla Lake) (River Mile 215.6-292.0)                           |
| McNary Dam  | 292.0      | McNary Dam to Priest Rapids Dam (Lake Wallula and the Hanford Reach) (River Mile 292.0-397.1) |
| Priest Rapids Dam and upstream (Wanapum, Rock Island, Rocky Reach, Wells, Chief Joseph, and Grand Coulee Dam) | 397.1+     | Priest Rapids Dam upstream to Canadian Border (River Mile 397.1-745.0)                        |

(2) Minimum instantaneous flows at the locations listed in WAC 173-563-040(1) are established for instream uses as follows:

MINIMUM INSTANTANEOUS FLOWS - COLUMBIA RIVER PROJECTS (1,000 cubic feet/second)

|           | Chief* Joseph | Wells & Rocky Reach & Wanapum* | Priest Rapids | McNary & John Day | The Dalles |
|-----------|---------------|--------------------------------|---------------|-------------------|------------|
| Jan       | 10            | 10                             | 50            | 20                | 20         |
| Feb       | 10            | 10                             | 50            | 20                | 20         |
| Mar       | 10            | 10                             | 50            | 50                | 50         |
| Apr 1-15  | 20            | 20                             | 50            | 50                | 70         |
| 16-25     | 20            | 30                             | 50            | 70                | 70         |
| 26-30     | 20            | 50                             | 50            | 70                | 70         |
| May       | 20            | 50                             | 50            | 70                | 70         |
| June 1-15 | 20            | 50                             | 50            | 70                | 70         |
| 16-30     | 10            | 20                             | 50            | 50                | 50         |
| Jul 1-15  | 10            | 20                             | 50            | 50                | 50         |
| 16-31     | 10            | 50                             | 50            | 50                | 50         |
| Aug       | 10            | 50                             | 50            | 50                | 50         |
| Sep       | 10            | 20                             | 36            | 50                | 50         |

|          | Chief* Joseph | Wells & Rocky Reach & Wanapum* | Priest Rapids | McNary & John Day | The Dalles |
|----------|---------------|--------------------------------|---------------|-------------------|------------|
| Oct 1-15 | 10            | 20                             | 36            | 50                | 50         |
| 16-31    | 10            | 20                             | 50            | 50                | 50         |
| Nov      | 10            | 10                             | 50            | 50                | 50         |
| Dec      | 10            | 10                             | 50            | 20                | 20         |

\*As provided in WAC 173-563-050(1), the minimum instantaneous flows set forth in this subsection are subject to a reduction of up to twenty-five percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs. For the reach from Grand Coulee through Wanapum, minimum instantaneous flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever is higher.

(3) Minimum average weekly flows for instream uses are established at the locations listed in WAC 173-563-040(1) as follows:

MINIMUM AVERAGE WEEKLY FLOWS - COLUMBIA RIVER PROJECTS (1,000 cubic feet/second)

|          | Chief Joseph* | Wells & Rocky Reach* | Rock Island & Wanapum* | Priest Rapids | McNary | John Day | The Dalles |
|----------|---------------|----------------------|------------------------|---------------|--------|----------|------------|
| Jan      | 30            | 30                   | 30                     | 70            | 60     | 60       | 60         |
| Feb      | 30            | 30                   | 30                     | 70            | 60     | 60       | 60         |
| Mar      | 30            | 30                   | 30                     | 70            | 60     | 60       | 60         |
| Apr 1-15 | 50            | 50                   | 60                     | 70            | 100    | 100      | 120        |
| 16-25    | 60            | 60                   | 60                     | 70            | 150    | 150      | 160        |
| 26-30    | 90            | 100                  | 110                    | 110           | 200    | 200      | 200        |
| May      | 100           | 115                  | 130                    | 130           | 220    | 220      | 220        |
| Jun 1-15 | 80            | 110                  | 110                    | 110           | 200    | 200      | 200        |
| 16-30    | 60            | 80                   | 80                     | 80            | 120    | 120      | 120        |
| Jul 1-15 | 60            | 80                   | 80                     | 80            | 120    | 120      | 120        |
| 16-31    | 90            | 100                  | 110                    | 110           | 140    | 140      | 140        |
| Aug      | 85            | 90                   | 95                     | 95            | 120    | 120      | 120        |
| Sep      | 40            | 40                   | 40                     | 40            | 60     | 85       | 90         |
| Oct 1-15 | 30            | 35                   | 40                     | 40            | 60     | 85       | 90         |
| 16-31    | 30            | 35                   | 40                     | 70            | 60     | 85       | 90         |
| Nov      | 30            | 30                   | 30                     | 70            | 60     | 60       | 60         |
| Dec      | 30            | 30                   | 30                     | 70            | 60     | 60       | 60         |

\*For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever is higher. As provided in WAC 173-563-050(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to twenty-five percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-040, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-040, filed 6/24/80.]

**WAC 173-563-050 Critical flow adjustment to, and waivers of, minimum instantaneous and average weekly flows.** (1) The director of the department of ecology, when he deems it to be an overriding public interest requirement, may reduce the minimum instantaneous

and/or average weekly flows for the Columbia River established in this chapter up to twenty-five percent during low flow years, except that in no case shall the outflow from Priest Rapids be less than 36,000 cfs. The amount of the reduction (from zero to twenty-five percent) shall be: (a) Based on the March 1 forecast for April through September runoff at The Dalles, Oregon, as published by the National Weather Service in Water Supply Outlook for the Western United States, and (b) determined from Figure 1 in WAC 173-563-900.

(2) Prior to implementing the critical flow adjustment to minimum flows in a low water year, the department of ecology shall conduct a public hearing to announce its intentions and to solicit public and agency comment on the proposed action.

(3) The department has determined that some damage to instream values may be incurred at flow values equivalent to eighty-eight million acre-feet or less. Therefore, the reduced flows shall be referred to as critical flows and shall be authorized by the director of the department of ecology under the critical flow adjustment only when the March 1 forecast of April through September flow at The Dalles is below eighty-eight million acre-feet (MAF). The critical flows shall, in no case, provide less than 39.4 MAF (seventy-five percent of 52.5 MAF for the April through September period).

(4) The director of the department of ecology may waive the state's minimum flow requirements delineated in this chapter for a defined period of time for the purpose of studying the impacts of various flow levels on the river system and its operation when such studies are to be conducted in consultation with the Washington departments of fisheries and/or game and when said exemption is requested by the departments of fisheries and/or game. Such a request shall be made by letter to the director of the department of ecology. This waiver may include the Federal Energy Regulatory Commission studies to be conducted under Docket No. E-9569 and any operational change which does not allow the flows under this chapter to be met, but which, in the opinion of the director, still provides a commensurate level of protection for instream resources.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-050, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-050, filed 6/24/80.]

**WAC 173-563-052 Establishment of instream flows for out-of-stream uses.** In order to protect the quality of the natural environment and provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values, the minimum average weekly flows listed in WAC 173-563-040(3) are established for out-of-stream uses.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-052, filed 10/7/82 and 10/8/82.]

**WAC 173-563-056 Application of minimum average weekly flows to out-of-stream uses.** (1) For the first 4,500 cfs of water rights issued subject to this program, the following conditions shall apply:

(a) When the March 1 forecast of April-September runoff at The Dalles, Oregon (as published by the National Weather Service in Water Supply Outlook for the Western United States) is equal to or greater than 88 million acre-feet (MAF), no regulation of out-of-stream diverters shall occur, regardless of the gaged flow of the Columbia River.

(b) When the flow forecast is less than 88 MAF but greater than 60 MAF, the department shall encourage voluntary water conservation through appropriate notification of water users in an attempt to foster efficient resource use.

(c) When the flow forecast is 60 MAF or less, the department shall regulate out-of-stream diverters on the basis of first-in-time is first-in-right whenever it is predicted that gaged flows will fall below the minimum average weekly flows as established by this chapter.

(2) For any water allocations issued in excess of the first 4,500 cfs defined in WAC 173-563-056(1), the following conditions shall apply:

(a) When the March 1 forecast of April-September runoff at The Dalles, Oregon (as published by the National Weather Service in Water Supply Outlook for the Western United States) is equal to or greater than 88 million acre-feet (MAF), no regulation of out-of-stream diverters shall occur, regardless of the gaged flow of the Columbia River.

(b) When the flow forecast is less than 88 MAF, the department shall regulate out-of-stream diverters on the basis of first-in-time is first-in-right whenever it is predicted that gaged flows will fall below the CRIRPP minimum average weekly flows as established by this chapter.

(3) The department shall utilize the Bonneville Power Administration (BPA) 30-day power operation plan in predicting specific periods of anticipated flow conditions.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-056, filed 10/7/82 and 10/8/82.]

**WAC 173-563-060 Establishment of conservation and efficiency fundamentals.** (1) The department, having determined that public water is available from the main stem of the Columbia River in Washington and that continued issuance of water right permits and certificates therefrom is in the public interest, does acknowledge and is concerned that, cumulatively, the projected future diversions from the main stem Columbia River in Washington state may, under certain flow conditions, have a detrimental effect on instream values.

(2) Also, it is in the public interest that the state's water resources be conserved and that the burden of water shortages in low water years should be shared by the various users to the greatest extent practicable.

(3) Notwithstanding the constraints on prorata water-sharing under existing state water laws, the department shall, in projected low water years, utilize all reasonable measures of influence to achieve the goal of this section.

(4) During proof of appropriation of water under RCW 90.03.330 and before issuing a certificate of water right, the department shall assure that the quantities of

water shown on the certificate accurately reflect the perfected usage consistent with up-to-date water conservation practices and water delivery system efficiencies.

(5) The department shall continue to seek effective methods to better achieve the goal of this section.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-060, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-060, filed 6/24/80.]

**WAC 173-563-070 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under the 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: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 80-08-021 (Order DE 80-2), § 173-563-070, filed 6/24/80.]

**WAC 173-563-080 Overriding considerations.** Future authorizations for the use of water which would conflict with the provisions of this chapter shall be authorized by the director only in those situations when it is clear that overriding considerations of the public interest will be served. Such decisions shall be made in consultation with the directors of the Washington state department of fisheries, the Washington state department of game, the Washington state department of agriculture, and the Washington state department of natural resources.

Consideration of the public interest by the director of the department of ecology shall include an evaluation of all uses of the river and its impact on the state of Washington. The uses to be considered include, but are not limited to, uses of water for domestic, stockwatering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production, and preservation of environmental and aesthetic values and all other uses compatible with the enjoyment of the public waters of the state.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-080, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-080, filed 6/24/80.]

**WAC 173-563-090 Regulation review.** This chapter shall be reviewed by the department of ecology at least once in every five year period.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 80-08-021 (Order DE 80-2), § 173-563-090, filed 6/24/80.]

**WAC 173-563-100 Implementation.** (1) All water right permits and certificates subject to this chapter or issued subject to chapter 173-531A WAC shall be issued subject to the department's minimum flow requirements. (The minimum average weekly flows established in WAC 173-563-040 and 173-563-052 are equivalent

to a flow of 52.5 MAF at The Dalles for the April through September period.)

(2) All water rights for instream uses subject to the minimum flows established in this chapter shall contain the following provision:

This permit/certificate is subject to the minimum flow provisions contained in chapter 173-563 WAC and is subject to regulation by the department of ecology to insure protection of instream resources.

(3) All water rights for out-of-stream uses subject to the flows established in this chapter shall contain the following provisions:

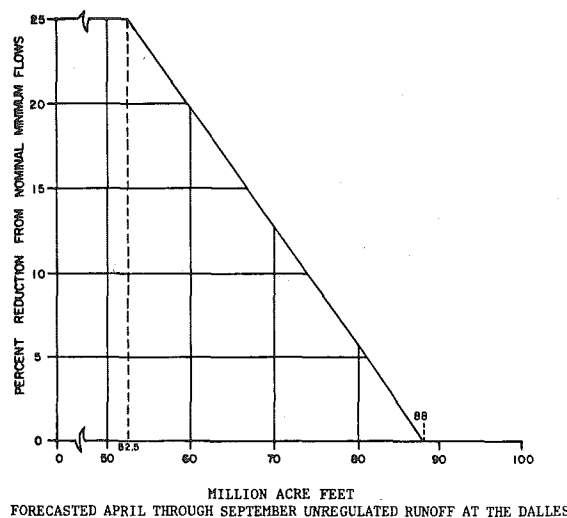
(a) This permit/certificate is subject to the minimum flow provisions contained in chapter 173-563 WAC and is subject to regulation by the department of ecology to insure protection of instream resources.

(b) Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-100, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-100, filed 6/24/80.]

**WAC 173-563-900 Critical flow adjustment--  
Minimum instantaneous and weekly average flows--  
Columbia River.**

FIGURE 1  
CRITICAL FLOW ADJUSTMENT  
MINIMUM INSTANTANEOUS AND  
WEEKLY AVERAGE FLOWS  
COLUMBIA RIVER



[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-900, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-900, filed 6/24/80.]

**Chapter 173-590 WAC**  
**PROCEDURES RELATING TO THE RESERVATION**  
**OF WATER FOR FUTURE PUBLIC WATER**  
**SUPPLY**

## WAC

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**WAC 173-590-010 Background.** (1) The Water Resources Act of 1971 (chapter 90.54 RCW) sets forth fundamentals of water resource policy to insure that the waters of the state will be protected and fully utilized for the greatest benefit to the people of the state of Washington, and in relation thereto, the act provides direction to the department of ecology and other state agencies and officials in carrying out water and related resource programs.

(2) The act directs the department to develop and implement a water resources program which will provide a process for making decisions on future water resource allocation and use.

(3) The program may be developed in regional segments so that immediate attention may be given to waters of a given physioeconomic region of the state or to specific critical problems of water allocation and use.

(4) Preservation and protection of water in a potable condition for adequate and safe supplies to satisfy human domestic needs is one of the fundamentals of state water resource policy set forth in said act.

(5) The act further directs the department of ecology to modify existing regulations and adopt new regulations to insure that existing regulatory programs are in accord with the water resource policies of the act.

(6) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less cost including opportunity lost.

[Order DE 75-32, § 173-590-010, filed 3/11/76 and 3/10/76.]

**WAC 173-590-020 Purpose.** The purpose of this chapter is to establish and set forth a procedure whereby any person within the state of Washington may petition the department to reserve water for future public water supply.

[Order DE 75-32, § 173-590-020, filed 3/10/76.]

[Title 173 WAC—p 554]

**WAC 173-590-030 Authority.** This regulation is adopted pursuant to the Water Resources Act of 1971, chapter 90.54 RCW.

[Order DE 75-32, § 173-590-030, filed 3/10/76.]

**WAC 173-590-040 General.** (1) These rules shall apply to both surface and ground waters of the state.

(2) Because of changing future conditions, including institutional arrangements, reservations under this chapter will be for specific geographic areas rather than for particular water suppliers.

(3) Appropriation of reserved water shall be in accordance with the intent and procedures set forth in chapters 90.03 and 90.44 RCW and adopted water resources programs under chapters 173-500 through 173-562 WAC applicable to the geographic area specified in a water right application.

(4) Regulations reserving waters for public water supply shall, where appropriate, provide guidelines for an interim use of the reserved waters for other beneficial uses.

[Order DE 75-32, § 173-590-040, filed 3/10/76.]

**WAC 173-590-050 Definitions.** For the purpose of this chapter and subsequent regulations, the following definitions shall be used:

(1) "Community water use" means use of water associated with needs of a community including street cleaning, parks, public buildings, public swimming pools, fire fighting, and attendant commercial, industrial and irrigation uses.

(2) "Director" means the director of the state of Washington department of ecology or his authorized representative.

(3) "Department" means the department of ecology unless specified otherwise.

(4) "Domestic water use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn or garden per dwelling, and other incidental household uses.

(5) "Commercial and/or industrial use" means use of water associated with commercial and/or industrial requirements such as service, processing, cooling and conveying.

(6) "Public water supply" means any water supply intended or used for human consumption and community uses for more than one single-family residence.

(7) "Public water supply system" means a set of facilities including source, treatment, storage, transmission and distribution facilities whereby water is furnished to any municipality, community, collection, or number of individuals for human consumption and community uses.

(8) "Coordinated water system plan" means a plan adopted by utilities covering one or more public water supply system(s), which identifies present and future needs of participating water systems and sets forth means for meeting those needs in the most efficient manner possible. In areas where more than one water

system lie in close proximity, a coordinated water system plan may consist of either of the following:

(a) A compilation of current and compatible water system plans developed by each utility containing the elements of comprehensive plan as set forth in WAC 248-54-280, with the addition of future service area designations, assessment of the feasibility of shared source, transmission, and storage facilities, and other mutual or regional concerns.

(b) An area wide water system plan developed jointly or by a lead agency which adequately addresses all the items mentioned in (a) above.

(9) "Reservation" means an allocation of water for a future beneficial use with the priority established as of the date when the reservation becomes effective.

(10) "Appropriation" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses pursuant to RCW 90.03.250 through 90.03.340 and 90.44.060.

(11) "Person" means any individual, municipal, public, or private corporation, or other entity however dominated, including a state agency or county who operates a public water supply system or who contemplates such an operation.

[Order DE 75-32, § 173-590-050, filed 3/10/76.]

**WAC 173-590-060 Reservation procedure--Petition for reservation.** Any person, hereafter desiring the department to reserve water for future public water supply may file a petition with the director requesting future establishment of a reservation, provided that the applicant shall have a coordinated water system plan approved by the secretary, department of social and health services unless exempted from this requirement by both the secretary and the director.

[Order DE 75-32, § 173-590-060, filed 3/10/76.]

**WAC 173-590-070 Contents of petition.** Each petition to the director for the reservation of water shall include, but not be limited to, the following:

- (1) Name and post office address of the applicant.
- (2) Source of water supply.
- (3) Map showing the proposed general service area, source of supply, pipelines, distribution systems, wells and other appurtenant works.
- (4) Present and projected population in 10, 25, and 50 years.
- (5) The amount of the present and proposed use in the following categories, and the time during which water will be required each year if the requirements differ seasonally:

- (a) Domestic water use;
- (b) Community water uses including specific amounts for attendant commercial, industrial and irrigational uses;
- (c) Other(s) as specified.

(6) Copy of a coordinated water system plan, or comprehensive plan under WAC 248-54-280 if water systems are sufficiently separated so that no advantages will be realized by coordination. All review comments

from the local A-95 clearinghouse on said plan shall be provided.

(7) Information to justify the requested reservation quantity in the form of official state population estimates, regional plan or engineering reports.

(8) A summary of ongoing and planned conservation programs. When applicable, this must summarize water usage for the previous five years including total water diverted or withdrawn, total water sold, and the quantities used by residential, wholesale and large industrial users. Status of metering of all services must be described. Rate structures should not encourage waste of the water resources and should be described.

(9) Other data as may be required by the director.

[Order DE 75-32, § 173-590-070, filed 3/10/76.]

**WAC 173-590-080 Record of petition.** The department shall maintain a file of all petitions for reservation of water under the provisions of this chapter. If a petition is returned to the petitioner for completion or correction, the date and the reasons for the return thereof shall be endorsed and shall be recorded in the reservation file.

[Order DE 75-32, § 173-590-080, filed 3/10/76.]

**WAC 173-590-090 Notice.** Upon receipt of a proper petition, the director shall publish notice thereof in a newspaper or newspapers of general circulation in the county or counties in which the storage, diversion, and use is to be made, once a week for two consecutive weeks.

The director shall send notice thereof to the secretary, department of social and health services, and to the directors of the departments of fisheries and game for the purpose of soliciting their comments.

[Order DE 75-32, § 173-590-090, filed 3/10/76.]

**WAC 173-590-100 Investigation.** When a petition is received, the director shall conduct an investigation of the surrounding impacts of the proposed reservation.

[Order DE 75-32, § 173-590-100, filed 3/10/76.]

**WAC 173-590-110 Reservation.** Upon review of a petition for reservation, related data and the results from the departmental investigation, the director shall notify the petitioner of action pertaining to the petition, [to] withdraw affected waters under RCW 90.54.050(2), or to reserve water(s). If reservation is deemed appropriate, the director shall take action to adopt a regulation or amend an existing regulation established pursuant to chapter 173-500 WAC to reserve water for a future public water supply for the general geographic area described in the petition or for a general area the director determines appropriate. (RCW 90.54.050 mandates the department to conduct a public hearing, prior to adoption of a rule to withdraw or to reserve in each county in which waters relating to the rule are located.)

The amount of the reservation shall be determined by the director and may be more or less than the amount requested in the petition. The total reservation amount

may be prorated to specific subareas of service in the proposed development area. Appropriate map may be appended to regulation.

[Order DE 75-32, § 173-590-110, filed 3/10/76.]

**WAC 173-590-120 Compatibility with existing water resources program.** Reservation of waters pursuant to this chapter and other elements of a comprehensive water resources program developed pursuant to chapters 173-500 through 173-562 WAC and amendments thereof shall be compatible.

[Order DE 75-32, § 173-590-120, filed 3/10/76.]

**WAC 173-590-130 Separate reservation by use.** In situations where a given area will require significant quantities of water for other than community and domestic water uses, the reservation may identify separate quantities for each use.

[Order DE 75-32, § 173-590-130, filed 3/10/76.]

**WAC 173-590-140 Reservation subject to review and change.** From time to time, any reservation established under this chapter shall be reviewed and, when it appears appropriate to the department in implementing RCW 90.54.050, modified. No change shall be made without consultation of interested parties. The water resource program and the coordinated water system plan shall be reviewed, and changed as necessary, at least once every ten years.

[Order DE 75-32, § 173-590-140, filed 3/10/76.]

**WAC 173-590-150 Effective date of reservation.** The effective date of a reservation established under the provisions of this chapter shall be the date when a regulation pertaining to a specific reservation has been adopted: *Provided*, That the effective date for any additional amount of reservation pursuant to the provisions of WAC 173-590-140 shall be the date when such subsequent amendments become effective.

[Order DE 75-32, § 173-590-150, filed 3/10/76.]

**WAC 173-590-160 Application for water rights.** With regard to any permit issued pursuant to RCW 90.03.290 and 90.44.060 which authorizes withdrawal and use of waters subject of a regulation provided for in WAC 173-590-110 hereof, the priority date of said permit shall be the effective date of said regulation.

[Order DE 75-32, § 173-590-160, filed 3/10/76.]

**WAC 173-590-170 Reservation without petition--Hearings.** Whenever it appears necessary, the director may reserve and set aside waters for beneficial utilization in the future on his own motion as provided under RCW 90.54.050(1). In so doing, prior to the adoption of such rule, the director shall conduct a public hearing in each county in which waters relating to such rule are located.

[Order DE 75-32, § 173-590-170, filed 3/10/76.]

[Title 173 WAC—p 556]

**WAC 173-590-180 Appeal.** The procedures hereof relate solely to rule-making activity of the department and are designed to obtain information to assist the department in determining when waters should be reserved as provided in RCW 90.54.050. Actions conducted under this chapter do not relate to contested cases within the meaning of the Administrative Procedure Act, chapter 34.04 RCW.

Regulations establishing reservations adopted hereunder shall be subject to review as provided in RCW 34.04.070 and 34.04.080.

[Order DE 75-32, § 173-590-180, filed 3/10/76.]

### Chapter 173-591 WAC RESERVATION OF FUTURE PUBLIC WATER SUPPLY FOR THURSTON COUNTY

#### WAC

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**WAC 173-591-010 Purpose.** The purpose of this chapter is to reserve ground waters within Thurston County for future public water supply.

[Statutory Authority: RCW 90.54.050(1). 86-15-029 (Order DE-86-16), § 173-591-010, filed 7/14/86.]

**WAC 173-591-020 Authority.** This regulation is adopted pursuant to the Water Resources Act of 1971, chapter 90.54 RCW and chapter 173-590 WAC.

[Statutory Authority: RCW 90.54.050(1). 86-15-029 (Order DE-86-16), § 173-591-020, filed 7/14/86.]

**WAC 173-591-030 General.** (1) These rules shall apply to ground waters in Thurston County, as defined in WAC 173-591-040 and 173-591-070(4), as specified in Figure II-2 of the coordinated water system plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purposes of reserving ground waters for future public supply, and as shown as the reservation source of supply subareas on the Thurston County reservation source of supply subarea boundary map in WAC 173-591-130, Illus. 2.

(2) The reservation adopted under this chapter will be for the specific geographical area so named the "reservation boundaries" as shown in Figure II-1 of the coordinated water supply plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purposes of reserving ground waters for future public water supply, and shown on the

Thurston County reservation area boundary map in WAC 173-591-130, Illus. 1.

(3) Appropriation of reserved waters under this chapter shall be in accordance with the intent and procedures set forth in chapters 90.03 and 90.44 RCW and chapter 173-513 WAC Instream resources protection program—Deschutes River Basin, Water Resource Inventory Area (WRIA) 13 (adopted 6/24/80) and chapter 173-511 WAC Instream resources protection program—Nisqually River Basin, Water Resource Inventory Area (WRIA) 11 (adopted 2/2/81) and chapter 173-514 WAC Instream resources protection program—Kennedy-Goldsborough Water Resource Inventory Area (WRIA 14) (adopted 1/23/84).

[Statutory Authority: RCW 90.54.050(1), 86-15-029 (Order DE-86-16), § 173-591-030, filed 7/14/86.]

**WAC 173-591-040 Reservation area defined.** "Thurston County reservation area" and "Thurston County reservation source of supply area" shall mean those lands lying within Thurston County described as follows:

| Location                          | Township         | Range | Sections  |   |
|-----------------------------------|------------------|-------|---|---|
| Reservation Area                  | 16N              | 3W    | 1-3, 10-12  |   |
|                                   | 16N              | 2W    | 1-12  |   |
|                                   | 16N              | 1W    | 4-9   |   |
|                                   | 17N              | 3W    | 1, 2, 3 (portion), 10-15, 22-27, 34-36              |   |
|                                   | 17N              | 2W    | 1-36  |   |
|                                   | 17N              | 1W    | 1-21, 27 (portion), 28-33                           |   |
|                                   | 17N              | 1E    | 6, 7, portions of 3, 8, 18                          |   |
|                                   | 18N              | 3W    | 1-4, 9-16, 21 (portion), 22 (portion), 23-25, 36    |   |
|                                   | 18N              | 1W    | 1-36  |   |
|                                   | 18N              | 1E    | 6, 7, 17-20, 29-32, portions of 5, 8, 16, 28        |   |
|                                   | 19N              | 3W    | 12, 13, 23-28, 33-36, (portions in Thurston County) |   |
|                                   | 19N              | 2W    | portion in Thurston County                          |   |
|                                   | 19N              | 1W    | portion in Thurston County                          |   |
|                                   | 19N              | 1E    | portion in Thurston County                          |   |
| Reservation Source of Supply Area | Airport          | 17N   | 2W  | 3, 10-15, 22-24 & portions of 9, 16, 21 east of Interstate 5            |
|                                   |                  | 18N   | 2W  | 34  |
|                                   | Allison Springs  | 18N   | 2W  | 18  |
|                                   |                  | 17N   | 2W  | 4-8, 17-20, 29-31 & portions of 9, 16, 21, 18 & 33 west of Interstate 5 |
|                                   | Deschutes Valley | 18N   | 2W  | 31-33   |
|                                   |                  | 17N   | 2W  | 12  |
|                                   |                  | 18N   | 2W  | 25, 26, 35, 36  |
|                                   | Hawks Prairie    | 18N   | 1W  | 1-8 & portions of 9-12 north of Interstate 5                            |
|                                   |                  | 19N   | 1W  | 25-36   |
|                                   |                  | 18N   | 1E  | portion of 6 west of Nisqually River                                    |
| 19N                               |                  | 1E    | portions of 30 & 31 west of Nisqually River         |   |

| Location                | Township | Range | Sections     |
|-------------------------|----------|-------|--------------|
| McAllister Springs      | 18N      | 1E    | 19           |
| Mottman Industrial Park | 18N      | 2W    | 27-29        |
| Southeast               | 17N      | 1W    | 2-11, 14-23  |
|                         | 18N      | 1W    | 19-21, 28-34 |

[Statutory Authority: RCW 90.54.050(1), 86-15-029 (Order DE-86-16), § 173-591-040, filed 7/14/86.]

**WAC 173-591-050 Definitions.** For the purpose of this chapter the following definitions shall be used:

(1) "Community water use" means use of water associated with needs of a community including street cleaning, parks, public buildings, public swimming pools, fire fighting, and attendant commercial, industrial and irrigation uses.

(2) "Director" means the director of the state of Washington department of ecology or the director's authorized representative.

(3) "Department" means the department of ecology unless otherwise specified.

(4) "Domestic water use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn or garden per dwelling, and other incidental household uses.

(5) "Commercial and/or industrial use" means use of water associated with commercial and/or industrial requirements such as service, processing, cooling and conveying.

(6) "Public water supply" means any water supply intended or used for human consumption and community uses for more than one single-family residence.

(7) "Public water supply system" means a set of facilities including source, treatment, storage, transmission and distribution facilities whereby water is furnished to any municipality, community, collection, or number of individuals for human consumption and community uses.

(8) "Coordinated water system plan" means a plan adopted by utilities covering one or more public water supply system(s), which identifies present and future needs of participating water systems and sets forth means for meeting those needs in the most efficient manner possible.

(9) "Reservation" means an allocation of water for a future beneficial use with the priority established as of the date when the reservation becomes effective.

(10) "Appropriation" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses pursuant to RCW 90.03.250 through 90.03.340 and 90.44.060.

(11) "Person" means any individual, municipal, public, or private corporation, or other entity, including a federal or state agency or county which operates a public water supply system or who contemplates such an operation.

[Statutory Authority: RCW 90.54.050(1), 86-15-029 (Order DE-86-16), § 173-591-050, filed 7/14/86.]

**WAC 173-591-060 Petition received—Notice.** A petition requesting the reservation of ground waters in Thurston County pursuant to chapter 173-590 WAC, and a coordinated water system plan approved by the secretary of the department of social and health services were received and accepted by the department. Notice of the receipt of proper petition was published in a newspaper of general circulation in Thurston County for two consecutive weeks, and the director sent notice thereof to the directors of the departments of fisheries, game, and social and health services for the purpose of soliciting their comments.

[Statutory Authority: RCW 90.54.050(1), 86-15-029 (Order DE-86-16), § 173-591-060, filed 7/14/86.]

**WAC 173-591-070 Reservation.** (1) The department, having received a final environmental impact statement dated January 16, 1985, and having conducted an investigation of the surrounding impacts of the proposed reservation and having heard comments solicited through the notice of receipt of petition and having found ground waters to be generally available for the purposes of the reservation and that the proposed use of the ground waters will result in the maximum net benefit for the people of the state, does hereby reserve portions of those ground waters for future public water supplies in Thurston County.

(2) The department finds that to provide peaking capacity on a daily basis the appropriate amount of the reservation shall be 40,589 gallons per minute, limited to a maximum annual withdrawal of 22,931 acre-feet/year, provided that the total annual withdrawal and diversion from all sources shall not exceed 48,225 acre-feet/year. This is intended to serve the estimated population of 288,092 in fifty years. The amount of this reservation shall be reviewed by the department at least once every ten years to ensure that public water supplies are provided for the entire reservation period.

(3) A map showing the reservation area boundary is shown in Figure II-1 of the coordinated water system plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purposes of reserving water for future public water supply purposes, and shown as the reservation area boundary map in WAC 173-591-130, Illus. 1.

(4) Due to the nature of the geographic distribution of the ground waters to be reserved and the development patterns that are anticipated in Thurston County, the reserved ground waters are intended to be beneficially utilized from the unconsolidated materials overlying bedrock, and are prorated to the subareas designated in Figure V-1 of the coordinated water system plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purpose of reserving water for future public water supply purposes, and shown as the reservation source of supply subareas map in WAC 173-591-130, Illus. 2. The reserved ground waters are generally prorated to the reservation source of supply subareas as follows, with the totaled reserved quantity to be obtained from within the boundary area.

| Source Location      | Reservation Quantities |                |
|----------------------|------------------------|----------------|
|                      | Instantaneous (GPM)    | Annual (Af/Yr) |
| Airport              | 2,500                  | 1,486          |
| Allison Springs      | 2,000                  | 1,888          |
| Black Lake           | 2,000                  | 1,888          |
| Deschutes Valley     | 1,969                  | 1,170          |
| Hawks Prairie        | 7,000                  | 4,160          |
| McAllister Springs   | 2,000                  | —              |
| Mottman Indust. Park | 2,000                  | 1,888          |
| Southeast            | 14,426                 | 8,573          |
| Total                | 40,589                 | 22,931         |

(5) The priority date of any permit issued pursuant to RCW 90.03.290 and 90.44.070 which authorizes withdrawal and use of public water for public water supply pursuant to the reservation provided in subsection (2) of this section shall be the effective date of this regulation.

(6) A record of all ground water permits issued pursuant to the reservation provided in subsection (2) of this section shall be maintained by the department in a manner that will readily show the quantities that have been allocated from the reserved ground waters for each subarea identified in subsection (4) of this section and the quantities of unappropriated ground waters that may remain in the reserved status available for appropriation.

(7) No permit issued as described in subsection (5) of this section shall authorize a withdrawal that causes a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of a senior ground water right holder.

[Statutory Authority: RCW 90.54.050(1), 86-15-029 (Order DE-86-16), § 173-591-070, filed 7/14/86.]

**WAC 173-591-080 Future nonpublic water supply—Policy uses.** If applications are made for the use of the ground water reserved in WAC 173-591-070(2) for purposes other than public water supplies, as defined in WAC 173-591-050 (6) and (7), the director may issue a permit allowing such uses but these uses shall be junior in priority to all rights issued pursuant to WAC 173-591-070. Interim uses authorized in this section may be reduced or curtailed in right when necessary to allow to full utilization of higher priority rights established in WAC 173-591-070. The department may limit or otherwise condition junior water rights permits as necessary to ensure availability of the reserved ground waters for public water supply purposes consistent with this chapter.

[Statutory Authority: RCW 90.54.050(1), 86-15-029 (Order DE-86-16), § 173-591-080, filed 7/14/86.]

**WAC 173-591-090 Monitoring program.** (1) The department, in cooperation with local government agencies, shall implement a comprehensive monitoring program, the purpose of which is to maintain accurate information on the quality and quantity of ground water reserved in WAC 173-591-070(2).

(2) Under this monitoring program surface and ground water levels will be periodically recorded as well as the levels of any lakes that are maintained by ground waters.



[Statutory Authority: RCW 90.54.050(1). 86-15-029 (Order DE-86-16), § 173-591-090, filed 7/14/86.]

**WAC 173-591-100 Water quality.** As a general rule, an element of a ground water right is the right to use waters of quality appropriate to the beneficial use. In addition to the protection of the availability of ground water to the water withdrawal facilities of ground water right holders, it shall be the policy of the department to protect the quality of the ground waters of the state and in relation thereto to discourage any withdrawal facilities, construction methods, water use, or disposal practices which would contaminate or otherwise reduce the quality of the ground waters or impair the beneficial uses of ground waters of the state. Local governments with land use authority are urged to exercise their authorities in such a manner as to protect the quality of the public ground waters reserved for future public water supply by this chapter.

[Statutory Authority: RCW 90.54.050(1). 86-15-029 (Order DE-86-16), § 173-591-100, filed 7/14/86.]

**WAC 173-591-110 Exemptions.** Wells for single family domestic, stock watering, or other purposes for which the withdrawal is less than 5,000 gallons per day, with priority dates subsequent to the effective date of this regulation, shall be junior to rights issued pursuant to WAC 173-591-070. The quantities of water withdrawn by such wells will not be subtracted from the waters reserved by this regulation.

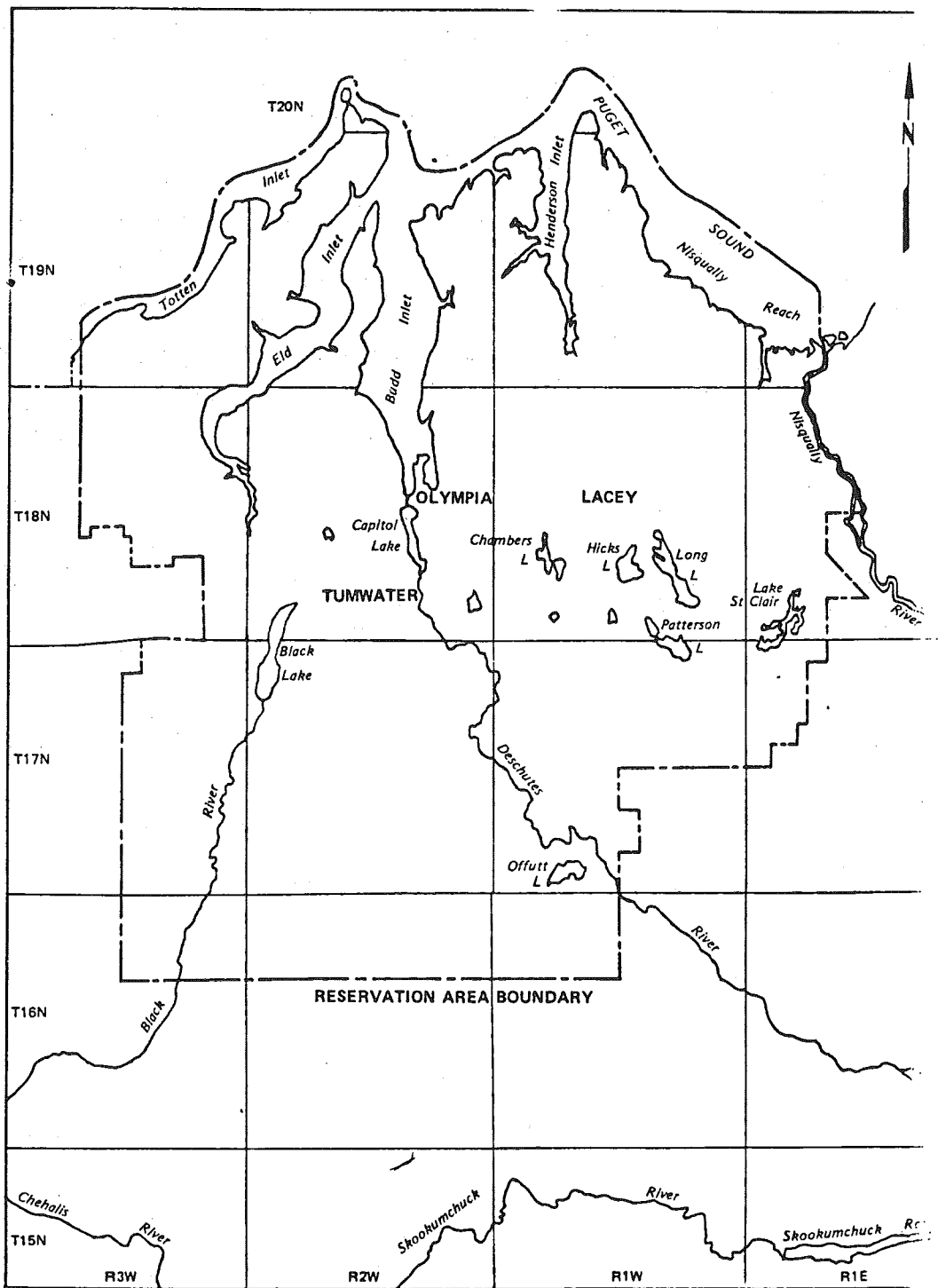
[Statutory Authority: RCW 90.54.050(1). 86-15-029 (Order DE-86-16), § 173-591-110, filed 7/14/86.]

**WAC 173-591-120 Regulation review.** This chapter shall be reviewed, and changed as necessary, at least once every ten years.

[Statutory Authority: RCW 90.54.050(1). 86-15-029 (Order DE-86-16), § 173-591-120, filed 7/14/86.]

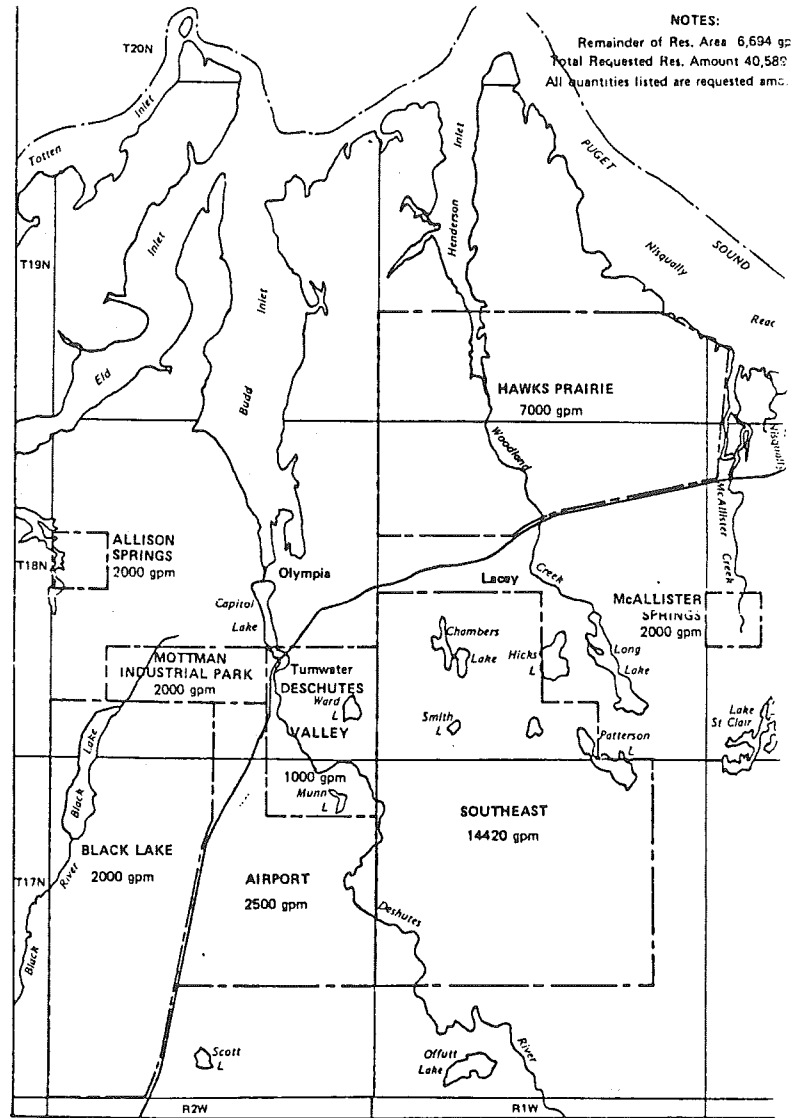
WAC 173-591-130 Reservation boundary maps. Thurston County reservation area and reservation source of supply subareas shall include those lands that lie within the heavy outline on the following maps:

THURSTON COUNTY RESERVATION AREA BOUNDARY MAP



THURSTON COUNTY RESERVATION AREA BOUNDARY MAP  
WAC 173-591-130  
ILLUSTRATION 1

THURSTON COUNTY RESERVATION SOURCE OF SUPPLY SUBAREAS BOUNDARY MAP



**NOTES:**  
 Remainder of Res. Area 6,694 gpm  
 Total Requested Res. Amount 40,580 gpm  
 All quantities listed are requested amounts.

THURSTON COUNTY RESERVATION SOURCE OF SUPPLY SUBAREAS BOUNDARY MAP  
 WAC 173-591-130  
 ILLUSTRATION 2

[Statutory Authority: RCW 90.54.050(1), 86-15-029 (Order DE-86-16), § 173-591-130, filed 7/14/86.]

**Chapter 173-592 WAC**

**RESERVATION OF FUTURE PUBLIC WATER SUPPLY FOR CLARK COUNTY**

- WAC
- 173-592-010 Purpose.
- 173-592-020 Authority.
- 173-592-030 General.
- 173-592-040 Reservation source of supply area defined.
- 173-592-050 Definitions.
- 173-592-060 Petition received—Notice.
- 173-592-070 Reservation.
- 173-592-080 Monitoring program.
- 173-592-090 Water quality.
- 173-592-100 Exemptions.
- 173-592-110 Regulation review.
- 173-592-120 Reservation source of supply area map.

**WAC 173-592-010 Purpose.** The purpose of this chapter is to reserve ground waters within Clark County for future public water supply.

[Statutory Authority: RCW 90.54.050(1), 86-15-030 (Order DE-86-17), § 173-592-010, filed 7/14/86.]

**WAC 173-592-020 Authority.** This regulation is adopted pursuant to the Water Resources Act of 1971, chapter 90.54 RCW and chapter 173-590 WAC.

[Statutory Authority: RCW 90.54.050(1), 86-15-030 (Order DE-86-17), § 173-592-020, filed 7/14/86.]

**WAC 173-592-030 General.** (1) These rules shall apply to ground waters in Clark County, as defined in WAC 173-592-040 and 173-592-070(5) as specified in the coordinated water system plan for Clark County,

dated March, 1983, and approved by the department of social and health services for the purposes of reserving ground waters for future public supply. The location of the reserved waters is further defined in Attachment 1A of the revised petition requesting reservation of ground waters for future public water supply purposes, dated August 12, 1985, and shown on the reservation source of supply area boundary map in WAC 173-592-120, Illus. 1.

(2) Appropriation of reserved waters under this chapter shall be in accordance with the intent and procedures set forth in chapters 90.03 and 90.44 RCW.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-030, filed 7/14/86.]

**WAC 173-592-040 Reservation source of supply area defined.** "Clark County reservation source of supply area" shall mean those lands lying within Clark County described as follows:

| Township | Range | Sections  |
|----------|-------|---|
| 2N       | 1W    | 1, 2, 11, 12, 13, 24  |
| 3N       | 1W    | 1, 2, 12, 13, 24, 25, 36                                    |
| 4N       | 1W    | 1, 2, 11, 12, 13, 14, 15,<br>22, 23, 24, 25, 26, 27, 35, 36 |
| 5N       | 1W    | 36  |
| 2N       | 1E    | 1-29, 34-36   |
| 3N       | 1E    | 1-36  |
| 4N       | 1E    | 1-36  |
| 5N       | 1E    | 31-36   |
| 1N       | 2E    | 1-5, 11, 12   |
| 2N       | 2E    | 1-36  |
| 3N       | 2E    | 1-36  |
| 4N       | 2E    | 1-36  |
| 5N       | 2E    | 31-36   |
| 1N       | 3E    | 1-17  |
| 2N       | 3E    | 1-36  |
| 3N       | 3E    | 1-36  |
| 4N       | 3E    | 1-36  |
| 5N       | 3E    | 31-36   |
| 1N       | 4E    | 1-18, 20-24   |
| 2N       | 4E    | 6, 7, 18, 19, 25-36   |
| 3N       | 4E    | 6, 7, 18, 19, 30, 31  |
| 4N       | 4E    | 6, 7, 18, 19, 30, 31  |
| 5N       | 4E    | 31  |

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-040, filed 7/14/86.]

**WAC 173-592-050 Definitions.** For the purpose of this chapter the following definitions shall be used:

(1) "Community water use" means use of water associated with needs of a community including street cleaning, parks, public buildings, public swimming pools, fire fighting, and attendant commercial, industrial, and irrigation uses.

(2) "Director" means the director of the state of Washington department of ecology or the director's authorized representative.

(3) "Department" means the department of ecology unless otherwise specified.

(4) "Domestic water use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-

half acre of lawn or garden per dwelling, and other incidental household uses.

(5) "Commercial and/or industrial use" means use of water associated with commercial and/or industrial requirements such as service, processing, cooling, and conveying.

(6) "Public water supply" means any water supply intended or used for human consumption and community uses for more than one single-family residence.

(7) "Public water supply system" means a set of facilities including source, treatment, storage, transmission, and distribution facilities whereby water is furnished to any municipality, community, collection, or number of individuals for human consumption and community uses.

(8) "Coordinated water system plan" means a plan developed by utilities and adopted by Clark County and approved by the department of social and health services covering one or more public water supply system(s), which identifies present and future needs of participating water systems and sets forth means for meeting those needs in the most efficient manner possible.

(9) "Reservation" means an allocation of water for a future beneficial use with the priority established as of the date when the reservation becomes effective.

(10) "Appropriation" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses pursuant to RCW 90.03.250 through 90.03.340 and 90.44.060.

(11) "Person" means any individual, municipal, public, or private corporation, or other entity, including a federal or state agency or county which operates a public water supply system or who contemplates such an operation.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-050, filed 7/14/86.]

**WAC 173-592-060 Petition received—Notice.** A revised petition, dated August 12, 1985, requesting the reservation of ground waters in Clark County pursuant to chapter 173-590 WAC, and a coordinated water system plan approved by the secretary of the department of social and health services, dated March, 1983, were received and accepted by the department. Notice of the receipt of proper petition was published in a newspaper of general circulation in Clark County for two consecutive weeks, and the director sent notice thereof to the directors of the departments of fisheries, game, and social and health services for the purpose of soliciting their comments.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-060, filed 7/14/86.]

**WAC 173-592-070 Reservation.** (1) The department, having heard comments solicited through the notice of receipt of petition and having reviewed a final declaration of nonsignificance under the authority of WAC 197-11-340 (State Environmental Policy Act) and having found ground waters to be generally available for the purposes of the reservation and that the proposed use of the ground waters will result in the

maximum net benefit for the people of the state, does hereby reserve portions of those ground waters for future public water supplies in Clark County.

(2) The department finds that the appropriate amount of the reservation shall be 97,000 gallons per minute and 65,300 acre-feet/year. This is intended to serve the estimated population of 629,200 in fifty years. The amount of this reservation shall be reviewed by the department in consultation with local government at least once every ten years to ensure that adequate public water supplies are provided for the entire reservation period.

(3) A map showing the reservation source of supply boundaries is shown in Attachment 1A of the revised petition, dated August 12, 1985, requesting reservation of ground water in Clark County for future public water supplies. The map showing the reservation source of supply area boundary is incorporated in this regulation in WAC 173-592-120, Illus. 1.

(4) Waters reserved herein may be utilized within the geographical boundaries of Clark County consistent with the department of social and health services approved coordinated water system plan, dated March 1983.

(5) Due to the nature of the geographic distribution of the ground waters to be reserved in Clark County, the reserved ground waters are intended to be beneficially utilized from the following aquifers, as identified in Attachment 1A of the revised petition, dated August 12, 1985:

- 1A Columbia River Alluvium
- 1B-2B Upper Troutdale
- 1C Sandy River Mudstone

(6) The priority date of any permit issued pursuant to RCW 90.03.290 and 90.44.060 which authorizes withdrawal and use of public water for public water supply pursuant to the reservation provided in subsection (2) of this section shall be the effective date of this regulation.

(7) A record of all ground water permits issued pursuant to the reservation provided in subsection (2) of this section shall be maintained by the department in a manner that will readily show the quantities that have been allocated from the reserved ground waters, and the quantities of unappropriated ground waters that may remain in the reserved status available for appropriation.

(8) No permit issued as described in subsection (6) of this section shall authorize a withdrawal that causes a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of a senior ground water right holder.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-070, filed 7/14/86.]

**WAC 173-592-080 Monitoring program.** (1) The department, in cooperation with local government agencies, shall implement a comprehensive monitoring program, the purpose of which is to maintain accurate information on the quality and quantity of ground water reserved in WAC 173-592-070(2).

(2) Under this monitoring program surface and ground water levels will be periodically recorded as well as the levels of any lakes that are maintained by ground waters.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-080, filed 7/14/86.]

**WAC 173-592-090 Water quality.** As a general rule, an element of a ground water right is the right to use waters of quality appropriate to the beneficial use. In addition to the protection of the availability of ground water to the water withdrawal facilities of ground water right holders, it shall be the policy of the department to protect the quality of the ground waters of the state and in relation thereto to discourage any withdrawal facilities, construction methods, water use, or disposal practices which would contaminate or otherwise reduce the quality of the ground waters or impair the beneficial uses of ground waters of the state. Local governments with land use authority shall be urged to exercise their authorities in such a manner as to protect the quality of the public ground waters reserved for future public water supply by this chapter.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-090, filed 7/14/86.]

**WAC 173-592-100 Exemptions.** Wells for single family domestic, stock watering, or other purposes, for which the withdrawal is less than 5,000 gallons per day, with priority dates subsequent to the effective date of this regulation, shall be junior to it, and the quantities of water withdrawn by exempted wells will not be subtracted from the waters reserved by this regulation.

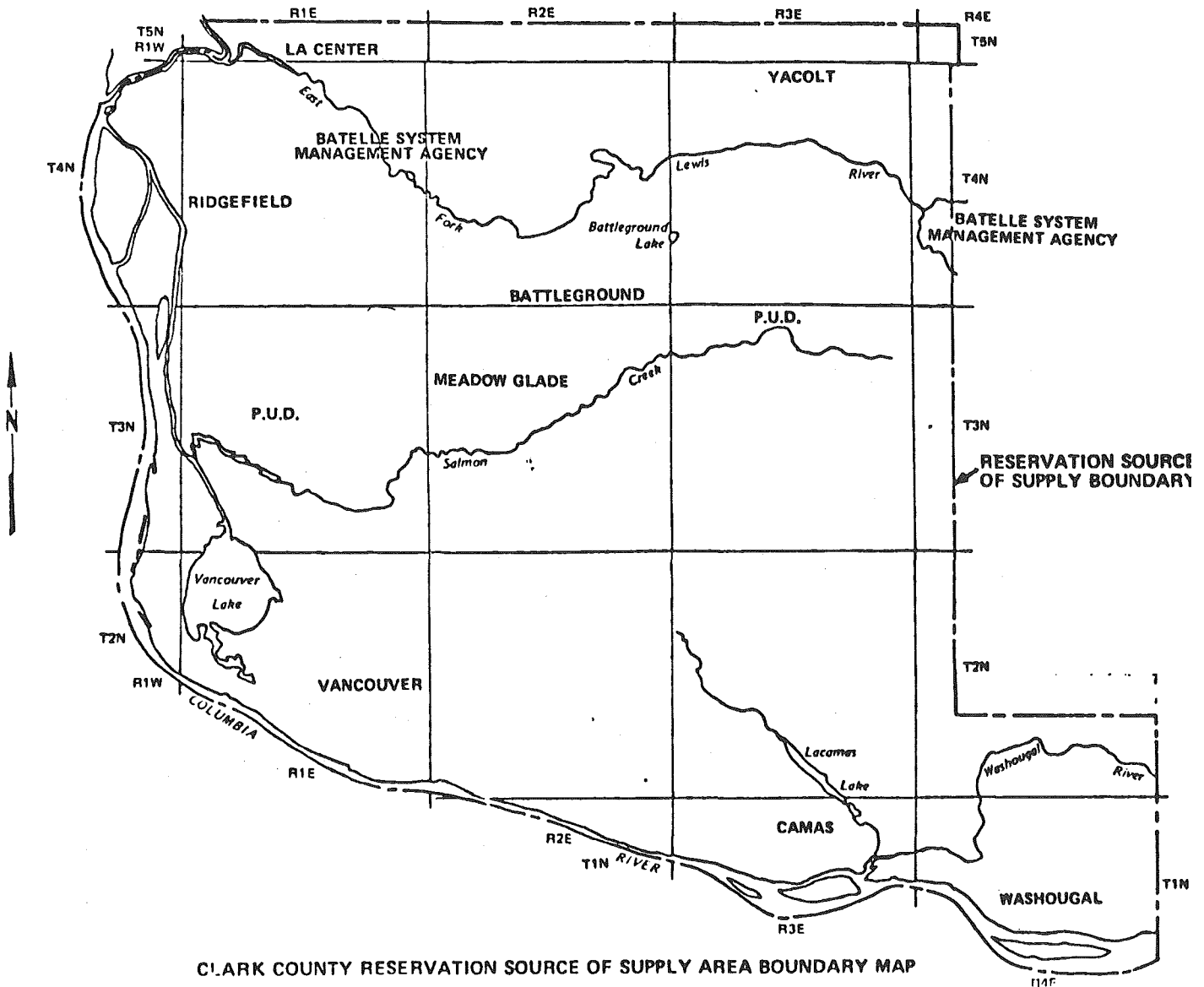
[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-100, filed 7/14/86.]

**WAC 173-592-110 Regulation review.** This chapter shall be reviewed, and changed as necessary, at least once every ten years.

[Statutory Authority: RCW 90.54.050(1). 86-15-030 (Order DE-86-17), § 173-592-110, filed 7/14/86.]

WAC 173-592-120 Reservation source of supply area map. Clark County reservation source of supply area shall include those lands that lie with the heavy outline on the following map:

CLARK COUNTY RESERVATION SOURCE OF SUPPLY AREA BOUNDARY MAP



CLARK COUNTY RESERVATION SOURCE OF SUPPLY AREA BOUNDARY MAP

[Statutory Authority: RCW 90.54.050(1), 86-15-030 (Order DE-86-17), § 173-592-120, filed 7/14/86.]

**Chapter 173-596 WAC**

**PROCEDURES AND POLICIES GOVERNING APPROPRIATIONS OF SIGNIFICANT AMOUNTS OF WATER FOR AGRICULTURAL IRRIGATION USE**

- 173-596-040 Water right of regional or statewide significance.
- 173-596-045 Conservation and management program.
- 173-596-050 Monitoring program.
- 173-596-055 Effect on existing rights and laws and public entities.
- 173-596-060 Environmental impact statement.
- 173-596-065 Review of regulatory orders.

**WAC**

- 173-596-010 Background.
- 173-596-015 Purpose.
- 173-596-020 Definitions.
- 173-596-025 Conditions to be included in permits involving substantial withdrawals of public waters.
- 173-596-030 Regional water supply and multipurpose project considerations.
- 173-596-035 Processing of applications.

**WAC 173-596-010 Background.** (1) It has been long established in our federal system, as a matter of national policy, that each state has the primary responsibility for the establishment and administration of water rights programs for waters within its boundaries. In exercising its responsibilities, the Washington state legislature, more than a half-century ago, declared that

"(S)subject to existing rights all waters within the state belong to the public." RCW 90.03.010.

The dominant doctrine for allocation of water rights in the state of Washington has been the "appropriation" doctrine. The variation of that doctrine now in operation in the state is the "permit system" established in the "water code" of 1917. Chapter 90.03 RCW. This code provides that the sole method presently available under state law, for establishing rights to divert and make beneficial use of public surface waters of the state is through the operation of the permit system of RCW 90.03.250 through 90.03.340. Establishment of a right under the permit system is based upon a ruling by the department of ecology on an application filed with the department. It is the department's responsibility, in so ruling, to make a finding relating to the physical availability of water for a beneficial use as well as a finding relating to whether a new appropriation would impair existing rights. In addition, and most importantly, the department must make a determination as to the effect of the proposed appropriation on the public welfare and public interest. RCW 90.03.290.

This regulation relates to the latter determination. Public interest and welfare considerations were not precisely articulated in the 1917 water code; instead, their definition has been the responsibility of the "state hydraulic engineer" and successor officials operating under other titles. Over the years, the wisdom and discretion of these administrators has controlled in such matters.

In 1971 the legislature enacted the Water Resources Act of 1971. Chapter 90.54 RCW. The purpose of the act was:

. . .to set forth fundamentals of water resource policy for the state to insure that waters of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology and other state agencies and officials, in carrying out water and related resources programs. RCW 90.54.010

These fundamentals of state water allocation policy are set forth in RCW 90.54.020. By RCW 90.54.040(1), the department of ecology

. . .through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use.

Subsection (2) of RCW 90.54.040 directs the department as follows:

In relation to the management and regulatory programs relating to water resources vested in it, the department is further directed to modify existing regulations and adopt new regulations, when needed

and possible, to insure that existing regulatory programs are in accord with the water resource policy of this chapter and the program established in subsection (1) of this section.

One year earlier in the Environmental Quality Reorganization Act of 1970, the legislature recognized and declared ". . . it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources . . ." RCW 43.21A.010. See also RCW 43.21C.020(1), (2) and (3), 43.21C.030 and 43.21C.060.

From the foregoing it is clear that the public interest and welfare considerations involved in a ruling upon applications under RCW 90.03.290 have been amplified and more precisely described in chapter 90.54 RCW and other state statutes. Further, the department of ecology is under a mandate to adopt regulations which incorporate the policies of the Water Resources Act of 1971 into the "permit system" of chapter 90.03 RCW.

(2) The state's water resources, which are held in a form of public trust for all its citizens, are not unlimited in availability for beneficial uses. It has become increasingly apparent from recent examinations that the demands and needs for the water resources of the state, in many cases, already exceed the waters available to satisfy these demands and needs. Further, during the past several years proposals have been made to initiate developments and activities which would require very large amounts of public waters. These proposals have usually related to agricultural irrigation projects, covering vast areas of land, under the control and operation of a few persons or nongovernmental entities. Such proposals have a potential for significantly affecting not only the quantity and quality of waters of the state but a wide range of other natural resources. In addition these water-based proposals have the potential for very substantially modifying the economic and social structure of vast areas of the state.

[Order DE 76-19, § 173-596-010, filed 6/8/76.]

**WAC 173-596-015 Purpose.** The purpose of this regulation is to integrate the policies of chapter 90.54 RCW, and other code provisions previously referred to, into the decision-making processes of the department of ecology in the implementation of the permit system of chapter 90.03 RCW as it pertains to proposed significant withdrawals of public surface waters. This regulation pertains primarily to the integration of the policy fundamentals of RCW 90.54.020 into the public interest factors mandated for consideration by RCW 90.03.290. In relation thereto special attention is directed to RCW 90.54.020(2) which provides that:

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

This regulation deals directly with rulings upon applications for water right permits pertaining to proposals to irrigate vast tracts of the state for agricultural purposes with very large amounts of water removed from public surface waters of the state. Such proposals normally appear to have far greater environmental, social and economic implications than most water withdrawals approved by the state in the past and, therefore, should be ruled upon only after full and very careful consideration thereof to insure the public interest and welfare is protected and promoted.

[Order DE 76-19, § 173-596-015, filed 6/8/76.]

**WAC 173-596-020 Definitions.** For the purpose of this chapter the following definitions shall apply.

(1) "Application" means an application for a permit provided for in RCW 90.03.250.

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

(3) "Family farm unit" means a geographical area consisting of not more than 2,000 acres of irrigated agricultural lands utilized for the benefit of a single family.

(4) "Permit" means a permit as provided for in RCW 90.03.290.

(5) "Person" means any individual, corporation, partnership, or other entity.

(6) "Public entity" means any governmental agency, public or municipal corporation and county with authority to administer and operate an agricultural irrigation water supply system and the capability to serve a substantial number of family farm units.

(7) "Public waters" means waters subject to the permit system of RCW 90.03.250 et seq.

(8) "Regional" means a geographical area, not limited to a specific areal extent, that, because of overall compatibility between numerous physical, social and economic characteristics including, but not limited to, soil types, irrigability, water availability, topography and accessibility, appears to lend itself to a single comprehensive development.

(9) "Significant withdrawal" means any proposed withdrawal by any person of public surface waters (and associated ground waters having direct hydraulic continuity therewith) for agricultural irrigation uses:

(a) In the amount of 40 cubic feet per second or greater, or

(b) On 2,000 acres or greater.

A proposed withdrawal shall be considered a "significant withdrawal" if it relates to a portion of a total project or operating unit which exceeds the amounts of subsections (a) or (b) hereof.

[Order DE 76-19, § 173-596-020, filed 6/8/76.]

**WAC 173-596-025 Conditions to be included in permits involving substantial withdrawals of public waters.** In order to secure maximum net benefits in the allocation of public waters for the people of the state and to otherwise carry our statutory policy and protect and promote the public interest and welfare applications for permits issued pursuant to RCW 90.03.290, which authorize a significant withdrawal of public waters, shall

be processed as provided in WAC 173-596-030 through 173-596-045.

[Order DE 76-19, § 173-596-025, filed 6/8/76.]

**WAC 173-596-030 Regional water supply and multipurpose project considerations.** (1) The following shall be favored generally in relation to significant withdrawals:

(a) Development of water supply projects which provide water to members of the public generally in regional areas of the state.

(b) Development of multipurpose water projects.

(c) Operation by public entities of such comprehensive water supply and multipurpose water projects.

(d) Family farming.

(2) In the processing of an application for a significant withdrawal, the department shall first determine whether: (a) Public waters are available for appropriation for a beneficial use, and (b) the proposed withdrawal of public waters would not impair existing rights. The department shall deny the application if either of these two determinations are not in the affirmative.

(3) If the department finds public waters are available and no such impairment would take place, the department shall then determine whether the proposed use of water will be upon lands which may be served in better fashion, taking into account public interest considerations, through a regional water supply system or multipurpose water project. This finding shall be determined after the completion of feasibility studies, environmental impact statements, or other appropriate information gathering methods. The department shall further determine whether there is presently a public entity in existence with the interest and capability to construct and operate such a project, or it appears such an entity will be established within the reasonably foreseeable future.

(4) If the department determines that a regional water project appears both desirable and feasible for development and that a public entity is or will be in existence which has the interest and capability to construct and operate such a project within the reasonably foreseeable future, the department shall take appropriate actions designed to bring about the development of the regional project and the creation of water rights under RCW 90.03.250 et seq. for the operating public entity. The department may, as one of such actions described above, reserve public waters as provided in RCW 90.54.050 to assure the availability of public waters for the project. These actions shall continue unless the department thereafter concludes that the objectives of the actions cannot be reached within a reasonable time.

(5) Permits issued under RCW 90.03.250 et seq. to a public entity for a regional water project shall be conditioned to insure a substantial portion of the waters, normally more than 50 percent, authorized for withdrawal for irrigation use are used for family farm units and that no person owning or operating a family farm unit and receiving water from the substantial portion should be supplied further waters from such portion. The permit shall provide conditions taking into account state water allocation policy to insure equitable distribution of those



waters available for lands other than those within family farm units. Such permits shall be further conditioned to require all users of water for agricultural irrigation purposes to carry out a conservation and management program as described in WAC 173-596-045, except as provided in WAC 173-596-055(5), the department shall not include a condition limiting the term of time of effectiveness of the permit to a specific period of years or to a specific termination date unless specifically requested by the applying public entity.

(6) If a permit is issued as provided in subsection (5), the department shall deny the application for a significant withdrawal, referred to in subsection (2), at the time of the issuance of a permit unless said application is included in the decision of the department as part of the permit granted to the public entity.

(7) If the public entity increases its service area in a manner that results in a substantial portion of water being required for other than family farms, any new applications will be processed in the same manner as provided in WAC 173-596-035.

[Order DE 76-19, § 173-596-030, filed 6/8/76.]

**WAC 173-596-035 Processing of applications.** (1)

If the department determines a regional water project, as provided in WAC 173-596-030, is not desirable or feasible, or an entity is not available to construct and operate such a project, the department shall further process the application for a significant withdrawal referred to in WAC 173-596-030(2).

(2) The department shall then conduct hearings to obtain comments from the public pertaining to the application. The hearings, which shall be announced by notices in newspapers, and such other means the department deems appropriate, shall be held in the county or counties where the proposed point or points of withdrawal of public waters are located. The hearings shall be conducted for the purpose of obtaining views not only as to whether the application should be approved but whether, if approved, the permit issued should contain the conditions provided for in WAC 173-596-040.

(3) The department shall include the conditions provided for in WAC 173-596-040 only if it is determined that, under the particular facts, the policies pertaining to the achievements of maximum net benefits and other existing state policies of chapters 90.54 and 90.03 RCW and otherwise, or pertinent water allocation policies as are in effect are clearly promoted by the inclusion thereof. A permit including the conditions provided for in WAC 173-596-040 shall be characterized as "a water right permit of regional or statewide significance."

[Order DE 76-19, § 173-596-035, filed 6/8/76.]

**WAC 173-596-040 Water right of regional or statewide significance.** A water right permit of regional or statewide significance shall provide that the initial period of authorization for withdrawal shall be for 50 years and the permit holder shall be entitled to a first right of extension thereto as provided hereinafter. A permit shall terminate, in whole or in part, at the end of

its term if at any time prior to the end of the 45th year of any 50-year term the department:

(1) Finds:

(a) All or a portion of the public waters of the state authorized for withdrawal by the permit are required for a higher beneficial use or purpose to satisfy state policy at the conclusion of any term.

(b) The termination does not appear to create conditions detrimental to the public interest and welfare which exceed the public benefits to be derived from the termination, and provided that the department in its termination shall give full and just consideration to allow the water right holder to retain a portion of the right with an allocation of water sufficient to satisfy the needs of a family farm, consistent with the manner in which family farming is being carried out in the area in question at that point in time, and

(2) Notifies the holder of the permit by written regulatory order of the aforementioned findings and the decision to terminate the permit. If the department does not provide the aforementioned notice the authority to withdraw embodied in the permit shall, at the end of the 45th year of its term, automatically be extended an additional 50-year period from its original term for a new term of 50 years.

(3) Any order issued pursuant to WAC 173-596-045(2) shall be subject to full and complete review as provided in WAC 173-596-065.

[Order DE 76-19, § 173-596-040, filed 6/8/76.]

**WAC 173-596-045 Conservation and management program.** (1) A water right pertaining to a significant withdrawal shall normally include a condition relating to a conservation and management program designed to promote public interest values on the lands to which the public waters are to be applied as well as on the lands adjacent thereto. This program shall include, among others and when reasonably achievable, elements which promote natural resources values, protect against soil losses to public waters and air and provide for adequate drainage and related facilities. The program shall be developed in consultation with appropriate federal, state, and local agencies having responsibilities for administration of natural resources protection and management programs. The program shall be designed to minimize the financial commitment of the permit holder and such commitment shall, whenever possible, be limited to a one-time expense. The program shall be designed, so far as practicable, to preclude a commitment of the permit holder to perform special farm practices of a nature not associated with standard farm conservation practices.

(2) Generally, this program, in precisely described form, shall be included as a condition of the permit at the time of the ruling upon the application. However, in some circumstances, it is contemplated that a precisely described program will not be included as a condition of permit prior to its issuance. In such event a permit condition requiring a program to be developed in precisely described form by the permittee, after consultation with the aforementioned public entities, shall be included. The permit shall further require that the aforementioned

program must be submitted by permittee to, as well as be approved by, the department within six months of the date of the issuance of the permit. Approval of a program, in the form approved by the department, shall be by written regulatory order. No public waters authorized for withdrawal by a permit shall be withdrawn prior to the approval being given to a program.

(3) Conservation and management programs, as related to fauna and flora, shall be designed primarily for nonfarmed areas and farmed areas which are not appropriate for intensive agricultural endeavors.

(4) Implementation by the permittee of a program embodied in a permit condition on a continuing basis shall be a requirement for continued withdrawal of public water and failure to so implement a program shall constitute grounds for the department to terminate a permit.

[Order DE 76-19, § 173-596-045, filed 6/8/76.]

**WAC 173-596-050 Monitoring program.** The department shall carry out a monitoring program pertaining to the uses being made by permittee of public waters to insure against waste and other practices which may cause degradation of public resources and to otherwise prevent misuse of public waters and permits shall be conditioned to insure compliance herewith.

[Order DE 76-19, § 173-596-050, filed 6/8/76.]

**WAC 173-596-055 Effect on existing rights and laws and public entities.** (1) Nothing in this chapter shall affect any existing rights to withdraw public waters.

(2) Nothing herein shall modify the regulation of existing rights based on the priority of the right.

(3) Rights embodied in permits issued for significant withdrawals shall be issued subject to existing rights.

(4) Nothing in this chapter modifies or otherwise affects any statutory provisions pertaining to permits and certificates including those pertaining to termination of permits or certificates or loss or forfeiture thereof.

(5) The provisions of this chapter should be considered as nonexclusive water allocation policy factors and should not be construed as restricting the department from consideration of other factors as they become relevant to rulings upon applications for permits and conditioning the same for significant withdrawals.

(6) Nothing herein shall be construed to authorize members of the public to enter private lands subject to the provisions of this act.

(7) Nothing herein shall relate to or modify any powers of eminent domain.

[Order DE 76-19, § 173-596-055, filed 6/8/76.]

**WAC 173-596-060 Environmental impact statement.** Detailed statements, as provided for in RCW 43.21C.030, shall be prepared when appropriate prior to ruling upon any application for a significant withdrawal or withdrawal for a regional water supply project as provided in this chapter.

[Order DE 76-19, § 173-596-060, filed 6/8/76.]

[Title 173 WAC—p 568]

**WAC 173-596-065 Review of regulatory orders.** Written regulatory orders as provided herein shall be considered final orders of the department which are subject to review, as any other final order of the department of ecology, before the pollution control hearings board. See chapter 43.21B RCW.

[Order DE 76-19, § 173-596-065, filed 6/8/76.]

## Chapter 173-802 WAC SEPA PROCEDURES

### WAC

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**WAC 173-802-010 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 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-010, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-020 Adoption by reference.** The department of ecology adopts the following sections or subsections of chapter 197-11 WAC by reference.

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| 197-11-040 | Definitions.  |
| 197-11-050 | Lead agency.  |
| 197-11-055 | Timing of the SEPA process.                               |
| 197-11-060 | Content of environmental review.                          |
| 197-11-070 | Limitations on actions during SEPA process.               |
| 197-11-080 | Incomplete or unavailable information.                    |
| 197-11-090 | Supporting documents.                                     |
| 197-11-100 | Information required of applicants.                       |
| 197-11-300 | Purpose of this part.                                     |
| 197-11-305 | Categorical exemptions.                                   |
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| 197-11-315 | Environmental checklist.                                  |
| 197-11-330 | Threshold determination process.                          |
| 197-11-335 | Additional information.                                   |
| 197-11-340 | Determination of nonsignificance (DNS).                   |
| 197-11-350 | Mitigated DNS.  |
| 197-11-360 | Determination of significance (DS)/initiation of scoping. |
| 197-11-390 | Effect of threshold determination.                        |

- 197-11-400 Purpose of EIS.  
 197-11-402 General requirements.  
 197-11-405 EIS types.  
 197-11-406 EIS timing.  
 197-11-408 Scoping.  
 197-11-410 Expanded scoping. (Optional)  
 197-11-420 EIS preparation.  
 197-11-425 Style and size.  
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 197-11-435 Cover letter or memo.  
 197-11-440 EIS contents.  
 197-11-442 Contents of EIS on nonproject proposals.  
 197-11-443 EIS contents when prior nonproject EIS.  
 197-11-444 Elements of the environment.  
 197-11-448 Relationship of EIS to other considerations.  
 197-11-450 Cost-benefit analysis.  
 197-11-455 Issuance of DEIS.  
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 197-11-500 Purpose of this part.  
 197-11-502 Inviting comment.  
 197-11-504 Availability and cost of environmental documents.  
 197-11-508 SEPA register.  
 197-11-535 Public hearings and meetings.  
 197-11-545 Effect of no comment.  
 197-11-550 Specificity of comments.  
 197-11-560 FEIS response to comments.  
 197-11-570 Consulted agency costs to assist lead agency.  
 197-11-600 When to use existing environmental documents.  
 197-11-610 Use of NEPA documents.  
 197-11-620 Supplemental environmental impact statement—Procedures.  
 197-11-625 Addenda—Procedures.  
 197-11-630 Adoption—Procedures.  
 197-11-635 Incorporation by reference—Procedures.  
 197-11-640 Combining documents.  
 197-11-650 Purpose of this part.  
 197-11-655 Implementation.  
 197-11-660 Substantive authority and mitigation.  
 197-11-680 Appeals.  
 197-11-700 Definitions.  
 197-11-702 Act.  
 197-11-704 Action.  
 197-11-706 Addendum.  
 197-11-708 Adoption.  
 197-11-710 Affected tribe.  
 197-11-712 Affecting.  
 197-11-714 Agency.  
 197-11-716 Applicant.  
 197-11-718 Built environment.  
 197-11-720 Categorical exemption.  
 197-11-722 Consolidated appeal.  
 197-11-724 Consulted agency.  
 197-11-726 Cost-benefit analysis.  
 197-11-728 County/city.  
 197-11-730 Decisionmaker.  
 197-11-732 Department.  
 197-11-734 Determination of nonsignificance (DNS).  
 197-11-736 Determination of significance (DS).  
 197-11-738 EIS.  
 197-11-740 Environment.  
 197-11-742 Environmental checklist.  
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 197-11-752 Impacts.  
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 197-11-800 Categorical exemptions.  
 197-11-810 Exemptions and nonexemptions applicable to specific state agencies.  
 197-11-855 Department of ecology.  
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 197-11-890 Petitioning DOE to change exemptions.  
 197-11-900 Purpose of this part.  
 197-11-908 Environmentally sensitive areas.  
 197-11-912 Procedures on consulted agencies.  
 197-11-916 Application to ongoing actions.  
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 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.  
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-020, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-030 Purpose.** This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the department of ecology.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-030, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-040 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) "Office" means one of the five offices in the department of ecology supervised by an assistant director.
- (2) "Region" means any one of the four regional offices of the department.
- (3) "Program" means any one of the department's headquarters sections or divisions that administers a program, such as water quality, water resources, shorelands, and hazardous waste.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-040, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-050 Designation of responsible official.** Within the department of ecology, the ultimate responsible official is the director. The responsible official for a specific proposal shall be a supervisor of a regional office branch or a division supervisor, unless more than one division or regional office branch is involved in a proposal; if so, the responsible official shall be the next higher supervisor common to all involved divisions. When two or more offices are involved, or an office and a division supervised by a special assistant are involved, the deputy director shall designate the responsible official.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-050, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-060 Additional timing considerations.** (1) Department staff receiving a permit 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 should 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. The applicant should also complete an environmental checklist if the staff person is unsure whether the proposal is exempt.

(2) Department staff receiving a completed permit application and environmental checklist should determine whether WDOE or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If WDOE is not the lead agency, the staff person shall send the completed environmental checklist, a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.

(3) When the department has prepared a draft regulation, the draft EIS or determination of nonsignificance (DNS) shall accompany the draft regulation to the ecological commission for its review.

(4) If the only nonexempt action is department approval of detailed project plans and specifications, an applicant may request that the department complete SEPA compliance before the applicant submits the detailed plans and specifications. If the applicant asks for early environmental review, the department shall complete such review at the final engineering report stage, but not earlier.

(5) Whenever possible, the department shall coordinate the comment periods for environmental documents and the planning documents and/or regulations for which they were written, circulating both documents together.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-060, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-070 Threshold determination process—Additional considerations.** When reviewing a completed environmental checklist to make the threshold determination, the responsible official or his designee will:

- (1) Independently evaluate the responses of the applicant and note comments, concerns, corrections, or new information in the right margin of the checklist.
- (2) Conduct the initial review of the checklist and any supporting documents without requiring additional information from the applicant.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-070, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-080 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 permit 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 his designee shall respond to the request within ten working days of receipt of the letter; 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 after 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 197-11-350(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 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 197-11-350(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 clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the department to consider the clarifications 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 permit or other approval for all purposes, including enforcement of the permit or other approval. 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 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-080, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-090 EIS preparation.** (1) Preparation of draft and final EISs and SEISs is the responsibility of the environmental review section. Before the department issues an EIS, the responsible official shall be satisfied that it complies with these rules and chapter 197-11 WAC.

(2) The department normally will prepare its own draft and final EISs. It may require an applicant to provide information that the department does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under these rules.

(3) If the department would be unable to prepare a draft and/or final EIS due to its commitments or other constraints or when a local agency transfers lead agency status to the department under WAC 197-11-940, the department may allow an applicant the following option for preparation of the draft and/or final EIS for the applicant's proposal:

(a) The department retains a mutually agreed upon and independent outside party to prepare the document.

(b) The applicant and the department agree upon a method of funding in which the applicant will bear the expense of the EIS preparation, but the consultant will work directly for the department.

(c) The outside party will prepare the document under the supervision of the environmental review section and the responsible official.

(d) Normally, the department will print and distribute the documents.

(4) Whenever someone other than the department prepares a draft or final EIS, the department shall:

(a) Direct the areas of research and examination to be undertaken and the content and organization of the document.

(b) Initiate and coordinate scoping, ensuring that the individual preparing the EIS receives all substantive information submitted by any agency or person.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the EIS.

(d) Allow the person preparing the EIS access to department records relating to the EIS (under chapter 42.17 RCW—Public disclosure and public records law).

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-090, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-100 Public notice requirements.** (1)

The department shall give public notice when issuing a DNS under WAC 197-11-350(2), a scoping notice under WAC 173-802-090, 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 department's permit or approval required for the proposal.

(a) When more than one permit or approval required from the department has public notice requirements, the notice procedures that would reach the widest audience should be used, if possible.

(b) If the public notice requirements for the permit or approval must be completed at a specific time in the permitting process and that timing does not coincide with the timing requirements for SEPA public notice, the department must use one or more public notice methods in subsection (4) of this section.

(c) If there are no public notice requirements for any of the permits/approvals required for a proposal, the department must use one or more public notice methods in subsection (4) of this section.

(3) The department may require an applicant to perform the public notice requirement at his or her expense.

(4) The department shall use one or more of the following 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 permit or approval required from the department, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Mailing to persons or groups who have expressed interest in the proposal, that 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, for site-specific proposals.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-100, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-110 Policies and procedures for conditioning or denying permits or other approvals.** (1)(a)

The overriding policy of the department of ecology is to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(b) The department of ecology shall 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:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) 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.

(d) The department shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations.

(2)(a) When the environmental document for a proposal shows it will cause significant adverse impacts that the proponent does not plan to mitigate, the responsible official shall consider whether:

(i) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(ii) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(iii) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(b) The responsible official may:

(i) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(ii) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(c) The procedures in WAC 197-11-660 must also be followed when conditioning or denying permits or other approvals.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-110, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-120 Environmentally sensitive areas.**

(1) In determining whether a proposal is exempt from SEPA, the department shall respect "environmentally sensitive area" designations made by local governments under WAC 197-11-908.

(2) The department shall maintain files of the maps and SEPA procedures that cities/counties must send to the department under WAC 197-11-908. The department shall allow the public, groups, and agencies to review these SEPA procedures and maps during normal business hours.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-120, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-130 Threshold levels adopted by cities/counties.** (1) In determining whether a proposal is exempt from SEPA, the department shall respect the threshold levels adopted by cities/counties under WAC 197-11-800(1).

(2) The department shall maintain files of the SEPA procedures that cities/counties must send to the department under WAC 197-11-800 (1)(c). The department shall allow the public, groups, and agencies access to these SEPA procedures during normal business hours.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-130, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-140 Responsibilities of individuals and work units within the department.** (1) The environmental review section of the department shall be responsible for the following:

(a) Coordinating agency activities to comply with SEPA, encouraging consistency in SEPA compliance among all regions and programs.

(b) Providing information and guidance on SEPA and the SEPA rules to department staff, agencies, groups, and citizens.

(c) Receiving all SEPA documents sent to the department for review and comment, distributing documents and coordinating review with appropriate regions and programs, preparing the department's response, ensuring a timely response, and requesting extensions to the comment period of an EIS, when needed.

(d) Preparing and publishing the SEPA register weekly as required under WAC 197-11-508.

(e) Maintaining the department's files for EISs, DNSs, scoping notices, and notices of action sent to the department under SEPA and the SEPA rules.

(f) Maintaining files for the city/county SEPA procedures designating environmentally sensitive areas and flexible thresholds and making the information available to department staff and the public.

(g) Writing and/or coordinating EIS preparation, including scoping and the scoping notice, making sure to work with appropriate regions and programs.

(h) Preparing for, coordinating, and presenting annual SEPA workshops and publishing an annual SEPA handbook.

(i) Publishing and distributing the SEPA rules and amending the SEPA rules, as necessary.

(j) Responding to petitions for changes in exemptions from SEPA.

(k) Responding to petitions to resolve lead agency disputes.

(l) Fulfilling the department's other general responsibilities under SEPA and the SEPA rules.

(2) Regional offices and programs of the department shall be responsible for the following:

(a) Determining whether their decision on a permit or other approval, program, policy, plan, or regulation is an "action" under SEPA and, if so, whether it is exempt from SEPA's requirements (the first department official contacted may make these determinations).

(b) Determining whether WDOE or another agency is SEPA lead agency, contacting the environmental review section if there is a question about which agency is the lead agency.

(c) Making the threshold determination (made by the responsible official, see WAC 173-802-050).

(i) Issuing a determination of nonsignificance, if appropriate (issued by responsible official) and ensuring compliance with the public notice requirements of WAC 173-802-100; or

(ii) Contacting the environmental review section if a determination of significance is appropriate.

(d) Reviewing SEPA documents and submitting comments to the environmental review section in a timely fashion, recognizing that SEPA and the SEPA rules impose strict time limits on commenting.

(e) Working with the environmental review section on preparation of EISs.

(f) Ensuring that permit decisions are consistent with the final EIS and DNS.

[Statutory Authority: RCW 43.21C.120 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-140, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-150 Coordination on combined department--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 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-150, filed 6/15/84. Formerly chapter 173-801 WAC.]

**WAC 173-802-190 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 and 43.21C.135. 84-13-037 (Order DE 84-21), § 173-802-190, filed 6/15/84. Formerly chapter 173-801 WAC.]

## Chapter 173-806 WAC

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**WAC 173-806-010 Authority.** The city/county of \_\_\_\_\_ adopts this ordinance under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.

This ordinance contains this city's/county's SEPA procedures and policies.

The SEPA rules, chapter 197-11 WAC, must be used in conjunction with this ordinance.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-010, filed 6/15/84. Formerly WAC 173-805-010.]

PART TWO  
GENERAL REQUIREMENTS

**WAC 173-806-020 Purpose of this part and adoption by reference.** This part contains the basic requirements that apply to the SEPA process. The city/county adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC

- 197-11-040 Definitions.  
 197-11-050 Lead agency.  
 197-11-055 Timing of the SEPA process.  
 197-11-060 Content of environmental review.  
 197-11-070 Limitations on actions during SEPA process.  
 197-11-080 Incomplete or unavailable information.  
 197-11-090 Supporting documents.  
 197-11-100 Information required of applicants.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-020, filed 6/15/84. Formerly WAC 173-805-020.]

**WAC 173-806-030 Additional definitions.** In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this ordinance, 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 rules" means chapter 197-11 WAC adopted by the department of ecology.

(3) "Ordinance" means the ordinance, resolution, or other procedure used by the city/county to adopt regulatory requirements.

(4) "Early notice" means the city's/county's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-030, filed 6/15/84. Formerly WAC 173-805-030.]

**WAC 173-806-040 Designation of responsible official.** (1) (Note: Use Option 1 or 2, but not both.) (Option 1) For those proposals for which the city/county is the lead agency, the responsible official shall be (Note:

(1986 Ed.)



Indicate position title, level within city's/county's organization, elected official title or legislative body) \_\_\_\_\_.

(Option 2) For public proposals, the head (administrative official) of the department making the proposal shall be the responsible official. For private proposals, the head (administrative official) of the department with primary responsibility for approving the permits and licenses for the proposal shall be the responsible official. When multiple officials have permitting authority, the assignment of responsibility shall be reached by agreement.

(2) For all proposals for which the city/county is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

(3) The city/county shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 RCW.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-040, filed 6/15/84. Formerly WAC 173-805-115.]

**WAC 173-806-050 Lead agency determination and responsibilities.** (1) The department within the city/county receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940; 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.

(2) When the city/county is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the city/county is not the lead agency for a proposal, all departments of the city/county shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city/county department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city/county may conduct supplemental environmental review under WAC 197-11-600.

(4) If the city/county or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination 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 under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city/county may be initiated by \_\_\_\_\_.

(5) Departments of the city/county are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: *Provided*, That the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-050, filed 6/15/84. Formerly WAC 173-805-070.]

**WAC 173-806-053 Transfer of lead agency status to a state agency.** (Optional for cities or towns under 5,000 population and counties of fifth through ninth class.) For any proposal for a private project where the city/county would be the lead agency and for which one or more state agencies have jurisdiction, the city's/county's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city/county shall be an agency with jurisdiction. To transfer lead agency duties, the city's/county's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city/county shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-053, filed 6/15/84. Formerly WAC 173-805-053.]

**WAC 173-806-055 Additional considerations in time limits applicable to the SEPA process.** The following time limits (expressed in calendar days) shall apply when the city/county processes licenses for all private projects and those governmental proposals submitted to the city/county by other agencies:

(1) (Optional. Not required under act or rules.) Categorical exemptions. The city/county shall identify whether an action is categorically exempt within seven days of receiving a completed application.

(2) Threshold determinations.

(a) (Optional. Further clarification of fifteen-day period for threshold determination.) The city/county should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen days of the date an applicant's adequate application and completed checklist are submitted.

(b) (Optional. Not required.) When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:

(i) The city/county should request such further information within fifteen days of receiving an adequate application and completed environmental checklist;

(ii) The city/county shall wait no longer than thirty days for a consulted agency to respond;

(iii) The responsible official should complete the threshold determination within fifteen days of receiving the requested information from the applicant or the consulted agency.

(c) (*Optional. Not required.*) When the city/county must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city/county should complete the studies within thirty days of receiving an adequate application and a completed checklist.

(d) (*Optional.*) The city/county shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen days of receiving an adequate application and completed checklist.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-055, filed 6/15/84. Formerly WAC 173-805-040.]

**WAC 173-806-058 Additional timing considerations.** (1) For nonexempt proposals, the DNS or (*Note: Select either draft or final EIS.*) \_\_\_\_\_ EIS for the proposal shall accompany the city's/county's staff recommendation to any appropriate advisory body, such as the planning commission.

(2) If the city's/county's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city/county conduct environmental review prior to submission of the detailed plans and specifications. (*Note: The following may be added.*) The point at which environmental review may be initiated for specific permits or other licenses requiring detailed project plans and specifications is \_\_\_\_\_.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-058, filed 6/15/84. Formerly chapter 173-805 WAC.]

### PART THREE CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

**WAC 173-806-065 Purpose of this part and adoption by reference.** This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city/county adopts the following sections by reference, as supplemented in this part:

WAC

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of nonsignificance (DNS).

197-11-350 Mitigated DNS.

197-11-360 Determination of significance (DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-065, filed 6/15/84. Formerly WAC 173-805-020.]

**WAC 173-806-070 Flexible thresholds for categorical exemptions.** (*Note: This section is optional. The lowest exempt level in the ranges below apply unless the city/county raises the level based on local conditions, such as previous DNSs on the activities or city/county development codes. The city/county may raise the level for an exemption to any point up to the maximum specified in WAC 197-11-800 (1)(c); once levels are established in this ordinance, the city/county must apply a level to all projects within the geographic area to which the level applies.*) (1) \_\_\_\_\_ city/county establishes the following exempt levels for minor new construction under WAC 197-11-800 (1)(b) based on local conditions:

(a) For residential dwelling units in WAC 197-11-800 (1)(b)(i) (*Note: Range 4 - 20 units*): Up to \_\_\_\_\_ dwelling units.

(b) For agricultural structures in WAC 197-11-800 (1)(b)(ii) (*Note: Range 10,000 - 30,000 square feet*): Up to \_\_\_\_\_ square feet.

(c) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800 (1)(b)(iii) (*Note: Range 4,000 - 12,000 square feet and 20 - 40 parking spaces*): Up to \_\_\_\_\_ square feet and up to \_\_\_\_\_ parking spaces.

(d) For parking lots in WAC 197-11-800 (1)(b)(iv) (*Note: Range 20 - 40 parking spaces*): Up to \_\_\_\_\_ parking spaces.

(e) For landfills and excavations in WAC 197-11-800 (1)(b)(v) (*Note: Range 100 - 500 cubic yards*): Up to \_\_\_\_\_ cubic yards.

(2) Whenever the city/county establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800 (1)(c).

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-070, filed 6/15/84. Formerly chapter 173-805 WAC.]

**WAC 173-806-080 Use of exemptions.** (1) Each department within the city/county that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The city/county shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the city/county may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

(a) The city/county shall not give authorization for:

(i) Any nonexempt action;

(ii) Any action that would have an adverse environmental impact; or

(iii) Any action that would limit the choice of alternatives.

(b) A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

(c) A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-080, filed 6/15/84. Formerly WAC 173-805-060.]

**WAC 173-806-090 Environmental checklist.** (1) (Use Option 1 or 2, but not both) (Option 1, using checklist from the rules without changes.) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance; except, a checklist is not needed if the city/county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city/county shall use the environmental checklist to determine the lead agency and, if the city/county is the lead agency, for determining the responsible official and for making the threshold determination.

(Option 2, adding questions to the checklist.) A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the city/county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The checklist shall be in the form of WAC 197-11-960 with the following additions: (Indicate city's/county's additions.) \_\_\_\_\_.

(2) For private proposals, the city/county will require the applicant to complete the environmental checklist, providing assistance as necessary. For city/county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) (Optional.) The city/county may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs: (Either one or both of the following may be included.)

(a) The city/county has technical information on a question or questions that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-090, filed 6/15/84. Formerly WAC 173-805-090.]

**WAC 173-806-100 Mitigated DNS.** (1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(2) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(b) Precede the city's/county's actual threshold determination for the proposal.

(3) The responsible official should respond to the request for early notice within \_\_\_\_\_ working days. The response shall:

(a) Be written;

(b) State whether the city/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city/county to consider a DS; and

(c) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the city/county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city/county shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

(a) If the city/county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city/county shall issue and circulate a DNS under WAC 197-11-340(2).

(b) If the city/county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city/county shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

(d) Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(6) A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen-day comment period and public notice.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city/county.

(8) If the city's/county's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city/county should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) (withdrawal of DNS).

(9) The city's/county'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 city/county to consider the clarifications or changes in its threshold determination.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-100, filed 6/15/84. Formerly chapter 173-805 WAC.]

#### PART FOUR ENVIRONMENTAL IMPACT STATEMENT (EIS)

**WAC 173-806-110 Purpose of this part and adoption by reference.** This part contains the rules for preparing environmental impact statements. The city/county adopts the following sections by reference, as supplemented by this part:

##### WAC

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.

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197-11-450 Cost-benefit analysis.

197-11-455 Issuance of DEIS.

197-11-460 Issuance of FEIS.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-110, filed 6/15/84. Formerly WAC 173-805-020.]

**WAC 173-806-120 Preparation of EIS—Additional considerations.** (1) Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of (*department*) under the direction of the responsible official. Before the city/county issues an EIS, the responsible official shall be satisfied that it complies with this ordinance and chapter 197-11 WAC.

(2) The DEIS and FEIS or draft and final SEIS shall be prepared by city/county staff, the applicant, or by a consultant selected by the city/county or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city/county will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's/county's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

(3) The city/county may require an applicant to provide information the city/county does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this ordinance or that is being requested from another agency. (This does not apply to information the city/county may request under another ordinance or statute.)

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-120, filed 6/15/84. Formerly WAC 173-805-100.]

**WAC 173-806-125 Additional elements to be covered in an EIS.** (*This entire section is optional. If used, you may select any of the listed elements or add your own.*) The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this ordinance:

- (1) Economy.
- (2) Social policy analysis.
- (3) Cost-benefit analysis.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-125, filed 6/15/84. Formerly WAC 173-805-105.]

#### PART FIVE COMMENTING

**WAC 173-806-128 Adoption by reference.** This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city/county adopts the following sections by reference, as supplemented in this part:

##### WAC

- 197-11-500 Purpose of this part.

(1986 Ed.)

- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-128, filed 6/15/84. Formerly WAC 173-805-020.]

**WAC 173-806-130 Public notice.** (*This section is required. Subsections (1) and (2) of this section may be combined.*) (1) Whenever \_\_\_\_\_ city/county issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city/county shall give public notice as follows:

(a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

(b) If no public notice is required for the permit or approval, the city/county shall give notice of the DNS or DS by: (*Note: Select at least one of the following*)

(i) Posting the property, for site-specific proposals;

(ii) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(iii) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(iv) Notifying the news media;

(v) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

(vi) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas);

(vii) (*or, specify other method*) \_\_\_\_\_.

(c) Whenever the city/county issues a DS under WAC 197-11-360(3), the city/county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(2) Whenever the city/county issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and (*Note: In addition select at least one of the following or insert all of the list and require that at least one method be used.*)

(b) Posting the property, for site-specific proposals;

(c) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(d) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(e) Notifying the news media;

(f) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

(g) Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas); (*and/or*

(h) *specify other*) \_\_\_\_\_.

(3) Whenever possible, the city/county shall integrate the public notice required under this section with existing notice procedures for the city's/county's nonexempt permit(s) or approval(s) required for the proposal.

(4) The city/county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-130, filed 6/15/84. Formerly chapter 173-805 WAC.]

**WAC 173-806-140 Designation of official to perform consulted agency responsibilities for the city/county.** (1) The \_\_\_\_\_ (*position title, department, or office*) shall be responsible for preparation of written comments for the city/county in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

(2) This (*person, department or office*) shall be responsible for the city's/county's compliance with WAC 197-11-550 whenever the city/county is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city/county.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-140, filed 6/15/84. Formerly WAC 173-805-110.]

## PART SIX USING EXISTING ENVIRONMENTAL DOCUMENTS

**WAC 173-806-150 Purpose of this part and adoption by reference.** This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's/county's own environmental compliance. The city/county adopts the following sections by reference:

### WAC

- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-150, filed 6/15/84. Formerly WAC 173-805-020.]

**PART SEVEN  
SEPA AND AGENCY DECISIONS**

**WAC 173-806-155 Purpose of this part and adoption by reference.** This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The city/county adopts the following sections by reference:

**WAC**

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-155, filed 6/15/84. Formerly WAC 173-805-020.]

**WAC 173-806-160 Substantive authority.** (1) The policies and goals set forth in this ordinance are supplementary to those in the existing authorization of the city of \_\_\_\_\_ / \_\_\_\_\_ county.

(2) The (city/county) may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The city/county has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The (city/county) may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The city/county designates and adopts by reference the following policies as the basis for the city's/county's exercise of authority pursuant to this section:

(a) The city/county shall 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:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The city/county 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.

(c) *(Optional.)* The city/county adopts by reference the policies in the following city/county *(codes, ordinances, resolutions, plans)* \_\_\_\_\_: *(List the codes, ordinances, resolutions, or plans you have selected, such as zoning ordinance, building codes or comprehensive plans.)* \_\_\_\_\_.

(d) *(Optional.)* The city/county establishes the following additional policies: \_\_\_\_\_.

(5) *(Note: Required by RCW 43.21C.060, unless the city/county council/commission elects to eliminate such appeals and states so in this ordinance.)* Except for permits and variances issued pursuant to chapter \_\_\_\_\_ of the city/county code *(chapter relating to shoreline management)*, when any proposal or action not requiring a decision of the city/county council/commission is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the city/county council/commission. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the city/county council/commission shall be on a de novo basis.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-160, filed 6/15/84. Formerly chapter 173-805 WAC.]

**WAC 173-806-170 Appeals.** (1) *(Agency administrative appeal is optional. If allowed, the statute requires that all of this subsection be included, except (c) of this subsection which is optional.)* \_\_\_\_\_ city/county establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

(a) Any agency or person may appeal the city's/county's procedural compliance with chapter 197-11 WAC for issuance of the following: *(Note: Select one or more.)*

(i) A final DNS: *(Note: Choose one of the following options.)*

(Option 1) Appeal of the DNS must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the DNS is final (see WAC 197-11-390 (2)(a)).

(Option 2) Appeal of the DNS must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the DNS is final. Appeal of the substantive determination on the action must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the issuance of the permit or other license.

(Option 3) Appeal of the (city/county must specify DNS, substantive determination on action, or both. If both are allowed, they must be consolidated.) must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the permit or other approval is issued.

(ii) A DS: The appeal must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the DS is issued.

(iii) An EIS: Appeal of the (city/county must specify FEIS, substantive determination on the action, or both. If both are allowed, they must be consolidated) \_\_\_\_\_ must be made to \_\_\_\_\_ within \_\_\_\_\_ days of the date the permit or other approval is issued.

(b) For any appeal under this subsection, the city/county shall provide for a record that shall consist of the following:

- (i) Findings and conclusions;
- (ii) Testimony under oath; and
- (iii) A taped or written transcript.

(c) (Optional.) The city/county may require the appellant to provide an electronic transcript.

(d) The procedural determination by the city's/county's responsible official shall carry substantial weight in any appeal proceeding.

(2) The city/county shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. (The following is optional.) The following permits or approvals require official notice: \_\_\_\_\_.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-170, filed 6/15/84. Formerly chapter 173-805 WAC.]

**WAC 173-806-173 Notice/statute of limitations.** (Optional.) (1) The city/county, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk or county auditor, applicant or proponent pursuant to RCW 43.21C.080.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-173, filed 6/15/84. Formerly WAC 173-805-135.]

**PART EIGHT  
DEFINITIONS**

**WAC 173-806-175 Purpose of this part and adoption by reference.** This part contains uniform usage and definitions of terms under SEPA. The city/county adopts the following sections by reference, as supplemented by WAC 173-806-040:

**WAC**

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-748 Environmentally sensitive area.
- 197-11-750 Expanded scoping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-175, filed 6/15/84. Formerly WAC 173-805-020.]

**PART NINE  
CATEGORICAL EXEMPTIONS**

**WAC 173-806-180 Adoption by reference.** The city/county adopts by reference the following rules for

categorical exemptions, as supplemented in this ordinance, including WAC 173-806-070 (Flexible thresholds), WAC 173-806-080 (Use of exemptions), and WAC 173-806-190 (Environmentally sensitive areas):

## WAC

- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-180, filed 6/15/84. Formerly WAC 173-805-020.]

### PART TEN AGENCY COMPLIANCE

**WAC 173-806-185 Purpose of this part and adoption by reference.** This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city/county adopts the following sections by reference, as supplemented by WAC 173-806-045 through 173-806-043 and this part:

## WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-185, filed 6/15/84. Formerly WAC 173-805-020.]

**WAC 173-806-190 Environmentally sensitive areas.** (Optional. If used, all subsections must be included.) (1) (Use Option 1 or 2, but not both.)

(Option 1: If maps have been prepared.) The map(s) filed under \_\_\_\_\_ designate the location of environmentally sensitive areas within the city/county and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for that area are: \_\_\_\_\_. Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city/county.

(Option 2: If environmentally sensitive areas have not been designated.) \_\_\_\_\_ shall designate environmentally sensitive areas under the standards of WAC 197-11-908 and shall file maps designating such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with \_\_\_\_\_ and the Department of Ecology, Headquarters Office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.

(2) The city/county shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this ordinance, making a threshold determination for all such proposals. The city/county shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

(3) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-190, filed 6/15/84. Formerly WAC 173-805-050.]

**WAC 173-806-200 Fees.** (This entire section is optional. You may use any or none of subsections (1), (2) or (4) of this section but you must use subsection (3) of this section if other subsections are used.) The city/county shall require the following fees for its activities in accordance with the provisions of this ordinance:

(1) Threshold determination. For every environmental checklist the city/county will review when it is lead agency, the city/county shall collect a fee of (\$50.00 or enter a different amount) \_\_\_\_\_ from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee. (Note: The following option may be added: When the city/county completes the environmental checklist at the applicant's request or under WAC 173-806-090(3) of this ordinance, an additional \$ \_\_\_\_\_ shall be collected.)

(2) Environmental impact statement.

(a) When the city/county is the lead agency for a proposal requiring an EIS and 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 preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.



(b) The responsible official may determine that the city/county will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city/county and may bill such costs and expenses directly to the applicant. The city/county may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city/county and applicant after a call for proposals.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (a) or (b) of this subsection which remain after incurred costs are paid.

(3) The city/county may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this ordinance relating to the applicant's proposal.

(4) The city/county shall not collect a fee for performing its duties as a consulted agency.

(5) The city/county may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by chapter 42.17 RCW.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-200, filed 6/15/84. Formerly WAC 173-805-130.]

**WAC 173-806-205 Effective date.** (Optional.) The effective date of this ordinance is \_\_\_\_\_.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-205, filed 6/15/84. Formerly chapter 173-805 WAC.]

**WAC 173-806-220 Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-220, filed 6/15/84. Formerly WAC 173-805-140.]

## PART ELEVEN FORMS

**WAC 173-806-230 Adoption by reference.** The city/county adopts the following forms and sections by reference:

### WAC

- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

[Statutory Authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), § 173-806-230, filed 6/15/84. Formerly WAC 173-805-020.]