

a trust fund loan: *Provided further*, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter. Exception to these provisions shall be made only in cases of severe economic distress and/or natural disaster.

(3) Public works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the department of community development prior to the disbursement of any funds thereunder.

(4) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the department of community development by the local government within ninety days of the date a scope of work form request is initiated.

(5) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government within ninety days of the date a loan agreement is initiated.

(6) Work on public works projects financed through loans or financing guarantees offered to local governments must commence prior to October 1 of the year in which the loan or financing guarantee is offered.

(7) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within twenty-four months of the date work has begun on such projects, unless a written request for extension is approved by the board.

(8) Funds expended by local governments on projects financed through loans or financing guarantees by the public works assistance account before an agreement has been formally executed by the local government and the department of community development may not be reimbursed with funds from the public works assistance account. Such funds may be used by the local government as an element in its required local participation in a project financed by the public works assistance account.

[Statutory Authority: RCW 43.155.040, 88-23-095 (Order 88-08, Resolution No. 86-12), § 399-30-060, filed 11/22/88; 86-18-009 (Resolution No. 86-12), § 399-30-060, filed 8/21/86. Statutory Authority: 1985 c 446 § 10, 85-24-072 (Order 85-17), § 399-30-060, filed 12/4/85.]

**Title 400 WAC
PUGET SOUND WATER QUALITY
AUTHORITY**

**Chapter
400-12** **Local planning and management of non-point source pollution.**

**Chapter 400-12 WAC
LOCAL PLANNING AND MANAGEMENT OF
NONPOINT SOURCE POLLUTION**

WAC

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**PART ONE
AUTHORITY/PURPOSE**

WAC 400-12-100 Authority. This chapter is promulgated by the Puget Sound water quality authority pursuant to chapter 90.70 RCW.

(1) It is the intent of this chapter that the department of ecology coordinate all aspects of this program, including interpreting this chapter for local entities, state agencies, tribes, and affected parties as they carry out their responsibilities under this chapter, and that the department shall consult with the authority as needed regarding the interpretation of this chapter.

(2) As required by RCW 90.70.070, the authority shall review the progress of state agencies and local governments regarding timely implementation of programs established pursuant to this chapter.

(3) Pursuant to RCW 90.70.080, local governments and state agencies are authorized to adopt ordinances, rules, and/or regulations to implement action plans.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-100, filed 3/2/88.]

WAC 400-12-110 Purpose. The purpose of this chapter is to establish criteria and procedures for ranking watersheds and for developing and implementing action plans for watersheds most in need of corrective and/or preventive actions.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-110, filed 3/2/88.]

WAC 400-12-120 Applicability. This chapter applies to the Puget Sound basin as identified by RCW 90.70.060 and does not apply outside of the Puget Sound basin. Approved early action watersheds that are underway when this chapter becomes effective are not required to follow specific detailed provisions of this chapter; however, early action planning processes must be consistent with the purpose and goals of the plan and as consistent as practicable with this chapter.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-120, filed 3/2/88.]

PART TWO GENERAL REQUIREMENTS

WAC 400-12-200 Definitions. For the purposes of this chapter, the following definitions shall apply:

(1) "Action plan" means a locally developed and implemented plan to prevent and control nonpoint pollution in a priority watershed or an early action watershed.

(2) "Affected parties" means both those whose beneficial use of water is being impaired, or potentially impaired, by nonpoint pollution and those groups associated with the nonpoint sources of pollution identified in WAC 400-12-510(4).

(3) "Authority" means the Puget Sound water quality authority.

(4) "Beneficial uses" means uses identified by Water quality standards for waters of the state of Washington (chapter 173-201 WAC) as desirable uses for given classes of waters, such as water supplies for domestic, industrial, or agricultural purposes; fish, shellfish, and wildlife habitat; recreation; and navigation.

(5) "Best management practices" means agricultural, structural, and/or managerial practices that, when used singly or in combination as part of an approved site development plan or farm plan, provide minimum essential action or treatment needed to solve, prevent, or reduce site-specific water quality problems.

(6) "Consultations" include informal meetings with representatives or small groups of interested or affected parties for the purpose of discussing problems or solutions or sharing information.

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

(8) "Document review" means solicitation of comment from interested and affected parties on reports, proposals, or plans during various stages of development of action plans.

(9) "Early action watersheds" means those watersheds selected by the department for development of action plans prior to promulgation of this chapter.

(10) "Failed," "failing," or "failure" of an on-site sewage disposal system shall include, but not be limited to, the occurrence of any one, or combination of, the following factors:

(a) The system cannot accept sewage effluent at the design rate, resulting in interference with plumbing fixture use;

(b) Sewage effluent exceeds the infiltrative capacity of the soil resulting in objectionable odors, ponding, seepage, or other discharge of the effluent to the ground surface or surface water; and/or

(c) Sewage effluent from the system results in contamination of a potable water supply, groundwater, or surface water.

(11) "Farm" means a property where domesticated animals are kept to provide primary or supplemental income, for personal consumption, or for recreational use, or where crops are grown for resale.

(12) "Farm plan" means a site-specific plan developed by a farm operator in cooperation with a resource agency (such as those developed under the "208" water quality management program with assistance of a conservation district or the soil conservation service) and approved by the conservation district board of supervisors, for managing resources to protect water quality.

(13) "Federal agencies" means units of the federal government having major facilities or substantial land holdings in the watershed, such as the Departments of Defense, Interior, Agriculture, or Transportation.

(14) "Groundwater management areas" means areas designated and defined in chapter 173-100 WAC and administered by the department.

(15) "Implementing entity" means a federal or state agency, Indian tribe, local government, or special purpose district responsible for carrying out the day-to-day activities of the applicable provisions of an action plan once it is approved by the department and, where applicable, adopted by the legislative body of the entity.

(16) "Lead agency" means any entity selected in accordance with WAC 400-12-300 with responsibility for convening the watershed ranking committee, or in accordance with WAC 400-12-400 with responsibility for coordinating the development and implementation of an action plan for a watershed. In both cases, the lead agency must be a governmental jurisdiction with power to pass resolutions, enact ordinances, and appropriate funds for expenditure; an Indian tribe recognized as such by the federal government with territory or usual and accustomed fishing grounds within waters in or adjacent to the county; a conservation district; a metropolitan municipal corporation; or a council of governments.

(17) "Local government" means the city or town council, board of county commissioners, county council, special purpose district commission, metropolitan municipal corporation, council of governments, or that body assigned legislative duties by a city, county, or district charter.

(18) "Nonpoint source pollution" or "nonpoint pollution" means pollution that enters any waters of the state within Puget Sound from any dispersed land-based or water-based activities, including but not limited to atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels.

(19) "On-site sewage disposal system" means a septic tank and drainfield or alternative treatment and disposal system as defined in chapter 248-96 WAC.

(20) "Pesticides" means those substances intended to control pests and unwanted plants as defined in chapter 15.58 RCW.

(21) "Plan" means the 1987 Puget Sound water quality management plan and amendments.

(22) "Planning entity" means a governmental or non-governmental body that prepares reports, makes recommendations, and participates in developing an action plan. An agency may serve both as a planning entity and implementing entity.

(23) "Prevention" means application of laws, ordinances, administrative procedures, and/or land management practices or education and public involvement programs which reduce or eliminate the potential for nonpoint pollution.

(24) "Public hearing" means a formal public meeting to take testimony on a pending action.

(25) "Public meeting" means an informal public proceeding, including a workshop, that informs the public and provides an opportunity for the public to ask questions and voice opinions.

(26) "Public notification" means use of public information techniques to ensure that:

(a) Information on decisions to be made or actions to be taken is complete and understandable;

(b) A full explanation is provided on the effects of decisions or actions on the public, especially the effects on specific groups or geographic areas; and

(c) The ways in which the public may influence the decision-maker and appeal the decision are explained.

(27) "Puget Sound" means all salt waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia, the Strait of Juan de Fuca, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands.

(28) "Regional watershed" means a large geographic region draining into a major river or body of water as identified and numbered by the state of Washington water resource inventory areas (WRIAs) as defined in chapter 173-500 WAC.

(29) "Regulation" means laws, rules, or ordinances to establish legal standards or administrative procedures to control nonpoint pollution.

(30) "Source control programs" or "source control strategy" means programs using education, technical and financial assistance, regulation, monitoring, and/or enforcement to control, prevent, and mitigate nonpoint pollution from on-site sewage disposal, agricultural practices, stormwater and erosion, forest practices, marinas and boats, and other residential, agricultural, commercial, and industrial sources, and other sources.

(31) "Special purpose district" means a district established pursuant to statute or ordinance in a specific geographic area to carry out specific responsibilities which are related to water quality such as soil and water conservation, port development and management, or on-site sewage disposal system maintenance.

(32) "Special surveys" means intensive assessments of land use and water quality designed to obtain information on specific sources or pollutants not available through routine water sampling.

(33) "State-wide forest practices program" means chapter 76.09 RCW, the Washington state Forest Practices Act; forest practices regulations as adopted by the state forest practices board and the department of ecology; administration of the Forest Practices Act and regulations; and implementation of the Timber, Fish, and Wildlife Agreement.

(34) "Subwatershed" means a geographic and hydrologic subunit of a watershed or regional watershed.

(35) "Technical assistance" means service provided by state, tribal, or federal agencies to assist local entities in watershed ranking and/or action plan development and implementation.

(36) "208 water quality management plans" means nonpoint source control plans prepared in accordance with Section 208 of the Federal Clean Water Act.

(37) "Watershed" means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the state of Washington resource inventory areas (WRIAs) as defined in chapter 173-500 WAC.

(38) "Watershed management committee" means a local committee formed to develop an action plan in accordance with criteria set forth in this chapter and in the plan.

(39) "Watershed ranking committee" means a committee convened to identify and rank all of the watersheds within a county in accordance with criteria set forth in this chapter and as generally described in the plan.

(40) "Watershed rating criteria for nonpoint sources of pollution" means criteria developed by the United States Department of Agriculture Puget Sound Cooperative River Basin Study team to rank watersheds.

(41) "Water quality violation" means a violation of local, state, and/or federal water quality laws or regulations.

(42) "Wetlands" means lands defined using criteria contained in the United States Department of Interior Fish and Wildlife Service "Classification of Wetlands and Deepwater Habitats of the United States."

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-200, filed 3/2/88.]

WAC 400-12-210 Overview. (1) This chapter establishes a process to identify and rank watersheds in the Puget Sound basin and to develop action plans to prevent nonpoint source pollution, enhance water quality, and protect beneficial uses.

(2) Each county will convene a committee to rank the watersheds wholly or partly within the county boundaries, using criteria set forth in this chapter. Local watershed management committees will be formed to develop action plans for the ranked watersheds. The lead agency will submit completed action plans to the department for approval. Each action plan may be implemented through voluntary actions; local ordinances; or a combination thereof; and/or local, state, and federal laws, regulations, and programs.

(3) Technical assistance from state agencies will be available to committees and implementing entities during watershed ranking, development of action plans, and implementation. Substantial involvement by both the general public and affected parties shall be sought in all phases of watershed ranking and action plan development. If action plans are ineffective, revision can be proposed according to procedures outlined in the watershed action planning process and/or required by the department.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-210, filed 3/2/88.]

WAC 400-12-220 Public involvement. (1) In addition to the provisions of this chapter, public involvement shall be conducted in accordance with public involvement policies of the plan and chapter 42.30 RCW.

(2) Meaningful and substantive participation by the general public and affected parties shall be provided as follows except where otherwise specified in this chapter:

(a) The lead agency shall regularly provide written information on the watershed ranking process and the action planning process to all interested and affected local governments, special purpose districts, state and federal agencies, Indian tribes, the general public, and other interested parties, informing them of progress and pending decisions.

(b) The watershed ranking committee and the watershed management committee shall provide:

(i) Adequate opportunities for public comment both early in the watershed ranking and action planning process, and at appropriate times throughout, including after preparation of draft documents from Phase 1 of the action planning process. Public meetings, consultations, and document reviews shall be used with other appropriate means to solicit public comment. The results from these activities shall be reported to either the watershed ranking committee or watershed management committee, as appropriate; and

(ii) Public notification shall be provided sufficiently in advance of public meetings and public hearings to allow the general public and affected parties adequate time to consider the decision in question. Local entities may use existing public hearing procedures provided these procedures are consistent with this chapter.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-220, filed 3/2/88.]

PART THREE WATERSHED RANKING PROCESS

WAC 400-12-300 Watershed ranking committees.

(1) Lead agency. The county is assumed to be the lead agency for the watershed ranking process. However, the watershed ranking committee may, in consultation with the department and in accordance with WAC 400-12-200(16), select a lead agency other than the county, where circumstances warrant.

(2) Lead agency responsibilities. The lead agency shall coordinate and oversee the watershed ranking process. Duties will include responsibility for grant applications and administration, scheduling and coordinating meetings of the watershed ranking committee, presenting draft materials to the committee for review, delegating tasks to committee members, and performing other duties as necessary to carry out the ranking task.

(3) Membership. The county shall contact by letter all local government legislative authorities, special purpose districts, and tribes with usual and accustomed fishing grounds within or adjacent to the county, and invite each entity or category of entity to choose a representative to serve on the watershed ranking committee. In counties with numerous incorporated communities, committees shall include at least one representative from each population category of city or town as identified in chapter 35.01 RCW. The lead agency shall ensure that the general public and affected parties are included either on the watershed ranking committee or on a separate citizen advisory committee. If a separate citizen advisory committee is used, the watershed ranking committee shall frequently consult with the citizen advisory committee during the course of the watershed ranking process.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-300, filed 3/2/88.]

WAC 400-12-310 Watershed ranking process and criteria.

(1) Information gathering. The watershed ranking committee shall request planning entities to compile nonpoint source pollution-related data and report this information to the committee. This information is to describe water quality, habitat, biological conditions, and land use for all the watersheds in the county. Information gathering is to take place through cooperative efforts among planning entities coordinated by the lead agency. Source materials are to include existing local, state, and federal information and any necessary additional water quality information, provided it can be collected in a timely manner. This information is to be used in applying the ranking criteria specified in subsection (2) of this section to the watersheds to be ranked.

(2) Ranking method.

(a) The watershed ranking committee shall then rank all watersheds, including multicounty watersheds, in the county in order of need for preventive and/or corrective actions. The use of consensus in the ranking process is

encouraged. The criteria in program element NP-1 of the plan and the watershed rating criteria for nonpoint sources of pollution are to be used for watershed ranking. Alternative methods of ranking, consistent with the criteria specified in the plan, may be used with prior approval from the department.

(b) In counties with regional watersheds too large for practical development and implementation of a single action plan, the committee shall rank subwatersheds in those regional watersheds.

(c) Because the purpose of ranking is to establish the order in which the action planning process will start in the watersheds of the county, early action watersheds shall not be ranked. However, for early action watersheds that include major river systems, the early action watershed management committee shall attempt to reach a consensus on which subwatersheds, if any, should be included in the overall ranking, and inform the ranking committee by July 1, 1988. In the event that consensus cannot be reached within the watershed management committee on which, if any, subwatersheds should be ranked, the lead agency for the early action watershed shall decide and inform the ranking committee. These subwatersheds shall then be ranked by the ranking committee along with the other watersheds in the county.

(3) Public involvement. The watershed ranking committee shall conduct its public involvement program in accordance with the provisions of WAC 400-12-220. In addition, the committee shall conduct at least one public hearing in the county on the proposed ranking.

(4) Final ranking submittal. Following consideration of comments made on the proposed ranking, the committee shall forward the final ranking to the lead agency for submittal to the department. The final ranking shall include:

- (a) Documents showing compliance with SEPA;
- (b) A report on the procedures used;
- (c) Maps showing all watershed boundaries; and
- (d) Identification of: (i) Rationale for priorities, (ii) probable nonpoint sources, (iii) all local jurisdictions and special purpose districts having territory in each watershed, and (iv) affected tribes. The first ranking is to be submitted by January 1, 1989.

(5) Allocation of funds. The department shall allocate available funds for developing nonpoint watershed action plans in the Puget Sound basin equitably among Puget Sound counties and in the order that watersheds appear on the committee's final ranking. In allocating available funds to implement approved action plans, the department shall consider implementation schedules in the action plans and geographic distribution, as well as other appropriate factors. In allocating funds, the department shall consider both the need to encourage new planning efforts in all counties and to support implementation of approved action plans.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-310, filed 3/2/88.]

WAC 400-12-320 Five-year review. The lead agency shall reconvene a watershed ranking committee

at least every five years to evaluate the ranking based on the results of implementation of action plans and/or new information. Previously unranked early action watersheds shall be ranked at that time.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-320, filed 3/2/88.]

PART FOUR PREPARATION FOR WATERSHED ACTION PLANNING

WAC 400-12-400 Lead agency for watershed planning. (1) Designation. For watersheds within a single county, the county is responsible for the formation of watershed management committees and is the lead agency for preparation of watershed plans, except as described in subsection (3) of this section.

(2) Responsibilities. The lead agency shall coordinate the activities necessary to develop and implement the action plan, submit the action plan to the department for approval, administer the grant to develop or implement the action plan, coordinate SEPA review, oversee plan implementation, and perform other such duties as necessary to carry out the action planning or implementation process. To reduce duplication of effort, the lead agency shall also be responsible for coordinating the activities of the watershed management committee with other existing water management programs (e.g., groundwater). Coordination and integration of local efforts related to ground- and surface water is strongly encouraged. If a joint groundwater and watershed management program is established, the county shall be the lead agency for the joint program. The joint program shall comply with the requirements of chapter 173-100 WAC.

(3) Exceptions. After it is convened by the county, the watershed management committee may select another lead agency if that entity meets the requirements set forth in this chapter. If the county does not act as the lead agency, it shall serve on the committee and shall participate in local review of the action plan as described in Part Five of this chapter. When the watershed is wholly or mostly within a city, state park, Indian reservation, or other similar jurisdiction, the entity with such jurisdiction shall be the lead agency unless another arrangement is negotiated with the committee. In multicounty watersheds, the counties may agree on a temporary lead or may jointly convene the committee. However, in multicounty watersheds, only one lead agency shall be chosen by the counties involved to carry out the responsibilities of a lead agency during the action planning process. Where a joint groundwater and watershed management program is established, a city may be designated as the lead agency if both the groundwater and watershed management plan areas are wholly or mostly within the city.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-400, filed 3/2/88.]

WAC 400-12-410 Watershed management committees. (1) Responsibilities. The watershed management committee shall be responsible for developing the action

plan. In addition to the responsibilities identified in Parts Five, Six, and Seven of this chapter, the committee shall:

(a) Prepare and record rules for conducting meetings, develop a decision-making process that is appropriate to the committee, and establish procedures for a dispute resolution process. Use of consensus in making decisions is encouraged;

(b) Prepare a work plan and schedule for the development of the action plan, pursuant to WAC 400-12-420, which identifies:

(i) The roles and responsibilities of members of the committee as mutually agreed upon;

(ii) A strategy for public participation consistent with this chapter;

(iii) When SEPA compliance is to take place pursuant to WAC 197-11-055; and

(iv) The lead agency for coordinating SEPA compliance; and

(c) In addition to the requirements of WAC 400-12-220, comply with the following provisions for public involvement:

(i) Hold appropriate consultations, document review with interested parties including the department, and public meetings for the documents developed during each phase of the action planning process specified in WAC 400-12-510 and 400-12-520; and

(ii) Conduct at least one public hearing on the draft action plan in accordance with WAC 400-12-560(2).

(2) In addition to its responsibilities under WAC 400-12-220 and 400-12-560 the lead agency, in cooperation with the watershed management committee, shall also carry out the following activities for the watershed management committee:

(a) Incorporate the work plan and schedule agreed to by the committee into the grant agreement with the department;

(b) Review the action plan to determine whether it is consistent with the requirements of this chapter and report its findings to the committee;

(c) Inform federal agencies with jurisdiction in the watershed of action plan requirements to ensure compliance with 33 U.S.C. Section 1323 and to assist federal agencies in the review of their activities pursuant to Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., if applicable; and

(d) Inform local and state agencies that either have jurisdiction over any property or facility, or are engaged in any activity resulting in nonpoint pollution in the watershed, of their role or responsibility in the action plan pursuant to WAC 400-12-570.

(3) Membership. The watershed management committee process shall be structured to involve planning and potential implementing entities for each nonpoint source category to be addressed, including the participation of local governments and their legislative representatives, special purpose districts, tribes, watershed residents, affected parties, and appropriate state and federal agencies, if the watershed includes significant state or federal lands. Representatives of the general

public and affected parties shall be included on the watershed management committee, on a separate advisory committee, or both. Membership on watershed management committees in multicounty watersheds shall include the same interests as those in single-county watersheds, and there shall be a single public involvement process which ensures that interested and affected parties throughout the watershed are involved.

(4) Formation. The lead agency shall notify by letter all local government legislative authorities, conservation districts, and Indian tribes with jurisdiction in the watershed, inviting them to participate on the watershed management committee. These entities, including the lead agency, shall, in consultation with affected parties, jointly select a committee size and structure that provides for balanced representation based on the nonpoint sources in the watershed. The lead agency shall publicize the formation of the watershed management committee and may select a deadline for recruiting members. At any time during the planning process, when determined appropriate by the committee, the lead agency may seek additional members to represent affected parties and appropriate local governments and state and federal agencies.

(5) Schedule and work plan. Within ninety days from the effective date of its grant agreement with the department, the lead agency shall convene the watershed management committee and the committee shall determine a schedule and work plan for the action planning process in accordance with WAC 400-12-410 (1)(b) and 400-12-420.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-410, filed 3/2/88.]

WAC 400-12-420 Schedule for preparation and review of action plan. Action plans shall be prepared and presented to the department within eighteen months after the watershed management committee determines the schedule and work plan in accordance with WAC 400-12-410(5). In large or complex watersheds, the department may allow a planning process of up to twenty-four months at the request of the watershed management committee.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-420, filed 3/2/88.]

PART FIVE WATERSHED ACTION PLANNING PROCESS

WAC 400-12-500 Overview. The watershed action plan shall describe a coordinated program of effective actions to be implemented to prevent and abate nonpoint source pollution within the watershed. This is to be accomplished through local programs that define nonpoint source problems and identify appropriate means to maintain or improve water quality and protect beneficial uses. Action plans are to be developed in three phases: In Phase 1, problems are defined and goals and objectives are developed; in Phase 2, the source control strategy and implementation plan are prepared; and in Phase 3, the action plan, including materials developed in Phases

1 and 2, is approved and submitted to the department for its approval. Each phase requires public involvement and consultation with implementing entities and agencies. Watershed management committees may obtain technical assistance during all three phases. Action plans may vary in content depending on water quality problems identified in the watershed. Implementing entities are strongly encouraged both to continue and augment their ongoing efforts to prevent and correct nonpoint source pollution during the action planning process.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-500, filed 3/2/88.]

WAC 400-12-510 Phase 1--Action plan problem definition, and goals and objectives development. (1) Purpose. The purpose of this section is to establish requirements for gathering and evaluating water quality information to define nonpoint source problems and develop goals and objectives for the action plan.

(2) Water quality assessment.

(a) Intent. The intent of the water quality assessment is to provide the watershed management committee, other decision-making bodies, and the public with the most accurate current information on the types of nonpoint sources in priority watersheds and their relative impacts on water quality and beneficial uses of the water resource. This information is to be used as an integral part of the development and implementation of source control programs in action plans and the evaluation of the effectiveness of these programs according to criteria and procedures described in the action plan.

(b) Preparation. Preparation of the water quality assessment shall be at the direction of the watershed management committee and developed through cooperative efforts among the planning and implementing entities involved.

(c) Content of water quality assessment. The water quality assessment shall include two parts: Initial and long-term. The initial assessment will be used in developing the source control programs in the action plan. The long-term assessment will be used to evaluate the effectiveness of these programs during implementation of the action plan.

(i) Initial assessment. The watershed management committee shall request planning and implementing entities to develop the initial assessment information. The lead agency shall coordinate compilation and reporting of the information to the committee. The initial assessment shall provide information on existing water quality, habitat, biological conditions, and land use, within the resources available. The watershed management committee shall use this information to prepare the watershed problem definition in accordance with subsection (4) of this section and the source control strategies in accordance with Part Six of this chapter. The initial assessment shall use available information from local, state, and federal sources and any necessary special surveys that can be provided in a timely manner in accordance with (iii)(C) of this subsection. To the extent possible, existing data shall be evaluated to ensure that only reasonably reliable data are utilized.

(ii) Long-term assessment. The long-term assessment shall provide information on trends related to water quality, habitat, biological conditions, and land use to determine whether the source control programs in the approved action plan are effective, using the criteria and procedures described in the action plan evaluation developed pursuant to WAC 400-12-520 (3)(i)(i). The long-term assessment shall proceed in accordance with the schedule developed pursuant to WAC 400-12-520 (3)(i)(ii). Information collected from the long-term assessment shall be coordinated by the lead agency responsible for implementation of the action plan, in order to ensure that this information is incorporated in the action plan evaluation process as developed in accordance with WAC 400-12-520 (3)(i). The long-term assessment and any special studies shall use procedures and methodologies for sampling and analytical protocols, quality assurance and quality control, and data management that are consistent with the provisions developed from the monitoring program element M-2 of the plan and approved by the department prior to implementation.

(iii) Requirements for initial and long-term assessment. The initial and long-term assessment for action plans shall:

(A) Be tailored to the specific land use activities in the watershed including, but not limited to: Residential, commercial, and industrial activity; forest practices; agricultural practices; and other uses that may produce nonpoint pollution. Predictable land use changes should also be considered;

(B) Utilize field data collection techniques that emphasize visual evaluations of land use activities, physical conditions of the water, stream banks, riparian zone, and habitat in addition to conventional water quality sampling and analysis;

(C) Include special studies where the existing information needs to be verified or expanded;

(D) Utilize citizens in collecting data, where practical;

(E) Be coordinated with the sampling programs established for:

(I) "208" Water Quality Management Plans;

(II) State-wide forest practices program in forested areas;

(III) State department of agriculture and the department when sampling for pesticides; and

(IV) State parks and recreation commission in the vicinity of state parks; and

(F) Be reported in a summarized and consolidated manner so that problems and trends can be easily understood. Information which is desirable but cannot be provided shall be so noted.

(3) Watershed characterization. Using available information and information from the initial water quality assessment prepared in accordance with subsection (2) of this section, the watershed management committee shall prepare a characterization of the watershed which includes, but is not limited to:

(a) A general biophysical description of the study area including a discussion of the (i) topography; (ii) geology; (iii) climate; (iv) existing population; (v) beneficial uses

of water; (vi) water quality trends; (vii) existing land use patterns (including a generalized land use map) and anticipated population and land use trends; and (viii) applicable existing federal, state, and local water quality plans;

(b) A map delineating the action plan area boundaries and the justification for any changes in boundaries from those submitted in the watershed ranking process. Where a joint plan with a groundwater management program is being prepared, the boundaries of the groundwater management planning area shall be included;

(c) A map showing the jurisdictional boundaries of the local, state, federal, and tribal governments and entities in the watershed;

(d) A base map of natural and constructed freshwater bodies in the action plan area including rivers, streams, creeks, lakes, other drainages, and wetlands, showing their relationship to Puget Sound and its associated salt-water wetlands;

(e) References including sources of data, methods, and accuracy of measurements, including documentation for any computer models; and

(f) A description of information that is desirable but unavailable.

(4) Problem definition. Using available information and information from the initial water quality assessment and watershed characterization prepared in accordance with subsections (2) and (3) of this section, respectively, the committee shall prepare a description of the extent of the nonpoint source water quality problems in the planning area including, but not limited to:

(a) The beneficial uses for the water bodies and/or stream segments impaired or threatened by nonpoint pollution and the extent of the impairment or threat;

(b) The extent that water quality standards in the various water bodies, as specified in chapter 173-201 WAC, are not being met;

(c) Impacts or potential impacts of nonpoint sources on groundwater;

(d) Categories and subcategories of sources or potential sources of nonpoint pollution that threaten or impair beneficial uses or contribute to water quality degradation in each water resource identified in (a), (b), and (c) of this subsection. All potential sources must be evaluated including, but not limited to, agriculture, forestry, mining, construction and other land clearing, boats and marinas, landfills, and any other source or potential source in the watershed. The general location of significant point and nonpoint sources and a brief description of their effects on water quality shall also be included;

(e) Wetlands affected or threatened by nonpoint sources; and

(f) A description of information that is desirable but unavailable.

(5) Goals and objectives. The committee shall prepare a statement of water quality goals and objectives. At a minimum, the goals and objectives statement shall provide for:

(a) Identifying the desired results for correcting and/or preventing the nonpoint pollution sources addressed in subsection (4) of this section;

(b) Achieving and enhancing water quality pursuant to chapter 173-201 WAC and chapter 90.48 RCW;

(c) Restoring and maintaining beneficial uses; and

(d) Achieving consistency with the intent of this chapter and the programs resulting from Section 319 of the Federal Clean Water Act.

[Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-510, filed 3/2/88.]

WAC 400-12-520 Phase 2--Action plan source control and implementation strategy. The watershed management committee shall, at a minimum, prepare the following to develop the source control strategies of the action plan:

(1) Description of source control strategies. Control programs for specific sources and other measures proposed for each significant or potentially significant nonpoint source category and subcategory in the watershed shall be developed in accordance with the provisions of the source control program requirements in Part Six of this chapter. In addition, the committee shall describe the ways in which the control programs will achieve water quality and protect beneficial uses in the watershed.

(2) Plan rationale. The rationale for choosing the approaches proposed for each source control strategy shall be discussed, as well as the reasons for not addressing any source identified in Part Six of this chapter.

(3) Implementation strategy. A strategy for implementing the action plan shall be developed, including:

(a) A description of the specific actions required by each implementing agency and local government, including federal compliance requirements pursuant to Section 313 of the Federal Clean Water Act, and a means of coordinating these actions within and among source control strategies;

(b) Identification of a lead agency to coordinate implementation of the action plan;

(c) A dispute resolution process;

(d) Provisions for the lead implementing agency to annually report the result of action plan evaluations to the department. These provisions are to be coordinated with the evaluation process developed according to (i) of this subsection;

(e) A schedule that includes annual milestones for implementing source control programs and a specified time frame for achieving action plan objectives;

(f) Provisions for public involvement in preparation and adoption of implementation plans, policies, and/or ordinances;

(g) Estimated implementation costs and budget;

(h) An analysis of existing and potential local, state, and federal funding sources, including long-term funding sources, such as utility districts, that are capable of generating revenues needed to sustain source control programs; and

(i) A method of evaluating the overall effectiveness of the action plan in preventing and correcting ground- and

surface water quality impacts and protecting beneficial uses, including:

(i) Criteria and procedures for each source control program to evaluate the success of the source control strategies;

(ii) The role of the long-term water quality assessment developed pursuant to WAC 400-12-510(2) in the action plan evaluation, including a schedule that coordinates the reporting of assessment information with the procedures identified in (i) of this subsection;

(iii) Procedures to be followed if the evaluation shows action plan goals and objectives are not being met within the timetables pursuant to (d) of this subsection, including consideration of whether it is necessary to develop regulatory components where voluntary elements were ineffective; and

(iv) A process for making revisions in accordance with WAC 400-12-530.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-520, filed 3/2/88.]

WAC 400-12-530 Revisions. All revisions to action plans approved by the department shall be processed in accordance with the requirements of WAC 400-12-520 (3)(i), (iii) and (iv), 400-12-560, and 400-12-220.

The department may require revisions of the action plan if through biennial audits, as required by the plan, monitoring, or periodic reviews, it determines that the implementation provisions of the action plan prepared in accordance with WAC 400-12-520(3) are not effective. Upon determining that an action plan needs revision, the department shall provide written notice to the lead implementing agency identifying the provisions of the action plan to be modified, the reason for the revision, and a reasonable time frame in which the revision is to be made.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-530, filed 3/2/88.]

WAC 400-12-540 SEPA review. The draft action plan, subsequent amendments, and implementation actions of the action plan shall be subject to review pursuant to the State Environmental Policy Act, chapter 43.21C RCW, as required under the applicable state and local implementing regulations.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-540, filed 3/2/88.]

WAC 400-12-550 Action plan contents. Each action plan submittal to the department for approval shall at a minimum include:

(1) Title sheet including (a) the name and address of the lead agency for developing the action plan and the responsible person to contact; and (b) the name and address of the lead agency for implementing the action plan and the responsible person to contact;

(2) Executive summary of the action plan contents, including (a) a brief discussion of the general character of the watershed, (b) a summary of significant nonpoint source problems identified, (c) a summary of the source control programs proposed pursuant to WAC 400-12-

600, (d) a list of planning and implementing entities, and (e) a description of actions to be taken by implementing entities during key stages of implementation.

(3) Phase 1 documents, prepared in accordance with WAC 400-12-510 including (a) report from the initial water quality assessment, (b) watershed characterization, (c) problem definition, and (d) goals and objectives statement;

(4) Phase 2 documents, prepared according to WAC 400-12-520, including (a) description of source control strategies, (b) plan rationale, and (c) implementation strategy;

(5) Statements of concurrence and any unresolved statements of nonconcurrence from implementing entities gathered pursuant to WAC 400-12-560;

(6) Statements from nongovernmental entities identified in the action plan to carry out activities indicating their commitment to implement those activities;

(7) Solutions proposed by the lead agency to resolve issues related to the statements of nonconcurrence, with any comments on the proposed solutions from the entities which submitted the statements of nonconcurrence;

(8) Description of the public involvement procedures used to develop and approve the action plan; and

(9) SEPA documents prepared pursuant to chapter 43.21C RCW.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-550, filed 3/2/88.]

WAC 400-12-560 Phase 3--Action plan review and approval. (1) Preliminary review. The watershed management committee shall forward the draft action plan, containing the information developed in WAC 400-12-510 and 400-12-520, to the lead agency. The lead agency shall promptly submit the draft action plan and SEPA documents to the department and to planning and implementing entities for preliminary review. Within sixty days from receipt of the draft action plan, the department shall review the draft action plan for consistency with this chapter and other applicable state and federal rules. The planning and implementing entities shall provide their comments on the draft action plan to the lead agency concerning, at a minimum, the action plan's technical and financial feasibility. The lead agency shall consolidate the results of the reviews and present them to the watershed management committee. The department shall meet with the watershed management committee at the earliest possible date to discuss comments from the department's preliminary review. The watershed management committee shall consider recommended revisions and make changes to the draft action plan as necessary.

(2) Action plan approval.

(a) As soon as the watershed management committee completes revision of the draft action plan, the lead agency shall forward this revised action plan to planning and implementing entities identified in the action plan.

(b) The watershed management committee and implementing entities shall conduct a joint public hearing to take public testimony on the revised action plan.

(c) Each planning and implementing entity shall evaluate those provisions of the revised action plan which require the entity's involvement. Each entity shall submit a statement of its concurrence to the watershed management committee, indicating its intent to adopt implementing policies, ordinances, and programs as required, or a statement of nonconcurrence with the action plan which proposes specific revisions to sections requiring its involvement. The lead agency shall collect the statements from each planning and implementing entity and present them to the watershed management committee. Within sixty days of receipt of the statements, the committee shall attempt to resolve statements of nonconcurrence utilizing their dispute resolution process, prepare final revisions to the action plan, and approve it.

(3) Action plan submittal. The final revised action plan, as described in WAC 400-12-550, shall be forwarded to the lead agency for review and submittal to the department. If there are unresolved issues or if there are statements of nonconcurrence which could not be resolved by the watershed management committee, these shall be described and included with the final revised action plan for submittal to the department. The lead agency shall propose solutions to remaining statements of nonconcurrence and submit them to the department as part of the final action plan. If the final action plan identifies activities to be carried out by nongovernmental entities, it shall include statements from those organizations indicating their commitment to implement those activities. The department may resolve any remaining unresolved statements of nonconcurrence.

(4) Ecology approval process. Not more than sixty days from receipt of the final action plan, the department shall notify the lead agency, in writing, of its decision to approve or reject all or any portion of the final action plan. The lead agency shall promptly notify the watershed management committee of the decision of the department. Implementation of approved portions may proceed while approval of other portions is pending. To approve all or part of an action plan, the department must conclude that:

- (a) The action plan is consistent with these rules;
- (b) The action plan is consistent with the goals and requirements of the plan;
- (c) The implementation strategy is feasible and adequate to effectively protect beneficial uses and control nonpoint sources of pollution;
- (d) Implementing entities have the authority and sufficient commitment to carry out implementation of the action plan. In making a determination, the department shall consider the impact of any statements of nonconcurrence submitted with action plans;
- (e) Adequate public involvement and participation has occurred in development of the action plan and adequate public involvement in implementation is provided for in the action plan; and
- (f) The plan complies with applicable state and federal laws.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-560, filed 3/2/88.]

WAC 400-12-570 Action plan implementation. (1) Within thirty days of approval or disapproval of all or part of the action plan by the department, the lead agency shall notify all appropriate federal and state agencies, local planning and implementing entities, and affected parties of the department's decision.

(2) Each local and state implementing entity identified in the action plan approved by the department shall be responsible for carrying out its portion of the action plan within the prescribed schedule, using the approaches described in the action plan, pursuant to RCW 90.70.070. In addition, affected local governments and state agencies with jurisdiction in the watershed shall be guided by the action plan in developing and approving all studies, plans, permits, and facilities in the watershed. The lead implementing agency shall seek to ensure consistency of federal agency actions pursuant to 33 U.S.C. Section 1323 and Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., as amended, if applicable.

(3) The lead implementing agency, identified in the implementation strategy developed in accordance with WAC 400-12-520 (3)(b), shall be responsible for coordinating among implementing entities and for providing regular progress reports on implementation to the department. Pursuant to chapter 39.34 RCW, cooperative agreements may be used to facilitate coordination among implementing entities and between the lead agency and implementing entities.

(4) The department shall provide ongoing oversight of watershed action plans. In addition, the department shall audit each watershed action plan every two years to ensure consistent and adequate implementation.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-570, filed 3/2/88.]

PART SIX SOURCE CONTROLS

WAC 400-12-600 General provisions. (1) Overview. This part identifies the major sources of nonpoint pollution which the watershed management committee shall address with a source control program in the action plan *when an existing or potential nonpoint source of pollution is identified as significant or potentially significant*. When a source is not identified as significant or potentially significant in a watershed, a control program for that source need not be included in the action plan.

(2) General requirements. In developing source control programs, the watershed management committee recommendations and decisions shall:

- (a) Integrate and coordinate nonpoint source strategies and the action plan with current water quality management plans and programs including local, state, federal, and tribal plans and programs. Such plans and programs include, but are not limited to, those involving groundwater; wetlands and wetlands management, developed under element W-5 of the plan; stormwater, and results of the Puget Sound Wetlands and Stormwater Management Study prepared under SW-7 of the plan;

shellfish; fisheries; household hazardous wastes; flood control; and others as appropriate.

(b) Be evaluated for their technical feasibility; legality; capability of affected entities to implement; ability to achieve and maintain or improve water quality; ability to restore and maintain beneficial uses; effects or potential effects on groundwater quality; ability to control sources; and consistency with local comprehensive plans and other state, federal, or tribal water quality management plans, programs, or rules.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-600, filed 3/2/88.]

WAC 400-12-610 Agricultural practices. (1) Intent. The intent of this section is to minimize sources of pollution, protect beneficial uses, and achieve or enhance water quality through emphasizing use of best management practices in those individual farm plans developed under "208" water quality management plans or under other types of farm plans; inventories of individual farm plans; voluntary action for prevention and correction; special considerations for noncommercial farms; education; incentives; compliance; and other appropriate measures.

(2) Program content. In addition to the provisions identified in WAC 400-12-600, the agricultural management strategy shall include, but is not limited to:

(a) A farm plan inventory element with provisions for the local conservation district to identify farms with implemented farm plans and all other farms;

(b) A prevention and corrective action element that includes:

(i) Provisions for farm operators without farm plans to voluntarily participate in a program to improve agricultural practices that may contribute to water quality degradation. Implementation of farm plans with best management practices that meet United States Department of Agriculture Soil Conservation Service technical standards is the recommended management tool for action plans;

(ii) Provisions for the local conservation district to evaluate on an ongoing basis the effectiveness of implementation of new, old, and updated farm plans;

(iii) Additional voluntary measures necessary to increase the effectiveness of the "208" water quality management plans, including the updating of existing farm plans developed under the "208" program to include best management practices, the use of farm plans with best management practices by all types of farms, or other applicable state or local water quality management plans; and

(iv) Special provisions to address nonpoint pollution from noncommercial farms.

(c) An education program, coordinated with the conservation district and/or cooperative extension service, informing the agricultural community about:

(i) Nonpoint pollution associated with agricultural activities;

(ii) Local, state, and federal water quality management programs, including the "208" water quality management plans, and the availability and applicability of

farm water quality planning assistance for all types of farms; and

(iii) Technical assistance, financial assistance, and other incentives available.

(d) An element to identify financial or resource incentives that can be made available to encourage agricultural operators to participate in water quality protection programs;

(e) A compliance and enforcement element that includes, but is not limited to:

(i) The enforcement provisions of the "208" water quality management plans;

(ii) A process for the local conservation district and the department to coordinate their efforts to expeditiously protect and improve water quality;

(iii) Compliance with the Federal Clean Water Act as amended; the "208" water quality management plans; and other applicable state and local water quality laws, regulations, and plans.

(f) A program evaluation in accordance with WAC 400-12-520 (3)(i).

(3) Exceptions. Any farm implementing best management practices on schedule under an approved farm plan, as agreed upon by the operator and the conservation district board of supervisors, shall be exempt from further water quality regulation under this chapter unless there is a water quality violation pursuant to chapter 90.48, 90.52, or 90.54 RCW and/or degradation of water quality. In cases where the violation cannot be attributed to a specific farm or farms, all pollution sources potentially contributing to the violation shall be surveyed and evaluated. Any subsequent compliance action relating to agricultural practices shall be pursuant to subsection (2)(e) of this section.

(4) The agricultural practices management strategy may include regulatory measures, subject to the exemption in subsection (3) of this section.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-610, filed 3/2/88.]

WAC 400-12-620 On-site sewage disposal. (1) Intent. The intent of the on-site sewage disposal management strategy is to minimize sources of pollution, protect beneficial uses, achieve and maintain water quality, and comply with existing laws and regulations. This is to be achieved through preventive and remedial measures consisting of regulation, education, system maintenance, and correction of failing systems.

(2) Program content. In addition to the provisions identified in WAC 400-12-600, the watershed management committee shall, at a minimum, ensure that the following elements are integral parts of the on-site sewage disposal system management strategy:

(a) A problem definition identifying the geographic areas within the watershed with existing and potential low, moderate, and high risk of on-site sewage disposal system failure. Areas where on-site sewage disposal systems are failing, or where soil and site conditions create a potential for surface or groundwater contamination where on-site systems are used, are considered high-risk

areas. An explanation of the criteria used to establish these categories of risk shall be included;

(b) A prevention and corrective action element that includes:

(i) Provisions requiring adherence to chapter 248-96 WAC;

(ii) In high-risk areas, where conventional on-site sewage disposal systems are failing and where site conditions permit the use of on-site sewage disposal, required use of alternative systems designed in a manner consistent with the site conditions and department of social and health services guidelines, and which provide greater removal of microorganisms and nutrients than do conventional systems;

(iii) Provisions for ongoing operation and regular maintenance of new and existing systems in high-risk areas through on-site sewage disposal system maintenance districts or other means that ensure continued proper functioning of systems in the area;

(iv) Provisions for periodically informing users of on-site sewage disposal systems in low-risk to moderate-risk areas of the need for regular system maintenance;

(v) Remedial programs requiring that failing systems shall be repaired or replaced with systems that meet the intent of chapter 248-96 WAC. If located in a high-risk area, systems required in the prevention program shall be used; and

(vi) An education program for those who use or service on-site sewage disposal systems informing them about: The basic principle of operating an on-site sewage disposal system; the importance of siting, designing, installing, operating, and maintaining the system to reduce the potential for ground- and surface water contamination; local and state public health requirements; available alternative systems; and available financial assistance for remedial actions; and

(c) Program evaluation in accordance with WAC 400-12-520 (3)(i).

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-620, filed 3/2/88.]

WAC 400-12-630 Stormwater and erosion. (1) Intent. The intent of this section is to prevent and minimize sources of pollution, protect beneficial uses, and achieve and enhance water quality through stormwater management and erosion control. The stormwater and erosion program is to focus on evaluating existing problems, educating the public, and using best management practices to control pollutants and erosion and to manage the quality and quantity of stormwater runoff. This section does not apply to drainage and erosion control activities of agricultural operations addressed pursuant to WAC 400-12-610.

(2) Program content. In addition to the provisions identified in WAC 400-12-600, the watershed management committee shall develop a stormwater and erosion strategy which is consistent with program elements SW-1, SW-2, SW-3, and SW-4 as described in the plan, and at a minimum, includes:

(a) An evaluation of existing drainage and erosion control ordinances, policies, and programs to determine their effectiveness in:

(i) Controlling erosion and managing the quality and quantity of stormwater runoff from public and private uses and activities;

(ii) Achieving and enhancing water quality;

(iii) Minimizing sources of pollution; and

(iv) Protecting beneficial uses;

(b) A ranked list of the most significant types of stormwater and erosion problems in the urban, suburban, and urbanizing areas as determined by the severity of their threat to public health and beneficial uses and an explanation of the criteria used to complete the ranking;

(c) A ranked list of the stormwater and erosion problems for which monitoring information is needed;

(d) A prevention and corrective action element that includes:

(i) Public education to inform groups or individuals whose activities can result in sources of stormwater contamination and erosion. The information is to describe the pollution causes and problems that are associated with stormwater and erosion, such as increased impermeable surfaces, household hazardous wastes and pet wastes, automobile maintenance and repair wastes, construction activities, commercial operations that may result in substantial impermeable surfaces or generate large quantities of animal feces or hazardous wastes; applicable local and state requirements and programs; and effective methods that can be used to manage the problems above the ground, including use of available best management practices;

(ii) A training program for field staff of public entities whose activities may affect water quality or who are responsible for inspecting private actions, including road construction and maintenance crews, zoning and drainage inspectors, and others as appropriate, informing them of the adverse effects of pollutants and sediment in stormwater on water quality, habitat, and plants and animals; applicable local and state laws and requirements; and the individuals or agencies to contact for compliance, enforcement, and spill response;

(iii) Measures for maintenance of existing and new public and private storm drainage, conveyance, and detention systems to ensure they function as designed, and to remove accumulated sediments and contaminants;

(iv) Procedures to manage the storm drainage system maintenance activities, identified in (d)(iii) of this subsection, in relation to cleanup, transport, and disposal of waste materials;

(v) A local spill response program for small quantities of petroleum products, pesticides, and other pollutants;

(vi) Provisions for managing stormwater quantity and quality when developing regional stormwater facilities; and

(vii) Measures which require the use of: (A) Above-ground storage treatment, and conveyance systems that involve primarily nonstructural methods, such as grassy swales or detention ponds, to manage stormwater on the site, when it is practical to do so; (B) best management

practices for stormwater and erosion control; and (C) structural treatment facilities, only as necessary;

(e) Coordination with the local hazardous waste plans, pursuant to chapter 70.105 RCW;

(f) Compliance with the provisions of the National Flood Insurance Program, 44 CFR Parts 59 and 60 and chapter 86.16 RCW;

(g) A program evaluation in accordance with WAC 400-12-520 (3)(i).

(3) Additional regulatory provisions for managing stormwater and erosion may be developed, provided that such regulations are consistent with the intent of federal and state statutes and the plan.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-630, filed 3/2/88.]

WAC 400-12-640 Forest practices. (1) Intent. The intent of this section is to minimize pollution sources, achieve and enhance water quality, and protect beneficial uses by assuring that local actions to prevent and correct nonpoint source pollution are coordinated with the state-wide forest practices program.

(2) Program content. The watershed management committee shall incorporate provisions in the forest practices management strategy from the state-wide forest practices program which are intended to prevent and correct nonpoint source pollution from private, state, or federally owned lands in the watershed in relation to: Preharvest planning, road construction and maintenance, orphaned roads, stream degradation, steep and unstable slopes, other situations where corrective actions are needed, application of pesticides, and other problems as identified. At a minimum, the strategy, consistent with the state-wide program, shall provide:

(a) A ranked list of impacts resulting from forest practices rated according to the severity of their threat to beneficial uses and public resources and an explanation of the criteria used in the ranking;

(b) Coordination with the U.S. Forest Service, and its forest management plans, and other federal entities when federal lands are involved, and with the state-wide forest practices program in all other cases;

(c) A public education program, coordinated with the department of natural resources, to inform those involved in and those affected by forest practices activities about the availability of technical assistance from the state-wide forest practices program and its management requirements;

(d) Procedures to assure that the requirements of the Forest Practices Act for land use conversions are implemented consistently by all jurisdictions in the watershed, in order to assure that forest landowners in the process of converting land, and future owners of these lands, comply with local land use ordinances and/or water quality plans, erosion control provisions, and other ordinances and procedures pursuant to WAC 222-20-020 and RCW 76.09.060;

(e) Procedures for notifying the department when enforcement is required under WAC 222-12-070;

(f) Procedures for assuring consistency among local jurisdictions in the watershed in:

(i) Carrying out the forest practices provisions in WAC 222-50-020(3) relating to the Shoreline Management Act; and

(ii) Review of forest practices pursuant to RCW 76.09.040 and 76.09.050;

(g) Procedures for coordinating the long-term water quality assessment program with the state-wide forest practices monitoring program; and

(h) A program evaluation in accordance with WAC 400-12-520 (3)(i).

(3) Where a forest practices management strategy is proposed, the department of natural resources shall be notified by the department. The department of natural resources shall coordinate with the state-wide forest practices program and submit comments to the watershed management committee, through the department, concerning the action plan forest practices management strategy related to the:

(a) Consistency with the state-wide forest practices program;

(b) Effectiveness of the proposed strategy; and

(c) Ability of the state-wide forest practices program to provide resources or address needed actions.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-640, filed 3/2/88.]

WAC 400-12-650 Marinas and boats. (1) Intent. The intent of this section is to prevent and minimize pollution sources, protect beneficial uses, and achieve and enhance water quality primarily through coordinated public education efforts, for marina operators and the boating public, and needed shoreside regulation.

(2) Program content. The strategy to address marinas and boats shall include:

(a) Provisions for coordinating with the programs of the state boaters task force, state parks and recreation commission, and the department of social and health services;

(b) In coordination with element MB-3 of the plan, an education program to inform marina operators and the boating public about:

(i) Nonpoint source pollution from boating activities including on-board sanitation; on-shore sewage disposal facilities; liveboards; use of paints and solvents; solid waste disposal; and other practices related to the use, repair, or maintenance of boats that may contribute to water quality degradation;

(ii) The methods available to correct and prevent pollution from the facilities and practices identified in (b)(i) of this subsection; and

(iii) Applicable federal, state, and local programs;

(c) A program evaluation in accordance with WAC 400-12-520 (3)(i).

(3) Measures may be developed to require shoreside sewage disposal facilities at marinas; regulation of waste discharges from liveboards, including mandatory sewer hook-ups; and requirements for storage, use, and disposal of hazardous materials such as fuels, paints, and solvents.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-650, filed 3/2/88.]

WAC 400-12-660 Other nonpoint sources. (1) Intent. The intent of this section is to minimize nonpoint pollution sources, protect beneficial uses, and achieve and enhance water quality through corrective and preventive measures for nonpoint sources or pollutants not included in WAC 400-12-610, 400-12-620, 400-12-630, 400-12-640, or 400-12-650 when such sources are significant or potentially significant in the watershed.

(2) Program content. The watershed management committee shall develop a management strategy which incorporates the provisions identified in WAC 400-12-600 for the nonpoint sources or pollutants in (a) through (e) of this subsection when they have been identified as significant in the watershed. A program evaluation, in accordance with WAC 400-12-520 (3)(i), shall be prepared for each source or pollutant addressed.

(a) Pesticides. The management strategy shall, at a minimum, contain:

(i) Provisions which recognize the state preemption to regulate pesticides pursuant to chapter 16-228 WAC and chapters 17.21 and 15.58 RCW;

(ii) An education program coordinated with the cooperative extension service, conservation district, agricultural practices program pursuant to WAC 400-12-610, and the state department of agriculture to inform the general public, especially regular users of pesticides, about the potential water quality problems associated with the improper use, storage, and disposal of pesticides and pesticide containers; the applicable regulations; and less-toxic alternatives, including integrated pest management practices and nonpesticide substances and techniques that do not degrade water quality; and

(iii) Other appropriate actions;

(b) Landfills, mines, sand and gravel pits. The management strategy shall, at a minimum, contain:

(i) Measures that local governments can incorporate into their permitting processes to minimize sedimentation, turbidity, particulates, and leachates from past and proposed landfills, mining, and excavation activities;

(ii) An education program to inform those engaged in landfill and resource excavation activities about the potential water quality problems associated with these operations, existing applicable regulations, and effective methods to reduce erosion and leachates from these activities; and

(iii) Other appropriate actions;

(c) Septage. All aspects of the septage management strategy shall be coordinated with the local agency administering the regulations pursuant to chapter 173-304 WAC, Minimal functional standards for solid waste handling. The management strategy shall include an education program to inform those involved in the storage, transport, or processing of septage about the potential water quality problems associated with these operations, existing applicable regulations, and effective methods for minimizing nonpoint pollution from these activities. Information which is gathered concerning activities associated with the storage, transport, or processing of septage

shall be reported to the local agency administering chapter 173-304 WAC;

(d) Contaminated sites. Sites which may be contaminated from disposal practices shall be reported to the department when they are identified. Source control programs shall be coordinated with the plan and with related federal superfund plans and state agency clean-up plans for sites in the watershed where appropriate;

(e) Other nonpoint sources. Strategies for other nonpoint sources identified shall be developed by the watershed management committee.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-660, filed 3/2/88.]

PART SEVEN PLAN COMPLIANCE

WAC 400-12-700 Default procedure. If a planning or implementing entity does not carry out its responsibilities pursuant to this chapter, such as rank its watersheds, and/or develop action plans, and/or carry out its responsibilities under the approved action plan, and has not been granted an exception under WAC 400-12-710, the department shall either rank the county watersheds, and/or prepare, and/or implement an action plan, or portion(s) thereof, or use its regulatory authority under chapter 90.48 RCW, the plan, or other authority to direct the entity to rank watersheds, and/or prepare action plans, and/or implement portions thereof.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-700, filed 3/2/88.]

WAC 400-12-710 Exceptions. The lead agency may request approval of an alternative to the procedures or action plan content provisions of this chapter when there are special circumstances unique to that lead agency or watershed. Such requests shall be made in writing to the department and describe how the alternative is consistent with the intent of this chapter and the plan. If the department approves such an alternative, it shall specify in writing agreed-upon schedules and milestones for achieving objectives with adequate opportunities for public involvement, and shall clearly state that the exception may be revoked if the schedules and milestones are not achieved.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-710, filed 3/2/88.]

WAC 400-12-720 Severability. If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.

[Statutory Authority: RCW 90.70.055 and 90.70.060. 88-06-053 (Order 88-01), § 400-12-720, filed 3/2/88.]