

# Title 173 WAC

## ECOLOGY, DEPARTMENT OF

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- 173-531A Water resource program for the John Day-McNary Pools Reach of the Columbia River, WRIA 31 and parts of WRIsAs 32, 33, 36, and 37. 173-30-020 Chapters 90.22 and 90.54 RCW. Later promulgation, see chapter 173-508 WAC. 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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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.
- 173-532 Water resources program for the Walla Walla River basin, WRIA-32. 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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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.
- 173-545 Instream resources protection program--Wenatchee River basin, water resource inventory area (WRIA) 45. 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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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.
- 173-548 Water resources program in the Methow River basin, WRIA-48. 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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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.
- 173-549 Water resources program in the Okanogan River basin, WRIA-49. 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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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.
- 173-555 Water resources program in the Little Spokane River basin, WRIA-55. 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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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.
- 173-559 Water resources program for the Colville River basin, WRIA-59. 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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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.
- 173-563 Instream resources protection program for the main stem Columbia River in Washington state. 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.
- 173-590 Procedures relating to the reservation of water for future public water supply. 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.
- 173-591 Reservation of future public water supply for Thurston County.
- 173-592 Reservation of future public water supply for Clark County.
- 173-802 SEPA procedures.
- 173-806 Model ordinance.

## Chapter 173-108

## WITHDRAWAL OF THE WATERS OF THE LITTLE SPOKANE RIVER WATERSHED FROM ADDITIONAL APPROPRIATIONS

## DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

## Chapter 173-02

## METHODS OF OPERATION AND ORGANIZATION

- 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. 173-108-010 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.
- 173-02-020 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. 173-108-020 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.
- 173-02-030 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. 173-108-030 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.
- 173-02-040 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. 173-108-040 Declaration of withdrawal. [Order 73-19, § 173-108-040, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.
- 173-02-050 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. 173-108-050 Existing rights not affected. [Order 73-19, § 173-108-050, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.
- 173-02-060 Public information. [Order 71-9, § 173-02-060, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340. 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.
- 173-02-070 Submissions and requests. [Order 71-9, § 173-02-070, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250 through 42.17.340.

## Chapter 173-128

## ODESSA GROUND WATER MANAGEMENT SUBAREA

- 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: 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 173-142

## DELEGATION OF PERMIT PROGRAM UNDER STATE FLOOD CONTROL ZONE ACT

- 173-142-010 Authority. [Order DE 74-11, § 173-142-010, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

- 173-142-020 Purpose. [Order DE 74-11, § 173-142-020, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
- 173-142-030 Definitions. [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.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
- 173-142-040 Scope of delegation. [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.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
- 173-142-050 Conformity with department rules. [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.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
- 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.
- 173-142-070 Requests for delegation. [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.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
- 173-142-080 Procedure for delegation. [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.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
- 173-142-090 Withdrawal of delegation. [Order DE 74-11, § 173-142-090, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
- 173-142-100 Permits under delegated programs. [Order DE 74-11, § 173-142-100, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
- 173-142-110 Appeals. [Order DE 74-11, § 173-142-110, filed 6/17/74.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

#### Chapter 173-223

##### INTERIM WASTEWATER DISCHARGE PERMIT FEES

- 173-223-015 Purpose and authority. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-015, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-015, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-020 Applicability. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-020, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-030 Definitions. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-030, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-030, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-040 Permit fee schedule. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-040, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-040, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.

- 173-223-050 Permit fee payments. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-050, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-050, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-060 Permits issued by other governmental agencies. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-060, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-070 Credits. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-070, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-070, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-080 Transfer of ownership or control. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-080, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-090 Administrative appeals to the director. [Statutory Authority: Chapter 43.21A RCW. 89-05-026 (Order 88-53), § 173-223-090, filed 2/13/89; 88-12-035 (Order 88-8), § 173-223-090, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-100 Deposits. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-100, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.
- 173-223-110 Past due payments. [Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-223-110, filed 5/26/88, effective 7/1/88.] Repealed by 89-12-027 (Order 89-8), filed 5/31/89. Statutory Authority: Chapter 43.21A RCW.

#### 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.
- 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.

- 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 173-336

#### INITIAL INVESTIGATION REGULATION

- 173-336-010 Purpose and authority. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-010, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-336-020 Definitions. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-020, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-336-030 General. [Statutory Authority: RCW 70.105B.030(2). 88-15-038 (Order 88-20), § 173-336-030, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.



## Chapter 173-338

## HAZARD RANKING SYSTEM REGULATION

- 173-338-010 Purpose. [Statutory Authority: RCW 70.105B.030(2), 88-15-037 (Order 88-5), § 173-338-010, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-338-020 Definitions. [Statutory Authority: RCW 70.105B.030(2), 88-15-037 (Order 88-5), § 173-338-020, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-338-030 Evaluation criteria. [Statutory Authority: RCW 70.105B.030(2), 88-15-037 (Order 88-5), § 173-338-030, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-338-040 Scoring procedure. [Statutory Authority: RCW 70.105B.030(2), 88-15-037 (Order 88-5), § 173-338-040, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.
- 173-338-050 Rescoring. [Statutory Authority: RCW 70.105B.030(2), 88-15-037 (Order 88-5), § 173-338-050, filed 7/15/88.] Repealed by 90-08-120 (Order 90-12), filed 4/4/90, effective 5/5/90. Statutory Authority: Chapter 70.105D RCW.

## Chapter 173-530

## WATER RESOURCES PROGRAM IN THE KLIKITAT RIVER BASIN, WR1A-30

- 173-530-910 Authority. [Order DE 76-7, § 173-530-910, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-920 Purpose. [Order DE 76-7, § 173-530-920, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-930 Definitions. [Order DE 76-7, § 173-530-930, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-940 Declaration of withdrawal. [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.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-950 Existing rights not affected. [Order DE 76-7, § 173-530-950, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-530-960 Exemptions. [Order DE 76-7, § 173-530-960, filed 4/14/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.

## Chapter 173-531

## WATER RESOURCE PROGRAM FOR THE JOHN DAY-MCNARY POOLS REACH OF THE COLUMBIA RIVER, WR1A 31 AND PARTS OF WR1AS 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 173-596

## PROCEDURES AND POLICIES GOVERNING APPROPRIATIONS OF SIGNIFICANT AMOUNTS OF WATER FOR AGRICULTURAL IRRIGATION USE

- 173-596-010 Background. [Order DE 76-19, § 173-596-010, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-015 Purpose. [Order DE 76-19, § 173-596-015, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-020 Definitions. [Order DE 76-19, § 173-596-020, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-025 Conditions to be included in permits involving substantial withdrawals of public waters. [Order DE 76-19, § 173-596-025, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-030 Regional water supply and multipurpose project considerations. [Order DE 76-19, § 173-596-030, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-035 Processing of applications. [Order DE 76-19, § 173-596-035, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-040 Water right of regional or statewide significance. [Order DE 76-19, § 173-596-040, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-045 Conservation and management program. [Order DE 76-19, § 173-596-045, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.



- 173-596-050 Monitoring program. [Order DE 76-19, § 173-596-050, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-055 Effect on existing rights and laws and public entities. [Order DE 76-19, § 173-596-055, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-060 Environmental impact statement. [Order DE 76-19, § 173-596-060, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.
- 173-596-065 Review of regulatory orders. [Order DE 76-19, § 173-596-065, filed 6/8/76.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW.

#### 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 pre-draft consultation has occurred. [Order DE 76-12, § 173-800-530, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-535 Cost of performance of consulted agency responsibilities. [Order DE 76-12, § 173-800-535, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-540 Limitations on responses to consultation. [Order DE 76-12, § 173-800-540, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-545 Effect of no written comment. [Order DE 76-12, § 173-800-545, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-550 Consulted agency coordination. [Order DE 76-12, § 173-800-550, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order DE 76-12, § 173-800-570, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order DE 76-12, § 173-800-580, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-600 Circulation of the final EIS. [Order DE 76-12, § 173-800-600, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order DE 76-12, § 173-800-650, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Order DE 76-12, § 173-800-652, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-660 Use of previously prepared EIS for a different proposed action. [Order DE 76-12, § 173-800-660, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-690 Use of lead agency's EIS by other acting agencies for the same proposal. [Order DE 76-12, § 173-800-690, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-695 Draft and final supplements to a revised EIS. [Order DE 76-12, § 173-800-695, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-710 EIS combined with existing planning and review processes. [Order DE 76-12, § 173-800-710, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-810 Responsibility of agencies—Amendments to this chapter. [Order DE 76-12, § 173-800-810, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-830 Responsibility of agencies—SEPA public information center. [Order DE 76-12, § 173-800-830, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-840 Application of these guidelines to on-going actions. [Order DE 76-12, § 173-800-840, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.

173-800-910 Severability. [Order DE 76-12, § 173-800-910, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-130.

#### 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.

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 173-805

##### 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.
- 173-805-121 Responsibility of agencies—SEPA public information. [Statutory Authority: RCW 43.21C.130. 78-04-091 (Order DE 78-6), § 173-805-121, filed 4/4/78.] Repealed by 84-13-036 (Order DE 84-25), filed 6/15/84. Statutory Authority: RCW 43.21C.130.
- 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

- 173-03-010 Purpose.
- 173-03-020 Definitions.
- 173-03-030 Description of organization.
- 173-03-040 Public records available.
- 173-03-050 Records index.
- 173-03-060 Requests for public records.
- 173-03-070 Fees.
- 173-03-080 Statement of reason for denial of public records request.
- 173-03-090 Reviews of denial of public records request.
- 173-03-100 Protection of public records.

**WAC 173-03-010 Purpose.** The purpose of this chapter is to implement the requirements of RCW 42.17.250 – 42.17.340 relating to public records.

[Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-010, filed 10/23/90, effective 11/23/90. 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 employee designated as such by 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 coordinator at the headquarters offices or at each of the satellite and regional offices in the absence of the officer.

[Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-020, filed 10/23/90, effective 11/23/90. 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 in Abbott Raphael Hall on the campus of St. Martin's College, Lacey, Washington. The mailing address for the headquarters office and all satellite program offices, except for the environmental investigations and lab services program is:

Department of Ecology  
Mailstop PV-11  
Olympia, Washington 98504-8711

(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 seven assistant directors are as follows:

(i) Assistant director for the office of water and shorelands — water quality, water resources, shorelands and coastal zone management, and water quality financial assistance programs.

(ii) Assistant director for the office of central programs and enforcement — central programs, air program, and environmental investigations and lab services program.

(iii) Assistant director for the office of waste management — solid and hazardous waste program, hazardous waste investigations and cleanup program, nuclear and mixed waste program, and waste reduction, recycling and litter control program.

(iv) Assistant director for the office of quality control, information management and comprehensive planning.

(v) Assistant director for the office of legislative and intergovernmental affairs.

(vi) Assistant director for the office of financial, personnel, and support services.

(vii) Assistant director for the office of public information and education.

(2) Satellite program offices are located as follows:

- (a) Air program:  
Rowesix Building 4  
4224 6th Avenue S.E.  
Lacey, Washington
- (b) Budget, accounting, and support services program:  
Sawyer Hall  
St. Martin's College Campus  
Lacey, Washington
- (c) Central programs:  
Abbott Raphael Hall  
St. Martin's College Campus  
Lacey, Washington
- (d) Environmental investigations and lab services program:  
Airdustrial Building 8  
7272 Cleanwater Lane #8  
Tumwater, Washington  
Mailing address:  
Mailstop LH-14  
Olympia, WA 98504-6814
- (e) Hazardous waste investigations and cleanup program:  
Woodland Square  
4415 Woodview Drive S.E.  
Lacey, Washington
- (f) Nuclear and mixed waste program:  
99 South Sound Center  
Lacey, Washington
- (g) Shorelands and coastal zone management program:  
Baran Hall  
St. Martin's College Campus  
Lacey, Washington
- (h) Solid and hazardous waste program:  
Rowesix Building 4  
4224 6th Avenue S.E.  
Lacey, Washington
- (i) Waste reduction, recycling, and litter control program:  
Eikenberry Building  
4407 Woodview Drive S.E.  
Lacey, Washington
- (j) Water quality financial assistance program:  
Moduline Building  
4500 3rd Avenue  
Lacey, Washington
- (k) Water quality program:  
Prudential Building  
715 Woodview Drive S.E.  
Lacey, Washington
- (l) Water resources program:  
Baran Hall  
St. Martin's College Campus  
Lacey, Washington

(3) 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 98052-5301

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

7272 Cleanwater Lane  
Tumwater, Washington  
Mailing address:  
Mailstop LU-11  
Olympia, Washington 98504-6811

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

3601 W. Washington  
Yakima, Washington 98903-1164

801-B Summitview Ave.  
Yakima, Washington 98902-3033  
(Waste Management Section)

1600 S.W. Perry Street, Suite F  
Yakima, Washington 98902-5713  
(Yakima Adjudications)

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

N. 4601 Monroe, Suite 100  
Spokane, Washington 99205-1295

[Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-030, filed 10/23/90, effective 11/23/90. 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 records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of the following records:

(1) All records issued before July 1, 1990, for which the department has maintained an index;

(2) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(3) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties; and

(4) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990.

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the retention period. The records retention schedule 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 records retention schedule.

A separate index of policy statements as defined in RCW 34.05.010(4) entered after June 30, 1990, shall be maintained by the department's policy manual coordinator or designees.

[Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-050, filed 10/23/90, effective 11/23/90. 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 of Request \_\_\_\_\_ Time of Request \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Description of Records:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that if a list of individuals is provided me by the Department of Ecology, it will neither be used to promote the election of an official or promote or oppose a ballot proposition as prohibited by RCW 42.17.130 nor for commercial purposes or give or provide access to material to others for commercial purposes as prohibited by RCW 42.17.260(6).

I understand that I will be charged ----- cents per copy for all standard letter size copies I desire and that other size publications are available at cost.

-----  
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 4:30 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 five 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. All requests will be handled in a timely manner. However, for large requests or for public records maintained off-site, it may require more than five business days for location and withdrawal from archives.

(5) The department may in its discretion fill requests made by telephone.

[Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-060, filed 10/23/90, effective 11/23/90. 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, computer printouts, tapes of hearings, 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 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-070, filed 10/23/90, effective 11/23/90. 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 in 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, or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-100, filed 10/23/90, effective 11/23/90. 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.

(1990 Ed.)

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;
- (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 directors, division supervisors and program managers, the authority to:

(a) Act on behalf of the department in the administration of programs and all other duties assigned the department;

(b) Approve 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 have furnished engineering services in accordance with chapter 18.43 RCW, Engineers and land surveyors.

(2) Under special circumstances the director may determine it appropriate to delegate specific signature authority to any professional agency staff.

[Statutory Authority: Chapter 43.21A RCW. 89-11-021 and 90-07-014 (Order 89-6 and 89-6A), § 173-06-030, filed 5/11/89 and 3/13/90, effective 4/13/90. 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.]

**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.

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[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.

**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

WAC	
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.

#### 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.
- 173-14-180 Regulatory orders by local government or the department. [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.] Repealed by 87-16-101 (Order DE 87-09), filed 8/5/87. 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;

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(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, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program;

(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: RCW 90.58.120 and 90.58.200. 88-19-004 (Order DE 88-23), § 173-14-030, filed 9/8/88. 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 or 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: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-14-055, filed 8/5/87. 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 permits:

(1) Substantial progress toward completion of a permitted activity shall be undertaken within two years after the approval of the permit by local government. Substantial progress shall include all of the following, where applicable: The making of contracts; signing of notice to proceed; completion of grading and excavation; and the laying of major utilities; or, where no construction is involved, commencement of the activity: *Provided*, That local government may authorize a single extension before the end of the time limit, with prior notice to parties of record and the department, for up to one year based on reasonable factors.

(2) Permit authorization shall terminate within five years after the approval of the permit by local government: *Provided*, That local government may authorize a single extension before the end of the time limit, with prior notice to parties of record and the department, for up to one year based on reasonable factors.

(3) The running of a permit time period shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation.

(4) Local government may issue permits with a fixed termination date of less than five years.

(5) When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: *Provided*, That an alternative compliance limit may be specified in the permit.

(6) Revisions to permits under WAC 173-14-064 may be authorized after original permit authorization has expired under subsection (2) of this section: *Provided*, That this procedure shall not be used to extend the original permit time requirements.

[Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-14-060, filed 8/5/87; 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  
-----  
-----
5. General location of proposed project (please list section to the nearest quarter section, township, and range)  
-----
6. Name of water area and/or wetlands within which development is proposed  
-----
7. Current use of the property with existing improvements  
-----  
-----
8. Proposed use of property (Please be specific) -----  
-----  
-----
9. (To be completed by local official.) Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any.)  
-----  
-----  
-----
10. (To be completed by local official.) In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view.
11. (To be completed by local official.) If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought.

- (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

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

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 Shoreline Management Act, Department of Ecology guidelines, and 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:

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

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

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

(Date) (Signature of Authorized Local Government Official)

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

Date received by the department

Approved Denied

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

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

(Date) (Signature of Authorized Department Official)

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

WAC 173-14-130 Department review of conditional use and variance permits. After local government approval of a conditional use or variance permit, local government shall submit the permit to the 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 department's 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.]

**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.

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

173-15-040	Penalties. [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.] Repealed by 87-16-101 (Order DE 87-09), filed 8/5/87. Statutory Authority: RCW 90.58.200.
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**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.]

**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.

(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.]

### Chapter 173-16 WAC

#### SHORELINE MANAGEMENT ACT GUIDELINES FOR DEVELOPMENT OF MASTER PROGRAMS

##### WAC

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**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 followed 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 by 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 create 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 173-17 WAC

SHORELINE MANAGEMENT ACT  
ENFORCEMENT REGULATIONS

## WAC

173-17-010	Authority and purpose.
173-17-020	Definitions.
173-17-030	Policy.
173-17-040	Order to cease and desist.
173-17-050	Civil penalty.
173-17-060	Appeal of civil penalty.
173-17-070	Criminal penalty.
173-17-080	Oil or natural gas exploration—Penalty.

**WAC 173-17-010 Authority and purpose.** This regulation is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the department and local government under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.

[Statutory Authority: RCW 90.58.200, 87-16-101 (Order DE 87-09), § 173-17-010, filed 8/5/87.]

**WAC 173-17-020 Definitions.** The following definitions shall apply:

- (1) "Act" means the Shoreline Management Act, chapter 90.58 RCW, as amended;
- (2) "Department" means the 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 stage of water level;

(4) "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-14-040, but subject to regulations of the act and the local master program;

(5) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or waters subject to the act;

(6) "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and

(7) "Person" means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

[Statutory Authority: RCW 90.58.200, 87-16-101 (Order DE 87-09), § 173-17-020, filed 8/5/87.]

**WAC 173-17-030 Policy.** These regulations should be used by local government in carrying out enforcement responsibilities under the act, unless local government adopts separate rules to implement the act's enforcement provision.

Enforcement action by the department or local government may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.

[Statutory Authority: RCW 90.58.200, 87-16-101 (Order DE 87-09), § 173-17-030, filed 8/5/87.]

**WAC 173-17-040 Order to cease and desist.** Local government and/or the department shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

(1) Content of order. The order shall set forth and contain:

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

(b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-17-050 may be issued with the order.

(2) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

[Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-040, filed 8/5/87.]

**WAC 173-17-050 Civil penalty.** A person who fails to conform to the terms of a permit issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty.

(1) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.

(2) Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(3) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

(4) Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the department or local government for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

When a penalty is imposed jointly by the department and local government, it may be remitted or mitigated only upon such terms as both the department and the local government agree.

[Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-050, filed 8/5/87.]

**WAC 173-17-060 Appeal of civil penalty.** (1) Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are contested cases subject to the provisions of chapter 34.04 RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.

(2) Timing of appeal. Appeals shall be filed within thirty days of receipt of notice of penalty unless an application for remission or mitigation is made to the department or local government. If such application is made, appeals shall be filed within thirty days of receipt of local government's and/or the department's decision regarding the remission or mitigation.

(3) Penalties due.

(a) Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

(b) If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. The action shall be brought in Thurston County or in any county in which such violator may do business. If the amount of a penalty owed local government is not paid within thirty days after it becomes due and payable, local government may take actions necessary to recover such penalty.

(4) Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by local government shall be paid to the local government treasury. Penalties recovered jointly by the department and local government shall be divided equally between the department and the local government unless otherwise stipulated in the order.

[Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-060, filed 8/5/87.]

**WAC 173-17-070 Criminal penalty.** The procedures for criminal penalties shall be governed by RCW 90.58-.220.

[Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-070, filed 8/5/87.]

**WAC 173-17-080 Oil or natural gas exploration—Penalty.** Persons violating the provisions of RCW 90.58-.550 or chapter 173-15 WAC shall be subject to a civil penalty issued by the department in an amount of up to five thousand dollars a day. The procedures for oil or natural gas exploration penalties shall be governed by RCW 90.58.560.

[Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-17-080, filed 8/5/87.]

**Chapter 173-18 WAC**  
**SHORELINE MANAGEMENT ACT—STREAMS**  
**AND RIVERS CONSTITUTING SHORELINES OF**  
**THE STATE**

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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 <u>Benge</u> 15 <u>Starbuck</u> 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 <u>Potter Hill</u> 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).

Stream Name	Quadrangle Name and Size	Legal Description
(2) Asotin Creek*	<u>Potter Hill</u> 7 1/2 <u>Rock Pile Creek</u> 7 1/2 <u>Asotin</u> 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**

Stream Name	Quadrangle Name and Size	Legal Description
(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>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(3) Yakima River (Cont.)*	Prosser 7 1/2 Whitstran 7 1/2 Corral Canyon 15 Richland 15 Badger Mtn. 7 1/2 Eltopia 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.	(7) Mad River	Tyee Mtn. 7 1/2 Ardenvoir 7 1/2 Chumstick Mtn. 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.

[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>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Chelan River*	Wenatchee (AMS) * 1:250,000 Manson 7 1/2 Winesap 7 1/2 Cooper Ridge 7 1/2 Chelan 7 1/2 Chelan Falls 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.	(9) Napeequa River	Wenatchee Lake 15	From confluence of Twin Lakes Cr. and Napeequa River (Sec.17,T28N,R16E) downstream to mouth at White River (Sec.18, same township).
(2) Chiwawa River*	Holden 15 Wenatchee Lake 15 Plain* 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).	(10) Nason Creek*	Labyrinth Mtn. *7 1/2 Wenatchee Lake 15 Plain 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).
(3) Columbia River (Cont.)*	Wells Dam 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malaga 7 1/2 Rock Island Dam 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.	(11) Peshastin Creek	Liberty 15 Leavenworth 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).
(4) Entiat River*	Brief * 7 1/2 Tyee MTN 7 1/2 Baldy MTN 7 1/2 Ardenvoir 7 1/2 Entiat 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.	(12) Stehekin River*	McGregor Mtn. 7 1/2 Stehekin 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.
(5) Icicle Creek*	Chiwaukum Mts. 15 Leavenworth 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.	(13) Wenatchee River*	Plain * 7 1/2 Leavenworth 15 Monitor 7 1/2 Wenatchee 7 1/2 Cashmere 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).
(6) Little Wenatchee River*	Wenatchee Lake * 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.	(14) White River*	Wenatchee Lake * 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).
			(15) Railroad Creek	Holden 15 Lucerne 15	From Wenatchee National Forest boundary (Sec.7, T31N,R17E) downstream, excluding federal lands, to mouth at Lake Chelan (Sec.10,T31N,R18E).
			(16) Twenty-five Mile Creek	Stormy Mtn. 7 1/2	From south section line (Sec.36,T29N,R20E) downstream to mouth at Lake Chelan (Sec.19,T29N,R21E).

<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) Phelps Creek	<u>Holden 15</u>	From NE1/4 of SW1/4 (Sec.10,T30N,R16E) downstream to mouth Chiwawa River (Sec.27, same township). Exclude federal lands.	(6) Bogachiel River (Cont.)*	<u>Reade Hill 7 1/2 Forks 7 1/2 Quillayute Prairie 7 1/2</u>	From the Jefferson County line (Sec.35,T28N,R13W) downstream to mouth at Quillayute River (Sec.20, T28N,R14W). The flow exceeds 1,000 cfs MAF at Jefferson County line.
(18) White-pine Creek	<u>Wenatchee Lake 15</u>	From south section line (Sec.11,T26N,R15E) downstream to mouth at Nason Creek (Sec.1, same township). Exclude federal lands.	(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) Chiwaukum Creek	<u>Chiwaukum Mts. 15 Leavenworth 15</u>	From confluence with South Fork Chiwaukum (Sec.34,T26N,R16E) downstream to mouth at Wenatchee River (Sec.9,T25N,R17E). Exclude federal lands.	(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) Chiwaukum Creek (S. Fork)	<u>Chiwaukum Mts. 15</u>	From confluence with Painter Creek (Sec.3, T25N,R16E) downstream to mouth at Chiwaukum Creek (Sec.34,T26N,R16E). Exclude federal lands.	(9) Calawah River (N. Fork)	<u>Pysht 15 Lake Pleasant 15 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) Eight-mile Creek	<u>Chiwaukum Mts. 15</u>	From the west section line (Sec.25,T24N,R16E) downstream to Icicle Cr. (Sec.19,T24N,R17E). Exclude federal lands.	(10) Clallam River	<u>Lake Pleasant 15 Pysht 15 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) Ingalls Creek	<u>Mount Stuart 15 Liberty 15</u>	From west section line (Sec.31,T23N,R17E) downstream to mouth at Peshastin Creek (Sec.25,T23N,R17E). Exclude federal lands.	(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).
			(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).

[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.]

### WAC 173-18-090 Clallam 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 River	<u>Lake Pleasant 15</u>	From the confluence of Big River and unnamed creek (Sec.16,T31N,R14W) downstream to mouth on Lake Ozette (Sec.10,T30N, R15W).	(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).
(2) Bear Creek	<u>Forks 15</u>	From the confluence of Bear Creek and unnamed creek (Sec.24,T28N,R13W) downstream to mouth at Bogachiel River (Sec.35, T28N,R13W).	(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).
(3) Bear Creek	<u>Pysht 15</u>	From the Olympic National Forest boundary (Sec.25, T30N,R12W) downstream to mouth at Soleduck River (Sec.27, same township).	(15) Dickey River (W. Fork)	<u>La Push 15 Ozette Lake 15</u>	From the outlet of Lake Dickey (Sec.16,T30N, R14W) downstream to mouth at Dickey River (Sec.30,T29N,R14W).
(4) Beaver Creek	<u>Lake Pleasant 15</u>	From the Olympic National Forest boundary (Sec.20, T30N,R12W) downstream to mouth at Soleduck River (Sec.30,T30N,R12W).	(16) Dickey River (E. Fork)	<u>Lake Pleasant 15 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).
(5) Bockman Creek	<u>Lake Pleasant 15</u>	From the Olympic National Forest boundary (Sec.1, T29N,R13W) downstream to mouth at Soleduck River (same section).	(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).

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Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(18) Deep Creek	<u>Pysht</u> 15	From the Olympic National Forest boundary (Sec.36, T31N,R11W) downstream to mouth at Strait of Juan de Fuca (Sec.20,T31N,R10W).	(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).
(19) Dungeness River	<u>Tyler Peak</u> 15 <u>Carlsborg</u> 7 1/2 <u>Dungeness</u> 7 1/2	From the Olympic National Forest boundary (Sec.24, T29N,R4W) downstream to mouth at Dungeness Bay (Sec.25,T31N,R4W).	(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).
(20) East Twin River	<u>Lake Crescent</u> 15	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).	(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).
(21) Elk Creek	<u>Forks</u> 15	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).	(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).
(22) Elwha River*	<u>Joyce</u> * 15	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).	(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).
(23) Herman Creek	<u>Lake Pleasant</u> 15	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).	(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).
(24) Hoko River	<u>Lake Pleasant</u> 15 <u>Clallam Bay</u> 15	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).	(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).
(25) Indian Creek	<u>Joyce</u> 15	From the confluence of Indian Creek and unnamed creek (Sec.23,T30N,R8W) downstream to mouth at Lake Aldwell (Sec.28,T30N, R7W).	(37) Quil-layute 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.
(26) Little Hoko River	<u>Lake Pleasant</u> 15 <u>Clallam Bay</u> 15	From the confluence of Little Hoko River and Lamb Creek (Sec.3,T31N, R13W) downstream to mouth at Hoko River (Sec.22,T32N, R13W).	(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).
(27) Little River (S. Br.)	<u>Joyce</u> 15	From the Olympic National Forest boundary (Sec.25, T30N,R7W) downstream to mouth at Elwha River (Sec. 28, same township). Excluding federal lands.	(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).
(28) Lyre River	<u>Lake Crescent</u> 15	From the Olympic National Forest boundary (Sec.10, T30N,R9W) downstream to mouth at Strait of Juan de Fuca (Sec.22,T31N,R9W).	(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).
(29) Maxfield Creek	<u>Forks</u> 15	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).	(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).

<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) 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).	(3) Burnt Bridge Creek	<u>Orchards</u> 7 1/2 <u>Vancouver</u> 7 1/2	From I-205 overcrossing (Sec.16,T2N,R2E) and Burnt Bridge Creek downstream to Vancouver Lake (Sec.9,T2N,R1E).
(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).	(4) Canyon Creek	<u>Lookout Mt.</u> 15 <u>Yacolt</u> 15	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.
(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).	(5) Cedar Creek	<u>Yacolt</u> 15	From the confluence of Cedar Creek and Cold Creek (Sec.8,T3N,R4E) downstream to mouth at Rock Creek (Sec.31,T4N,R4E).
(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.	(6) Cedar Creek	<u>Amboy</u> 7 1/2 <u>Yacolt</u> 7 1/2 <u>Ariel</u> 7 1/2	From the confluence of Cedar Creek and unnamed creek (Sec.24,T5N,R3E) downstream to mouth at Lewis River (Sec.12,T5N,R1E).
(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).	(7) Chelatchie Creek	<u>Amboy</u> 7 1/2	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).
(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).	(8) Columbia River (Cont.)*	<u>Bridal Veil</u> 15 <u>Washougal</u> 7 1/2 <u>Camas</u> 7 1/2 <u>Mount Tabor</u> 7 1/2 <u>Portland</u> 7 1/2 <u>Vancouver</u> 7 1/2 <u>Sauvie Island</u> 7 1/2 <u>St. Helens</u> 7 1/2	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.
(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).	(9) Lewis River*	<u>Mt. St. Helens</u> 15 <u>Cougar</u> 15 <u>Yacolt</u> 15 <u>Amboy</u> 7 1/2 <u>Ariel</u> 7 1/2 <u>Woodland</u> 7 1/2 <u>Ridgefield</u> 7 1/2 <u>St. Helens</u> 7 1/2	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.
(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).	(10) Copper Creek	<u>Lookout Mtn.</u> 15 <u>Yacolt</u> 15	From the Gifford Pinchot National Forest boundary (Sec.25,T4N,R4E) downstream to mouth at Lewis River East Fork (Sec.24, same township).

[Statutory Authority: RCW 90.58.200. 90-06-068 (Order 89-60), § 173-18-090, filed 3/6/90, effective 4/6/90; 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.]

### WAC 173-18-100 Clark 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 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).	(12) Fly Creek	<u>Yacolt</u> 15	From the confluence of Fly Creek and unnamed creek (Sec.1,T4N,R4E) downstream to mouth at Canyon Creek (Sec.4,T5N,R4E).
(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).	(13) Gee Creek	<u>Ridgefield</u> 7 1/2	From the confluence of Gee Creek and unnamed creek (Sec.19,T4N,R1E) downstream to mouth at Lewis River (Sec.11,T4N,R1W).
			(14) Glenwood Creek	<u>Orchards</u> 7 1/2	From the intersection of Glenwood Creek and NE 119th St. (Sec.29,T3N,R2E) downstream to Salmon Creek (Sec.20, same township).

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Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(15) Hagan Creek	Camas 15 Bridal Veil 15	From the confluence of Hagan Creek and unnamed creek (Sec.36,T3N,R4E) downstream to Skamania County line (Sec.1,T2N,R4E).	(27) Rock Creek	Yacolt 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).
(16) King Creek	Yacolt 15	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).	(28) Rock Creek	Battle Ground 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).
(17) Lackamas Creek	Camas 15 Lackamas 7 1/2	From the Military Reservation boundary (Sec.9,T2N,R3E) downstream through Lackamas Lake to Washougal River near Camas (Sec.12,T1N,R3E).	(29) Rock Creek	Yacolt 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).
(18) Lewis River (E. Fk.)*	Lookout Mt. 15 Yacolt 15 Battle Ground 7 1/2 Ridgefield* 7 1/2 Yacolt 7 1/2	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.)	(30) Salmon Creek	Yacolt 7 1/2 LaCenter 15 Orchards 7 1/2 Vancouver 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).
(19) Little Washougal River	Camas 15	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).	(31) Siouxon Creek (Cont.)	Lookout Mtn. 15 Yacolt 15	From the Skamania County line (Sec.36,T6N,R4E) downstream to mouth in Yale Lake (Sec.26, same township).
(20) Little Washougal River (E. Fk.)	Camas 15	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).	(32) Unnamed Creek (Tributary to Chelatchie Creek)	Amboy 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).
(21) Lockwood Creek	Ridgefield 7 1/2	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).	(33) Washougal River (Cont.)*	Bridal Veil 15 Washougal* 7 1/2 Camas 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).
(22) Mason Creek	Battle Ground 7 1/2	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).	(34) Yacolt Creek	Yacolt 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).
(23) Matney Creek	Camas 15 Lackamas 7 1/2	From the confluence of Matney Creek and unnamed creek (Sec.15,T2N,R3E) downstream to mouth at Lackamas Creek (Sec.9, same township).	[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.]		
(24) Mill Creek	Battle Ground 7 1/2 Orchards 7 1/2 Vancouver 7 1/2	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).	<b>WAC 173-18-110 Columbia County. Streams</b>		
(25) Morgan Creek	Yacolt 7 1/2 Battle Ground 7 1/2	From an approximate point (SE1/4 of Sec.12,T3N,R2E) downstream to mouth at Salmon Creek (Sec.12, same township).	<b>Stream Name</b>	<b>Quadrangle Name and Size</b>	<b>Legal Description</b>
(26) North Siouxon Creek	Lookout Mt. 15 Yacolt 15	From the Skamania County line (Sec.25,T6N,R4E) downstream to mouth at Siouxon Creek (Sec.25, same township).	(1) Pataha Creek (Cont.)	Hay 15	From the Garfield County line (Sec.12,T12N,R39E) downstream to mouth at Tucannon River (Sec.24, T12N,R38E).
			(2) Tucannon River*	Pomeroy 30 Hopkins Ridge 7 1/2 Zumwalt 7 1/2 Turner 7 1/2 Tucannon 7 1/2 Hay* 15 Starbuck 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	Stream Name	Quadrangle Name and Size	Legal Description
(3) Touchet River (S. Fk.)	<u>Pomeroy 30 Robinette Mtn. 7 1/2 Dayton 7 1/2</u>	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).	(8) Campbell Creek	<u>Ryderwood 15</u>	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).
(4) Touchet River (N. Fk.)	<u>Pomeroy 30 Eckler Mtn. 7 1/2 Cahill Mtn. 7 1/2 Dayton 7 1/2</u>	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.	(9) Castle Creek	<u>Elk Rock 15</u>	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).
(5) Touchet River	<u>Pomeroy 30 Walla Walla 30 Dayton 7 1/2 Huntsville 7 1/2</u>	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).	(10) Chehalis River (S. Fk.)	<u>Ryderwood 15</u>	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).
(6) Robinson Creek	<u>Dayton 7 1/2</u>	From north line (Sec.23, T9N,R39E) downstream to mouth at North Fork Touchet River (Sec.11, same township).	(11) Coal Creek	<u>Clatskanie 15</u>	From the confluence of Coal Creek and unnamed creek (Sec.28,T9N,R3W) downstream to mouth at Coal Creek Slough (Sec. 14,T8N,R3W).
			(12) Cold-water Creek (Cont.)	<u>Spirit Lake 15</u>	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).

[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	Stream Name	Quadrangle Name and Size	Legal Description
(1) Abernathy Creek	<u>Ryderwood 15 Clatskanie 15</u>	From the confluence of Abernathy Creek and Ordway Creek (Sec.5,T9N, R4W) downstream to mouth at Columbia River (Sec.10, T8N,R4W).	(13) Columbia River (Cont.)*	<u>St. Helens 7 1/2 Deer Island 7 1/2 Kalama 7 1/2 Rainier 7 1/2 Clatskanie 15</u>	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.
(2) Alder Creek	<u>Toutle 15</u>	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).	(14) Cougar Creek	<u>Cougar 15</u>	From the Gifford Pinchot National Forest boundary (Sec.23,T7N,R4E) downstream to mouth at Yale Lake (Sec.27,T7N,R4E).
(3) Arkansas Creek	<u>Ryderwood 15</u>	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).	(15) Coweeman River	<u>Cougar 15 Pigeon Springs 15 Mt. Brynion 7 1/2 Kelso 7 1/2 Rainier 7 1/2</u>	From the Gifford Pinchot National Forest boundary (Sec.19,T8N,R3E) downstream to mouth at Cowlitz River (Sec.11,T7N,R2W).
(4) Baird Creek	<u>Pigeon Springs 15</u>	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).	(16) Cowlitz River (Cont.)*	<u>Castle Rock 15 Kelso 7 1/2 Rainier 7 1/2</u>	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).
(5) Bear Creek	<u>Cougar 15</u>	From the confluence of Bear Creek and unnamed creek (Sec.9,T8N,R3E) downstream to South Fork Toutle River (Sec.29,T9N,R3E).	(17) Deer Creek	<u>Elk Rock 15</u>	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).
(6) Bear Creek	<u>Elk Rock 15 Toutle 15</u>	From the intersection of Bear Creek and light duty road (Sec.33,T10N,R3E) downstream to mouth at Hoffstadt Creek (Sec.23, T10N,R2E).	(18) Delameter Creek	<u>Castle Rock 15 Kelso 7 1/2</u>	From the confluence of Delameter Creek and unnamed creek (Sec.24,T9N, R3W) downstream to mouth at Arkansas Creek (Sec.16, T9N,R2W).
(7) Cameron Creek	<u>Clatskanie 15</u>	From the confluence of Cameron Creek and unnamed creek (Sec.28,T9N,R4W) downstream to mouth at Abernathy Creek (Sec.10, T8N,R4W).	(19) Devils Creek	<u>Toutle 15</u>	From the Lewis County line (Sec.2,T10N,R2E) downstream to mouth at the Green River (same section).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(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).	(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).
(21) Elochoman 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).	(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).
(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).	(34) Lewis River (Cont.)*	<u>Mt. St. Helens</u> * 15 <u>Cougar</u> 15 Yacolt 15 St. Helens 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 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.
(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).	(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).
(24) Goble Creek	<u>Pigeon Springs</u> 15 Kalama 7 1/2 Mt. Brynion 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).	(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).
(25) Goble Creek (N. Fk.)	<u>Pigeon Springs</u> 15 Kalama 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).	(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).
(26) Green River (Cont.)	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15 Toutle 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.	(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).
(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).	(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).
(28) Hoffstadt Creek	<u>Elk Rock</u> 15 Toutle 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).	(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).
(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).	(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).
(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).	(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).
(31) Kalama River*	<u>Cougar</u> 15 <u>Pigeon Springs</u> * 15 Kalama 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).	(43) Rock Creek	<u>Cougar</u> 15 Amboy 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).



<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>
(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.	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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.
(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).	(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).
(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.	[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.]		
(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).	<b>WAC 173-18-130 Douglas County. Streams</b>		
(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).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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).	(1) Columbia River (Cont.)*	Chief Joseph Dam 7 1/2 Bridgeport 7 1/2 Brewster 7 1/2 Wells Dam 7 1/2 Azwell 7 1/2 Chelan Falls 7 1/2 Wenatchee 7 1/2 Rock Island 7 1/2 Malala 7 1/2 Rock Island Dam 7 1/2 Chelan 7 1/2 Winesap 7 1/2 Entiat 7 1/2 Orondo 7 1/2 Rocky Reach Dam 7 1/2 West Bar 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.
(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).	(2) Moses Coulee* (Rattlesnake Creek) (Douglas Creek)	<u>Palisades</u> * 7 1/2 <u>Appledale</u> 7 1/2 <u>Rock Island</u> Dam 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.

WAC 173-18-140 Ferry County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Boulder Creek	<u>Orient 15</u> <u>Orient 7 1/2</u>	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 7 1/2</u>	All of Columbia River (Franklin D. Roosevelt Lake) within Ferry County is under federal jurisdiction.
(3) Curlew Creek	<u>Curlew 15</u>	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. 15</u> <u>Curlew 15</u> <u>Togo Mtn. 15</u> <u>Laurier 7 1/2</u> <u>Orient 7 1/2</u>	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 15</u> <u>Seventeen-Mile Mtn. 15</u> <u>Keller 15</u> <u>Wilbur 15</u>	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. 15</u>	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 15</u>	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

Stream Name	Quadrangle Name and Size	Legal Description
(1) Columbia River (Cont.)*	<u>Hanford 15</u> <u>Richland 15</u> <u>Kennewick 7 1/2</u> <u>Pasco 7 1/2</u>	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) Esquat-zel Coulee*	<u>Mesa * 15</u> <u>Eltopia 15</u>	From mouth of Old Maid Coulee (Sec.11,T12N,R30E) downstream to a sump (Sec. 12,T9N,R29E) (Esquat-zel 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
(3) Palouse River (Cont.)*	<u>Starbuck 15</u>	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) Snake River (Cont.)*		All of Snake River within Franklin County is under federal jurisdiction. The flow exceeds 200 cfs MAF at Whitman County line.

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

WAC 173-18-160 Garfield County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Pataha Creek	<u>Pomeroy 30</u> <u>Hay 15</u> <u>Zumwalt 7 1/2</u>	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.)*	<u>Clarkston 15</u> <u>Colton 7 1/2</u> <u>Bishop 7 1/2</u> <u>Kirby 7 1/2</u> <u>Alinota 7 1/2</u> <u>Penawawa 15</u> <u>Hay 15</u>	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.)*	<u>Grand Coulee Dam 15</u> <u>West Bar 7 1/2</u> <u>Babcock Ridge 7 1/2</u> <u>Cape Horn S.E. 7 1/2</u> <u>Vantage 7 1/2</u> <u>Beverly 7 1/2</u> <u>Evergreen Ridge 7 1/2</u> <u>Priest Rapids 15</u>	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*	<u>Marlin 7 1/2</u> <u>Wilson Creek 15</u> <u>Wilson Creek N.W. 7 1/2</u> <u>Stratford 7 1/2</u> <u>Soap Lake 7 1/2</u> <u>Grant Orchards 7 1/2</u> <u>Gloyd 7 1/2</u> <u>Moses Lake North 7 1/2</u>	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*	<u>Basset Junction * 7 1/2</u> <u>Sieler 7 1/2</u> <u>Soda Lake 7 1/2</u> <u>Corfu 15</u>	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).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(4) Lower Crab Creek	<u>Corfu 15</u> <u>Smyrna 15</u> 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).	(9) Cedar Creek	<u>Copalis Beach 7 1/2</u>	From the confluence of Cedar Creek and unnamed creek (Sec.23,T19N,R12W), downstream to mouth at Copalis River (Sec.22,T19N,R12W).
(5) Rocky Ford Creek	<u>Grant Orchards 7 1/2</u> 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).	(10) Cedar Creek	<u>Rochester 15</u>	From the Thurston County line (Sec.2,T16N,R4W) downstream to mouth at Chehalis River (Sec.10, T16N,R5W).
(6) Wilson Creek (Cont.)*	<u>Almira S.W. 7 1/2</u> <u>Hartline S.E. 7 1/2</u> 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.	(11) Charley Creek	<u>Aberdeen 7 1/2</u>	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).

[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 173-18-180 Grays Harbor County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Andrews Creek	<u>Grayland 7 1/2</u>	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).	(12) Chehalis River (Cont.)*	<u>Rochester 15</u> <u>Malone 15</u> Montesano 15 Aberdeen 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.
(2) Big Creek	<u>Humptulips 15</u>	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).	(13) Clo-quallum Creek	<u>Elma 15</u> <u>Malone 15</u>	From the Mason Co. line (Sec.1,T18N,R6W) downstream to mouth at Chehalis River (Sec.2,T17N,R6W).
(3) Bitter Creek	<u>Wynoochee Valley 15</u>	From a point on the north line of (Sec.11,T18N,R8W) intersecting with Bitter Creek downstream to mouth at Black Creek (same section).	(14) Connor Creek	<u>Copalis Beach 7 1/2</u>	From the confluence of Cranberry Creek (Sec.10, T18N,R12W) downstream to mouth at Pacific Ocean (Sec.33,T19N,R12W).
(4) Black Creek	<u>Wynoochee Valley 15</u>	From the confluence of Black Creek and the unnamed creek (Sec.13, T18N,R8W) downstream to mouth at Wynoochee River (Sec.26,T18N,R8W).	(15) Copalis River	<u>Quinault Lake 15</u> <u>Macafee Hill 15</u> Carlisle 7 1/2 Moclips 7 1/2 Copalis Beach 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).
(5) Black River (Cont.)	<u>Rochester 15</u>	From the Thurston County line (Sec.27,T16N,R4W) downstream to mouth at Chehalis River (Sec.5, T15N,R4W) excluding all federal lands.	(16) Decker Creek (Cont.)	<u>Elma 15</u>	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).
(6) Boone Creek	<u>Moclips 7 1/2</u>	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).	(17) Deep Creek	<u>Humptulips 15</u> <u>Copalis</u> Crossing 7 1/2	From the confluence of Deep Creek and unnamed creek (Sec.30,T19N,R10W) downstream to mouth at Humptulips River (Sec.22, T19N,R11W).
(7) Canyon River (Cont.)	<u>Mt. Tebo 15</u> <u>Wynoochee Valley 15</u> Grisdale 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).	(18) Delezena Creek	<u>Malone 15</u>	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).
(8) Carter Creek	<u>Wynoochee Valley 15</u>	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).	(19) Donkey Creek	<u>Quinault Lake 15</u>	From the intersection of Olympic National Forest boundary and Donkey Creek (Sec.3,T21N,R9W) downstream to mouth at West Fork Humptulips River (Sec.16,T21N,R9W).

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Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(25) Hoquiam River	<u>Humptulips</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).	(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).
(26) Hoquiam River (E. Fk.)	<u>Humptulips</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).	(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).
(27) Hoquiam River (M. Fk.)	<u>Humptulips</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).	(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).
(28) Hoquiam River (W. Fk.)	<u>Humptulips</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).	(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).
(29) Hump-tulips River*	<u>Humptulips</u> * 15 <u>Carlisle</u> 7 1/2 <u>Copalis Crossing</u> 7 1/2	From the confluence of East and West Forks of Humptulips 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.	(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).
(30) Hump-tulips River (E. Fk.)	<u>Quinault Lake</u> 15 <u>Humptulips</u> 15	From the Olympic National Forest boundary (Sec.12, T21N,R9W) downstream to confluence with West Fork Humptulips River (Sec.2, T20N,R10W).	(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).
(31) Hump-tulips River (W. Fk.)	<u>Quinault Lake</u> 15 <u>Humptulips</u> 15	From the Olympic National Forest boundary (Sec.9, T21N,R9W) downstream to confluence with East Fork Humptulips River (Sec.2, T20N,R10W).			
(32) Independence Creek (Cont.)	<u>Rochester</u> 15	From Lewis Co. line (Sec. 10,T15N,R4W) downstream to mouth on Chehalis River (same section).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(44) North River* (Cont.)	<u>Montesano 15</u> Aberdeen S.E. 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).	(55) Satsop River*	<u>Wynoochee Valley * 15</u> 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).
(45) Pioneer Creek	<u>Malone 15</u>	From the confluence of Pioneer Creek and unnamed creek (Sec.25,T16N,R7W) downstream to mouth at the North River (Sec.4,T15N,R7W).	(56) Satsop River (E. Fk.)* (Cont.)	<u>Elma * 15</u> Wynoochee Valley 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).
(46) Porter Creek	<u>Rochester 15</u> Malone 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).	(57) Satsop River (M. Fk.) (Cont.)	<u>Mt. Tebo 15</u> Wynoochee Valley 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).
(47) Porter Creek (N. Fk.)	<u>Rochester 15</u>	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).	(58) Satsop River (W. Fk.)	<u>Grisdale 15</u> Wynoochee Valley 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).
(48) Porter Creek (S. Fk.)	<u>Rochester 15</u>	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).	(59) Schafer Creek	<u>Wynoochee Valley 15</u>	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).
(49) Porter Creek (W. Fk.)	<u>Rochester 15</u>	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).	(60) Stevens Creek	<u>Quinault Lake 15</u>	From the confluence of Stevens Creek and unnamed creek (Sec.12,T21N,R10W) downstream to mouth at Humptulips River (Sec.12, T20N,R11W).
(50) Rainie Creek (Rt. Fk.)	<u>Malone 15</u>	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).	(61) Sylvia Creek	<u>Montesano 15</u>	From the confluence of Sylvia Creek and unnamed creek (Sec.1,T17N,R8W) downstream to mouth at Wynoochee River (Sec.7, T17N,R7W).
(51) Raney Creek	<u>Humptulips 15</u>	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).	(62) Unnamed Tributary to Humptulips River	<u>Humptulips 15</u>	From the confluence of two unnamed creeks (Sec. 14,T20N,R10W) downstream to mouth at Humptulips River (Sec.9,T20N,R10W).
(52) Rock Creek	<u>Malone 15</u>	From the confluence of Rock Creek and unnamed creek (Sec.11,T16N,R6W) downstream to mouth at Chehalis River (Sec.15, T16N,R5W).	(63) Vance Creek	<u>Malone 15</u>	From the intersection of Vance Creek and light duty road (Sec.3,T17N,R6W) downstream to mouth at Chehalis River (Sec.6, T17N,R6W).
(53) Salmon Creek	<u>Montesano 15</u>	From the confluence of Salmon Creek and unnamed creek (Sec.13,T16N,R8W) downstream to mouth at North River (Sec.9,T16N,R8W).	(64) Vesta Creek (E. Fk.)	<u>Malone 15</u> Montesano 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).
(54) Sand Creek	<u>Malone 15</u>	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).	(65) Vesta Creek	<u>Montesano 15</u>	From confluence of East and West Forks of Vesta Creek (Sec.14,T16N,R7W) downstream to mouth on North River (Sec.32,T16N,R7W).

Stream Name	Quadrangle Name and Size	Legal Description
(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).
(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).
(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).
(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).
(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).
(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).
(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).
(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).
(74) Wishkah River	<u>Grisdale</u> 15 <u>Wynoochee Valley</u> 15 <u>Aberdeen</u> 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).
(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).
(76) Wynoochee River*	<u>Grisdale</u> 15 <u>Wynoochee Valley*</u> 15 <u>Montesano</u> 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).

Stream Name	Quadrangle Name and Size	Legal Description
(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).
(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.

[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**

Stream Name	Quadrangle Name and Size	Legal Description
(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).
(2) Boga-chiel River*	<u>Indian Pass*</u> 7 1/2 <u>Anderson Creek</u> 7 1/2 <u>Reade Hill</u> 7 1/2	From the Olympic National Forest boundary (Sec.4, T27N,R12W) downstream to the Clallam County line (Sec.2,T27N,R13W). The flow exceeds 1,000 cfs MAF at Olympic National Park boundary.
(3) Cedar Creek	<u>Destruction 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).
(4) Chimacum Creek	<u>Port Townsend</u> S. 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 Irontdale.
(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).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(6) Clearwater River*	<u>Kloochmon Rock</u> 15 <u>Salmon River*</u> 15 <u>Destruction 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).
(7) Dosewallips 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).	(18) Miller Creek	<u>Destruction 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).
(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).	(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).
(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).	(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).
(10) Goodman Creek	<u>Forks</u> 15 <u>LaPush</u> 15	From the confluence of Goodman Creek and unnamed creek (Sec.23,T27N,R13W) downstream to Olympic National Park boundary (Sec.23,T27N,R14W).	(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).
(11) Hoh River*	<u>Spruce Mt.</u> * 15 <u>Forks</u> 15 <u>Destruction Island</u> 15	From the Olympic National Park boundary (Sec.29, T27N,R10W) downstream to Hoh Indian Reservation boundary (Sec.20,T26N, R13W). The 1,000 cfs MAF point starts at the Olympic National Park boundary.	(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).
(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).	(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).
(13) Hurst Creek	<u>Destruction 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).	(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).
(14) Kalaloch Creek	<u>Destruction 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).	(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).
(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).	(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).
(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).	(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).



**Shoreline Management Act--Streams & Rivers**

**173-18-210**

<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>
(28) Solleks River	<u>Kllochman Rock 15</u> <u>Salmon River 15</u>	From the confluence of Solleks River and unnamed creek (Sec.2,T25N,R10W) downstream to mouth at Clearwater River (Sec.10, T25N,R11W).	(7) Boise Creek	<u>Enumclaw 15</u> <u>Enumclaw 7 1/2</u> <u>Buckley 7 1/2</u>	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).
(29) Stequa-leho Creek	<u>Salmon River 15</u>	From the confluence of the Stequaleho Creek and unnamed creek (Sec.19, T25N,R10W) downstream to mouth at Clearwater River (Sec.16,T25N,R11W).	(8) Boxley Creek	<u>Bandera 15</u>	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).
(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).	(9) Calligan Creek	<u>Mount Si 15</u>	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).
(31) Quinault River*	<u>Mt. Christie * 15</u> <u>Kllochman 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).	(10) Carroll Creek	<u>Scenic 7 1/2</u>	From the Snoqualmie National Forest boundary (Sec.35,T26N,R12E) downstream to mouth at Tye River (Sec.26, same township).
[Statutory Authority: RCW 90.58.200. 90-06-068 (Order 89-60), § 173-18-200, filed 3/6/90, effective 4/6/90; 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.]			(11) Cedar River	<u>North Bend 7 1/2</u> <u>Hobart 7 1/2</u> <u>Maple Valley 7 1/2</u> <u>Renton 7 1/2</u> <u>Mercer Island 7 1/2</u> <u>Cumberland 7 1/2</u>	From east section line (Sec.9,T21N,R10E) downstream to mouth at Lake Washington in Renton (Sec.7,T23N,R5E), excluding all federal lands.
			(12) Champion Creek	<u>Greenwater 15</u>	From the confluence of Champion Creek and unnamed creek (Sec.28,T20N,R10E) downstream to mouth at Green River (Sec.20, same township).

**WAC 173-18-210 King 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) Bear Creek	<u>Eagle Gorge 7 1/2</u>	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).	(13) Charley Creek	<u>Eagle Gorge 7 1/2</u>	From the Snoqualmie National Forest boundary (Sec.3,T20N,R8E) downstream to mouth at Howard Hansen Reservoir (Sec.34,T21N,R8E).
(2) Bear Creek	<u>Everett 15</u> <u>Bothell 7 1/2</u>	From the intersection of Bear Creek and the east section line (Sec.9,T26N, R5E) downstream to mouth at Sammamish River (same section).	(14) Cherry Creek	<u>Monroe 15</u> <u>Monroe 7 1/2</u> <u>Carnation 7 1/2</u>	From the confluence of Cherry Creek and Hannen Creek (Sec.2,T26N,R7E) downstream to mouth at Snoqualmie River (Sec.6, same township).
(3) Bear	<u>Redmond 7 1/2</u>	From the confluence with Seidel Creek (Sec.20,T26N,R6E) downstream to mouth (Sec. 6,T25N,R6E).	(15) Coal Creek	<u>Cumberland 7 1/2</u>	From the confluence of Coal Creek and unnamed creek (Sec.27,T21N,R7E) downstream to mouth at Fish Lake (Sec.31, same township).
(4) Beckler River (Cont.)	<u>Skykomish 7 1/2</u>	From the Snohomish County line (Sec.5,T26N,R12E) downstream to Skykomish River (South Fork) (Sec.25,T26N,R11E).	(16) Covington Creek	<u>Black Diamond 7 1/2</u> <u>Auburn 7 1/2</u>	From the confluence of waters from Lake Sawyer (Sec.4,T21N,R6E) downstream to mouth at Big Soos Creek (Sec.11, T21N,R5E).
(5) Big Soos Creek	<u>Auburn 7 1/2</u>	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).	(17) Evans Creek	<u>Redmond 7 1/2</u>	From the confluence of Evans Creek and unnamed creek (Sec.8,T25N, R6E) downstream to mouth at Sammamish River (Sec.11,T25N,R5E).
(6) Black River	<u>Renton 7 1/2</u> <u>Des Moines 7 1/2</u>	From confluence of Spring Brook Creek and Black River (Sec.13,T23N,R4E) downstream to mouth of Duwamish River (Sec.14, same township).	(18) Foss River	<u>Skykomish 7 1/2</u>	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).

<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) Friday Creek	<u>Lester 15</u>	From the confluence of Friday Creek and unnamed creek (Sec.18,T20N,R11E) downstream to mouth at the Green River (same section).	(30) Jenkins Creek	<u>Black Diamond 7 1/2</u> <u>Auburn 7 1/2</u>	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).
(20) Gale Creek	<u>Bandera 15</u>	From the confluence of Gale Creek and unnamed creek (Sec.36,T21N,R8E) downstream to mouth at Howard Hanson Reservoir (same section).	(31) Kimball Creek	<u>Snoqualmie 7 1/2</u>	From the confluence of Coal Creek and Kimball Creek (Sec.31,T24N,R8E) downstream to mouth at Snoqualmie River (Sec.30, same township).
(21) Granite Creek	<u>Bandera 15</u>	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).	(32) Maloney Creek	<u>Skykomish 7 1/2</u>	From the Snoqualmie National Forest boundary (Sec.35,T26N,R11E) downstream to mouth at South Fork Skykomish River (Sec.26, same township).
(22) Green River*	<u>Lester 15</u> <u>Greenwater 15</u> <u>Bandera 15</u> <u>Eagle Gorge* 7 1/2</u> <u>Cumberland 7 1/2</u> <u>Black Diamond 7 1/2</u> <u>Auburn 7 1/2</u> <u>Renton 7 1/2</u> <u>Des Moines 7 1/2</u> <u>Seattle South 7 1/2</u>	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).	(33) Martin Creek	<u>Scenic 7 1/2</u>	From the Snoqualmie National Forest boundary (Sec.13, T26N,R12E) downstream to federal boundary (Sec.25, same township).
(23) Green River (N. Fk.)	<u>Bandera 15</u> <u>Eagle Gorge 7 1/2</u>	From the Snoqualmie National Forest boundary (Sec.18,T21N,R9E) downstream to mouth at Howard Hanson Reservoir (Sec.22,T21N,R8E).	(34) May Creek	<u>Mercer Island 7 1/2</u>	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).
(24) Green-water River	<u>Lester 15</u> <u>Greenwater 15</u>	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.	(35) Mercer Slough	<u>Mercer Island 7 1/2</u>	From the east section line (Sec.5,T24N,R5E) downstream through Mercer Slough to mouth at East Channel (Sec.8, same township).
(25) Griffin Creek	<u>Lake Joy 7 1/2</u> <u>Snoqualmie 7 1/2</u> <u>Fall City 7 1/2</u>	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).	(36) Miller River	<u>Grotto 7 1/2</u>	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).
(26) Hancock Creek	<u>Mount Si 15</u>	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).	(37) Money Creek	<u>Grotto 7 1/2</u>	From the Snoqualmie National Forest boundary (Sec.28,T26N,R11E) downstream back to the Snoqualmie National Forest boundary (same section).
(27) Harris Creek	<u>Carnation 7 1/2</u>	From the intersection of Harris Creek and Swan Mill Road (Sec.34,T26N,R7E) downstream to mouth at Snoqualmie River (Sec.5, T25N,R7E).	(38) Newaukum Creek	<u>Enumclaw 15</u> <u>Enumclaw 7 1/2</u> <u>Buckley 7 1/2</u> <u>Black Diamond 7 1/2</u>	From the confluence of Newaukum Creek and unnamed creek (Sec.7,T20N,R7E) downstream to mouth at the Green River (Sec.29,T21N, R6E).
(28) Index Creek	<u>Index 15</u> <u>Baring 7 1/2</u>	From the Snoqualmie National Forest boundary (Sec.10,T26N,R10E) downstream to mouth at South Fork Skykomish River (Sec.2, same township).	(39) North Creek (Cont.)	<u>Everett 15</u> <u>Bothell 7 1/2</u>	From King County and Snohomish County line (Sec.5,T26N,R5E) downstream to mouth at Sammamish River (Sec.8, same township).
(29) Issaquah Creek	<u>Hobart 7 1/2</u> <u>Maple Valley 7 1/2</u> <u>Issaquah 7 1/2</u>	From the confluence of Holder Creek and Carey Creek (Sec.25,T23N,R6E) downstream to mouth at Sammamish Lake (Sec.17, T24N,R6E).	(40) North Fork Creek	<u>Lake Joy 7 1/2</u>	From the beginning of creek at swamp (Sec.18, T26N,R8E) downstream to mouth at North Fork Tolt River (Sec.29, same township).
			(41) Paterson Creek	<u>Fall City 7 1/2</u>	From the confluence of Patterson Creek and Canyon Creek (Sec.8,T24N,R7E) downstream to mouth at the Snoqualmie River (Sec.4, same township).

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173-18-210

<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) Philippi 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).	(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.
(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.	(54) Snoqualmie River (M. Fk.)*	<u>Mount Si</u> * 15 <u>Bandera</u> 15 <u>North Bend</u> 7 1/2 <u>Snoqualmie</u> 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.
(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.	(55) Snoqualmie River (N. Fk.)	<u>Mount Si</u> 15 <u>Snoqualmie</u> 7 1/2 <u>North Bend</u> 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).
(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).	(56) Snoqualmie River (S. Fk.)	<u>Bandera</u> 15 <u>North Bend</u> 7 1/2 <u>Snoqualmie</u> 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.
(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).	(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).
(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).	(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.
(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).	(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).
(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).	(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).
(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).	(61) Taylor Creek	<u>Eagle Gorge</u> 7 1/2 <u>North Bend</u> 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).
(51) Skykomish River* (S. Fk.)	<u>Skykomish</u> * 7 1/2 <u>Grotto</u> 7 1/2 <u>Baring</u> 7 1/2	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).	(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).
(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).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(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).
(65) Tolt River (N. Fk.)	<u>Mount Si</u> 15 <u>Lake Joy</u> 7 1/2	From confluence with Titicaed Creek (Sec.12, T26N,R9E) downstream to mouth at Tolt River (Sec. 31,T26N,R8E).	(76) Taylor Creek (M. Fk.)	<u>Eagle Gorge</u> 7 1/2	From confluence of unnamed tributary (NE1/4 of NE1/4 Sec.34, T22N,R8E) downstream to mouth at Taylor Creek (Sec.32, T22N,R8E).
(66) Tolt River (S. Fk.)	<u>Mount Si</u> 15 <u>Lake Joy</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.31,T26N,R10E) downstream to mouth at Tolt River (Sec.31,T26N,R8E).	(77) Taylor Creek (N. Fk.)	<u>Eagle Gorge</u> 7 1/2	From the bridge crossing in (NW1/4, NW1/4 Sec.29,T22N,R8E) downstream to mouth at Taylor Creek (Sec.29,T22N,R8E).
(67) Tye River	<u>Scenic</u> 7 1/2 <u>Skykomish</u> 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.	[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.]		
(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).	<b>WAC 173-18-220 Kitsap County. Streams</b>		
(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).	(1) Big Beef Creek	<u>Wildcat Lake</u> 7 1/2 <u>Seabeck</u> 7 1/2	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).
(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).	(2) Black Jack Creek	<u>Bremerton West</u> 7 1/2	From the confluence of Black Jack Creek and unnamed creek (Sec.11, T23N,R1E) downstream to mouth at Sinclair Inlet (Sec.25,T24N,R1E).
(71) White River*	<u>Greenwater</u> * 15 <u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Buckley</u> 7 1/2 <u>Sumner</u> 7 1/2 <u>Auburn</u> 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.	(3) Burley Creek	<u>Burley</u> 7 1/2	From the confluence of Burley Creek and unnamed creek (Sec.12,T22N,R1E) downstream to mouth at Burley Lagoon (same section).
(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).	(4) Chico Creek	<u>Bremerton West</u> 7 1/2	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).
(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.	(5) Curley Creek	<u>Bremerton East</u> 7 1/2	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</u> 7 1/2	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</u> 7 1/2 <u>Belfair</u> 7 1/2	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

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Creek	Easton 15	From the Wenatchee National Forest boundary (Sec.35, T20N,R13E) downstream (excluding federal lands) to mouth at Yakima River (Sec.21,T20N,R14E).	(11) Swauk Creek	Thorp 15	From the Wenatchee National Forest boundary (Sec.10,T20N,R17E) downstream (excluding all federal lands) to mouth at Yakima River (Sec.20,T19N,R17E).
(2) Cabin Creek	Lester 15 Easton 15	From Wenatchee National Forest boundary (Sec.19, T20N,R13E) downstream to mouth on Yakima River (Sec.9,T20N,R13E).	(12) Taneum Creek	Cle Elum 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).
(3) Cle Elum River*	Kachess Lake * 15 Easton 15 Cle Elum 15	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.	(13) Teanaway River*	Mt. Stuart * 15 Cle Elum 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).
(5) Columbia River (Cont.)*	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	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.	(14) Teanaway River (M. Fk.)	Mt. Stuart 15	From the Wenatchee National Forest boundary (Sec.15,T21N,R15E) downstream to mouth at Teanaway River (Sec.6, T20N,R16E).
(6) Kachess River*	Kachess Lake * 15	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.	(15) Teanaway River (N. Fk.)	Mt. Stuart 15	From the Wenatchee National Forest boundary (Sec.4,T21N,R16E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N,R16E).
(7) Little Creek	Easton 15	From the Wenatchee National Forest boundary (Sec.33,T20N,R14E) (excluding all federal lands) downstream to mouth at Yakima River (Sec.22,T20N,R14E).	(16) Teanaway River (W. Fk.)	Kachess Lake 15 Mt. Stuart 15	From the Wenatchee National Forest boundary (Sec.30,T21N,R15E) downstream (excluding all federal lands) to the Teanaway River (Sec.6, T20N,R16E).
(8) Log Creek	Lester 15	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).	(17) Wilson Creek*	Ellensburg So. * 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).
(9) Manastash Creek	Yakima (AMS) Ellensburg 15 Ellensburg S. 7 1/2	From confluence of North and South Forks Manastash Creek (Sec.17,T17N,R17E) downstream to mouth on Yakima River (Sec.4,T17N, R18E).	(18) Yakima River*	Snoqualmie Pass * 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.
(10) Manastash Creek (South Fork)	Cle Elum 15 Ellensburg 15 Manastash Lake 7 1/2	From the Wenatchee National Forest boundary (Sec.31,T18N,R16E) downstream to mouth at Manastash Creek (Sec.17, T17N,R17E).	(19) Little Naches River*	Lester 15 Easton 15* Cliffdell 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).

[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.]

### WAC 173-18-240 Klickitat County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(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).
(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).
(3) Columbia River (cont.)*		All Columbia River within Klickitat County is under federal jurisdiction. Stream flow exceeds 200 cfs MAF.
(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).
(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).
(6) Klickitat River*	<u>Mt. Adams</u> 30 <u>Klickitat*</u> 15 <u>The Dalles</u> 15 <u>White Salmon</u> 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.
(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).
(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 <u>The Dalles AMS</u> (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).

Stream Name	Quadrangle Name and Size	Legal Description
(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).
(13) Swale Creek	<u>Wishram</u> 15 <u>The Dalles</u> 15 <u>Klickitat</u> 15	From the north section line (Sec.30,T3N,R15E) downstream to the mouth at Klickitat River (Sec.18,T4N,R14E).
(14) Trout Lake Creek*	<u>Steamboat Mt.</u> 30 <u>Willard*</u> 15	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.
(15) White Salmon River*	<u>Steamboat Mt.</u> 30 <u>Willard*</u> 15 <u>Husum</u> 15	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.

[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

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big Creek	<u>Randle</u> 15 <u>Mineral</u> 15	From confluence of Big Creek and Tealey Creek (Sec.4,T14N,R7E) downstream to mouth at Nisqually River (Sec.34,T15N,R6E).
(2) Brim Creek	<u>Ryderwood</u> 15 <u>Castle Rock</u> 15	From confluence of Brim Creek and North Fork at (Sec.24,T11N,R3W) downstream to mouth at Stillwater Creek (Sec.25,T11N,R3W).
(3) Bunker Creek	<u>Adna</u> 15	Beginning in the (SE1/4 of NE1/4 Sec.17,T14N,R4W) downstream to mouth at Chehalis River (Sec.6,T13N,R3W).
(4) Butter Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	Beginning at Gifford Pinchot National Forest boundary at (Sec.3,T13N,R9E) downstream to mouth at Cowlitz River (Sec.10 of same township).
(5) Catt Creek	<u>Mt. Rainier</u> 30 <u>Mineral</u> 15 <u>Randle</u> 15	Beginning at Snoqualmie National Forest boundary (Sec.13,T14N,R6E) downstream to mouth at Big Creek (Sec.2,T14N,R6E).
(6) Cedar Creek	<u>Toutle</u> 15	From confluence of Cedar Creek and unnamed Creek (Sec.11,T11N,R1E) downstream to Salmon Creek (Sec.36,T11N,R1W).

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Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(7) Chehalis River*	<u>Skamokawa</u> 15 Pe Ell 15 Adna* 15 Centralia 15 Rochester 15	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).	(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).
(8) Chehalis River (E. Fk.)	<u>Skamokawa</u> 15	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).	(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).
(9) Chehalis River (W. Fk.)	<u>Skamokawa</u> 15	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).	(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).
(10) Chehalis River (S. Fk.) (Cont.)	<u>Ryderwood</u> 15 <u>Adna</u> 15	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).	(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).
(11) Cinnabar Creek	<u>Onalaska</u> 15	Beginning at (NW1/4 of SW1/4 Sec.13,T13N,R2E) downstream to mouth at Tilton River (Sec.26,T13N,R2E).	(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).
(12) Cispus River*	<u>Steamboat Mt.</u> 30 <u>Spirit Lake</u> 15 <u>Greenhorn Buttes</u> 7 1/2 <u>Tower Rock*</u> 7 1/2	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.	(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).
(13) Coal Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	Beginning at Gifford Pinchot National Forest boundary at east section line (Sec.1,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).
(14) Connelly Creek	<u>Morton</u> 15	Beginning at confluence with Heller Creek (Sec.23,T13N,R4E) downstream to mouth at Tilton River (Sec.35, of same township).	(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).
(15) Cowlitz River*	<u>Mt. Rainier</u> 30 <u>Randle</u> 15 <u>Mineral</u> 15 <u>Spirit Lake</u> 15 <u>Packwood*</u> 15 <u>Greenhorn Butte</u> 7 1/2 <u>Elk Rock</u> 15 <u>Morton</u> 15 <u>Onalaska</u> 15 <u>Toutle</u> 15 <u>Castle Rock</u> 15	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.	(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).
(16) Crim Creek	<u>Pe Ell</u> 15	From confluence of Crim Creek and unnamed creek (Sec.19,T12N,R5W) downstream to mouth at Chehalis River (Sec.10, 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).
			(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).
			(28) Green River (Cont.)	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15	From south line (Sec.33,T11N,R4E) Lewis-Skamaniam County line downstream to Lewis-Skamaniam County line (Sec.31, same township) downstream to Lewis-Cowlitz County line (Sec.31,T11N,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>
(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).	(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).
(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).	(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).
(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).	(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 Davisson Lake (Sec.7,T11N,R5E).
(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).	(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).
(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).	(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).
(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).	(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).
(35) Jones Creek	<u>Pc Ell</u> 15	From confluence of Jones Creek and Katula Creek (Sec.23,T13N,R5W) downstream to mouth at Chehalis River (same section).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).			

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Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(54) Newaukum River (N. Fk.)	Onalaska 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).	(64) Salzer Creek	Centralia 15	From the confluence of Salzer Creek and unnamed creek (Sec.23,T14N,R2W) downstream to Chehalis River (Sec.18,T14N,R2W).
(55) Newaukum River (S. Fk.)	Onalaska 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).	(65) Shelton Creek	Morton 15 Elk Rock 15	From confluence of Shelton Creek and unnamed creek (Sec.27,T12N,R4E) downstream to mouth at Davisson Lake (Sec.27, same township).
(56) Nisqually River*	Randle 15 Kapowsin* 15 Mount Wow 7 1/2 Mineral 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).	(66) Siler Creek	Mt. Rainier 30 Randle 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.
(57) Olequa Creek	Centralia 15 Castle Rock 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).	(67) Silver Creek	Randle 15	From confluence of Silver Creek and Lynx Creek (Sec.22,T13N,R7E) downstream to Cowlitz River (Sec.15,T12N,R7E). Exclude federal lands.
(58) Quartz Creek	Spirit Lake 15	From the National Forest boundary (Sec.10,T11N, R6E) downstream to mouth on Cispus River (same section).	(68) Skate Creek	Mt. Rainier 30 Packwood 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).
(59) Rainy Creek	Mineral 15 Spirit Lake 15	From confluence of Rainy Creek and unnamed creek (Sec.8,T12N,R6E) downstream to mouth at Davisson Lake (Sec.27,T12N,R5E).	(69) Skookumchuck River	Morton 15 Onalaska 15 Lake Lawrence 7 1/2 Tenino SW 7 1/2 Centralia 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).
(60) Rock Creek	Pe Ell 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).	(70) Smith Creek	Mt. Rainier 30 Packwood 15	From the Gifford Pinchot National Forest boundary (Sec.5,T12N,R9E) downstream to Cowlitz River (Sec.32,T13N,R9E).
(61) Roger Creek	Skamokawa 15 Pe Ell 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).	(71) South Hanaford Creek	Centralia 15 Tenino S.W. 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).
(62) Roundtop Creek	Mineral 15	From confluence of Roundtop Creek and unnamed creek (Sec.20, T14N,R5E) downstream to mouth at Mineral Creek (Sec.3, same township).	(72) Stearns Creek	Centralia 15 Adna 15	From confluence of Stearns Creek and unnamed creek (Sec.32,T13N,R2W) downstream to mouth at Chehalis River (Sec.2, T13N,R3W).
(63) Salmon Creek	Toutle 15 Castle Rock 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).	(73) Stillman Creek	Ryderwood 15 Adna 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).
			(74) Stillwater Creek (Cont.)	Ryderwood 15 Castle Rock 15	From Lewis Co. and Cowlitz Co. line south section line (Sec.34,T11N,R3W) downstream to mouth at Olequa Creek (Sec.32,T11N, R2W).
			(75) Stowe Creek	Pe Ell 15	From confluence of Stowe Creek and Sand Creek (Sec. 35,T13N,R5W) downstream to mouth at Chehalis River (Sec.34, same township).

[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.]

Stream Name	Quadrangle Name and Size	Legal Description
(76) Thrash Creek	Skamokawa 15	Beginning at (SE1/4 of NE1/4 Sec.31,T12N,R5W) downstream to mouth at Chehalis River (Sec.33, same township).
(77) Tilton River	Mineral 15 Onalaska 15 Morton 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).
(78) Tilton River (E. Fk.)	Mineral 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).
(79) Tilton River (N. Fk.)	Morton 15	From north section line Forest boundary (Sec.3, T13N,R3E) downstream to mouth at Tilton River (Sec.30,T13N,R4E). Exclude federal lands.
(80) Tilton River (S. Fk.)	Mineral 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).
(81) Tilton River (W. Fk.)	Mineral 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).
(82) Unnamed Trib. to Newaukum River (S. Fk.)	Onalaska 15	From confluence of unnamed creek and unnamed creek (Sec.27,T14N,R2E) downstream to mouth at Newaukum River South Fork (same section).
(83) Unnamed Trib. to Stillman Creek	Ryderwood 15	From confluence of unnamed creek and unnamed creek (Sec.9,T11N,R4W) downstream to mouth at Stillman Creek (Sec.34,T12N,R4W).
(84) Willame Creek	Mt. Rainier 30 Packwood 15	From Gifford Pinchot National Forest boundary (Sec.31,T13N,R9E) downstream to Cowlitz River (Sec.6,T12N,R9E).
(85) Winston Creek	Elk Rock 15 Onalaska 15 Toutle 15	From confluence of Winston Creek and Thurston Creek (Sec.11,T11N,R3E) downstream to mouth at Mayfield Lake (Sec.20, T12N,R2E).
(86) Winston Creek (S. Fk.)	Elk Rock 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).
(87) Little Nisqually River	Morton 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.

**WAC 173-18-260 Lincoln County. Streams**

Stream Name	Quadrangle Name and Size	Legal Description
(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*	Sprague Lake NE 7 1/2 Sprague Lake 7 1/2 Sprague Lake SW 7 1/2 Harrington SE 7 1/2 Lamona WA 7 1/2 U.S.G.S. Blue Line Advance Sylvan Lake 7 1/2 Odessa 7 1/2 Irby 7 1/2 Marlin SW 7 1/2 Marlin 7 1/2	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	Sprague 15	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*	Wellpinit * 15 Turtle Lake 15 Lincoln 15	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*	Almira * 7 1/2 Almira SW 7 1/2	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**

Stream Name	Quadrangle Name and Size	Legal Description
(1) Baker Creek	Mt. Tebo 15	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.

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Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(2) Bingham Creek	Mt. Tebo 15 Elma 15	Beginning at (SW1/4 of NE1/4 Sec.31,T21N,R5W) downstream to mouth at East Fork Satsop River (Sec.11,T19N,R6W).	(13) Golsborough Creek (S. Fork)	Elma 15 Shelton 15	From confluence of Golsborough Creek South Fork and unnamed creek (Sec.25,T20N,R5W) downstream to mouth at Oakland Bay (Sec.20, T20N,R3W).
(3) Canyon River	Mt. Tebo 15 Grisdale 15	Beginning at Olympic National Forest boundary at north section line (Sec.18, T21N,R6W) downstream to Mason County, Grays Harbor County line (same section).	(14) Gosnell Creek	Shelton 15 Olympia 15 Squaxin Island 7 1/2	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).
(4) Cloquallum Creek	Elma 15	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).	(15) Hamma Hamma River	The Brothers 15	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).
(5) Coulter Creek	Belfair 7 1/2	From the confluence of Coulter Creek and unnamed creek (Sec.9, T22N,R1W) downstream to mouth of North Bay (same section).	(16) Jefferson Creek	The Brothers 15	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).
(6) Cranberry Creek	Potlatch 15	Beginning at NE point of Cranberry Lake (Sec. 28,T21N,R3W) downstream to mouth at Oakland Bay (Sec.35 of same township).	(17) Johns Creek	Potlatch 15 Shelton 15	Beginning where Johns Creek crosses light-duty road (Sec.30,T21N,R3W) downstream to mouth at Oakland Bay (Sec.3,T20N, R3W).
(7) Decker Creek	Elma 15	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).	(18) Kennedy Creek (Cont.)	Shelton 15	From the Thurston County line (Sec.31,T19N,R3W) downstream to mouth at Oyster Bay (Sec.32,T19N, R3W).
(8) Deer Creek	Mason Lake 7 1/2 Potlatch 15	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).	(19) Lilliwaup Creek	Potlatch 15	Beginning in the Lilliwaup Swamp (Sec.11, T23N,R4W) downstream to mouth at Lilliwaup Bay in Hood Canal at (Sec. 30,T23N,R3W).
(9) Dewatto River	Holly 7 1/2 Lake Wooten 7 1/2 Potlatch 15	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).	(20) McTaggart Creek	Potlatch 15	From confluence of McTaggart Creek and Frigid Creek at (Sec.30, T22N,R4W) downstream to Skokomish River North Fork (same section).
(10) Dry Bed Creek	Mt. Tebo 15 Elma 15	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).	(21) Mission Creek	Lake Wooten 7 1/2 Belfair 7 1/2	From confluence of Mission Creek and unnamed creek (Sec.24, T23N,R2W) downstream to mouth at Hood Canal (Sec.1,T22N,R2W).
(11) Dry Creek	Mt. Tebo 15	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).	(22) Rendsland Creek	Potlatch 15	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).
(12) Dry Run Creek	Elma 15	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).	(23) Satsop River (E. Fork)	Elma 15	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
(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.	(34) Goldsborough Creek (N. Fork)	<u>Shelton 15</u>	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).
(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).	(35) Sherwood Creek	<u>Mason Lake 7 1/2</u> <u>Vaughn 7 1/2</u> <u>Belfair 7 1/2</u>	From its start in Mason Lake (Sec.34,T22N,R2W) downstream to mouth at North Bay on Case Inlet (Sec.20,T22N,R1W).
(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.	[Order 73-14, § 173-18-270, filed 8/27/73; Order DE 72-13, § 173-18-270, filed 6/30/72.]		
(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).	<b>WAC 173-18-280 Okanogan County. Streams</b>		
(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.	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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).	(1) Beaver Creek	<u>Blue Buck Mt. 7 1/2</u> <u>Twisp East 7 1/2</u>	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).
(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).	(2) Bonaparte Creek	<u>Tonasket 15</u>	From the confluence of Bonaparte Creek and Bannan Creek (Sec.32, T37N,R28E) downstream to mouth on Okanogan River near Tonasket (Sec.16, T37N,R27E).
(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).	(3) Chewack* River	<u>Doe Mt.* 15</u> <u>Winthrop 7 1/2</u>	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.
(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).	(4) Columbia River (cont.)*	<u>Grand Coulee Dam 15</u> <u>Bridgeport 15</u> <u>Brewster 15</u> <u>Wells Dam 7 1/2</u> <u>Azwell 7 1/2</u>	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.
(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).	(5) Early Winters Creek	<u>Mazama 15</u>	From the Okanogan National Forest boundary line (Sec.23, T29N, R19E) downstream to mouth at Methow River (Sec.27, same township).
			(6) Gold Creek	<u>Concrete AMS</u> <u>Methow 7 1/2</u>	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).
			(7) Methow River*	<u>Mazama 15*</u> <u>Brewster 15</u> <u>Doe Mtn. 15</u> <u>Thompson Ridge 15</u> <u>7 1/2</u> <u>Winthrop 7 1/2</u> <u>Blue Buck Mtn. 7 1/2</u> <u>Twisp East 7 1/2</u> <u>Methow 7 1/2</u> <u>Cooper Mtn. 7 1/2</u>	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).

Stream Name	Quadrangle Name and Size	Legal Description
(8) Myers Creek	<u>Mt. Bonaparte</u> 15	From the confluence of Myers Creek and Mary Ann Creek (Sec.28,T40N,R30E) downstream to the Canadian Border (Sec.3, same township).
(9) Okanogan River*	<u>Oroville*</u> 15 <u>Tonasket</u> 15 <u>Omak Lake</u> 15 <u>Okanogan</u> 15 <u>Bridgeport</u> 15 <u>Conconully</u> 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.
(10) Sanpoil River (W. Fk.)	<u>Aeneas Valley</u> 15 <u>Aeneas</u> 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).
(11) Similkameen River*	<u>Loomis*</u> 15 <u>Oroville</u> 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.
(12) Sinlahekin River (Creek)	<u>Conconully</u> 15 <u>Loomis</u> 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).
(13) Toats Coulee Creek	<u>Horseshoe Basin</u> 15 <u>Loomis</u> 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).
(14) Toroda Creek	<u>Bodie Mt.</u> 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.
(15) Twisp River*	<u>Concrete AMS</u> <u>Winthrop*</u> 7 1/2 <u>Twisp West</u> 7 1/2 <u>Twisp East</u> 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.
(16) Wolf Creek	<u>Concrete AMS</u> <u>Thompson Ridge</u> 7 1/2 <u>Winthrop</u> 7 1/2	From the Okanogan National Forest boundary (Sec.6,T34N,R21E) downstream to mouth at Methow River (Sec.32, T35N,R21E).

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	<u>Grays River</u> 15 <u>Upper Naselle River</u> 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).
(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).
(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).
(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).
(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).
(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).
(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).
(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).
(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).
(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).
(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).

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-03-070 (Order DE 87-45), § 173-18-280, filed 1/20/88. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.300. 87-20-050 (Order DE 87-35), § 173-18-280, filed 10/2/87; Order DE 77-15, § 173-18-280,

<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) 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 Disap-</u> <u>pointment</u> <u>7 1/2</u>	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.	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(34) Middle Nemah River	<u>Oman Ranch</u> 7 1/2 <u>Long Island</u> 7 1/2 <u>Nemah</u> 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).
(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).	(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).
			(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).



Shoreline Management Act--Streams & Rivers

173-18-290

<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>
(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.	(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).
(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).	(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).
(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).	(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.
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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.22, same township).	(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).
(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).	(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).
(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).	(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).
			(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).

			WAC 173-18-300 Pend Oreille County. Streams		
Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(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).
(61) Wallacut River	<u>Cape Disappointment</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).	(2) Calispell Creek (N.Frk.)	<u>Newport</u> 30 <u>Sacheen Lake</u> 7 1/2 <u>Cusick</u> 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).
(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).	(3) Le Clerc Creek	<u>Metaline</u> 30 <u>Ruby</u> 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).
(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).	(4) Le Clerc Creek (W.Branch)	<u>Metaline</u> 30 <u>Ruby</u> 7 1/2	From the Kaniksu National Forest boundary (Sec.6,T35N,R44E) downstream to mouth at Le Clerc Creek (Sec.17, 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).	(5) Le Clerc Creek (E.Branch)	<u>Metaline</u> 30 <u>Ruby</u> 7 1/2	From the Kaniksu National Forest boundary (Sec.5,T35N,R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(65) Willapa River*	<u>Pe Ell</u> 15 <u>Raymond*</u> 15 <u>South Bend</u> 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).	(6) Pend Oreille River*	<u>Newport</u> 30 <u>Newport, Wash.—Idaho*</u> 7 1/2 <u>Diamond Lake</u> 7 1/2 <u>Skookum Creek</u> 7 1/2 <u>Cusick</u> 7 1/2 <u>Metaline</u> 7 1/2 <u>Metaline Falls</u> 7 1/2 <u>Jared</u> 7 1/2 <u>Ruby</u> 7 1/2 <u>Scotchman Lake</u> 7 1/2 <u>Ione</u> 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.
(66) Willapa River (S. Fork)	<u>South Bend</u> 15 <u>North Nemah</u> 7 1/2	From an approximate point (NW1/4 Sec.2,T12N, R9W) downstream to mouth at Willapa River (Sec.24, T14N,R9W).	(7) Little Spokane River	<u>Newport</u> 7 1/2 <u>Diamond Lake</u> 7 1/2 <u>Camden</u> 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).
(67) Williams Creek	<u>South Bend</u> 15 <u>Nemah</u> 7 1/2 <u>North Nemah</u> 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).	(8) Little Spokane River (W.Branch)	<u>Newport</u> 30	Flowing from Sacheen Lake (Sec.35,T31N,R43E) downstream thru Trout Lake, downstream thru Horseshoe Lake, downstream to Spokane County line.
(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).	(9) Skookum Creek	<u>Newport</u> 30 <u>Skookum Creek</u> 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).
(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).			

[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.]

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(10) Sullivan Creek*	<u>Metaline</u> * 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.	(8) Evans Creek	<u>Kapowsin</u> 15	From the east line of (Sec.11,T17N,R6E) downstream to mouth at Carbon River (Sec.35, T18N,R6E).
(11) Tacoma Creek	<u>Newport</u> 30 <u>Jared</u> 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).	(9) Gale Creek	<u>Enumclaw</u> 15 <u>Wilkeson</u> 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	<u>Lester</u> 15 <u>Greenwater</u> 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.

[Order 73-14, § 173-18-300, filed 8/27/73; Order DE 72-13, § 173-18-300, filed 6/30/72.]

### WAC 173-18-310 Pierce County. Streams

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Beaver Creek	<u>Kapowsin</u> 15	From an approximate point near the center of (Sec. 35,T16N,R5E) downstream to the mouth at Mashel River (Sec.21, T16N,R5E).	(11) Little Mashel River	<u>Kapowsin</u> 15 <u>Eatonville</u> 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).
(2) Busy Wild Creek	<u>Kapowsin</u> 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).	(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).
(3) Carbon River	<u>Mowich Lake</u> 7 1/2 <u>Enumclaw</u> 15 <u>Golden Lakes</u> 7 1/2 <u>Wilkeson</u> 7 1/2 <u>Orting</u> 7 1/2 <u>Sumner</u> 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).	(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).
(4) Chambers Creek	<u>Steilacoom</u> 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).	(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).
(5) Clarks Creek	<u>Puyallup</u> 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).	(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).
(6) Clear-water River	<u>Enumclaw</u> 15	From the Snoqualmie National Forest boundary (Sec.34,T19N,R8E) downstream to mouth at the White River (Sec.7,T19N,R8E).	(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).
(7) Clover Creek	<u>Tacoma South</u> 15 <u>Spanaway</u> 7 1/2 <u>Tacoma South</u> 7 1/2 <u>Steilacoom</u> 7 1/2 <u>Frederickson</u> 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.	(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).
			(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).

<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) Nisqually River*	Randle 15 Mount Wow 7 1/2 Mineral 15 Kapowsin* 15 Eatonville 7 1/2 Bald Hill 7 1/2 Harts Lake 7 1/2 McKenna 7 1/2 Nisqually 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).	(28) Spanaway Creek	Tacoma South 15 Tacoma South 7 1/2 Spanaway 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).
(20) Ohop Creek	Kapowsin 15 Orting 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).	(29) Tanwax Creek	Tanwax Lake 7 1/2 Harts Lake 7 1/2 Bald Hill 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).
(21) Ohop Creek	Tanwax Lake 7 1/2 Eatonville 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).	(30) Twenty Five Mile Creek	Kapowsin 15 Tanwax Lake 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).
*NOTE: (Exclude area from La Grande Dam downstream to power house due to use of aqueduct.)			(31) Unnamed Tributary to Mashel River	Kapowsin 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).
(22) Puyallup River*	Mt. Rainier 30 Kapowsin 15 Orting 7 1/2 Sumner* 7 1/2 Puyallup 7 1/2 Tacoma South 7 1/2 Tacoma North 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).	(32) Voight Creek	Kapowsin 15 Wilkeson 7 1/2 Orting 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).
(23) Rocky Creek	Vaughn 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).	(33) White River*	Greenwater * 15 Enumclaw 15 Enumclaw 7 1/2 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).
(24) Rushingwater Creek	Golden Lakes 7 1/2 Kapowsin 15	From the Snoqualmie National Forest boundary (Sec.1,T16N,R6E) downstream to mouth at Mowich River (Sec.2, same township).	(34) White River (West Fork)	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.33,T19N,R9E) downstream to mouth at the White River (Sec.23, same township).
(25) Sequa-litchew Creek	Anderson Island 15 Fort Lewis 7 1/2 Nisqually 7 1/2	From the Fort Lewis Military Reservation (Sec.25,T19N,R1E) downstream to mouth at Nisqually Reach (Sec.22, same township).	(35) Wilkeson Creek	Wilkeson 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).
(26) South Creek	Ohop Valley 15 Harts Lake 7 1/2 Spanaway 7 1/2 Tanwax Lake 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).	(36) North Puyallup River	Mount Wow 7 1/2	From Mount Rainer National Park boundary (Sec.21,T16N,R7E) downstream to mouth at Puyallup River (Sec.20,T16N,R7E).
(27) South Prairie Creek	Enumclaw 15 Wilkeson 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Orting 7 1/2	From the Snoqualmie National Forest boundary (Sec.32,T19N,R7E) downstream to mouth at Carbon River (Sec.27, T19N,R5E).	(37) South Puyallup River	Mount Wow 7 1/2	From Mount Rainer National Park boundary (Sec.33,T16N,R7E) downstream to mouth at Puyallup River (Sec.20,T16N,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**

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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.
(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).
(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).
(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 Suiatle River (Sec.13, same township).
(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).
(7) Carpenter Creek	<u>Mt. Vernon</u> 15 <u>Conway</u> 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).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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).
(15) Friday Creek (cont.)	<u>Samish Lake</u> 15 <u>Alger</u> 7 1/2 <u>Lake Whatcom</u> 7 1/2	From Whatcom County line (Sec.1,T36N,R3E) downstream to mouth at Samish River (Sec.5,T35N,R4E).
(16) Gilligan Creek	<u>Clear Lake</u> 15	From confluence of Gilligan Creek and unnamed creek (Sec.11, T34N,R5E) downstream to mouth at Skagit River (Sec.35,T35N,R5E).
(17) Grandy Creek	<u>Hamilton</u> 15	From outlet of Grandy Lake (Sec.31,T36N,R8E) downstream to mouth at Skagit River (Sec.15, T35N,R7E).
(18) Hansen Creek	<u>Wickersham</u> 15	From an approximate point (SW1/4 of SW1/4 Sec.17,T35N,R5E) downstream to mouth at Skagit River (Sec.20, same township).
(19) Howard Creek (cont.)	<u>Hamilton</u> 15	From Whatcom County line (Sec.2,T36N,R6E) downstream to mouth at Nooksack River South Fork (Sec.13, same township).
(20) Illabot Creek	<u>Illabot Peaks</u> 7 1/2 <u>Rockport</u> 7 1/2	From Mt. Baker National Forest boundary (Sec.1, T34N,R10E) downstream to mouth at Skagit River (Sec.29,T35N,R10E).
(21) Irene Creek	<u>Marblemount</u> 15	From Mt. Baker National Forest boundary (Sec.13, T35N,R11E) downstream to mouth at Cascade River (Sec.12, same township).
(22) Jackman Creek	<u>Lake Shannon</u> 15	From Mt. Baker National Forest boundary (Sec.3, T35N,R9E) downstream to mouth at Skagit River (Sec.13,T35N,R8E).

<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>
(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).	(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).
(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).	(36) Rocky Creek	<u>Lake Shannon 15</u>	From Whatcom County line (Sec.1,T36N,R8E) downstream to Skagit County line (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).	(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).
(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).	(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).
(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).	(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.
(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).	(40) Silver Creek	<u>Samish Lake 15</u> 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).
(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).	(41) Skagit River*	<u>Marblemount * 15</u> <u>Lake Shannon 15</u> <u>Hamilton 15</u> <u>Wickersham 15</u> <u>Clear Lake 15</u> <u>Illabot Peaks 7 1/2</u> <u>Rockport 7 1/2</u> <u>Finney Peak 7 1/2</u> <u>Mount Vernon 7 1/2</u> <u>Utsalady 7 1/2</u> <u>Conway 7 1/2</u>	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.
(30) Nookachamps 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).	(42) Stillaguamish River (N. Fork)	<u>Fortson 7 1/2</u>	From Mt. Baker National Forest boundary (Sec.27, T33N,R9E) downstream to Skagit County and Snohomish County line (Sec.34, 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).	(43) Suiattle River* (cont.)	<u>Prairie Mt. * 7 1/2</u> <u>Darrington 7 1/2</u>	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.
(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).	(44) Tenas Creek	<u>Prairie Mt. 7 1/2</u>	From Mt. Baker National Forest boundary (Sec.19, T33N,R11E) downstream to mouth at Suiattle River (Sec.30, same township).
(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).	(45) Thunder Creek	<u>Lake Shannon 15</u>	Beginning at Mt. Baker National Forest boundary (Sec.17,T36N,R9E) downstream to mouth at Lake Shannon (Sec.24, T36N,R8E).
(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).			

<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>
(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).	(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.
(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).	(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).
(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).	(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).
(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).	(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).
(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).	(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).
(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.	(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).
(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.	(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).

[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.]

**WAC 173-18-340 Skamania 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) 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).	(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).
(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).	(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.
(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).	(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).



<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>
(15) Little Wind River	<u>Wind River 15</u> <u>Bonneville Dam 15</u>	From the Gifford Pinchot National Forest boundary (Sec.14,T3N,R8E) downstream to mouth at Wind River (Sec.22, same township).	(28) Swift Creek	<u>Mt. St. Helens 15</u>	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.
(16) Lookout Creek	<u>Lookout Mt. 15</u>	From an approximate point (NW1/4 of Sec.6,T3N,R6E) downstream to mouth at Washougal River (Sec.1,T3N,R5E).	(29) Trout Creek	<u>Wind River 15</u>	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).
(17) Muddy River	<u>Mt. St. Helens 15</u>	From the west section line (Sec.16,T8N,R6E) downstream to mouth at Lewis River (Sec.24,T7N,R6E). Exclude federal lands.	(30) Unnamed Tributary to Swift Creek	<u>Mt. St. Helens 15</u>	From the Gifford Pinchot National Forest boundary (Sec.10,T7N,R5E) downstream to mouth at Swift Creek (Sec.9, same township).
(18) North Fork Toutle River	<u>Spirit Lake 15</u>	From Spirit Lake (Sec.15,T9N,R5E) downstream to Skamania County line (Sec.18, same township), excluding all federal lands.	(31) Washougal River	<u>Lookout Mt. 15</u>	From Gifford Pinchot National Forest boundary (Sec.1,T3N,R5E) downstream to mouth at Clark County line (Sec.31,T2N,R5E).
(19) North Siouxon Creek	<u>Mt. St. Helens 15</u> <u>Lookout Mt. 15</u>	From the Gifford Pinchot National Forest boundary (Sec.16,T6N,R5E) downstream to the Clark County line (Sec.30, same township).	(32) Washougal River (W. Fork)	<u>Bridal Veil 15</u>	From an approximate point (NW1/4 of SW1/4 of Sec.29,T3N,R5E) downstream to mouth at Washougal River (Sec.32,T2N,R5E).
(20) Ole Creek	<u>Mt. St. Helens 15</u>	From the confluence of Ole Creek and an unnamed creek (Sec.31,T7N,R5E) downstream to Lewis River (same section).	(33) West Fork Swift Creek	<u>Mt. St. Helens 15</u>	Beginning in (SE1/4 of NW1/4 of SW1/4 of Sec.4,T7N,R5E) downstream to Swift Creek (Sec.16, same township).
(21) Panther Creek	<u>Wind River 15</u>	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).	(34) White Salmon River (cont.)*	<u>Willard 15</u> <u>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.
(22) Prospector Creek	<u>Bridal Veil 15</u>	From the confluence of Prospector Creek and Deer Creek (Sec.18,T3N,R6E) downstream to mouth at Washougal River (Sec.13,T3N,R5E).	(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).
(23) Range Creek	<u>Mt. St. Helens 15</u>	From south section line of (Sec.12,T6N,R5E) downstream to Swift Reservoir (Sec.6,T6N,R6E).	(36) Wind River*	<u>Wind River * 15</u> <u>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).
(24) Rock Creek	<u>Lookout Mt. 15</u> <u>Wind River 15</u> <u>Bonneville Dam 15</u>	From west section line (Sec.2,T3N,R6E) downstream to Columbia River (Sec.1,T2N,R7E).	(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).
(25) Siouxon Creek	<u>Lookout Mt. 15</u>	From the Gifford Pinchot National Forest boundary (Sec.31,T6N,R5E) downstream to Clark County line (same section) excluding federal lands.	(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).
(26) Spring Creek	<u>Bonneville Dam 15</u>	From the Gifford Pinchot National Forest boundary (Sec.22,T3N,R7E) downstream to mouth at Rock Creek (Sec.27, same township).			
(27) Stebbins Creek	<u>Bridal Veil 15</u>	From the confluence of Stebbins Creek and unnamed creek (Sec.28, T3N,R6E) downstream to mouth at Washougal River (Sec.6,T2N,R6E).			

<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>
(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.	(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.
(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.	(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).
(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.	(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).
(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.	(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).
(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.	(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).
(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).	(9) Dubuque Creek	<u>Everett 15 Snohomish 7 1/2</u>	From confluence of Dubuque Creek and Panther Creek (Sec.22, T29N,R6E) downstream to mouth at Pilchuck River (Sec.21, same township).
(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.	(10) Elk Creek	<u>Index 15</u>	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.

[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.]

**WAC 173-18-350 Snohomish 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>Index 15</u>	From the Snoqualmie National Forest boundary (Sec.24,T27N,R9E) downstream to mouth at Skykomish River (same section).	(11) Elwell Creek	<u>Sultan 7 1/2</u>	From confluence of Elwell Creek and Youngs Creek (Sec.24,T27N,R7E) downstream to mouth at Skykomish River (Sec.12, same township).
(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).	(12) French Creek	<u>Everett 15 Snohomish 7 1/2</u>	From confluence of French Creek and unnamed creek (Sec.27,T28N,R6E) downstream to mouth at Snohomish River (Sec.30, same township).
(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.	(13) French Creek	<u>Oso 15</u>	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.
			(14) Jim Creek	<u>Granite Falls 15 Arlington East 7 1/2</u>	From U.S. Naval Reservation boundary (Sec.31,T32N,R7E) downstream to mouth at Stillaguamish River South Fork (Sec.7,T31N,R6E).

<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>
(15) Little Pilchuck Creek	Lake Stevens 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	Oso 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	Index 15	From the Snoqualmie National Forest boundary (Sec.3,T27N,R9E) downstream to mouth at Wallace River (Sec.36,T28N,R8E).	(28) Sauk River*	Silverton * 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	Monroe 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*	Index * 15 Sultan 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	Oso 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.)*	Index * 15	Beginning at SW1/4 (Sec.20,T28N,R11E) downstream to mouth 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	Granite Falls 15	From an approximate point (SE1/4 of SE1/4, Sec.33,T31N,R7E) downstream to mouth at Canyon Creek (Sec.3, T30N,R7E).	(31) Skyko-mish River (South Fork) (cont.)*	Baring 7 1/2 Index 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.
(20) North Creek	Everett 15 Bothell 7 1/2	From confluence of North Creek and unnamed creek (Sec.19,T27N,R5E) downstream to King County line (Sec.32, same township).	(32) Snoho-mish River*	Everett 15 Maltby * 7 1/2 Snohomish 7 1/2 Everett 7 1/2 Marysville 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.
(21) Olney Creek	Index 15	From Snoqualmie National Forest boundary (Sec.6, T28N,R9E) downstream to mouth at Wallace River (Sec.36,T28N,R8E).	(33) Sno-qualmie River* (cont.)	Monroe 15 Maltby 7 1/2 Monroe 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.
(22) Pilchuck Creek (cont.)	Clear Lake 15 Arlington West 7 1/2	From Skagit County line (Sec.4,T32N,R5E) downstream to mouth at Stillaguamish River (Sec.6,T31N,R5E).	(34) Squire Creek	Silverton 15 Fortson 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).
(23) Pilchuck River	Index 15 Lake Stevens 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).	(35) Stevens Creek	Lake Stevens 7 1/2 Snohomish 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).
(24) Portage Creek	Arlington West 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).			
(25) Proctor Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.15,T27N,R9E) downstream to mouth at Skykomish River (Sec.10, same township).			
(26) Quilceda Creek	Marysville 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.			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(36) Stillaguamish River*	<u>Arlington</u> East * 7 1/2 Arlington West 7 1/2 Stanwood 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.	(46) William-son Creek	<u>Silverton 15</u> Index 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.
(37) Stillaguamish River (N.F.) (cont.)*	<u>Fortson 7 1/2</u> Oso* 15 Clear Lake 15 Arlington East 7 1/2 Arlington West 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).	(47) Woods Creek	<u>Monroe 15</u> Monroe 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).
(38) Stillaguamish River (South Fork)*	<u>Silverton 15</u> Granite Falls* 15 Lake Stevens 7 1/2 Arlington 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.	(48) Woods Creek (W. Fk.)	<u>Monroe 15</u> Monroe 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).
(39) Stony Creek	<u>Silverton 15</u>	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.	(49) Worthy Creek	<u>Granite Falls 15</u>	From confluence of Worthy Creek and unnamed creek (Sec.26,T30N,R7E) downstream to mouth at Pilchuck River (Sec.2, T29N,R7E).
(40) Sultan River	<u>Monte Cristo 7 1/2</u> Sultan 7 1/2 Monroe 15 Index 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.	(50) Youngs Creek	<u>Monroe 15</u> Sultan 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).
(41) Sultan River (N. Fork of South Fork)	<u>Index 15</u>	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.	(51) Suiattle River*	<u>Huckleberry Mtn. * 7 1/2</u> 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).
(42) Swamp Creek	<u>Edmonds 15</u> Edmonds E. 7 1/2 Bothell 7 1/2	From confluence of Swamp Creek and unnamed creek (Sec.26,T27N,R4E) downstream to King County line (Sec.35, same township).	(52) Beckler River	<u>Evergreen Mtn. 7 1/2</u>	From the west section line (Sec.8,T27N,R12E) downstream to Snohomish-King County line (Sec.32,T27N,R12E). Exclude federal lands.
(43) Unnamed Tributary to French Creek	<u>Everett 15</u> Snohomish 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).	(53) Rapid River	<u>Captain Point 7 1/2</u> Evergreen Mtn. 7 1/2	From east section line (Sec.13,T27N,R12E) downstream to Beckler River (Sec.29,T27N,R12E). Exclude federal lands.
(44) Wallace River	<u>Index 15</u> Sultan 7 1/2	From the Snoqualmie National Forest boundary (Sec.25,T28N,R9E) downstream to mouth at Skykomish River (Sec.4, T27N,R8E).	[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.]		
(45) Wallace River (N.Fk.)	<u>Index 15</u>	From confluence of North Fork Wallace River and unnamed creek (Sec.28, T28N,R9E) downstream to mouth at Wallace River (Sec.33, same township).	<b>WAC 173-18-360 Spokane County. Streams</b>		
			<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
			(1) Deadman Creek	<u>Deer Park 15</u>	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 15</u>	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).

<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) Hangman Creek (cont.)* or Latah Creek	Fairfield 15 Spangle* 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.	(2) Chamokane Creek	Clayton 15 Wellpinit 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).
(4) Little Spokane River (cont.)*	Camden 7 1/2 Elk 7 1/2 Deer Park* 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).	(3) Chewelah Creek	Chewelah Mt. 15 Chewelah 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).
(5) Little Spokane River (West Branch)	Newport 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).	(4) Colville River*	Forest Center 7 1/2 Waitts Lake 7 1/2 Valley 7 1/2 Chewelah* 7 1/2 Addy 7 1/2 Arden Mt. 7 1/2 Colville 7 1/2 Marcus 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).
(6) Pine Creek (cont.)	Spangle 15	From Whitman County line (Sec.34,T21N,R43E) downstream back to Whitman County line (Sec.31, same township).	(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 Inchelum 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.
(7) Rock Creek	Fairfield 15 Spangle 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).	(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.
(8) Spokane River*	Green Acres * 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.	(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).

[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 173-18-370 Stevens 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 Sheep Creek*	Colville 30 Belshazzor 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).	(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).
(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).	(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).

Shoreline Management Act--Streams & Rivers

173-18-380

<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) 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.	(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.
(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.	(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.
(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).	(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).
(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).	(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).
(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).	(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).

[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>	<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).	(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).
(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).	(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).
(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).	(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.
(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).	(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).

<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>
(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).	(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).
(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).	(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).
(17) Skookum-chuck 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).	(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).
(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).	(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).
(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).	(8) Elochoman River (North Fk.)	Skamokawa 15 Ryderwood 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).
(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).	(9) Elochoman River (West Fk.)	Skamokawa 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).
(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).	(10) Falk Creek	Skamokawa 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).

[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

<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) 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).	(11) Fossil Creek	Grays River 15	From the confluence of Fossil Cr. and unnamed cr. (Sec.10,T10N,R7W) downstream to mouth at Grays River (Sec.9, same township).
(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).	(12) Grays River (cont.)	Grays River 15	From the Pacific Co. line (Sec.2,T10N,R7W) downstream to mouth at Grays Bay (Sec.32,T10N,R8W).
(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.	(13) Grays River (S.Fork)	Skamokawa 15	From an approximate point (SW1/4 of NE1/4 of Sec.1, T10N,R6W) downstream to Pacific County line (Sec.5, same township).
			(14) Grays River (W.Fk.) (cont.)	Grays River 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).
			(15) Hull Creek (cont.)	Grays River 15	From Pacific County line (Sec.5,T10N,R7W) downstream to mouth at Grays R. (Sec.13,T10N,R8W).
			(16) Jim Crow Creek	Grays River 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).



			WAC 173-18-400 Walla Walla 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>
(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).	(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.
(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).	(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).
(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).	(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).
(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).	(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.
(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).	(5) Touchet River (cont.)*	<u>Walla Walla</u> 30 Eureka 7 1/2 Rulo 7 1/2 Welland 7 1/2 Touchet 7 1/2 Huntsville 7 1/2 Waitsburg 7 1/2 Prescott 7 1/2 Harsha 7 1/2	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).
(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).	(6) Walla Walla River*	<u>Walla Walla</u> 30 College Place 7 1/2 Lowden 7 1/2 Touchet 7 1/2 Zangar Junction 7 1/2 Wallula 7 1/2	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.
(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).	[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.]		
(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).	WAC 173-18-410 Whatcom County. Streams		
(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).	(1) Anderson Creek	<u>Lyden</u> 15 Lawrence 7 1/2	From confluence of Anderson Creek and unnamed creek (Sec.7,T38N,R4E) downstream to mouth at Nooksack River (Sec.17,T39N,R4E).
(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).	(2) Austin Creek	<u>Samish Lake</u> 15 Lake Whatcom 7 1/2	From confluence of Austin Creek and Beaver Creek (Sec.7,T37N,R4E) downstream to mouth at Lake Whatcom (Sec.5, 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).	(3) Bertrand Creek	<u>Blaine</u> 15 Bertrand Creek 7 1/2	Beginning at U.S., Canada border (Sec.35,T41N,R2E) downstream to mouth at Nooksack R. (Sec.34,T40N, R2E).
			(4) Boulder Creek	<u>Van Zandt</u> 15	From confluence of Boulder Creek and unnamed creek (Sec.22,T40N,R6E) downstream to mouth at Nooksack River (Sec.28, 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.]

<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) 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).
(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).	(20) Maple Creek	<u>Van Zandt 15</u>	Beginning where unimproved dirt road crosses Maple Creek (Sec.18,T40N,R6E) downstream to mouth at Nooksack River (Sec.31, same township).
(9) Clearwater 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).	(21) Nooksack River*	<u>Mt. Baker* 15</u> <u>Lawrence 7 1/2</u> <u>Sumas 7 1/2</u> <u>Lynden 7 1/2</u> <u>Bertrand 7 1/2</u> <u>Ferndale 7 1/2</u> <u>Van Zandt 15</u>	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.
(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).	(22) Nooksack River (M.Fk.)	<u>Mt. Baker 15</u> <u>Van Zandt 15</u>	From Mt. Baker National Forest boundary (Sec.25, T38N,R6E) downstream to mouth at Nooksack River (Sec.27,T39N,R5E).
(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).	(23) Nooksack River (N.Fk.)	<u>Mt. Baker 15</u>	From Mt. Baker National Forest boundary (Sec.5, T39N,R7E) downstream to where the medium-duty road crosses Nooksack River (Sec.2,T39N,R6E).
(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).	(24) Nooksack River (S.Fk.) (cont.)*	<u>Wickersham * 15</u> <u>Van Zandt 15</u>	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).
(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).	(25) Orsino Creek	<u>Wickersham 15</u>	From an approximate point (SE1/4 of NW1/4 Sec.9,T37N,R6E) downstream to mouth at Skookum Creek (Sec.16, 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).	(26) Porter Creek	<u>Van Zandt 15</u>	From confluence of Porter Creek and unnamed creek (Sec.12,T38N,R5E) downstream to mouth at Nooksack River M. Fork (Sec.11, same township).
(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).	(27) Racehorse Creek	<u>Van Zandt 15</u>	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).
(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).			

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(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).
(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).	(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).
(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).	(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).
(34) Squalicum Creek	<u>Lynden</u> 15 <u>Bellingham N.</u> 7 1/2 <u>Ferndale</u> 7 1/2	Beginning where unimproved dirt road crosses Squalicum Creek (Sec.9,T38N,R3E) downstream to mouth at Bellingham Bay (Sec.24,T38N,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).
(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).	[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.]		
(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).	<b>WAC 173-18-420 Whitman County. Streams</b>		
(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).	Stream Name	Quadrangle Name and Size	Legal Description
(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).	(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).
(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).	(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.

<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) Pine Creek*	Rosalia 7 1/2 Spangle 15 Malden* 7 1/2 Pine City 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).	(3) Ahtanum Creek (S.Fk.)	Pine Mtn. 7 1/2 Tampico 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).
(5) Rock Creek*	Pine City 7 1/2 Rock Lake 7 1/2 Ewan 7 1/2 Texas Lake 7 1/2 Revere 7 1/2 La Crosse 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.	(4) Columbia River*	Priest Rapids 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.
(6) Snake River*	Clarkston * 15 Colton 7 1/2 Bishop 7 1/2 Kirby 7 1/2 Almota 7 1/2 Penawawa 15 Hay 15 Starbuck 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.	(5) Cowiche Creek (S. Fork)	Tieton 7 1/2 Naches 7 1/2 Wiley City 7 1/2 Yakima 7 1/2 Selah West 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).
(7) Union Flat Creek*	Ewartsville 7 1/2 Colfax South 7 1/2 Wilcox 7 1/2 Endicott 15 La Crosse* 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).	(6) Bumping River*	Bumping Lake * 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.
			(7) Little Naches River*	Lester 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*	Cliffdell 7 1/2 Manastash Lake 7 1/2 Nile 7 1/2 Milk Canyon 7 1/2 Tieton 7 1/2 Naches 7 1/2 Selah 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.

[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

<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) Ahtanum Creek	Tampico 7 1/2 Wiley City 7 1/2 Yakima West 7 1/2 Yakima East 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.	(9) Rattle-snake Creek*	Meeks Table 7 1/2 Nile 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.
(2) Ahtanum Creek (N.Fk.)	Foundation Ridge 7 1/2 Pine Mtn. 7 1/2 Tampico 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).	(10) Tieton River*	Weddle Canyon 7 1/2 Tieton* 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).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>		
(11) Tieton River (S. Fk.)	White Pass 15 Rimrock Lake 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.	173-19-1602	Kalama, city of.
			173-19-1603	Kelso, city of.
			173-19-1604	Longview, city of.
			173-19-1605	Woodland, city of.
			173-19-170	Douglas County.
			173-19-1701	Bridgeport, town of.
			173-19-1702	East Wenatchee, city of.
			173-19-1703	Rock Island, town of.
			173-19-180	Ferry County.
(12) Yakima River (cont.)*	Pomona * 7 1/2 Selah 7 1/2 Yakima East 7 1/2 Wapato 7 1/2 Toppenish 7 1/2 Granger N.W. 7 1/2 Granger 7 1/2 Sunnyside 7 1/2 Mabton West 7 1/2 Mabton East 7 1/2 Prosser 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.	173-19-1801	Republic, town of.
			173-19-190	Franklin County.
			173-19-1901	Pasco, city of.
			173-19-200	Garfield County.
			173-19-210	Grant County.
			173-19-2101	Krupp, town of.
			173-19-2102	Moses Lake, city of.
			173-19-2103	Soap Lake, city of.
			173-19-2104	Wilson Creek, town of.
			173-19-220	Grays Harbor County.
			173-19-2201	Aberdeen, city of.
			173-19-2202	Cosmopolis, city of.
			173-19-2203	Elma, city of.
			173-19-2204	Hoquiam, city of.
			173-19-2205	Montesano, city of.
			173-19-2206	Oakville, city of.
			173-19-2207	Ocean Shores, city of.
			173-19-2208	Westport, city of.
			173-19-230	Island County.
			173-19-2301	Coupeville, town of.
			173-19-2302	Langley, city of.
			173-19-2303	Oak Harbor, city of.
			173-19-240	Jefferson County.
			173-19-2401	Port Townsend, city of.
			173-19-250	King County.
			173-19-2501	Auburn, city of.
			173-19-2502	Beaux Arts Village, town of.
			173-19-2503	Bellevue, city of.
			173-19-2504	Black Diamond, city of.
			173-19-2505	Bothell, city of.
			173-19-2506	Carnation, town of.
			173-19-2507	Des Moines, city of.
			173-19-2508	Duvall, city of.
			173-19-2509	Hunts Point, town of.
			173-19-2510	Issaquah, city of.
			173-19-2511	Kent, city of.
			173-19-2512	Kirkland, city of.
			173-19-2513	Lake Forest Park, city of.
			173-19-2514	Medina, city of.
			173-19-2515	Mercer Island, city of.
			173-19-2516	Normandy Park, city of.
			173-19-2517	North Bend, city of.
			173-19-2518	Pacific, city of.
			173-19-2519	Redmond, city of.
			173-19-2520	Renton, city of.
			173-19-2521	Seattle, city of.
			173-19-2522	Skykomish, town of.
			173-19-2523	Snoqualmie, city of.
			173-19-2524	Tukwila, city of.
			173-19-2525	Yarrow Point, town of.
			173-19-260	Kitsap County.
			173-19-2601	Bremerton, city of.
			173-19-2602	Port Orchard, city of.
			173-19-2603	Poulsbo, city of.
			173-19-2604	Winslow, city of.
			173-19-270	Kittitas County.
			173-19-2701	Cle Elum, city of.
			173-19-2702	Ellensburg, city of.
			173-19-2703	South Cle Elum, town of.
			173-19-280	Klickitat County.
			173-19-2801	Bingen, town of.
			173-19-2802	Goldendale, city of.
			173-19-2803	White Salmon, town of.
			173-19-290	Lewis County.
			173-19-2901	Centralia, city of.
			173-19-2902	Chehalis, city of.
			173-19-2903	Morton, city of.

[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.]

### Chapter 173-19 WAC

#### SHORELINE MANAGEMENT ACT OF 1971— STATE MASTER PROGRAM

##### WAC

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173-19-044	Local government change of jurisdiction—Effect of annexation.
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173-19-061	Approval of master programs and amendments by local government.
173-19-062	Submission of master programs and amendments by local government.
173-19-064	Review and adoption of master programs and amendments by the department.
173-19-070	Appeal procedures for master programs.
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173-19-1204	Leavenworth, city of.
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173-19-1403	Ridgefield, town of.
173-19-1404	Vancouver, city of.
173-19-1405	Washougal, city of.
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173-19-2904	Pe Ell, town of.	173-19-3916	Woodway, town of.
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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.
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173-19-3101	Shelton, city of.	173-19-410	Stevens County.
173-19-320	Okanogan County.	173-19-4101	Chewelah, city of.
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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.
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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.
173-19-340	Pend Oreille County.	173-19-4502	Blaine, city of.
173-19-3401	Cusick, town of.	173-19-4503	Everson, city of.
173-19-3402	Ione, town of.	173-19-4504	Ferndale, city of.
173-19-3403	Metaline, town of.	173-19-4505	Lynden, city of.
173-19-3404	Metaline Falls, town of.	173-19-4506	Nooksack, city of.
173-19-3405	Newport, city of.	173-19-4507	Sumas, city of.
173-19-350	Pierce County.	173-19-460	Whitman County.
173-19-3501	Bonney Lake, city of.	173-19-4601	Albion, town of.
173-19-3502	Buckley, city of.	173-19-4602	Colfax, city of.
173-19-3503	Dupont, city of.	173-19-4603	Malden, town of.
173-19-3504	Eatonville, town of.	173-19-4604	Palouse, city of.
173-19-3505	Fife, city of.	173-19-4605	Pullman, city of.
173-19-3506	Gig Harbor, town of.	173-19-4606	Rosalia, town of.
173-19-3507	Orting, town of.	173-19-4607	Tekoa, city of.
173-19-3508	Puyallup, city of.	173-19-470	Yakima County.
173-19-3509	Roy, city of.	173-19-4701	Grandview, city of.
173-19-3510	Ruston, town of.	173-19-4702	Granger, town of.
173-19-3511	South Prairie, town of.	173-19-4703	Naches, town of.
173-19-3512	Steilacoom, town of.	173-19-4704	Selah, city of.
173-19-3513	Sumner, city of.	173-19-4705	Union Gap, city of.
173-19-3514	Tacoma, city of.	173-19-4706	Yakima, city of.
173-19-3515	Wilkeson, town of.	173-19-4707	Zillah, city of.
173-19-360	San Juan County.		
173-19-3601	Friday Harbor, town of.		
173-19-370	Skagit County.		
173-19-3701	Anacortes, city of.		
173-19-3702	Concrete, town of.		
173-19-3703	Hamilton, town of.		
173-19-3704	La Conner, town of.		
173-19-3705	Lyman, town of.		
173-19-3706	Mount Vernon, city of.		
173-19-3707	Burlington, city of.		
173-19-380	Skamania County.		
173-19-3801	North Bonneville, city of.		
173-19-3802	Stevenson, town of.		
173-19-390	Snohomish County.		
173-19-3901	Arlington, city of.		
173-19-3902	Brier, city of.		
173-19-3903	Edmonds, city of.		
173-19-3904	Everett, city of.		
173-19-3905	Gold Bar, town of.		
173-19-3906	Granite Falls, town of.		
173-19-3907	Index, town of.		
173-19-3908	Lake Stevens, city of.		
173-19-3909	Marysville, city of.		
173-19-3910	Monroe, city of.		
173-19-3911	Mountlake Terrace, city of.		
173-19-3912	Mukilteo, city of.		
173-19-3913	Snohomish, city of.		
173-19-3914	Stanwood, city of.		
173-19-3915	Sultan, town 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 34.05.210. 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 rule 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.

(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: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-19-064, filed 8/5/87. 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 the department's decision to approve, reject, or modify a proposed master program or master program adjustment shall be governed by RCW 90.58.190.

[Statutory Authority: RCW 90.58.200. 87-16-101 (Order DE 87-09), § 173-19-070, filed 8/5/87; 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. Revision approved January 2, 1990.

[Statutory Authority: RCW 90.58.200. 90-02-105 (Order 89-57), § 173-19-1104, filed 1/3/90, effective 2/3/90. 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. Revision approved March 1, 1988. Revision approved October 31, 1989.

[Statutory Authority: RCW 90.58.200. 89-22-139 (Order 89-17), § 173-19-130, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-009 (Order DE 87-51), § 173-19-130, filed 3/3/88; 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 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.]

**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. Revision approved November 1, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-22-088 (Order 88-31), § 173-19-210, filed 11/2/88; 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. Revision approved August 21, 1987. Revision approved April 5, 1988. Revision approved September 6, 1988. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-13-079 (Order 89-64), § 173-19-220, filed 6/19/90, effective 7/20/90; 90-11-072 (Order 90-04), § 173-19-220, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-220, filed 9/8/88; 88-08-089 (Order DE 88-02), § 173-19-220, filed 4/6/88; 87-18-023 (Order DE 87-25), § 173-19-220, filed 8/26/87; 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. Revision approved September 6, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2201, filed 9/8/88. 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. Revision approved September 6, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2202, filed 9/8/88. 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. Revision[s] approved July 29, 1980. Revision approved April 23, 1985. Revision approved September 6, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2204, filed 9/8/88; 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.]

**Reviser's note:** RCW 34.05.395 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 173-19-2205 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. Revision approved September 6, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-19-008 (Order DE 88-52), § 173-19-2208, filed 9/8/88; 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 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. Revision approved March 7, 1989.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 89-08-012 and 90-07-027 (Order DE 88-56 and DE 88-56A), § 173-19-240, filed 3/24/89 and 3/14/90, effective 4/14/90. 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. Revision approved March 7, 1989.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 89-08-035 and 90-07-027 (Order DE 88-56 and DE 88-56A), § 173-19-2401, filed 3/31/89 and 3/14/90, effective 4/14/90. 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 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 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 34.05.395 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. Revision approved September 5, 1989.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 89-20-016 (Order DE 89-21), § 173-19-2503, filed 9/27/89, effective 10/28/89; 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. Revision approved March 6, 1990.

[Statutory Authority: RCW 90.58.200. 90-06-067 (Order 89-59), § 173-19-2505, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 84-24-075 (Order 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. Revision approved March 1, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-008 (Order 87-49), § 173-19-2507, filed 3/3/88. 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 October 2, 1990.

[Statutory Authority: RCW 90.58.200. 90-20-108 (Order 90-28), § 173-19-2510, filed 10/2/90, effective 11/2/90. 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. Revision approved January 3, 1989. Revision approved January 2, 1990.

[Statutory Authority: RCW 90.58.200. 90-02-106 (Order 89-54), § 173-19-2512, filed 1/3/90, effective 2/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-009 (Order DE 88-35), § 173-19-2512, filed 1/6/89; 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. Revision approved December 18, 1990.

[Statutory Authority: RCW 90.58.200. 91-01-131 (Order 90-45), § 173-19-2514, filed 12/19/90, effective 1/19/91. 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. [Revision approved September 16, 1987.] Revision approved January 3, 1989.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-011 (Order DE 88-49), § 173-19-2515, filed 1/6/89; 87-19-085 (Order DE 87-23), § 173-19-2515, filed 9/16/87; 85-13-054 (Order 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.]

**Reviser's note:** RCW 34.05.395 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 173-19-2516 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. Revision approved December 1, 1987. Revision approved July 3, 1990.

[Statutory Authority: RCW 90.58.200. 90-14-090 (Order 90-15), § 173-19-2517, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-24-068 (Order DE 87-43), § 173-19-2517, filed 12/1/87. 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. Revision approved January 2, 1990.

[Statutory Authority: RCW 90.58.200. 90-02-101 (Order 89-58), § 173-19-2519, filed 1/3/90, effective 2/3/90. 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. Revision approved August 22, 1990.

[Statutory Authority: RCW 90.58.200. 90-17-127 (Order 90-08), § 173-19-2520, filed 8/22/90, effective 9/22/90. 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. Revision approved February 11, 1987. Revision approved November 10, 1987. Revision approved October 2, 1990.

[Statutory Authority: RCW 90.58.200. 90-20-111 (Order 90-35), § 173-19-2521, filed 10/2/90, effective 11/2/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-24-067 (Order DE 87-24), § 173-19-2521, filed 12/1/87; 87-05-015 (Order DE 86-41), § 173-19-2521, filed 2/11/87; 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 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 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. Revision approved November 1, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-22-089 (Order 88-32), § 173-19-2601, filed 11/2/88; 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. Revision approved July 3, 1990.

[Statutory Authority: RCW 90.58.200. 90-14-091 (Order 90-14), § 173-19-280, filed 7/3/90, effective 8/3/90. 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. Revision approved March 1, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-010 (Order 88-01), § 173-19-310, filed 3/3/88; 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. Revision approved September 29, 1987.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-051 (Order DE 87-33), § 173-19-320, filed 10/2/87. 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. Revision approved January 5, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-02-064 (DE 87-47), § 173-19-3302, filed 1/6/88. 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. Revision approved May 3, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-10-059 (Order DE 88-07), § 173-19-3501, filed 5/4/88. 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. Revision approved October 31, 1989.

[Statutory Authority: RCW 90.58.200. 89-22-138 (Order 89-41), § 173-19-3503, filed 11/1/89, effective 12/2/89. 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. Revision approved March 18, 1987.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 87-08-001 (Order DE 86-42), § 173-19-3508, filed 3/20/87; 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 March 1, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-07-007 (Order 87-48), § 173-19-3512, filed 3/3/88. 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. Revision approved September 16, 1987. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-05), § 173-19-3514, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-19-111 (Order DE 87-34), § 173-19-3514, filed 9/18/87; 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.]

**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. Revision approved April 19, 1989. [Revision approved March 14, 1990.] [Revision approved May 15, 1990.] Revision approved June 19, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 and 90-13-089 (Order 90-03 and 90-03A), § 173-19-360, filed 5/16/90 and 6/20/90, effective 6/16/90 and 7/21/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-09-077 and 90-07-026 (Order DE 88-22 and DE 88-22A), § 173-19-360, filed 4/19/89 and 3/14/90, effective 4/14/90; 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.]

**Reviser's note:** RCW 34.05.395 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 173-19-3601 Friday Harbor, town of.** Town of Friday Harbor master program approved July 14, 1978. Revision approved January 5, 1979. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-09), § 173-19-3601, filed 5/16/90, effective 6/16/90. 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. Revision approved October 27, 1987.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 87-22-100 (Order DE 87-39), § 173-19-370, filed 11/4/87; 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.

[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.] Revision approved February 11, 1987. Revision approved March 7, 1989. Revision approved July 5, 1989.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 90-07-025 (Order DE 88-55A), § 173-19-390, filed 3/14/90, effective 4/14/90; 89-14-130 (Order 89-18), § 173-19-390, filed 7/5/89, effective 8/5/89; 89-07-026 (Order DE 88-55), § 173-19-390, filed 3/8/89; 87-05-015 (Order DE 86-41), § 173-19-390, filed 2/11/87; 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.]

**Reviser's note:** RCW 34.05.395 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 173-19-3901 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. Revision approved July 5, 1989. Revision approved November 8, 1990.

[Statutory Authority: RCW 90.58.200. 90-23-048 (Order 90-34), § 173-19-3910, filed 11/16/90, effective 12/17/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-14-131 and 90-07-028 (Order 89-23 and 89-23A), § 173-19-3910, filed 7/5/89 and 3/14/90, effective 4/14/90; 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. Revision approved October 27, 1987.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 87-22-101 (Order DE 87-40), § 173-19-400, filed 11/4/87; 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. Revision approved September 29, 1987. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 (Order 89-63), § 173-19-420, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-420, filed 9/30/87; 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. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4201, filed 5/16/90, effective 6/16/90. 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. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4202, filed 5/16/90, effective 6/16/90. 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. Revision approved September 29, 1987. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4203, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-4203, filed 9/30/87; 84-19-038 (Order DE 84-30), § 173-19-4203, filed 9/14/84; 84-10-051 (Order 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. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4204, filed 5/16/90, effective 6/16/90. 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. Revision approved September 29, 1987. Revision approved May 15, 1990. Revision approved October 2, 1990.

[Statutory Authority: RCW 90.58.200. 90-20-110 (Order 90-33), § 173-19-4205, filed 10/2/90, effective 11/2/90; 90-11-072 (Order 90-07), § 173-19-4205, filed 5/16/90, effective 6/16/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-20-026 (Order DE 87-28), § 173-19-4205, filed 9/30/87; 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. Revision approved May 15, 1990.

[Statutory Authority: RCW 90.58.200. 90-11-072 (Order 90-07), § 173-19-4206, filed 5/16/90, effective 6/16/90. 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 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 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 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. Revision approved June 9, 1987. Revision approved October 2, 1990.

[Statutory Authority: RCW 90.58.200. 90-20-107 (Order 90-26), § 173-19-450, filed 10/2/90, effective 11/2/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 87-13-018 (Order DE 87-07), § 173-



19-450, filed 6/9/87; 85-04-040 (Order 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. Revision approved November 21, 1989.

[Statutory Authority: RCW 90.58.200. 89-23-127 (Order 89-55), § 173-19-4501, filed 11/22/89, effective 12/23/89. 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 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. Revision approved January 3, 1989. Revision approved March 20, 1990.

[Statutory Authority: RCW 90.58.200. 90-07-063 (Order 89-65), § 173-19-4507, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 90.58.120 and 90.58.200. 89-03-010 (Order DE 88-48), § 173-19-4507, filed 1/6/89. 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**

173-20-010	Purpose.
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173-20-030	Definitions.
173-20-040	Lakes coming under purview of chapter 90.58 RCW.
173-20-044	Review of designations.
173-20-046	Conflicts between designations and criteria.
173-20-050	Lakes coming under purview of chapter 90.58 RCW—Adams County lakes.
173-20-060	Lakes coming under purview of chapter 90.58 RCW—Adams County lakes of state-wide significance.
173-20-070	Lakes coming under purview of chapter 90.58 RCW—Asotin County lakes.
173-20-080	Lakes coming under purview of chapter 90.58 RCW—Asotin County lakes of state-wide significance.
173-20-090	Lakes coming under purview of chapter 90.58 RCW—Benton County lakes.

173-20-100	Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes.
173-20-110	Lakes coming under purview of chapter 90.58 RCW—Chelan County lakes of state-wide significance.
173-20-120	Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes.
173-20-130	Lakes coming under purview of chapter 90.58 RCW—Clallam County lakes of state-wide significance.
173-20-140	Lakes coming under purview of chapter 90.58 RCW—Clark County lakes.
173-20-150	Lakes coming under purview of chapter 90.58 RCW—Clark County lakes of state-wide significance.
173-20-160	Lakes coming under purview of chapter 90.58 RCW—Columbia County lakes.
173-20-170	Lakes coming under purview of chapter 90.58 RCW—Columbia County lakes of state-wide significance.
173-20-180	Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes.
173-20-190	Lakes coming under purview of chapter 90.58 RCW—Cowlitz County lakes of state-wide significance.
173-20-200	Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes.
173-20-210	Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes of state-wide significance.
173-20-220	Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes.
173-20-230	Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes of state-wide significance.
173-20-240	Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes.
173-20-250	Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes of state-wide significance.
173-20-260	Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes.
173-20-270	Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes of state-wide significance.
173-20-280	Lakes coming under purview of chapter 90.58 RCW—Grant County lakes.
173-20-290	Lakes coming under purview of chapter 90.58 RCW—Grant County lakes of state-wide significance.
173-20-300	Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes.
173-20-310	Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes of state-wide significance.
173-20-320	Lakes coming under purview of chapter 90.58 RCW—Island County lakes.
173-20-330	Lakes coming under purview of chapter 90.58 RCW—Island County lakes of state-wide significance.
173-20-340	Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes.
173-20-350	Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes of state-wide significance.
173-20-360	Lakes coming under purview of chapter 90.58 RCW—King County lakes.
173-20-370	Lakes coming under purview of chapter 90.58 RCW—King County lakes of state-wide significance.
173-20-380	Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes.
173-20-390	Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes of state-wide significance.



173-20-400	Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes.	173-20-700	Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes.
173-20-410	Lakes coming under purview of chapter 90.58 RCW—Kittitas County lakes of state-wide significance.	173-20-710	Lakes coming under purview of chapter 90.58 RCW—Thurston County lakes of state-wide significance.
173-20-420	Lakes coming under purview of chapter 90.58 RCW—Klickitat County lakes.	173-20-720	Lakes coming under purview of chapter 90.58 RCW—Wahkiakum County lakes.
173-20-430	Lakes coming under purview of chapter 90.58 RCW—Klickitat County lakes of state-wide significance.	173-20-730	Lakes coming under purview of chapter 90.58 RCW—Wahkiakum County lakes of state-wide significance.
173-20-440	Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes.	173-20-740	Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes.
173-20-450	Lakes coming under purview of chapter 90.58 RCW—Lewis County lakes of state-wide significance.	173-20-750	Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes of state-wide significance.
173-20-460	Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes.	173-20-760	Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes.
173-20-470	Lakes coming under purview of chapter 90.58 RCW—Lincoln County lakes of state-wide significance.	173-20-770	Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes of state-wide significance.
173-20-480	Lakes coming under purview of chapter 90.58 RCW—Mason County lakes.	173-20-780	Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes.
173-20-490	Lakes coming under purview of chapter 90.58 RCW—Mason County lakes of state-wide significance.	173-20-790	Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes of state-wide significance.
173-20-500	Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes.	173-20-800	Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes.
173-20-510	Lakes coming under purview of chapter 90.58 RCW—Okanogan County lakes of state-wide significance.	173-20-810	Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes of state-wide significance.
173-20-520	Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes.	173-20-820	Private lands within the confines of federal lands.
173-20-530	Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes of state-wide significance.		
173-20-540	Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes.		
173-20-550	Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes of state-wide significance.		
173-20-560	Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes.		
173-20-570	Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes of state-wide significance.		
173-20-580	Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes.		
173-20-590	Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes of state-wide significance.		
173-20-600	Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes.		
173-20-610	Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes of state-wide significance.		
173-20-620	Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes.		
173-20-630	Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes of state-wide significance.		
173-20-640	Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes.		
173-20-650	Lakes coming under purview of chapter 90.58 RCW—Snohomish County lakes of state-wide significance.		
173-20-660	Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes.		
173-20-670	Lakes coming under purview of chapter 90.58 RCW—Spokane County lakes of state-wide significance.		
173-20-680	Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes.		
173-20-690	Lakes coming under purview of chapter 90.58 RCW—Stevens County lakes of state-wide significance.		

**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
(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.**

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.	R,P
			14680.0 Total	R,P
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Chelan Co. 1735.0 Douglas Co.	R,P
			3470.0 Total	R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0 Chelan Co. 4930.0 Douglas Co.	R,P
			9860.0 Total	R,P
(4) T27N-R17E	28-L	Wenatchee Lk.	2445.0	R
(5) T27N-R22E	13-J	Chelan Lk.	33104.0	R,I,P

Location	Section	Name	Area (Acres)	Use
(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.**

Location	Section	Name	Area (Acres)	Use
(1) T6N-R2E	33-J	Merwin Lk. (Res.)	2400.3 Clark Co. 1689.3 Cowlitz Co.	
			4089.6 Total	P,R
(2) T6N-R4E	32-NE1/4	Yale Res.	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.	
			4089.6 Total	P,R
(2) T6N-R4E	32-NE1/4	Yale Res.	1779.2 Cowlitz Co. 2022.4 Clark Co.	
			3801.6 Total	P,R
(3) T10N-R1W	36-R	Silver Lk.	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

Location	Section	Name	Area (Acres)	Use
(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,P
(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	Scotney 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
(21) T14N-R30E	27-J	Scotney 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
(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.**

Shoreline Management Act--Lakes

173-20-360

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

(1990 Ed.)

Location	Section	Name	Area (Acres)	Use
(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
(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	Kaleetan Lk.	42.8	R
(42) T23N-R10E	32-H/J	Kulla Kulla Lk.	60.1	R
(43) T23N-R10E	35-C/D	Tusohatchie Lk.	-	R
			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

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Location	Section	Name	Area (Acres)	Use
(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.	
			1200.0 Total	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.	
			39.2 Total	R
(3) T24N-R1E	8-N	Kitsap Lk.	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.	
			104.1 Total	R
(7) T24N-R1W	32-C	Mission Lk.	87.7	R
(8) T24N-R1W	35-Q/R	Twin Lks. (Res.)	21.7	PS
(9) T24N-R1W	35-Q/R	Tiger Lk.		
(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		
(15) T24N-R1W	17	Tahuya Lk.		R
(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.	
			7700.0 Total	P,R
(2) T16N-R23E	17	Wanapum Dam Res.	6308.0 Kittitas Co. 6748.0 Grant Co. 1184.0 Douglas Co. 440.0 Chelan Co.	
			14680.0 Total	-
(3) T20N-R14E	10-A	Cle Elum Lk. (Res.)	4810.0	R,I
(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.**

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.		
(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	
(46) T25N-R39E	10-S1/2	Unnamed Lk.	67.0	R
(47) T26N-R34E	27-SE1/4	Greenwood Lk.	20.0	D,R
(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.		
(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		
(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.		
(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	Lilliuaup 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.]

**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

Location	Section	Name	Area (Acres)	Use
(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	Muskkrat 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	Osoyoos Lk.	2063.0 2036.0 Okanogan Co. 3693.9 British Col.	R,I
			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

Location	Section	Name	Area (Acres)	Use
(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.	R

			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
(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	Crescent Lk.	46.8	R



Shoreline Management Act--Lakes

173-20-640

Location	Section	Name	Area (Acres)	Use
(33) T22N-R1E	19	Stansberry Lk.		
(34) T22N-R1E	30-31	Manmade Lk.		
(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.	
(2) T19N-R2E	20	American Lk.	2931.2 Total	P,R
(3) T20N-R5E	8-E	Tapps Lk. (Res.)	1125.1 2296.0	R 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.		
(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.**

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	

(1990 Ed.)

[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.**

Location	Section	Name	Area (Acres)	Use
(1) T27N-R4E	1-SW1/4	Martha Lk.	59.3	R
(2) T27N-R4E	32-SW1/4	Ballinger Lk.	103.2	R
(3) T27N-R5E	36-SE1/4	Crystal Lk. (Res.)	39.1	R
(4) T27N-R7E	22-A/B	Fontal Lk.	37.2	R
(5) T27N-R7E	23-SW1/4	Hannan Lk.	48.4	R
(6) T27N-R8E	21-B/C	Tomtit Lk.	27.9	R
(7) T27N-R8E	21-E/M	Dagger Lk.	27.7	R
(8) T27N-R11E	21-NE1/4	Sunset Lk.	38.4	R
(9) T28N-R4E	34-S1/2	Serene Lk.	42.3	R
(10) T28N-R4E	35-A/B	Stickney Lk.	25.7	R
(11) T28N-R5E	24-E1/4	Hanson Slough	35.0	R
(12) T28N-R5E	30-H	Silver Lk.	102.3	R
(13) T28N-R6E	1-SE1/4	Storm Lk.	78.1	R
(14) T28N-R6E	2-A	Flowing Lk.	134.8	R
(15) T28N-R6E	2-C/D	Panther Lk.	46.7	R
(16) T28N-R6E	7-NW1/4	Blackmans Lk.	60.1	R
(17) T28N-R6E	24-A	Chain Lk.	22.8	R
(18) T28N-R7E	12-J	Woods Lk.	20.5	R
(19) T28N-R7E	16-A	Cochran Lk.	33.6	R
(20) T28N-R8E	6-G	Chaplain Lk. (Res.)	443.7	PS
(21) T28N-R8E	22-G/H	Kellogg Lk.	20.2	R
(22) T28N-R9E	20-NE1/4	Wallace Lk.	55.3	R
(23) T28N-R10E	5-G/H	Boulder Lk.	21.7	R
(24) T28N-R11E	1-W1/2	Blanca Lk.	179.0	R
(25) T29N-R7E	15-NE1/4	Purdy Creek Ponds	20.0	R
(26) T29N-R7E	27-N/P	Hughes Lk.	20.2	R

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Location	Section	Name	Area (Acres)	Use
(27) T29N-R7E	28-E	Roesiger Lk.	352.2	R
(28) T29N-R8E	21-D	Echo Lk.	24.6	R
(29) T29N-R9E	9-M/N	East Boardman Lk.	24.7	R
(30) T29N-R9E	36-J/R	Greider Lks. Upper	58.4	R
(31) T29N-R10E	4	Copper Lk.	60.8	R
(32) T30N-R6E	31-C/D	Cassidy Lk.	124.6	R
(33) T30N-R6E	36-E1/2	Bosworth Lk.	95.4	R
(34) T31N-R4E	18-SE1/4	Martha Lk.	58.4	R
(35) T31N-R4E	20-L/P	Howard Lk.	27.1	R
(36) T31N-R4E	23-L	Ki Lk.	97.4	R
(37) T31N-R4E	33-G	Goodwin Lk.	546.8	R
(38) T31N-R4E	33-P	Shoecraft Lk.	136.8	R
(39) T31N-R4E	34-H	Crabapple Lk.	36.3	R
(40) T31N-R4E	35-A/H	Loma Lk.	21.1	R
(41) T32N-R4E	26-K/L	Sunday Lk.	38.7	R
(42) T32N-R5E	26-SE1/4	Armstrong Lk.	30.7	R
(43) T32N-R5E	27-F/G	Bryant Lk.	20.2	R
(44) T32N-R6E	26-C	Little Lk.	23.4	R
(45) T32N-R7E	19-H/J	Riley Lk.	30.0	R
(46) T32N-R10E	28	Evangeline Lk.	25.0	R

[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.**

Location	Section	Name	Area (Acres)	Use
(1) T29N-R6E	8-L	Stevens Lk.	1021.1	R

[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.**

Location	Section	Name	Area (Acres)	Use
(1) T21N-R39E	12-N	Fishtrap Lk. (Res.)	22.8 Spokane 172.8 Lincoln	R
(2) T21N-R39E	25-Q	Downs Lk.	195.6 Total 394.6 Spokane Co. 28.8 Lincoln Co.	R
			423.4 Total	R
(3) T21N-R40E	7-B/C	Unnamed Lk.	21.0	R
(4) T21N-R40E	13-C	Williams Lk.	318.6	R
(5) T21N-R40E	32-NE1/4	Feustal Lk.	36.6	R
(6) T21N-R41E	4-M	Badger Lk.	243.8	R
(7) T21N-R42E	20F	Bonnie Lk.	284.3 Spokane Co. 81.8 Whitman Co.	R
			366.1 Total	R
(8) T22N-R40E	25-N1/2	Alkali Lk.	96.0	R
(9) T22N-R40E	30-B	Hog Lk.	53.0	R
(10) T22N-R40E	33-S1/2	Mason Lk.	52.1	R
(11) T22N-R40E	36-J	Amber Lk.	116.8	R
(12) T22N-R41E	27-J	Unnamed Lk.	26.0	R
(13) T22N-R41E	36-H	Chapman Lk.	145.6	R
(14) T22N-R42E	11-K	Philleo Lk.	70.8	R
(15) T23N-R42E	5-A/H	Fish Lk.	47.1	R
(16) T23N-R42E	14-NW1/4	Unnamed Lk.	20.0	R
(17) T24N-R40E	13-W1/4	West Medical Lk.	234.8	R
(18) T24N-R40E	21-J/R	Unnamed Lk.	38.0	R
(19) T24N-R40E	27-NW1/4	Lonelyville Lk.	22.8	R
(20) T24N-R41E	17-G/H	Silver Lk.	559.1	R
(21) T24N-R41E	18-W1/2	Medical Lk.	148.9	R
(22) T24N-R41E	19-K/Q	Otter Lk.	26.1	R
(23) T24N-R41E	19-H	Ring Lake	22.9	R
(24) T24N-R41E	22-N/P	Granite Lk.	105.8	R
(25) T24N-R41E	22-P	Willow Lk.	79.7	R
(26) T24N-R41E	26-B	Meadow Lk.	31.9	R
(27) T24N-R41E	30-SW1/4	Clear Lk.	374.8	R,I
(28) T24N-R42E	28-B	Queen Lucas Lk.	36.8	R
(29) T25N-R43E	18-J	Upper Falls Res.	146.0	P,R
(30) T25N-R44E	24-F/G	Shelley Lk.	35.6	R
(31) T25N-R45E	22-H	Liberty Lk.	711.4	R
(32) T26N-R40E	10-SW1/4	Horseshoe Lk.	67.9	R
(33) T26N-R40E	10-G/K	Woods Lk.	32.0	R
(34) T26N-R42E	6-R	Nine Mile Res.	440.0	P,R
(35) T27N-R41E	7-K/L	Knight Lk.	34.0	R
(36) T28N-R43E	15-G/K	Bear Lk.	33.8	R

Location	Section	Name	Area (Acres)	Use
(37) T29N-R42E	34-K/Q	Dragoon Lk.	22.4	R,I
(38) T29N-R43E	15-L	Eloika Lk.	659.2	R
(39) T29N-R44E	19-J	Reflection Lk.	51.8	R

[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.**

Location	Section	Name	Area (Acres)	Use
(1) T26N-R45E	11-G	Newman Lk.	1190.2	R
(2) T27N-R39E	13-M	Long Lk. (Res.)	2510.0 Spokane Co. 100.0 Lincoln Co. 2410.0 Stevens Co.	R
			5020.0 Total	P,R

[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.**

Location	Section	Name	Area (Acres)	Use
(1) T27N-R39E	20-B	Little Falls Res.	125.0	P,R
(2) T30N-R37E	4-Q/R	Hunter Res.	20.0	D,I,R
(3) T30N-R37E	32-F/L	Newbill Lk.	21.7	R,D
(4) T31N-R40E	17-R	Waitts Lk.(Res.)	455.4	R,P,I
(5) T31N-R40E	36-R	Jumpoff Lk.	105.1	R
(6) T31N-R41E	21-R	Beitey Res.	24.2	D,R
(7) T31N-R41E	24-A/H	Nelson Lk.	20.4	R
(8) T32N-R37E	34-P/Q	Clark Lk.	23.8	R
(9) T32N-R39E	36-NW1/4	Rainbow Lk. (Fourmile Lk.)	27.8	R
(10) T32N-R41E	15-L	Horseshoe Lk.	23.5	R
(11) T32N-R41E	29	Bailey Lk.		R
(12) T34N-R41E	20-K/Q	Pond No. 1	24.0	R
(13) T35N-R40E	19-F/L	White Mud Lk.	59.4	R
(14) T35N-R40E	30-SE1/4	Hatch Lk.	34.3	R
(15) T35N-R40E	36-K	Starvation Lk.	28.4	R
(16) T35N-R41E	3-W1/2	Black Lk.	69.6	R
(17) T35N-R41E	4-B	Spruce Lk. (Twin Lks.)	26.8	R
(18) T36N-R38E	15-D/E	Mission Lk.	21.9	R
(19) T36N-R42E	8-Q	Heritage Lk.	71.1	R
(20) T36N-R42E	17-W1/2	Thomas Lk.	162.6	R
(21) T36N-R42E	19-A	Gillette Lk.	48.0	R
(22) T36N-R42E	19-H/J	Sherry Lk.	26.1	R
(23) T37N-R39E	16-F	Peterson Swamp	37.8	R
(24) T38N-R37E	13-J/K	Dilly Lk.	35.4	R
(25) T38N-R37E	13-L/M	Perkins Lk.	25.6	R
(26) T38N-R37E	24-D	Ryan Lk.	25.4	R
(27) T38N-R38E	36-C/F	Williams Lk.	37.7	R
(28) T39N-R37E	8-G	Pierre Lk.	105.6	R
(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.]

**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			
(3) T8N-R31E	25-NW1/4	Mill Creek Res.	52.0	PS,R
(4) T8N-R31E	20-NW1/4	"J" Line Pond	30.0	R
(5) 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
(13) T20N-R41E	12-NE1/4	Bonnie Lk.	81.8	R

81.8 Whitman Co.  
284.3 Spokane Co.  
366.1 Total R  
(14) T18N-R40E 3-B/C Duck Lk. 23.4 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

Location	Section	Name	Area (Acres)	Use
(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. <hr/> 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.
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173-22-020	Applicability.
173-22-030	Definitions.
173-22-040	Wetland area designation criteria.
173-22-050	Review of designations.
173-22-052	Alterations of shorelines affecting designations.
173-22-055	Conflicts between designations and criteria.
173-22-060	Shoreline designation maps.
173-22-0602	Adams County.
173-22-0604	Asotin County.
173-22-0606	Benton County.
173-22-0608	Chelan County.
173-22-0610	Clallam County.
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173-22-0614	Columbia County.
173-22-0616	Cowlitz County.
173-22-0618	Douglas County.
173-22-0620	Ferry County.
173-22-0622	Franklin County.
173-22-0624	Garfield County.
173-22-0626	Grant County.
173-22-0628	Grays Harbor County.
173-22-0630	Island County.
173-22-0632	Jefferson County.
173-22-0634	King County.
173-22-0636	Kitsap County.
173-22-0638	Kittitas County.
173-22-0640	Klickitat County.
173-22-0642	Lewis County.
173-22-0644	Lincoln County.

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173-22-0646	Mason County.
173-22-0648	Okanogan County.
173-22-0650	Pacific County.
173-22-0652	Pend Oreille County.
173-22-0654	Pierce County.
173-22-0656	San Juan County.
173-22-0658	Skagit County.
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. Revision approved September 29, 1987. Revision approved January 5, 1988.

[Statutory Authority: RCW 90.58.120 and 90.58.200. 88-03-070 (Order DE 87-45), § 173-22-0648, filed 1/20/88. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.300. 87-20-050 (Order DE 87-35), § 173-22-0648, filed 10/2/87. 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.

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[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

##### WAC

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 and 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 and 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 and 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.]

[Title 173 WAC--p 144]

**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 and 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 and 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 34.05.395 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 and 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 and 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.

[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 and 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 and 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**

<b>WAC</b>	
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;

(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.

[Title 173 WAC—p 146]

[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	Reserved.
173-32-020	Reserved.
173-32-030	Reserved.
173-32-040	Reserved.

##### WAC 173-32-010 Reserved.

[Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-010, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-010, filed 4/30/71.]

##### WAC 173-32-020 Reserved.

[Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-020, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-020, filed 4/30/71.]

##### WAC 173-32-030 Reserved.

[Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-030, filed 9/4/90, effective 10/5/90; Order DE 71-2, § 173-32-030, filed 4/30/71.]

##### WAC 173-32-040 Reserved.

[Statutory Authority: RCW 43.21A.080 and chapter 70.105D RCW. 90-18-064 (Order 90-17), § 173-32-040, filed 9/4/90, effective 10/5/90; 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 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 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.]

**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, algaecide, 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.

[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 173-50 WAC  
ACCREDITATION OF ENVIRONMENTAL  
LABORATORIES**

**WAC**

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**WAC 173-50-010 Purpose.** The purpose of this chapter is to establish a state program for accreditation of environmental laboratories which conduct tests for or prepare data for submittal to the department of ecology. The accreditation program implemented under this chapter is designed to satisfy the intent of RCW 43-21A.230.

[Statutory Authority: RCW 43.21A.230, 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-010, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-020 Scope.** The environmental laboratory accreditation program applies to laboratories, within or outside the state, which conduct tests for or prepare analytical data for submittal to the department. Federal laboratories may participate in the accreditation program on a voluntary basis.

[Statutory Authority: RCW 43.21A.230, 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-020, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-030 Objectives.** The primary objective of the accreditation program is to assure accredited laboratories have a demonstrated capability to accurately analyze environmental samples. A secondary objective is to assist environmental laboratories in improving their quality assurance/quality control procedures. Accreditation does not guarantee validity of analytical data submitted by the laboratory subsequent to accreditation.

[Statutory Authority: RCW 43.21A.230, 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-030, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-040 Definitions.** Definitions set forth in this section shall apply throughout this chapter, unless context clearly indicates otherwise.



(1) "Accreditation" means the formal recognition by the department that an environmental laboratory is capable of producing accurate analytical data, signified by the issuance of a written certificate accompanied by a scope of accreditation indicating those parameters for which the laboratory has been accredited. The term "accredit" as used in this chapter is intended to have the same meaning as the term "certify" as used in RCW 43.21A.230. Any laboratory accredited under this chapter shall be deemed to have been certified under RCW 43.21A.230. The department does not, by certifying or accrediting any laboratory pursuant to this chapter, vouch for or warrant the accuracy of any particular work done or report issued by the laboratory.

(2) "Analytical data" means the recorded qualitative and/or quantitative results of a chemical, physical, biological, microbiological, radiological, or other scientific determination.

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

(4) "Environmental laboratory" means any facility under the ownership and technical management of a single entity in a single geographical locale, where scientific examinations are performed on samples taken from the environment, the data from which is submitted to the department under the provisions of a department regulation, permit, or contractual agreement.

(5) "Mandatory analytical method" means a recognized written procedure for acquiring analytical data which is required by law or a regulatory agency of the federal or state government.

(6) "Matrix" means the substance from which a material to be analyzed is extracted, such as ground or surface water, wastewater, air, solid waste, nuclear waste, and hazardous waste.

(7) "Parameter" means a single determination or group of related determinations using a specific written method chosen by an applying laboratory.

(8) "Performance audit" means evaluation of the results of analyses of unknown samples whose true values are unknown to the laboratory conducting the analyses and which are provided by a source external to the environmental laboratory. Such samples may be referred to as performance evaluation samples.

(9) "Quality control" means those activities designed to assure analytical data produced by an environmental laboratory meet data quality objectives for accuracy. Those activities include routine application of statistically based procedures to evaluate and control the accuracy of analytical results.

(10) "Quality assurance (QA)" means those activities whose purpose is to assure that a quality control program is effective. A quality assurance program is a totally integrated program for assuring reliability of measurement data.

(11) "Quality assurance manual" means a written record of the policies, organization, objectives, and specific quality control and quality assurance activities established for use in an environmental laboratory to assure accuracy of analytical results. Volume and scope

of quality assurance manuals vary with complexity of laboratory mission.

(12) "Recognized analytical method" means a documented analytical procedure for analysis of an environmental sample which was developed through collaborative studies by organizations or groups recognized by the department.

(13) "System audit" means an on-site inspection of laboratory capabilities by an agency external to the laboratory.

(14) "Registration" means participation of a laboratory in a program to prepare the laboratory for accreditation, signified by issuance of a written certificate accompanied by a scope of registration indicating those parameters for which the laboratory has achieved registration status.

(15) "Registered" means the status of continued participation in the preparatory program. Only laboratories owned and operated by municipalities, industries, and other activities which are dischargers as defined in chapter 173-220 or 173-216 WAC shall be eligible for participation in the preparatory program. Such laboratories are also eligible for accreditation. The department does not, by registering any laboratory pursuant to these rules, vouch for or warrant the accuracy of any particular work done or report issued by the laboratory.

Note: Above referenced chapters are available through the Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711.

[Statutory Authority: RCW 43.21A.230, 90-21-090 (Order 90-21), § 173-50-040, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-040, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-050 Responsibilities.** (1) The department shall require persons and organizations submitting analytical data to the department under the purview of department programs to use environmental laboratories which are accredited or registered under the provisions of this chapter.

(2) The department shall not require use of accredited or registered laboratories for determination of analytical parameters for which no suitable accreditation process can be reasonably devised as determined by the quality assurance section.

(3) The department shall develop a procedural manual describing specifics of the accreditation process. As a minimum, the procedural manual shall describe in detail the procedures to be followed for: Submitting an application; system (on-site) audits; performance audits; accreditation of out-of-state laboratories; determination and payment of fees; issuance, denial, and revocation of accreditation or registration; and methods for notifying laboratories and authorized department officials of accreditation actions. The procedural manual shall be made available to all interested persons.

(4) Managers of environmental laboratories desiring accreditation or registration shall submit an application along with appropriate fees to the department fiscal officer, submit results of performance evaluations, a quality assurance manual and other required documentation



to the quality assurance section, and assist/accommodate department personnel during system audits as required.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-050, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-050, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-060 Requirements for accreditation and registration.** (1) Managers of environmental laboratories desiring accreditation or registration shall submit to the department fiscal officer an application and pay required fees as predetermined by coordination with the quality assurance section. Concurrently, the laboratory manager shall submit a copy of their laboratory quality assurance manual to the quality assurance section and arrange with the quality assurance section for completion of a performance audit and system audit.

(2) Through the application, laboratory managers shall request accreditation or registration in applicable parameters and provide evidence that sufficient personnel, equipment, and facilities are available to successfully perform analytical methods as specified in the application. The quality assurance manual submitted concurrently with the application shall be in detail and scope commensurate with the size and mission of the laboratory.

(3) Eligible laboratories shall achieve registration status by submitting a completed application, paying required fees, and submitting a quality assurance manual to the quality assurance section.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-060, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-060, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-070 Performance audit.** (1) The quality assurance section shall advise applying laboratories of specific requirements for performance audits which shall be completed for applicable parameters no more frequently than twice annually (see exception in subsection (4) of this section). Current performance audits conducted under the provisions of other recognized programs may be used to satisfy the accreditation program performance audit requirement. Sufficiency of such audits shall be determined by the quality assurance section.

(2) Submission of raw data along with the report of analysis of the performance evaluation sample may be required at the discretion of the quality assurance section.

(3) Performance audits for certain accreditation parameters may be waived at the discretion of the quality assurance section if performance evaluation samples are not available or for other valid reasons.

(4) Accredited laboratories and laboratories seeking accreditation which fail to accurately analyze a performance evaluation sample may be allowed a second performance audit. If necessitated by a second failure, a

third performance audit may be allowed (as an exception to subsection (1) of this section) only after the laboratory has investigated cause for failure in the preceding audits and completed corrective actions.

(5) Registered laboratories shall submit results of performance evaluation sample analyses to the quality assurance section. Registration status shall not be denied or revoked for failure to accurately analyze performance evaluation samples. Registered laboratories shall investigate causes for errors in performance evaluation sample analysis results which have been identified as unacceptable or otherwise in error. The results of this investigation shall be reported to the quality assurance section within forty-five days of receipt of the performance evaluation report. The report to the quality assurance section shall identify probable causes for error and corrective actions taken to preclude recurrence.

(6) Applying laboratories shall be responsible for obtaining performance evaluation samples. No fee shall be charged to the department for analysis of performance evaluation samples.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-070, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-070, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-080 System audit.** The laboratory shall undergo a system audit by the department to assess critical elements and areas of recommended practices.

(1) Critical elements for accreditation. Those elements of an environmental laboratory's operations which are critical to the consistent generation of reliable, accurate data are critical elements for accreditation. Those critical elements shall be the subject of intense scrutiny throughout the accreditation process and deficiencies in critical elements may be the basis for denial or revocation of accreditation status. Functional areas within which there are critical elements are:

(a) Analytical methods. The system audit shall seek to determine if documentation of mandatory or recognized analytical methods are present at the laboratory, readily available to analysts, and being routinely followed. If a locally-developed method is being followed, the audit may include an evaluation of the adequacy of that method.

(b) Equipment and supplies. The system audit shall seek to determine if sufficient equipment and supplies as required by analytical methods are available, being adequately maintained, and are in a condition to allow successful performance of applicable analytical procedures.

(c) Quality assurance. The laboratory quality assurance manual shall be reviewed for adequacy prior to the system audit. The system audit shall include a review of quality assurance plans and quality assurance/quality control records for programs/projects within which the laboratory is generating analytical data for submission to the department.

(d) Sample management. The system audit shall include a review of applicable procedures for receipt, preservation, transportation, and storage of samples. The

laboratory shall be held responsible only for those elements of sample management over which it has direct control.

(2) Recommended practices. Those elements of laboratory operations which might affect efficiency, safety, and other administrative functions, but do not normally affect quality of analytical data, shall be brought to the attention of laboratory management under the heading of "recommended practices" and individually, shall not be the basis for denial or revocation of accreditation status. Functional areas within which recommended practices may be noted are:

(a) Personnel. The system audit shall seek to determine if managerial, supervisory, and analytical personnel have adequate training and experience to allow satisfactory completion of analytical procedures and compilation of reliable, accurate data. Minimum recommended education and experience criteria for laboratory personnel shall be specified in the program procedural manual.

(b) Facilities. The system audit shall seek to determine if laboratory facilities allow efficient generation of reliable, accurate data in a safe environment.

(c) Safety. When the system audit notes laboratory safety problems, those judged serious shall be referred to appropriate state or federal agencies.

(3) Registered laboratories shall be advised in a written system audit report prepared by the department of deficiencies in meeting critical element and recommended practice standards. The laboratory must respond in writing to the department within forty-five days of receipt of the system audit report concerning corrective actions taken as a result of the system audit report.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-080, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-080, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-090 Evaluation and issuance of certificate.** (1) Accreditation. Following receipt of an application and completion of a performance audit and system audit, the quality assurance section shall submit a report to the affected laboratory concerning the results of the overall accreditation process. The report shall list findings, assess the importance of each finding, and make recommendations concerning actions necessary to ensure resolution of problems. After completing the accreditation review, the quality assurance section shall decide, based on information in the application and results of the system audit, performance audit, and review of the quality assurance manual, whether accreditation should be granted. If this decision is affirmative, a certificate shall be issued authorizing the affected laboratory to submit analytical data to the department as specified on an accompanying scope of accreditation. The certificate shall remain the property of the department and shall be surrendered to the department upon revocation of accreditation status. If accreditation is not justified, the department shall issue a report specifying areas of deficiency and steps necessary to upgrade the laboratory to accredited status. In such cases, the laboratory shall be allowed thirty days in which to provide

documentation that the specified deficiencies have been corrected. Based on such documentation the department shall decide whether to grant, renew, deny, or revoke accreditation.

(2) Registration. Registered laboratories shall be issued a certificate and accompanying scope of registration. The certificate shall remain the property of the department of ecology and shall be surrendered to the department upon revocation of the registration status.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-090, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-090, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-100 Interim accreditation.** If for valid reasons based on a deficiency in the department and not the laboratory, the quality assurance section cannot conduct a complete assessment of laboratory capabilities within six months of receipt of an application, an interim accreditation may be granted. The accreditation shall be based on submission of an application and fees by the laboratory, completion of a performance audit where appropriate, and an update of the laboratory's quality assurance manual.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-100, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-100, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-110 Provisional accreditation.** Laboratories which have deficiencies requiring corrective action but can produce valid analytical data as determined by the quality assurance section may be given a provisional accreditation. When the laboratory has corrected such deficiencies, it may provide evidence of correction to the quality assurance section, or request reaudit, as appropriate. Upon determining deficiencies have been corrected, the quality assurance section shall take action to award full accreditation as in WAC 173-50-090. Provisional accreditation shall not be renewed for a subsequent accreditation period unless laboratory management can demonstrate that all reasonable measures to correct deficiencies noted during the initial capability assessment have been exhausted.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-110, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-110, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-120 Accreditation and registration categories.** Environmental laboratories shall be accredited or registered within the broad categories Chemistry I (general), Chemistry II (trace metals), Organics I (gas chromatography (GC), high pressure liquid chromatography (HPLC) methods), Organics II (gas chromatography/mass spectrometry (GC/MS) methods), Radiological, Microbiological, and Bioassay. Within those broad categories, laboratories shall specifically be accredited or registered to perform within the well-defined parameters identified in WAC 173-50-190 or as

requested by the applying laboratory, using specific, recognized analytical methods chosen by the applying laboratory. Additional parameters may be designated in the program procedural manual without amendment of this chapter if required to allow more efficient execution of the accreditation program.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-120, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-120, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-130 Requirements for maintaining accreditation and registration status.** (1) Accreditation shall be granted for a one-year period and shall expire one year after the effective date of accreditation. Renewal shall require submission of an application and appropriate fees, an update of the laboratory's quality assurance manual, and successful completion of a new performance audit. System audits shall be required for renewal of accreditation at periods not to exceed three years from the previous system audit.

(2) Registration shall be granted for a one-year period and shall expire one year after the effective date of registration. Renewal shall require submission of an application and appropriate fees, an update of the laboratory's quality assurance manual, and completion of a new performance audit. System audits shall be required for renewal of registration at periods not to exceed three years from the previous system audit.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-130, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-130, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-140 Denying accreditation and registration status.** (1) A laboratory may be denied accreditation for failing to comply with standards for critical elements of the system audit, for misrepresenting its capabilities or failing to disclose pertinent information in the application, for falsifying analytical data, or for failing to render appropriate fees. Additionally, a laboratory may be denied accreditation for a specific parameter for unsatisfactory analysis of that parameter in the performance audit. Laboratories denied accreditation may appeal under the provisions of WAC 173-50-200 or, following correction of deficiencies, may reapply for accreditation to include payment of appropriate fees as determined in WAC 173-50-190.

(2) A laboratory may be denied registration status only for failure to render appropriate fees, for failing to disclose pertinent information in the application, or for misrepresenting its capabilities.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-140, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-140, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-150 Revoking accreditation and registration status.** (1) Accreditation status may be suspended or revoked if the laboratory violates a state rule relative to the analytical procedures for which it is accredited, misrepresents itself to the department, fails to

submit an application and associated fees for renewal, falsifies reports of analysis, or engages in unethical or fraudulent practices concerning the generation of analytical data. Additionally, an accredited laboratory may be reaudited for cause and, if found to be deficient in its ability to provide accurate analytical data, may have its accreditation suspended or revoked.

(2) Registration status may be revoked for failure to submit a renewal application, failure to pay appropriate fees, failure to submit required performance evaluation sample analysis results, failure to report on corrective actions taken if performance evaluation results are unacceptable or otherwise in error, failure to submit to a system audit, failure to report on corrective actions taken on deficiencies identified in a system audit, repeated failure to correct the deficiencies identified in the performance or system audits, or for misrepresenting the capabilities of the registered laboratory.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-150, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-150, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-160 Reciprocity.** The department may recognize accreditation (or certification, registration, licensure, approval) of an out-of-state laboratory by another state with which the department has established a reciprocity agreement. In such cases, the out-of-state laboratory shall submit an application and associated fee to offset administrative costs of processing its application (see WAC 173-50-190(5)), and a copy of their accreditation documentation including scope of accreditation. After review of the application and accreditation to assure compliance with minimum accreditation requirements as stated in this chapter, the laboratory may be recognized as authorized to submit analytical data to the department.

[Statutory Authority: RCW 43.21A.230. 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-160, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-170 Third-party accreditation.** The department may recognize accreditation (or certification, registration, licensure, approval) of a laboratory, including in-state laboratories, by a third party when the accreditation is determined to be equivalent to that described in this chapter. Laboratories applying for recognition of third-party accreditation shall submit an application and associated fee to offset administrative costs (see WAC 173-50-190(5)), and provide documented information demonstrating requirements for accreditation have been fulfilled as a result of accreditation carried out by a third party. After review of the application and accreditation to ensure compliance with minimum accreditation requirements as stated in this chapter, the laboratory may be recognized as authorized to submit analytical data to the department.

[Statutory Authority: RCW 43.21A.230. 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-170, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-180 Exemptions.** (1) The application form shall provide for wastewater dischargers whose laboratories meet the exemption qualifications of RCW 43.21A.230 to request exemption from the accreditation program. Those laboratories shall be required to submit evidence that they are participating in a federal Environmental Protection Agency Administered Quality Assurance Program including as a minimum the following elements: Current QA program/project plans; performance evaluation audits; system audits; corrective action for audit deficiencies; quality control guidelines and records; and training in quality assurance for laboratory management personnel. The department shall grant exemption from accreditation requirements of this chapter upon receipt of confirmation from Region X of the federal Environmental Protection Agency of such participation by a laboratory.

(2) Exemption shall be granted only for those analytical parameters included in the federal Environmental Protection Agency Quality Assurance Program. The exemption status shall be reviewed annually based upon submittal by the laboratory of a new application and updated evidence of continued participation in a sufficient quality assurance program.

**Note:** The federal Environmental Protection Agency does not presently administer a complete quality assurance program for wastewater dischargers in the state of Washington, such as would provide an exemption under subsection (1) of this section. Thus, this exemption is not presently available. The Environmental Protection Agency considers annual analysis of performance evaluation samples to constitute only one element of participation in a quality assurance program. The complete Environmental Protection Agency Quality Assurance Program is described in their Order 5360.1, "Policy and Program Requirements to Implement the Mandatory Quality Assurance Program," which is the basis for exemption requirements stated in subsection (1) of this section.

[Statutory Authority: RCW 43.21A.230, 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-180, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-190 Fee structure.** (1) Fees in this chapter are those established for initiation of the accreditation program. The fee structure shall be reviewed annually and modified as necessary to reflect currency value fluctuations or changes in program administration costs. Laboratory directors may request addition of parameters within given categories. The fee per parameter and maximum fee per category are identified in Table 1.

TABLE 1 - FEE SCHEDULE

CATEGORY	PARAMETER	FEE/PARAMETER	MAX FEE PER CATEGORY
	Total Hardness		
	Ammonia (NH3-N)		
	Kjeldahl Nitrogen		
	Nitrate (NO3-N)		
	Nitrate-Nitrite (NO3-NO2)		
	Nitrite (NO2-N)		
	Orthophosphate		
	Phosphorous (total)		
	Biochemical Oxygen Demand (BOD)/Carbonaceous BOD (CBOD)		
	Chemical Oxygen Demand (COD)		
	Total Organic Carbon (TOC)		
	Acidity		
	Anionic Surfactants (LAS)		
	Bromide		
	Color		
	Cyanide (total)		
	Dissolved Oxygen (DO)		
	Nonfilterable Residue/ Total Suspended Solids (TSS)		
	Oil/grease		
	Phenolics (total)		
	Salinity		
	Silica		
	Sulfide		
	Sulfite		
	Total Residual Chlorine		
	Turbidity		
Chemistry II (Trace Metals)	Aluminum	\$35	\$450
	Antimony		
	Arsenic		
	Beryllium		
	Cadmium		
	Chromium		
	Cobalt		
	Copper		
	Iron		
	Lead		
	Manganese		
	Mercury		
	Molybdenum		
	Nickel		
	Selenium		
	Silver		
	Strontium		
	Thallium		
	Tin		
	Titanium		
	Vanadium		
	Zinc		
Organics I (GC, HPLC methods)	Acrolein/Acrylonitrile	\$60	\$300
	Phenols		
	Purgeable (volatile) Halocarbons		
	Purgeable (volatile) Aromatics		
	Benzidines		
	Phthalate Ester		
	Nitrosamines		
	Chlorinated Hydrocarbon Pesticides and Polychlorinated Biphenyls (PCBs)		
	Nitroaromatics/Isophorone		
	Polynuclear Aromatic Hydrocarbons		
	Haloethers		
	Chlorinated Hydrocarbons		
Organics II (GC/MS methods)	Purgeables (volatiles)	\$150	\$350
	Base/Neutrals and Acids (semivolatiles)		
	Dioxin (2,3,7,8-Tetrachlorodibenzo-p-dioxin)		
Radiological	Alpha	\$60	\$120
	Beta		
	Radium		

TABLE 1 - FEE SCHEDULE

CATEGORY	PARAMETER	FEE/PARAMETER	MAX FEE PER CATEGORY
Chemistry I (General)	Calcium Chloride	\$30	\$700
	Fluoride		
	Magnesium		
	pH		
	Potassium		
	Sodium		
	Specific Conductance		
	Sulfate		
	Total Alkalinity		
	Total Dissolved Solids (TDS)		

TABLE 1 - FEE SCHEDULE

CATEGORY	PARAMETER	FEE/PARAMETER	MAX FEE PER CATEGORY
Microbiological	Coliform (fecal)	\$125	\$300
	Coliform (total)		
	Fecal streptococci		
	Enterococci		
	E. coli		
Bioassay	Fish	\$125	\$450
	Rat		
	Amphipod		
	Bivalve Larvae		
	Chromosomal abnormality		
	Microtox		
	Daphnid		
	Echinoderm		
	Mysid		
	Algae		

(2) Out-of-state laboratories shall coordinate directly with the quality assurance section to determine the anticipated cost of completing the accreditation process. The fee assessed shall be the projected cost of travel and per diem added to the normal fee indicated in WAC 173-50-190(1).

(3) On-site inspections shall not be conducted nor shall interim or provisional or other accreditations be granted until appropriate fees have been received by the department.

(4) The fee to defray costs to the department for recognition of a laboratory under a reciprocity agreement (WAC 173-50-160) or recognition of third-party accreditation (WAC 173-50-170) shall be fifty dollars.

(5) Apart from the fee process, applicant laboratories shall be required to acquire and analyze performance evaluation (PE) samples for parameters specified by the quality assurance section. The source of PE samples, if other than the federal Environmental Protection Agency, shall be approved by the quality assurance section. To the extent feasible as determined by the quality assurance section, performance evaluation samples already being analyzed by the applicant laboratories, shall be used to fulfill performance audit requirements of this chapter.

(6) In addition to fees as determined by the number of parameters and methods in WAC 173-50-190(1), laboratories seeking registration status are required to pay an annual fee of four hundred fifty dollars.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-190, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-190, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-200 Appeals.** An environmental laboratory manager may appeal final accreditation and registration actions (awards, denials, revocations) in writing to the director of the department within thirty days of notification of final action.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-200, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-200, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-210 Enforcement.** The department may enter any premises in which analytical data pertaining to accreditation and registration under the provisions of this chapter are generated or stored, for the purpose of conducting system audits or otherwise enforcing this chapter. Refusal to permit entry for such purposes shall result in denial, revocation, or suspension of accreditation or registration status.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-210, filed 10/19/90, effective 11/19/90; 89-10-001 and 90-07-017 (Order 89-1 and 89-1A), § 173-50-210, filed 4/20/89 and 3/13/90, effective 4/13/90.]

**WAC 173-50-220 Assistance to laboratories.** During those calendar years in which a system audit is not required, registered laboratories may request a visit by quality assurance section personnel for the purpose of providing assistance in correcting deficiencies and improving practices for those tests covered by the scope of registration. These visits will be for the purpose of technical assistance and will not result in preparation of a corrective action report by the registered laboratory.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-50-220, filed 10/19/90, effective 11/19/90.]

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.]

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

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

This tolerance value shall be applied, after all necessary calculations have been made, to the final reported sound level for the measured sound source.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-060, filed 3/22/79.]

**WAC 173-58-070 Environmental noise measurement procedure.** (Reserved.)

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

**WAC 173-58-080 Close proximity exhaust system sound level measurement procedure.** This section establishes specific procedures for the measurement of sound levels from exhaust systems at a distance of 20 inches (0.5 meter) from the exhaust outlet. The procedures of

subsections (3), (4) and (5) of this section shall not be used for exhaust systems which utilize the introduction of water to the exhaust gas flow for the purpose of muffling the exhaust noise levels, or systems which exhaust the gas flow directly into water.

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

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

(a) The absence of a muffler;

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

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

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

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

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

If the exhaust noise is discernibly louder than the engine noise, or if any of the defects or modifications described above exist but are not violations of applicable regulations, the enforcement officer shall request the vehicle operator to submit the vehicle to any measurement procedures described in this chapter which are applicable to the type of vehicle being inspected. If the operator refuses to submit the vehicle to these measurement procedures, he shall be in violation of this chapter.

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

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

(b) The microphone shall be at the same height as the center of the exhaust outlet if possible, but no closer to any surface than 8 inches (0.2 meter). The microphone shall be positioned with its longitudinal axis parallel to the ground,  $20 \pm 1$  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, propellor 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

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**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, tranquillity, 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 WAC 173-060-040 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, following 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.

[Statutory Authority: Chapter 70.107 RCW. 87-06-056 (Order 86-40), § 173-60-110, filed 3/4/87; 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
All motor vehicles over 10,000 pounds (4536 kg) GVWR	June 1, 1977 1986 and after	35 mph (56 kph) or less 86 Reserved	Over 35 mph (56 kph) 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	99
	1986 and after	(reserved)
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	before 1986	95
	1986 and after	(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.]

(1990 Ed.)

## 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.
173-70-050	Exemptions.
173-70-060	Nuisance regulations not prohibited.
173-70-070	Future standards.
173-70-080	Implementation schedules.
173-70-090	Enforcement.
173-70-100	Appeals.
173-70-110	Cooperation with local government.
173-70-120	Effective date.

**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.

(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.

(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.

(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 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 173-95 WAC**

**USES AND LIMITATIONS OF CENTENNIAL CLEAN WATER FUNDS**

WAC	
173-95-010	Purpose and scope.
173-95-020	Definitions.
173-95-030	Provision of guidelines.
173-95-040	Limitations on the use of funds.
173-95-050	Compliance with applicable laws, regulations and other requirements.
173-95-060	Indemnification.
173-95-070	Appropriation of funds by the legislature.
173-95-080	General provisions.
173-95-090	Funding processes.
173-95-100	Marine water facilities funding category.
173-95-110	Ground water activities and facilities funding category.
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173-95-130	Nonpoint activities and facilities funding category.
173-95-140	Discretionary activities and facilities funding category.
173-95-150	Financial hardship eligibility and remedies.
173-95-160	Applicability of centennial clean water regulation and funds.

**WAC 173-95-010 Purpose and scope.** The purpose and scope of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology for the purposes of providing grants and loans for the planning, design, acquisition, construction, and improvement of water pollution control facilities and related activities in the achievement of state and federal water pollution control requirements for the protection of the state's waters pursuant to chapter 70.146 RCW. Furthermore, it is the purpose of this chapter to provide funds for water pollution control activities which prevent the degradation of or restore or improve the quality of the state's waters. In order to assist public bodies in meeting water quality requirements and, 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 under chapter 70.146 RCW. 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, (3) the process to be followed for distributing the funds, (4) the funding levels, and (5) other related issues.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-010, filed 7/6/88.]

**WAC 173-95-020 Definitions.** (1) "Account" means the water quality account in the state treasury.

(2) "Agreement" means any agreement to which a public body and a service provider are parties by which the service provider agrees to deliver service to such public body in connection with its design, financing, construction, operation, or maintenance of water pollution control facilities in accordance with chapter 70.150 RCW.

(3) "Collection sewers" means a pipe on public property, including right(s)-of-way and easements, which conveys wastewater from individual buildings, or groups of buildings, to an interceptor(s).

(4) "Cost-effective alternative" means that alternative with the lowest present worth or equivalent annual value that achieves the requirements of the facility and that recognizes the environmental and other nonmonetary considerations.

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

(6) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

(7) "Eligible cost" for control of sanitary sewage and/or stormwater means the cost of that portion of the water pollution control facility that can be financed under this chapter and guidelines developed pursuant to this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter. "Eligible cost" for other water pollution control facilities and for water pollution control activities means the cost of that portion of the facility or activity that can



be financed under the provisions of this chapter and guidelines developed pursuant to this chapter.

(8) "Engineering report" means a report evaluating engineering and other alternatives that meet the requirements set forth in chapter 173-240 WAC and compliance with the State Environmental Policy Act.

(9) "Environmental emergency" means a problem declared by a public body which poses a serious immediate threat to the environment or the health or safety of a community and for which the department concurs.

(10) "Extended grant payments" means cash disbursements made under a grant contract which do not follow the normal process of reimbursement at the time the eligible costs are incurred.

(11) "Facilities plan" means an engineering report which includes the additional elements required by the National Environmental Policy Act, other federal statutes and planning requirements for the federal wastewater construction grants and state revolving fund loan programs.

(12) "Federal grant" means a wastewater treatment construction grant for wastewater facilities and activities authorized by Title II of the Federal Water Pollution Control Act (as amended, 1987).

(13) "Final offer list" is the list of projects approved by the director which can receive funding from the account during the time period that the offer list is effective.

(14) "Freshwater" means any nonmarine surface water.

(15) "Funding category" means each of the five groups of facilities and/or activities specified in WAC 173-95-040 (2)(a) through (e).

(16) "Funding cutoff line" means the location on the project priority list and final offer list where the sum of requested financial assistance from the applicants above that line on the list is approximately equal to the amount of money being offered for that funding category. However, the priority point total for any of the applicants above the line must be greater than a minimum level that the department will set in the guidelines.

(17) "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.

(18) "Infiltration and inflow correction" means the cost-effective alternative(s) identified in an approved engineering report or facilities plan for eliminating or reducing the infiltration and inflow (water, other than wastewater, that enters a sewer system) from an existing sewer system, including but not limited to, pipe replacement, grouting and sliplining.

(19) "Interceptor sewer" means a pipe which transports wastewater from collection sewers to a treatment facility, replaces a treatment plant by transporting its waste to another interceptor, collection system, or treatment plant; and/or eliminates or reduces some other discharge of inadequately-treated wastewater to receiving waters.

(20) "Lake restoration" means any action taken to prevent lake deterioration or return a lake system to an unimpaired state or condition.

(21) "Lake restoration phase I" means any comprehensive lake diagnostic or restoration feasibility study which culminates in a restoration plan.

(22) "Lake restoration phase II" means the implementation of the phase I lake restoration plan.

(23) "Loan default" means failure to make loan repayment within sixty days after the date payment is due.

(24) "Marine water" means a body of water that is a territorial sea, or the waters of a contiguous zone, or "saline estuarine waters" which are semienclosed coastal waters which have a free connection to the territorial sea, undergo net seaward exchange with ocean waters and have salinities comparable to those of Puget Sound or other major bays and inlets. Generally, saline estuarine waters are those waters near the mouth of estuaries and contain indigenous biota characteristic of a marine environment.

(25) "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, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(26) "Project" means water pollution control facility(s) and/or water pollution control activity(s) for which a public body applies for and/or receives a grant or loan.

(27) "Project priority list" means the list of rated and ranked projects for which state financial assistance is requested.

(28) "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.

(29) "Public health emergency" means a situation declared by the department of social and health services in which illness or exposure known to cause illness is occurring or is imminent.

(30) "Service provider" means any privately-owned or publicly-owned profit or nonprofit corporation, partnership, joint venture, association, or other person or entity that is legally capable of contracting for and providing service with respect to the design, financing, ownership, construction, operation or maintenance of water pollution control facilities in accordance with chapter 70.150 RCW.

(31) "Severe public health hazard" means a situation declared by the department of social and health services and concurred by the department in which the potential for illness exists, but illness is not occurring or imminent. For the purposes of this chapter there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public contact. The problem must generally involve a serviceable area including but not limited to a subdivision, town, city, or

county. Also, the problem cannot be corrected through more efficient operation and maintenance of a wastewater disposal system(s).

(32) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the Environmental Protection Agency pursuant to Public Law 93-523, Sec. 1424(e).

(33) "State revolving fund (SRF) loan" means a loan from the state water pollution control revolving fund established by Section 212 (Title VI) of the 1987 amendments to the Federal Water Pollution Control Act and by chapter 284, Laws of 1988 (E2SSB 6235).

(34) "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, fish, or other aquatic life.

(35) "Water pollution control activities" or "activity" or "activities" means actions taken by the public body for the following purposes:

- (a) To prevent or mitigate pollution of underground water;
- (b) To control nonpoint sources of water pollution;
- (c) To restore the water quality of freshwater lakes; or
- (d) To maintain or improve water quality through the use of water pollution control facilities or other means.

(36) "Water pollution control facility" or "facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, stormwater, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, non-conventional, 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 facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-020, filed 7/6/88.]

**WAC 173-95-030 Provision of guidelines.** The department will publish guidelines which establish procedures for the application and award of grants and loans, and eligibility criteria for each funding category. These will describe in greater detail the grant and/or loan application, review and award processes and other requirements of this program.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-030, filed 7/6/88.]

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**WAC 173-95-040 Limitations on the use of funds.**

(1) Funds in the account may be used to make grants or loans to public bodies. These include grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purpose of chapter 70.146 RCW.

(2) During the period from July 1, 1987, until June 30, 1995, the following limitations shall apply to the moneys appropriated directly to the department for use in the funding categories even though the distribution under this section shall not be required to be met in any single fiscal year:

(a) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer;

(c) Not more than ten percent for water pollution control activities and facilities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia Rivers;

(d) Not more than ten percent for activities and facilities which control nonpoint source water pollution; and

(e) Ten percent and such sums as may be remaining from the funding categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) The funds cannot be used for activities or facilities or portions thereof that are primarily intended to control, transport, treat, dispose or otherwise relate to industrial wastewater. All costs associated with industrial pretreatment are not eligible for funding.

(4) The funds cannot be used for activities or facilities that are primarily related to solid and hazardous substances as defined in chapter 70.105B RCW.

(5) The funds cannot be used for activities or facilities to achieve a water pollution control objective when the sponsoring public body received previous federal or state grant(s) to achieve the same water pollution control objective and actually achieved that objective.

(6) The funds cannot be used for costs associated with consulting services with a "cost-plus-percentage-of-cost" type contract (e.g., multiplier which includes profit) or "percentage-of-construction-cost" contract.

(7) The funds cannot be used for facilities that are primarily intended to control and/or prevent water pollution related to Washington state agencies.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-040, filed 7/6/88.]

**WAC 173-95-050 Compliance with applicable laws, regulations and other requirements.** (1) A public body receiving a grant or loan shall comply fully with all applicable federal, state, and local laws, orders, regulations and permits. Furthermore, applications for funding from public bodies must not be inconsistent with pertinent adopted water quality plans including, but not limited

to, Federal Clean Water Act section 208, 319 and 320 plans, Puget Sound water quality management plan, shoreline master programs, ground water management programs and stormwater plans. A public body shall secure the necessary permits required by authorities having jurisdiction over the project, provide assurance that all permits have been secured, and make copies available to the department if requested.

(2) A public body receiving a grant or loan shall fully comply with all applicable federal, state, and local laws and regulations related to discrimination, labor, and job safety. Further, the public body shall comply with the state minority and women owned businesses regulation.

(3) A public body receiving a grant or loan for facilities construction shall submit a declaration of construction of water pollution control facilities to the department within thirty days following acceptance of the project or completed portion.

(4) The department shall place in every grant or loan contract a maximum dollar value above which the department will not reimburse. The maximum dollar value will be stated in the contract and may include specified adjustments to the initial contract dollar amount. Once the contract is effective, the public body will be expected to fulfill the scope of work required in the contract and only be reimbursed up to the maximum dollar value specified. The department will not increase the grant or loan dollar value of the contract.

(5) Grant and loan recipients are required to maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained in the most recent edition of the United States General Accounting Office (GAO) publication: "*Standards for Audit of Governmental Organizations, Programs, Activities and Functions*" and the department's "*Financial Guidelines for Grants Management*," WDOE 80-6. For example, charges must be properly supported, related to eligible costs, and documented by appropriate records. Wherever this chapter and the implementing guidelines are more restrictive, this chapter and the guideline requirements shall control.

(6) In the event of loan default, the director may renegotiate loan contracts; however, if the public body fails to repay the loan according to the contract, the public body will be prohibited from receiving any future financial assistance from the state of Washington. The department will seek remedies through other state agencies or departments that provide any money to the public body. Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director may require repayment of misused grant and loan funds.

(7) Appeals of contract decisions will be processed in accordance with the department's applicable appeals procedure. Only written decisions by the department made during the effective contract period will be appealable. Appeals must be filed with the financial assistance program disputes decision coordinator within forty-five days from the date of the department's written decision from which relief is sought.

(8) Contracts will be audited by the department or at the department's discretion by another authorized auditor.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-050, filed 7/6/88.]

**WAC 173-95-060 Indemnification.** (1) The department shall in no way be held responsible for payment of salaries, consultant's fees, and other overhead costs related to a grant or loan awarded to a public body.

(2) To the extent that the Constitution and laws of the state of Washington permit, the public body shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of the public body arising out of a grant or loan contract except for such damage, claim, or liability resulting from the negligent act or omission of the department.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-060, filed 7/6/88.]

**WAC 173-95-070 Appropriation of funds by the legislature.** The department's obligation to make grant and loan payments is contingent upon the availability of funds through legislative appropriation, state allotment authorized by chapter 70.146 RCW, and WAC 173-95-080(2).

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-070, filed 7/6/88.]

**WAC 173-95-080 General provisions.** (1) Agreements with service providers.

(a) Public bodies may enter into agreements with service providers for services in connection with water pollution control facilities as provided by chapter 70.150 RCW. The public body must assure that the service provider complies with WAC 173-95-050.

(b) A public body that enters into a service agreement under which a facility is owned wholly or partly by a service provider shall be eligible for grants or loans. The grants and/or loans shall be made to and benefit the public body not the service provider. The grants and/or loans shall be used by the public body for all or part of its ownership interest in the facility and/or to defray a part of the payments it makes to the service provider under a service agreement.

(c) The department may make periodic disbursements to a public body or may make a single lump sum disbursement. Disbursements of funds with respect to a facility owned or operated by a service provider shall be equivalent in value to disbursements that would otherwise be made if that same facility were owned or operated by a public body. Payments for water pollution control facilities made to public bodies entering into service agreements pursuant to RCW 70.150.060 shall not exceed amounts that would have been paid to that public body had it not entered into service agreements.

(2) Extended grant payments.

(a) The department may enter into grant contracts with public bodies that provide for extended grant payments for eligible costs of facilities under chapter 70.146

RCW. The public body must be on a compliance schedule from a state or federal agency that requires such facilities be completed in a specific time period. In order to meet this compliance schedule, the moneys required for the facility identified in the grant application would exceed the funds available that the public body could be offered during a funding cycle.

(b) The total annual amount of extended payments shall not exceed the maximum allowable per project under the applicable funding category or one-half of the funding category whichever is less, unless the director determines that a larger amount is in the best interest of the state and the account.

(c) Extended grant payments may be disbursed on an advanced or deferred basis in accordance with the grant contract between the department and the public body. These payments shall be in equal annual payments. The total amount shall not exceed on a net present value basis, fifty percent of the total eligible cost of the project incurred at the time of design and construction. After negotiation with the public body, the director may adjust the amount of the equal annual payments if it is in the public interest.

(d) Extended grant payments shall be for a period not to exceed twenty years.

(e) The department's total share of a project with extended grant payments shall not exceed fifty percent of the eligible costs received from available federal and state grant moneys.

(f) The department shall first use any moneys appropriated by the legislature from the account to satisfy the conditions of the extended grant payment contracts.

(3) Self certification. The department may authorize public bodies to certify compliance with selected program requirements. The public body must request such certification authority and document that it has the capability and the resources, that it is in the best interest of the state, and that the request is consistent with state and/or federal laws and regulations.

(4) State conservation commission and conservation districts.

(a) The state conservation commission receives directly from the legislature two and one-half percent of the moneys appropriated from the account. The commission shall distribute those moneys in accordance with their program objectives and with the statutory requirements. The department will coordinate as necessary with the state conservation commission to ensure that both programs are compatible with one another. In addition, the department, the state conservation commission, and the Washington state association of conservation districts may enter into a memorandum of agreement as to the coordination and distribution of funds from the account.

(b) The program requirements including but not limited to application requirements, priority rating criteria, and funding levels of the applicable funding category will apply.

(5) Ecology administration expenses. The department shall limit its expenses for administration of the program

in conformance with the amount specified in RCW 70.146.030. These expenses shall include all direct and related indirect costs of developing, managing, and administering the contracts from the account that are awarded to public bodies. It shall not include direct expenses incurred to further the goals and objectives of chapter 70.146 RCW.

(6) Legislative reporting. The department shall report to the legislature no later than November 30 of each year on the use of the account moneys by the department. The report shall include, at a minimum, a list of the grant and loan recipients, date of grant or loan award, and the amount of money awarded to each recipient. Additional information will be furnished as appropriate.

(7) Prior authorization.

(a) The department recognizes that under very unusual circumstances, it may be advantageous to commence work on a project in advance of a signed and executed contract. If approved, the director will authorize the public body in writing to incur expenses which could be eligible for grant or loan moneys. Except for emergencies defined in WAC 173-95-140(1), prior authorization will be considered based upon the following conditions:

(i) The public body has an approved application for funding including a project scope of work, a detailed budget, and the project must also be on the fundable portion of a priority list; and

(ii) The scope, cost, effective date, and duration of the prior authorization is documented in writing from the department to the public body and is consistent with the public body's application for grant or loan moneys; and

(iii) The purpose and any additional conditions are documented in writing; and

(iv) The prior authorization is in the best interest of the state.

(b) The public body assumes all responsibility for costs incurred. There is no guarantee on behalf of the department that a grant or loan will be awarded to that public body. Any work performed by the public body which is not consistent with the conditions specified in the department's prior authorization letter(s) or which does not comply with the requirements set forth in the guidelines in effect at the time of the prior authorization letter will be deemed ineligible for state participation under this chapter.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-080, filed 7/6/88.]

**WAC 173-95-090 Funding processes.** (1) Funding cycle – The director will establish grant and/or loan offer lists for each funding category. These lists shall be prepared on an annual basis unless after adequate public notice and comment the director determines that preparing lists on a biennial basis is in the best interest of the program. The amount of money available on an annual basis shall be approximately equal to one-half of the biennial appropriation less prior obligations such as extended grant payment contracts for grant or loan awards plus any moneys available from previous years.

(2) Application process – The department may use an interim application and funding cycle during fiscal years 1989 and 1990 in order to expedite the award of these moneys. Beginning in fiscal year 1991, the application period will be initiated during the third quarter (except for environmental emergencies, public health emergency and severe public health hazard as defined in WAC 173-95-020 (9), (29), and (31) which will be accepted at any time).

(3) Multifunding category projects – Applicants whose projects qualify in more than one funding category can apply and be rated in each funding category. If the applicant ranks high enough to be offered financial assistance in more than one category, the department will determine from which category an offer will be made. If the amount of money available from any one category is insufficient, the department may fund part of the project from one or more of the other categories in which they qualify.

(4) Priority rating list – The director shall establish a priority rating list for each funding category using criteria established by this chapter and department guidelines. This list will rank all applications received in priority order and propose for funding those applicants above the funding cut-off line. The director may establish an application review committee(s) as appropriate.

(5) Public review – The priority rating lists will be available for at least thirty days for public review and comment. A public hearing(s) may be conducted if the director determines there is significant public interest. Comments received during the public review period will be considered before the final offer lists are prepared.

(6) Final offer lists – The final offer lists will be approved by the director and made available on or about forty-five days after the close of the public review period. The final offer list will be effective until the next final offer list is made available. All offers are automatically cancelled after the effective period. If an applicant does not expect to be able to obtain a signed contract during the effective period, a new application should be submitted during the application period of the next funding cycle.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-090, filed 7/6/88.]

**WAC 173-95-100 Marine water facilities funding category.** General application requirements, priority rating criteria, and funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the facility under the jurisdiction of the applicant is discharging directly into a marine water and is not in compliance with permit requirements, water quality standards, combined sewer overflow reduction plans, stormwater management plans, other regulatory requirements, or is otherwise adversely affecting marine waters.

(b) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(c) Funding for collection sewers may be provided only if the facilities to be constructed will eliminate a public health emergency or severe public health hazard.

(d) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities plan, if appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(e) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report approved by the department.

(f) Financial assistance for cost-effective facility construction projects may be provided. If appropriate, the facilities plan or engineering report and plans and specifications must have been approved by the department.

(g) Cost-effective analyses of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(h) Infiltration and inflow correction projects may receive funding only if the facilities plan or engineering report approved by the department document that such construction is the cost-effective alternative.

(2) Priority rating criteria.

(a) Water pollution control need for the project including, but not limited to, health impacts caused by existing circumstances, secondary treatment, reduction of combined sewer overflows, and stormwater management, including legally mandated requirements.

(b) Enforcement actions and compliance requirements relating to the discharge.

(c) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group, established by the legislature or a state agency to study water pollution control issues in the state.

(d) Water quality and beneficial use impacts caused by existing circumstances.

(e) Cost to residential ratepayers if no state assistance is provided.

(f) Problem prevention aspects of the proposed project.

(3) Funding levels.

(a) Fundable marine water facilities will receive a grant for fifty percent of eligible costs after federal grant and SRF loan funds available for facilities have been obligated. These facilities may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(b) For fundable marine water facilities, when federal grants and/or SRF loan money is available, the director may exercise prerogative to issue state grant and loan combinations. These combinations would generally be structured such that they would be approximately equivalent to fifty-five percent grants for eligible costs. Grant percentages, loan interest rates, and terms of loans may be established to ensure that federal funds are obligated in a timely manner according to federal requirements.

(c) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to the financial hardship criteria established in WAC 173-95-150.

(d) The public body may request that the grant be an extended grant payment contract in accordance with WAC 173-95-080(2). The department may require the public body to negotiate an extended grant payment contract when the public body has requested and/or has received in excess of forty million dollars in funding assistance on an accumulative basis from the account.

[Statutory Authority: Chapter 70.146 RCW, 88-14-125 (Order 88-70), § 173-95-100, filed 7/6/88.]

**WAC 173-95-110 Ground water activities and facilities funding category.** General application requirements, priority rating criteria, funding levels.

(1) General application requirements.

(a) General.

(i) Public bodies must demonstrate that the project(s) will educate the public about ground water quality issues, study and diagnose ground water problems, correct and/or prevent potential adverse effects to ground water quality.

(ii) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(b) Ground water planning and implementation activities.

(i) Public bodies applying for funds for developing ground water management area programs must be a lead agency or a cooperating agency for a designated ground water management area or a probable ground water management area as defined in chapter 173-100 WAC.

(ii) Projects to implement ground water management area programs prepared in accordance with chapter 173-100 WAC are eligible provided that the program has been certified by the department.

(iii) Other ground water activities are eligible for funding if they are an element of an adopted land use, sewer, or water plan, or they identify existing or potential problems associated with ground water quality.

(iv) Financial assistance for the planning phases of facilities construction projects may be provided. Public bodies must complete an engineering report or a facilities plan if appropriate. A facilities plan must be completed and approved by the department if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(c) Ground water facility design and construction.

(i) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must complete a facilities plan or engineering report approved by the department.

(ii) Financial assistance for cost-effective facility construction projects may be provided. If appropriate, public bodies must have completed a facilities plan or

engineering report and plans and specifications approved by the department.

(iii) Cost-effective analysis of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(iv) Funding for collection sewers may be provided only if the facility to be constructed will eliminate a public health emergency or severe public health hazard or as specified in subsection (3)(a) of this section.

(2) Priority rating criteria.

(a) General criteria – Ground water projects, excluding those specified in (b) of this subsection, shall be rated on the following criteria:

(i) Public health impacts caused by existing circumstances.

(ii) Water quality impacts caused by existing circumstances.

(iii) Problem prevention aspects of the proposed project.

(iv) Beneficial use impacts caused by existing circumstances.

(v) Enforcement actions and compliance.

(vi) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(vii) Local interest and commitment of the project.

(b) Spokane-Rathdrum Prairie Aquifer projects – Applications for funding activities and/or facilities to protect the Spokane-Rathdrum Prairie Aquifer that do not exceed two-thirds of the amount available in this funding category will not be rated but will receive a grant offer(s).

(c) Previously-rated projects – Ground water management area projects designated and rated on the FY 88' general schedule who received partial funding under criteria established by WAC 173-100-060 may receive up to three hundred fifty thousand dollars each toward development and implementation of their ground water management area program. Such planning areas will be given higher funding priority during the 1989 and 1990 fiscal years funding cycles. If other department funds become available for funding these programs before the projects are rated, the total amount for funding each project will be reduced accordingly.

(3) Funding levels.

(a) At least two-thirds of the available ground water category funds shall be used to protect the Spokane-Rathdrum Prairie Aquifer.

(b) The remaining category funds can be used by public bodies to fund all other projects outside the boundaries of the Spokane-Rathdrum Prairie Aquifer.

(c) Unless the demand for funds from the ground water activities and facilities funding category is less than funds available and excluding provisions for extended grant payments, no public body, excluding those funded in accordance with subsection (2)(b) of this section, outside the boundaries of the Spokane-Rathdrum Prairie Aquifer may receive more than nine percent of the



legislative appropriation from this funding category during a funding cycle.

(d) Fundable ground water activities and facilities will receive a grant for fifty percent of eligible costs and may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(e) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will be available according to the financial hardship criteria established in WAC 173-95-150.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-110, filed 7/6/88.]

**WAC 173-95-120 Freshwater lakes and rivers activities and facilities funding category.** General application requirements, priority rating criteria, fund allocations, and funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the project will eliminate adverse impacts to the water quality of a freshwater lake or river, the facility discharging to a freshwater lake or river is not in compliance with permit requirements, water quality standards, combined sewer overflow reduction plans, other regulatory requirements, or the project must demonstrate prevention of potential adverse water quality impacts to or restoration of a freshwater lake or river.

(b) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(c) For lake restoration projects, public access to the lake must be provided. For lake restoration phase I projects, public access may consist of, but not be limited to, seasonal or year-round access. For lake restoration phase II projects year-round public access in the form of a multipurpose public park facility must be provided.

(d) Funding for collection sewers may be provided only if the facility to be constructed will eliminate a public health emergency or severe public health hazard.

(e) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities plan, if appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(f) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report approved by the department.

(g) Financial assistance for cost-effective facility construction projects may be provided. If appropriate, the facilities plan or engineering report and plans and specifications must have been approved by the department.

(h) Cost-effective analyses of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(i) Infiltration and inflow correction projects may receive funding only if the facilities plan or engineering

report approved by the department document that such construction is the cost-effective alternative.

(2) Priority rating criteria.

(a) Water quality impacts caused by existing circumstances.

(b) Beneficial use impacts caused by existing circumstances.

(c) Public health impacts caused by existing circumstances.

(d) Problem prevention aspects of the proposed project.

(e) Local interest in and commitment to the proposed project.

(f) For lake activities, the restoration potential of the proposed project.

(g) Enforcement actions and compliance requirements relating to the proposed project.

(h) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(3) Fund allocations.

(a) Lake activities excluding facilities will be rated separately from river and other freshwater activities and facilities in this funding category, and two separate priority rating lists will be established.

(b) Lake activities excluding facilities will receive forty percent of total category funds available in a funding cycle.

(c) River and other freshwater activities and facilities (excluding lake activities) will receive sixty percent of total category funds available in a funding cycle. However, a maximum of one lake facility will be funded from this funding subcategory during a funding cycle. In addition, at least one river activity, excluding facilities, will be funded during a funding cycle provided the project receives the minimum level of priority points set in accordance with WAC 173-95-020(16).

(d) If the demand for funds by either lake activities or river and other freshwater activities and facilities is less than that which is available to a subcategory in a funding cycle, funds may be made available to the other subcategory.

(4) Funding levels.

(a) Fundable freshwater activities excluding facilities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(b) Fundable freshwater facilities will receive a grant for fifty percent of eligible costs after federal grant and SRF loan funds available for facilities have been obligated. These facilities may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(c) For fundable freshwater facilities, when federal grants and/or SRF loan money is available, the director may exercise prerogative to issue state grant and loan combinations. These combinations would generally be structured such that they would be approximately equivalent to fifty-five percent grants for eligible costs. Grant



percentages, loan interest rates, and terms of loans may be established to ensure that federal funds are obligated in a timely manner according to federal requirements.

(d) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to financial hardship criteria established in WAC 173-95-150.

(e) Unless the demand for funds from the freshwater activities and facilities funding category is less than the funds available, and excluding provisions for extended grant payments, the following will apply:

(i) No public body may receive more than thirty percent of the legislative appropriation from this funding category during a funding cycle.

(ii) No public body applying for river activities excluding facilities shall receive more than five percent of the legislative appropriation from this funding category during a funding cycle.

(iii) All projects on any one freshwater lake may not exceed thirty percent of the legislative appropriation from this funding category during a funding cycle.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-120, filed 7/6/88.]

**WAC 173-95-130 Nonpoint activities and facilities funding category.** General application requirements, priority rating criteria, funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the project benefits the public within the local project area or the public at large.

(b) Public bodies must demonstrate that the project will eliminate adverse impacts to water quality of the receiving water, prevent potential adverse water quality impacts, study and diagnose water quality problems, or the project must educate the public about improving water quality.

(c) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities plan, if appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(d) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report approved by the department.

(e) Financial assistance for facility construction projects may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report and plans and specifications that have been approved by the department.

(f) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(2) Priority rating criteria.

(a) Public health impacts caused by existing circumstances.

(b) Water quality and beneficial use impacts caused by existing circumstances.

(c) Problem prevention aspects of the proposed project.

(d) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(e) Enforcement actions and compliance requirements relating to the proposed project including but not limited to compliance with provisions of WAC 400-12-310.

(f) Establish/established a revenue source through local rates or other financial means to continue to achieve water quality objectives.

(g) Local interest in and commitment to the proposed project, and plans and programs to educate the public.

(h) Economic impacts to the public if the project is not undertaken.

(i) Consistency with water quality goals and objectives of the department.

(3) Funding levels.

(a) Fundable activities excluding sanitary sewage facilities and stormwater management facilities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(b) Fundable facilities excluding sanitary sewage facilities and stormwater management facilities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(c) Fundable sanitary sewage facilities and stormwater management facilities will receive a grant for fifty percent of eligible costs and may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(d) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to the financial hardship criteria established in WAC 173-95-150.

(e) Unless the demand for funds from the nonpoint activities and facilities funding category is less than funds available and excluding provisions for extended grant payments, no public body may receive more than five percent of the legislative appropriation for this funding category during a funding cycle. However, the department may fund one project for a facility that exceeds the five percent maximum, but in no case can the grant exceed seven hundred fifty thousand dollars. The selection of the project funded in excess of the five percent limit will be based on priority points.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-130, filed 7/6/88.]

**WAC 173-95-140 Discretionary activities and facilities funding category.** (1) Emergency funding subcategory (environmental emergency, public health emergency, severe public health hazard) – General application requirements, priority rating criteria, fund allocations, and funding levels.

## (a) General application requirements.

(i) Public bodies must provide the department appropriate documentation of the emergency situation and that immediate corrective action is required.

(ii) Public bodies must identify the solution and the estimated cost required to solve the problem.

(iii) Public bodies must comply with limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(iv) Public bodies must certify their inability to finance the project without state assistance.

(v) Public bodies must specify whether a grant and/or loan is requested.

(vi) The department may authorize a public body in writing to commence work on a project in advance of a signed and executed contract.

(b) Priority rating criteria. Each application will be evaluated independently from others and funds will be issued according to the nature and severity of the problem.

(c) Fund allocations. The emergency subcategory may use up to twenty-five percent of the discretionary funding category during a funding cycle for grants and/or loans for activities or facilities.

## (d) Funding levels.

(i) Fundable emergency projects will receive grants and/or loans in a manner consistent with the other applicable funding categories to the maximum extent possible. However, the department may award grants and/or loans up to one hundred percent of the project cost based upon unique situations.

(ii) Fundable emergency projects which are caused by improper operation and maintenance of an existing facility by public bodies will only be eligible for a loan.

(2) Supplemental funding subcategory. The general application requirements, priority rating criteria, and funding levels will be in accordance with the other major funding categories contained in WAC 173-95-100 through 173-95-130 and other general provisions of this chapter. The funding allocation for this subcategory will be at least twenty percent of the discretionary funding category. The final offer list for each of the other funding categories will reflect the allocation of moneys under this supplemental funding subcategory.

(3) Basic discretionary funding subcategory. Potential eligible projects, general application requirements, priority rating criteria, and funding levels.

(a) Potential eligible projects. Projects in the basic funding subcategory which may be eligible include water pollution control activities and facilities which prevent the degradation of or restore or improve the quality of the state's waters. Projects may include, but are not limited to protection, enhancement, and restoration of fish rearing, spawning and migration areas, commercial and recreational shellfish beds; water quality monitoring and laboratory services, forest practices regulations and other activities which support local efforts; investigations, remedial and preventative activities for sediments in state waters that are contaminated with toxic material or

otherwise inhibit reasonable beneficial use; protection of shorelands and wetlands where a water pollution control activity or facility is involved; technical assistance and enforcement related to water quality statutes, rules, and requirements.

(b) General application requirements. Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080. Public bodies must demonstrate the inability to secure other sources of funding. In addition, the public bodies must meet two of the following requirements:

(i) Project is innovative and could be used as a demonstration project; or

(ii) Project would directly benefit water quality through a training and education process; or

(iii) Project addresses a water quality problem that has caused or is likely to cause a direct economic impact to the public; or

(iv) Project meets the legislative intent.

(c) Priority rating criteria. The priority of each project will be established according to criteria including, but not limited to; public health, water quality, beneficial use, problem prevention and corrective action not generally funded in other funding categories, enhancement of local and state agency water quality related programs, enforcement actions and compliance requirements, state-wide significance of a project, and recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

## (d) Funding levels.

(i) Fundable basic discretionary projects will receive grants and/or loans in a manner consistent with other applicable funding categories to the maximum extent possible. However, the department may award grants and/or loans up to one hundred percent of the project cost based on unique situations.

(ii) Unless the demand for funds from the basic discretionary subcategory is less than the funds available, and excluding provisions for extended grant payments, no public body may receive more than ten percent of the legislative appropriation from this funding subcategory during a funding cycle.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-140, filed 7/6/88.]

**WAC 173-95-150 Financial hardship eligibility and remedies.** (1) The primary responsibility for obtaining the local share will be that of the public body. Before requesting financial hardship assistance beyond the basic available financial assistance, the public body must document that all other sources of funding are unavailable, and the project would still cause a financial hardship.

(2) For facilities including, but not limited to, construction of municipal sewage treatment facilities or combined sewer overflow reduction projects, where it can be determined the construction of the project will result in user charges in excess of one and one-half percent of the median household income, public bodies will

be offered the following alternatives in accordance with the provisions of the applicable funding category:

(a) A fifty percent base grant with a fifteen percent supplemental grant which would bring the total grant to sixty-five percent of eligible costs; or

(b) A fifty percent base grant and a low interest loan for the remainder of the project with an interest rate structured to produce a user charge below the hardship level; or

(c) In the event that hardship criteria still apply after assistance is considered in (a) and (b) of this subsection, then additional assistance, such as additional grants and loans, may be available to attempt to reduce the financial burden to below the financial hardship level.

(3) For facilities where the hardship criterion of subsection (2) of this section, cannot be established because the public body does not have the legal ability to collect revenue or where user charges cannot be determined as a percentage of the median household income, financial hardship must be documented by the public body based on, but not limited to, such factors as unemployment trends, income levels, debt limitations, ability to repay debt incurred, and the overall financial conditions, for the area specifically affected. For activities and facilities that meet these financial hardship criteria, public bodies will be offered a fifty percent base grant with a fifteen percent supplemental grant which would bring the total grant to sixty-five percent of eligible costs in accordance with the provisions of the applicable funding category.

(4) For activities which do not involve facilities construction but which meet the hardship criteria established in subsection (3) of this section, public bodies will be offered a fifty percent base grant with a twenty-five percent supplemental grant which would bring the total grant to seventy-five percent of eligible costs in accordance with the provisions of the applicable funding category.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-150, filed 7/6/88.]

**WAC 173-95-160 Applicability of centennial clean water regulation and funds.** This chapter is not applicable to the allocation and uses of moneys administered by the department pursuant to chapter 284, Laws of 1988 (E2SSB 6235), and pursuant to special uses mandated by legislative appropriation. The director may utilize moneys appropriated from the account to provide the state match for the state revolving fund (SRF) loan program consistent with the requirements of chapter 70.146 RCW.

[Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-160, filed 7/6/88.]

### Chapter 173-98 WAC

#### USES AND LIMITATIONS OF THE WATER POLLUTION CONTROL REVOLVING FUND

##### WAC

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**WAC 173-98-010 Purpose.** The purpose of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology from a special fund within the state treasury known as the state water pollution control revolving fund (SRF), as authorized by chapter 90.50A RCW. This fund shall provide financial assistance to applicants throughout the state of Washington which need such assistance to meet high priority water quality management needs.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-010, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Federal Water Pollution Control Act (33 U.S.C. 4661 et seq.).

(2) "Allowance" means a specific portion of the financial assistance agreement for the purpose of defraying the costs of planning, design, or both.

(3) "Applicant" means public bodies requesting financial assistance for wastewater projects authorized in section 212 of the act. "Applicant" can also mean entities other than public bodies which request financial assistance authorized by sections 319 and 320 of the act. These entities must be financially stable and clearly have the capacity to repay their loans.

(4) "Construction" means the erection, installation, expansion, or improvement of a water pollution control facility or activity.

(5) "Cost-effective alternative" means that alternative with the lowest present worth or equivalent annual value that achieves the requirements of the project while recognizing the environmental and other nonmonetary considerations.

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

(7) "Design" means the plans and specifications for a water pollution control facility or activity.

(8) "Director" means the director of the Washington state department of ecology or his/her authorized designee.

(9) "EPA" means the environmental protection agency.

(10) "Facilities plans" means those necessary plans and studies for treatment works needed to comply with enforceable requirements of the act and state statutes. Facilities plans must include a systematic evaluation of

alternatives that are feasible in light of the unique demographic, environmental or ecological, topographic, hydrologic and institutional characteristics of the area, and also demonstrate that the selected alternative is cost-effective.

(11) "Federal capitalization grant" means a federal grant awarded by the Environmental Protection Agency (EPA) to the state as seed money to help establish the state water pollution control revolving fund.

(12) "Financial assistance" means each of the four types of assistance specified in WAC 173-98-030 (1)(b) through (e) and other assistance authorized by Title VI of the act and chapter 90.50A RCW.

(13) "Financial assistance agreement" means a legal contract between a recipient and the state enforceable under state law, specifying the terms and schedules under which assistance is provided. "Financial assistance agreements" are referred to as "binding commitments" by EPA.

(14) "Fund" means the state water pollution control revolving fund.

(15) "Initiation of operation" means the actual date the facility initiates operation and is being used for its intended purpose. This date may occur prior to final inspection and will be determined by the department after consultation with the recipient. This date may be the same or earlier than the date of project completion.

(16) "Intended use plan (IUP)" means a plan identifying the intended uses by the department of the amount of funds available for financial assistance from the state water pollution control revolving fund (SRF) for that fiscal year as described in section 606(c) of the act. The projects on the IUP will be ranked by environmental and financial need.

(17) "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, surface water runoff from agricultural lands, urban areas, forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(18) "Plans and specifications" means the construction contract documents and supporting engineering documents prepared in sufficient detail to allow contractors to bid on and construct water pollution control facilities. Plans and specifications and "design" may be used interchangeably.

(19) "Project" means the scope of work for which financial assistance is issued.

(20) "Project completion" means the date the project is certified as being complete after the final inspection.

(21) "Project priority list" means a list of projects required by section 216 of the act. The project priority list will be the intended use plan for funds issued in fiscal year 1990 and thereafter.

(22) "Public body" means the state of Washington or any agency, county, city or town, other political subdivision, municipal corporation or quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(23) "Public health emergency" means a situation declared by the Washington state department of social and health services in which illness or exposure known to cause illness is occurring or is imminent.

(24) "Recipient" means an applicant for financial assistance which has signed a financial assistance agreement.

(25) "Severe public health hazard" means a situation declared by the department of social and health services and the department in which the potential for illness exists, but illness is not occurring or imminent. For the purposes of this chapter there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public contact. The problem must generally involve a serviceable area including, but not limited to, a subdivision, town, city, or county. Also, the problem cannot be corrected through more efficient operation and maintenance of the wastewater disposal system(s).

(26) "State water pollution control revolving fund (SRF)" means the water pollution control revolving fund established by RCW 90.50A.020.

(27) "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, fish, or other aquatic life.

(28) "Water pollution control activities" means actions for the following purposes:

(a) To control nonpoint sources of water pollution;

(b) To develop and implement a comprehensive conservation and management plan for estuaries; and

(c) To maintain, improve, or protect water quality through the use of water pollution control facilities, management programs, or other means.

(29) "Water pollution control facility" or "water pollution control facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including, but not limited to, sanitary sewage, storm water, combined sewer overflows, 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 integral to the treatment process, 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.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-020, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-030 Uses of the money and policies for establishing terms of assistance.** (1) Uses of the money. The state water pollution control revolving fund (SRF) may be used for the following purposes:

(a) To accept and retain funds from capitalization grants provided by the federal government, state matching funds appropriated in accordance with chapter 90.50A RCW, payments of principal and interest, and any other funds earned or deposited;

(b) To make loans at or below market interest rates to applicants in order to finance the planning, design, and/or the construction of water pollution control facilities, make loans to applicants for the implementation of nonpoint source pollution control management programs (which includes planning and implementing elements of the nonpoint source pollution assessment and management program), and make loans to applicants for the development and implementation of a comprehensive estuary conservation and management plan, subject to the requirements of the act;

(c) To buy or refinance, at or below market interest rates, the debt obligations incurred by applicants after March 7, 1985, for the construction of water pollution control facilities. (March 7, 1985, was the date that the amendments adding Title VI to the act were first considered by Congress. Any refinancing agreements must be for construction initiated after that date according to federal and state law);

(d) To guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;

(e) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state, if the proceeds of such bonds will be deposited in the fund; and

(f) To finance the reasonable costs incurred by the department in the administration of the account as authorized by the act and chapter 90.50A RCW.

(2) Policies for establishing terms of financial assistance. Loans may be made at or below market interest rates and may include zero percent interest loans. The specific terms established in the program guidelines will receive complete public review. These terms shall not be changed without full public review and opportunity for public comment, and any such changes shall not affect existing financial assistance agreements. Terms shall be established in the guidelines based on the needs to provide substantive financial assistance to projects, to consider unique individual economic circumstances such as financial hardship conditions, to award loans in a timely manner and to maintain a financially sound revolving loan fund in perpetuity. Loan repayments shall be in accordance with WAC 173-98-110.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-030, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-040 Provisions of guidelines.** The department will publish guidelines which will describe in greater detail the financial assistance application, review and issuance processes, the terms of assistance, and other elements of this program.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-040, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-050 Limitations on the use of funds and establishment of categories.** (1) The fund may be used to provide financial assistance to applicants for the construction of water pollution control facilities which are identified in the intended use plan/project priority list and activities eligible for assistance under sections 319 and 320 of the act.

(2) Unless the demand for funding is limited, financial assistance agreements (binding commitments) which are signed within one hundred twenty days of the award of the federal capitalization grant or issuance of the final intended use plan when federal capitalization grants are not awarded, are subject to the following funding category limitations:

(a) Not more than eighty percent of the fund will be available for the construction of facilities as established under section 212 of the act, subject to the requirements of the act. These projects will be under the water pollution control facilities category.

(b) Not more than ten percent of the fund will be available for the implementation of a program established under section 319 of the act for the management of nonpoint sources of pollution, subject to the requirements of that act. These projects will be under the nonpoint source category.

(c) Not more than ten percent of the fund will be available for the development and implementation of a comprehensive conservation and management plan under section 320 of the act relating to the National Estuary Program, subject to the requirements of that act. These projects will be under the comprehensive estuary conservation and management category (estuary category).

(d) Not more than fifty percent of the fund in each category will be available to any one applicant.

(3) After the one hundred twenty day limitation period established in subsection (2) of this section, the department may make financial assistance agreements with any applicant as necessary to utilize available funds. The director may exercise prerogative to ensure that the fund is equitably distributed state-wide, consider the intent of category limitations above, and is self-sustaining in perpetuity. Such projects must comply with all applicable requirements of the act.

(4) The fund cannot be used for activities primarily directed toward water resources or water pollution control activities or facilities or portions thereof that are primarily intended to control, transport, treat, dispose, or otherwise manage industrial wastewater or other water pollution control needs from industrial sites. Costs associated with industrial pretreatment are not eligible for funding. However, industrial or commercial wastewater flows attributable to a public body's water pollution control facility which are determined by the department to be "small" may be allowed. Small flows are commercial, institutional, or industrial flows that comprise less than five percent individually or thirty percent collectively of the total flow.

(5) The fund cannot be used to make direct loans to applicants to support the nonfederal share of eligible portions of projects receiving assistance under Title II of the act. The fund can be used to finance portions of such projects which were determined to be ineligible for federal assistance but which are eligible under this program.

(6) If state grants authorized by chapter 70.146 RCW are combined with SRF financial assistance, these combinations will generally be structured to approximately equal a fifty-five percent grant for the eligible project costs except for hardship cases and base grants that exceed fifty percent, as determined by the department according to the criteria of the grant program administered by the department. For recipients of a grant/loan combination, requirements will be consistent, insofar as possible, and will not result in duplication of effort, but will be no less stringent than is allowed by federal and state laws, regulations, and guidance.

To ensure that federal funds are obligated in a timely manner, equitably in the department's programs, and the fund is maintained in perpetuity, the director may exercise prerogative in establishing department grant percentages, loan interest rates, and terms of loans.

(7) Applicants must submit an approvable facilities plan for projects funded according to the water pollution control facilities category. Other planning level documents including, but not limited to, engineering reports (chapter 173-240 WAC), may be approvable for financial assistance issued under the nonpoint and estuary categories. Facilities plans must be approved before the financial assistance agreements can be signed for those agreements signed on or after January 1, 1991.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-050, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-060 Allowance provisions for planning and design for facilities.** (1) An established allowance of financial assistance shall be provided for planning and design for water pollution control facilities. The allowance shall be based on total construction costs when the bids are received. If the project is in the design phase, the allowance shall be based on approvable facilities planning estimates, and the allowance will be adjusted when the bids are received. The allowance is determined in accordance with the tables provided in the program guidelines.

(2) The allowance is not intended to necessarily cover one hundred percent of all planning and design engineering costs incurred. Accordingly, the allowance tables are not recommended to be used to determine the cost for planning or design services provided by the consulting engineer. This actual cost must be negotiated between the applicant and its consulting engineer based upon the nature, scope, and complexity of the project.

(3) The allowance will be paid to the recipient according to the following schedule and conditions:

(a) A recipient may request payment of thirty percent of the estimated planning and design allowance immediately after the financial assistance agreement is signed.

(b) Half the remaining estimated planning and design allowance may be requested when the design of the project is at least fifty percent complete.

(c) Adjustment and final payment of the allowance will occur when the lowest, responsible, responsive bid(s) are accepted and approved by the department.

(d) If a project receives grant assistance administered by the department, the allowance will be adjusted so that only the nongrant share is provided. These combinations will generally be structured to approximately equal a fifty-five percent grant for eligible project costs.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-060, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-070 Compliance with applicable laws, regulations, and other requirements.** (1) All recipients shall comply with all applicable federal, state, and local laws, orders, regulations, and permits. Applications must not be inconsistent with pertinent adopted water quality plans including, but not limited to, plans under sections 208, 303(e), 319, and 320 of the act. The Puget Sound water quality management plan constitutes the comprehensive conservation and management plan required in section 320 (b)(4) of the act. Plans must not be inconsistent with shoreline master programs, ground water management programs and storm water plans, combined sewer overflow (CSO) reduction plans and county or city comprehensive sewer plans. In accordance with the financial assistance agreement, the applicant shall provide assurances that the necessary permits required by authorities having jurisdiction over the project have been secured, and make copies available to the department, if requested.

(2) Recipients shall fully comply with all federal, state, and local laws and regulations related to procurement, discrimination, labor, job safety, and drug-free environments. The recipient shall also comply with the state and federal minority-and-women-owned businesses regulations.

(3) If financial assistance is for water pollution control facilities, recipients shall submit a declaration of construction of water pollution control facilities to the department within thirty days of project, phase, or segment completion.

(4) Recipients must maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained in the United States General Accounting Office (GAO) publication "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions." For example, charges must be properly supported, related to eligible costs, and documented by appropriate records. These accounts must be maintained as separate accounts.

(5) Recipients must demonstrate their legal ability to provide a dedicated source of revenue and guarantee the repayment of their obligations to the fund from that dedicated source. Dedicated sources of revenue could be special assessments, general taxes, or general obligation bonds, revenue bonds, user charges, rates, fees, or other sources.



(6) Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director may require immediate repayment of misused loan funds.

(7) According to RCW 90.50A.060, in the event of loan default, the state of Washington may withhold any amounts otherwise due to the recipient and direct that such moneys be applied to the indebtedness and deposited into the SRF.

(8) Appeals of financial assistance agreements decisions will be processed in accordance with the water quality financial assistance appeals procedure. Only written decisions by the department made during the effective financial assistance agreement period will be appealable. Appeals must be filed with the financial assistance program disputes decision coordinator within forty-five days from the date of the disputed decision.

(9) The department, or at the department's discretion another authorized auditor, will audit the financial assistance agreement and records.

(10) Recipients shall maintain comprehensive insurance coverage on the project for an amount equal to the funds disbursed.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-070, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-080 Indemnification.** (1) The department shall in no way be held responsible for payment of salaries, consultant's fees, and other overhead costs related to a financial assistance agreement issued to an applicant.

(2) To the extent that the Constitution and laws of the state of Washington permit, the applicant shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising out of a financial assistance agreement except for such damage, claim, or liability resulting from the negligent act or omission of the department.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-080, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-090 Project priority list and intended use plan process.** (1) The project priority list required by section 216 of the act will be the intended use plan (IUP) beginning in fiscal year 1990 and thereafter. Applicants must apply for SRF financial assistance in order for their projects to be included on the IUP. Projects must be on the IUP in order to receive SRF financial assistance.

(2) Projects in all three categories will be ranked according to environmental and financial need. Projects in each category which have the highest environmental and financial need will be given priority for assistance under the SRF program. Because funds must be used in a timely manner to ensure that all available federal funding is received by the state, readiness to proceed may also be used in establishing the priority of projects.

(3) Applications for financial assistance according to the water pollution control facilities category (WAC 173-98-050 (2)(a)) must address problems such as public health emergencies, severe public health hazards,

the need to provide secondary treatment, the need to improve and protect water quality, reduction of combined sewer overflows, and other environmental needs.

(4) Applications for financial assistance in the nonpoint source category (WAC 173-98-050 (2)(b)) must address the remedies and prevention of water quality degradation associated with nonpoint source water pollution and must not be inconsistent with needs identified in the department's nonpoint source pollution assessment and management program.

(5) Applications for financial assistance in the comprehensive estuary conservation and management category (estuary category) (WAC 173-98-050 (2)(c)) must meet applicable environmental needs outlined above and must meet needs identified in the Puget Sound water quality management plan or the respective plans for other federally designated estuaries in the state of Washington.

(6) Financial need would normally focus on the need to maintain user charges and fees at affordable levels. Both the priority process and the terms of the financial assistance will be directed toward this objective. Unless the provisions of water pollution control facilities or activities has caused a financial hardship, refinancing of completed projects or segments would generally be low priority.

(7) Applicants must fully describe the environmental and the financial need for the project, and they must submit a completed financial capability assessment form and a schedule for signing the financial assistance agreement and completing their project. These documents will be used to prepare a draft intended use plan (IUP) for public review and comment. Public participation will be used in the preparation of the draft and final intended use plan.

(8) The department will prepare the draft IUP prior to the award of each federal capitalization grant from EPA. The plan will generally list projects in the order that projects may be offered financial assistance.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-090, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-100 State environmental review process.** (1) All projects which receive financial assistance from the SRF program must meet the provisions of the State Environmental Policy Act (SEPA), chapter 43-.21C RCW, and the SEPA rules, chapter 197-11 WAC. Additional provisions are currently needed to satisfy the state's responsibility to help ensure that recipients comply with the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and executive orders. The lead agency (WAC 197-11-050(2)) responsible for SEPA compliance for each project under the SRF program shall also comply with the following additional provisions. When a categorical exclusion, finding of no significant impact, or a record of decision has been issued by EPA for the same project scope of work, no additional environmental documentation is required. The applicants will need to adopt the federal environmental documentation to meet their responsibilities as required by SEPA rules WAC



197-11-600, 197-11-610, and 197-11-630. If federal environmental documentation has not been submitted for approval to EPA, applicants and designated lead agencies must:

(a) Consult with the department prior to determining that the project is categorically exempt from SEPA and obtain concurrence that the project meets the criteria for a categorical exemption (WAC 197-11-305) and give public notice of the categorical exemption by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the facilities plan and other environmental information.

(b) Consult with the department prior to issuing a threshold determination (WAC 197-11-330), and submit a copy of the environmental checklist (WAC 197-11-315) and a recommended threshold determination.

(c) Obtain written concurrence from the director with the recommended threshold determination as to whether a determination of nonsignificance (DNS) (WAC 197-11-340) or an environmental impact statement (EIS) is to be issued prior to issuing the actual document.

(d) Issue the threshold determination, determination of nonsignificance (DNS) or determination of significance (DS) (WAC 197-11-360) and submit copies to the department; two copies shall be sent to both the environmental review section of central programs and to the water quality financial assistance program (WQFAP) of the department. The director must concur in writing with the findings of the checklist and DNS if a DNS is issued.

(e) Give public notice of the threshold determination by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the threshold determination, facilities plan, and other environmental information.

(f) Distribute copies of the threshold determination and supporting documents to other affected local, state, and federal agencies, Indian tribes, and the public.

(g) When a DS is issued, the lead agency will develop the final scope of elements to be addressed in the environmental impact statement (EIS) and obtain written concurrence from the director. The department shall be consulted throughout the EIS process.

(h) Distribute copies of the draft and final EIS's to the department; two copies shall be sent to both the environmental review section of central programs and the WQFAP.

(i) Give public notice of the draft and final EIS's by publishing notices in a newspaper of area-wide circulation. Notices shall include the locations where the public may review the draft and final EIS's or obtain copies.

(j) Distribute copies of the draft and final EIS's to other affected local, state, and federal agencies, Indian tribes, and the public.

(k) The director must concur in writing with the finding of the final EIS.

(2) The lead agency shall issue a notice of action for the final EIS regarding the preferred alternative in accordance with RCW 43.21C.080, WAC 197-11-680, and 197-11-990.

(3) A cost-effectiveness analysis will be required for all SRF projects. Planning must include a comparison of the total cost of the project with other alternatives, including the no action alternative, i.e., capital, operation and maintenance, and replacement costs. The comparison of the total costs, e.g., total present worth or annual equivalent costs of projects for the planning period, must be included. Cost-effectiveness analyses must also include nonmonetary cost of the project, i.e., the environmental impact, resource utilization, implementability, etc. This analysis must be included in the planning document and must be summarized in the EIS or DNS. Financial assistance under the SRF program will be offered to the cost-effective solution to the water pollution control problem.

(4) All mitigation measures recommended or committed to in the environmental checklist or state EIS, or in the finding of no significance impact/environmental assessment or record of decision/federal EIS (for federally approved projects) will become financial assistance agreement conditions. Applicants must complete all mitigation measures required. Failure to abide by these conditions will result in withholding of payments and may result in immediate repayment of the loan.

(5) The applicant is responsible for compliance with the requirements of applicable environmental laws, regulations, and executive orders. Concurrence from the director will be based on best available information provided by the applicant. The department is not responsible for concurrence based on erroneous information.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-100, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-110 Repayments of loans.** (1) General provisions.

When the scope of work identified in the financial assistance agreement for a loan has been fully performed and the initiation of operation date has been determined:

(a) The department and recipient will execute a final financial assistance agreement amendment which details the final loan amount. This amount will include the principal from disbursements made to recipients and accrued interest. Interest will accrue on each disbursement as it is paid to the recipient.

(b) The department will prepare a repayment schedule according to the financial assistance agreement which will fully amortize the final loan amount within twenty years of project completion. The first repayment of principal and interest will be due no later than one year after the initiation of operation date. Equal payments will be due every six months after this first payment. Loan balances or additional principal payments may be repaid at any time without penalty.

(2) Where a project has been phased or segmented, the general provisions for repayment apply to the completion of individual phases or segments.

(3) When the project takes longer than five years to complete, repayment of the loan must begin within five years of the first disbursement on the project, unless the

director determines that the fund is fiscally sound without this repayment schedule. Repayments for these loans must follow the general provisions as outlined in subsection (1)(b) of this section.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-110, filed 8/29/89, effective 9/29/89.]

**WAC 173-98-120 General provisions.** (1) Sale of facilities to private enterprises. Recipients may sell facilities to private enterprises; however, the financial assistance agreement must be terminated in accordance with the terms of the agreement and the assistance repaid to the SRF immediately upon sale.

(2) Refinancing. The refinancing of existing debt obligations shall be limited to water pollution control facilities where project construction began after March 7, 1985. Applicants requesting refinancing must meet all the requirements contained in the act. They must be on the IUP before assistance will be offered and must be eligible to receive such assistance.

(3) Self certification. The department may authorize a recipient to certify compliance with selected program requirements. The recipient must request such certification authority and document that it has the capability and resources, that it is in the best interest of the state, and that the request is consistent with state and federal laws and regulations. Concurrences required in the environmental review process cannot be delegated to recipients.

(4) Legislative reporting. The department shall report to the legislature no later than November 30 of each year on the use of the fund by the department. This report shall include a list of applicants, recipients, project descriptions, total loan amounts, financial arrangements and interest rates, repayment schedules, and source(s) of repayments.

(5) Construction engineering contracts. Consulting services shall not use a "cost-plus-percentage-of-cost" or "percentage-of-construction-cost" type contract.

[Statutory Authority: Chapter 90.50A RCW. 89-18-019 (Order 89-34), § 173-98-120, filed 8/29/89, effective 9/29/89.]

### 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.]

(1990 Ed.)

**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 water. 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

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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: Chapters 43.27A and 90.44 RCW. 88-13-037 (Order 88-11), § 173-100-050, filed 6/9/88. 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.]

**WAC 173-100-160 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.27A and 90.44 RCW. 88-13-037 (Order 88-11), § 173-100-160, filed 6/9/88.]

**Chapter 173-124 WAC  
QUINCY GROUND WATER MANAGEMENT  
SUBAREA AND ZONES**

<b>WAC</b>	
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.
173-124-070	Subarea, zone, and unit distinctions.
173-124-080	Regulation review.

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

173-124-06001 Subarea, zone, and unit distinctions. [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.] Repealed by 88-13-037 (Order 88-11), filed 6/9/88. Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW.

**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



Township (North)	Range (East)	Sections	Township (North)	Range (East)	Sections
17	29	1 thru 12 and 14 thru 18	20	27	1 thru 36
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	20	28	1 thru 36
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	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
18	22	1, 12, and 13	21	23	25 thru 28 and 32 thru 36
18	23	1 thru 36	21	24	25 thru 36
18	24	1 thru 36	21	25	24 thru 36
18	25	1 thru 36	21	26	1 thru 4, 9 thru 16 and 19 thru 36
18	26	1 thru 36	21	27	1 thru 36
18	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
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	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
18	31	*That part of 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
19	23	1 thru 5 and 8 thru 17, 20 thru 29 and 31 thru 36	22	27	1 thru 4 and 7 thru 36
19	24	1 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
19	25	1 thru 36	23	27	34 thru 36
19	26	1 thru 36	23	28	31 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			

\*Right and left sides are determined by looking in the downstream direction or direction of flow.

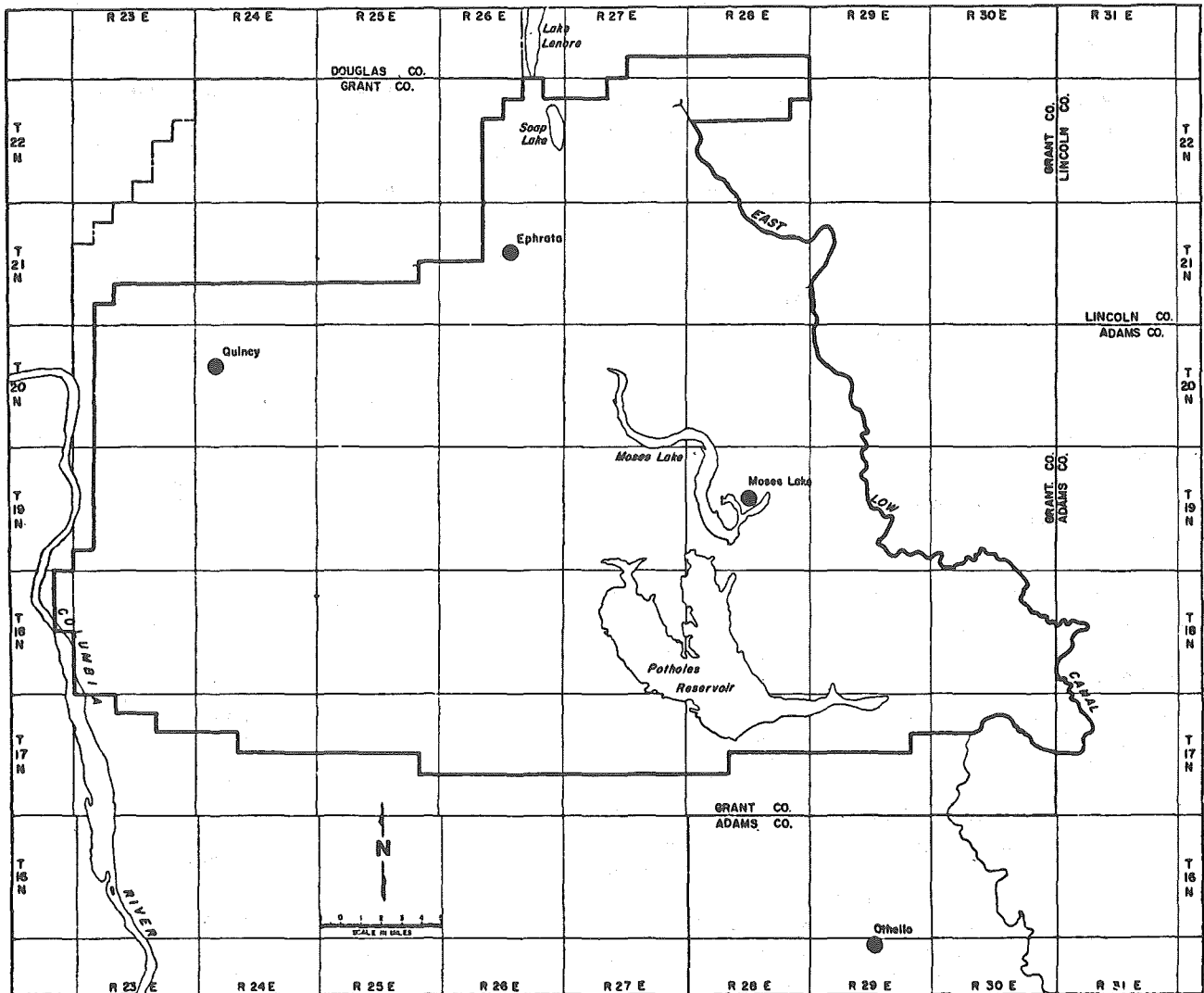
[Order 72-24, § 173-124-040, filed 1/15/73.]

**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 173-124-070 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: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-124-070, filed 6/9/88.]

**WAC 173-124-080 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-124-080, filed 6/9/88.]

**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.
- 173-128A-060 Regulation review.

**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:

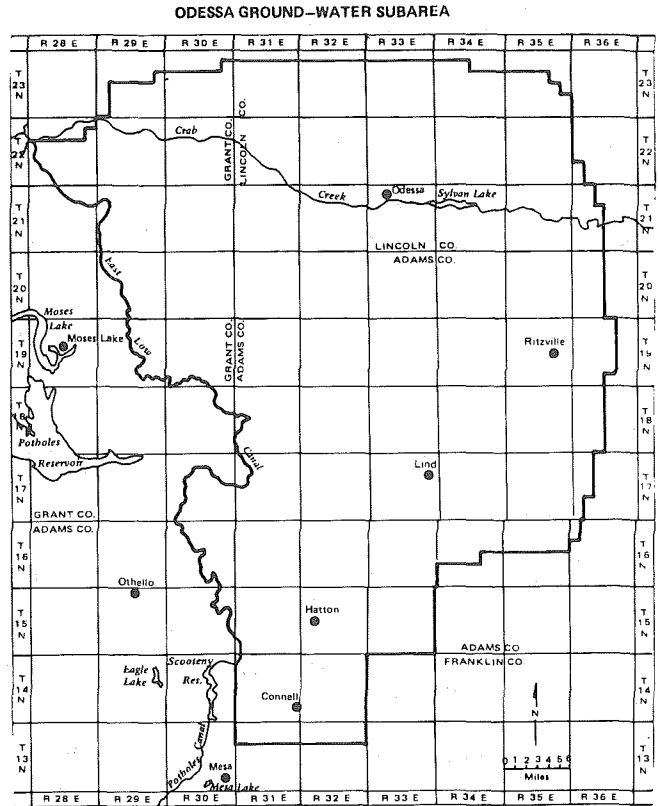
Township (North)	Range (East)	Sections
13	31	1 thru 12
13	32	1 thru 12
14	31	*1 thru 6, 8 thru 17, 19 thru 36, and that part of 7 and 18 lying to the left of the center line of the East Low Canal
14	32	1 thru 36
15	30	*1, and that part of 2, 11, 12 lying to the left of the center line of the East Low 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

Township (North)	Range (East)	Sections
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
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.]

**WAC 173-128A-060 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-128A-060, filed 6/9/88.]

**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-215 Enforcement.  
 173-130A-217 Appeals.  
 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.

[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.

Twp N	Rge E	Section
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.

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-215 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are 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 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-215, filed 6/9/88.]

**WAC 173-130A-217 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-217, filed 6/9/88.]

**WAC 173-130A-220 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-130A-220, filed 6/9/88.]



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.
- 173-132-060 Regulation review.

**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:

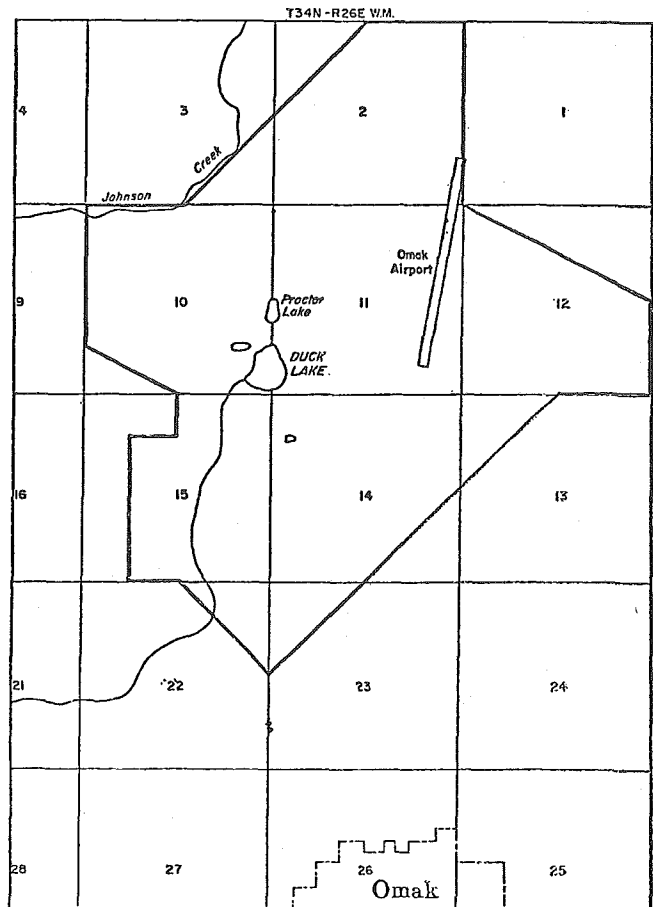
Beginning at the west quarter corner of Sec. 23; thence northeast through the north quarter corner of Sec. 23 and the east quarter corner of Sec. 14 to the north quarter corner of Sec. 13; thence east to the northeast corner of Sec. 13; thence north to the east quarter corner of Sec. 12; thence northwest 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.]

**WAC 173-132-060 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-132-060, filed 6/9/88.]

### 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-165 Enforcement.
- 173-134A-170 Appeals.

**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 comeslingles 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 department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-150, filed 6/9/88. 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-165 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are 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 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-165, filed 6/9/88.]

**WAC 173-134A-170 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions, made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-134A-170, filed 6/9/88. 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.
173-136-095	Enforcement.
173-136-100	Appeals.
173-136-110	Regulation review.

**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.

(1990 Ed.)

(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

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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 173-136-095 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are 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 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-095, filed 6/9/88.]

**WAC 173-136-100 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43-.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-100, filed 6/9/88; Order 74-36, § 173-136-100, filed 1/9/75.]

**WAC 173-136-110 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-136-110, filed 6/9/88.]

## 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 (CFCMP).
173-145-050	Flood plain management activities.
173-145-060	FCAAP project application process.
173-145-070	FCAAP project approval process.
173-145-080	Criteria for allocation of funds.
173-145-090	Flood control assistance account funding and matching 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.
173-145-155	Approval of changes to written agreements.

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

173-145-150 Equipment rental. [Statutory Authority: Chapter 86-.26 RCW. 85-14-002 (Order DE 85-10), § 173-145-150, filed 6/21/85.] Repealed by 87-04-022 (Order 86-36), filed 1/28/87. Statutory Authority: Chapter 86.26 RCW.

**WAC 173-145-010 Authority and purpose.** RCW 86.26.050 provides that counties and other municipal corporations responsible for flood control maintenance may apply to the department of ecology for financial assistance for the preparation of comprehensive flood control management plans and for flood control maintenance projects. The purpose of such plans is described in RCW 86.26.105. The department shall determine priorities and allocate available funds from the flood control assistance account program (FCAAP) among those counties applying for assistance, and shall adopt regulations establishing the criteria by which such allocations shall be made. Such criteria shall be based upon proposals which are likely to bring about public benefits commensurate with the amount of state funds allocated thereto. This chapter describes the manner in which ecology will implement the provisions of the act.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-010, filed 1/28/87; 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, the following definitions shall be used:

(1) "Applicant." An eligible municipal corporation seeking matching funds for flood control maintenance work.

(2) "Appropriate local authority." A county, city, or town having planning and land use jurisdiction within a given area which is covered by the comprehensive flood control management plan.

(3) "Certification." Certification is the written confirmation between ecology and the appropriate local authority and the county engineer which verifies the understanding as to what the comprehensive flood control management plan will contain, the timing and anticipated product, and a reporting schedule that will allow for ecology review and input during the plan development.

(4) "Comprehensive flood control management plan (CFCMP)." A document which determines the need for flood control work, considers alternatives to in-stream flood control work, identifies and considers potential impacts of in-stream flood control work on the state's in-stream resources, and identifies the river's meander belt or floodway, as described in WAC 173-145-040.

(5) "County engineer." The appointed public works director, county engineer, or the person designated to act for the county engineer.

(6) "Eligible municipal corporation." Counties, cities, towns, conservation districts, flood control zone districts, or any special districts subject to flood conditions.

(7) "Emergency fund." That portion of the biennial appropriation allocated to the flood control assistance account which is set aside for emergency projects.

(8) "Emergency project." Flood control work necessary for reasons declared by the appropriate local authority and as authorized and approved by ecology which must be done immediately to protect lives or property.

(9) "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.

(10) "Flood plain management activities." Activities described in WAC 173-145-050 performed by local governments through ordinances or other means to reduce the damaging effects of flooding.

(11) "Floodway." 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.

(12) "Maintenance project." 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 anticipated or actual 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." That portion of the flood plain, that can be identified by the evidence of present and previous meanders. This shall include the present stream channel. Where there is no identified floodway, that area which is floodprone and has similar topographic characteristics to present and historic stream channels shall be considered as a meander belt.

(14) "Public benefit." Benefit to the health, safety, or general welfare of the citizens of the state or community at large which results from a flood control project or plan, or some benefit by which their rights or liabilities are affected such as an effect on public property or facilities owned or maintained by an eligible municipal corporation.

(15) "Special district." A district as defined in chapter 85.38 RCW which is either a diking district; a drainage district; a diking, drainage, and/or sewerage improvement district; an intercounty diking and drainage district; a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or a flood control district.

[Statutory Authority: Chapter 86.26 RCW, 87-04-022 (Order 86-36), § 173-145-020, filed 1/28/87; 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 for FCAAP funds are as follows:

(1) Eligible municipal corporation. The applicant must be an eligible municipal corporation as defined in WAC 173-145-020(6).

(2) Public benefit. The applicant must demonstrate that their comprehensive flood control management

plans and flood control maintenance projects shall further the general public and state interest as differentiated from a private interest and that 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) Flood plain management activities. The appropriate local authority within whose jurisdiction projects are located shall be engaging in approved flood plain 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 county engineer shall then forward the budget report for eligible municipal corporations and for the county to ecology. The information will provide the basis for preparation of a preliminary plan for the most beneficial and orderly allocation of FCAAP funds. Soil conservation districts shall be exempt from the provisions of this section.

[Statutory Authority: Chapter 86.26 RCW, 87-04-022 (Order 86-36), § 173-145-030, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-030, filed 6/21/85.]

**WAC 173-145-040 Comprehensive flood control management plan (CFCMP).** The county engineer of the county within which the maintenance project is located must certify that the CFCMP has been completed and adopted by the appropriate local authority or is being prepared. Comprehensive flood control management plans, and any revisions to the plans, must be approved by ecology, in consultation with the department of fisheries and game. The (CFCMP) must be completed and adopted within three years of the date that it is certified as being prepared. If, after the three-year period has elapsed, such a plan has not been completed and adopted, grants for flood control maintenance projects shall not be made to the county for projects by the appropriate local authority until the CFCMP is completed and adopted by the appropriate local authority. During the three-year period, projects within a drainage area, designated as the CFCMP study area, may be funded as part of a phased project plan, provided preliminary studies for the CFCMP have been conducted to identify the one-hundred-year frequency flood plain problem areas, and factors contributing to flooding; and provided that the proposed projects have been prioritized to achieve the greatest efficiency in flood control for the overall CFCMP study area. These limitations on grants shall not preclude allocations for emergency purposes made pursuant to RCW 86.26.060. 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.

(g) Description of regulations which apply within the watershed, including but not limited to local shoreline management master programs, and zoning, subdivision, and flood hazard ordinances.

(h) Determination of instream flood control work being consistent with applicable policies and regulations.

(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 flood plain 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. Either the meander belt or 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.

(6) A certification from the state department of community development that the local emergency management organization is administering an acceptable comprehensive emergency operations plan.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-040, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-040, filed 6/21/85.]

**WAC 173-145-050 Flood plain management activities.** Local jurisdictions within which flood control maintenance projects are located, must be engaging in flood plain management activities. Pursuant to chapter 86.26 RCW the director of the department of ecology must approve the flood plain management activities of the county, city, or town having jurisdiction over the area where the project will be located. To be eligible for FCAAP funding the local jurisdiction shall be required to:

(1) Participate in the National Flood Insurance Program (NFIP) and meet all of the NFIP requirements.

(2) Restrict land uses within the meander belt or floodway of rivers to only flood compatible uses. Where applicable, adopted shoreline management master programs will be considered a minimum land use measure.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-050, filed 1/28/87; 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 ecology. A complete application shall include the following:

(a) A written description of the project containing the following as a minimum: Name of applicant, name of affected water body, project summary, location, amount of local match, and proposed local funding source;

(b) A detailed cost estimate identifying major project elements;

(c) A map to identify water body names, stream river mile, section-township-range;

(d) Construction plans; and

(e) 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 ecology.

(5) The county engineer shall furnish evidence to ecology that the comprehensive flood control management plan described in WAC 173-145-040 is being prepared or is completed and adopted by the appropriate local authority or and the flood plain management activities described in WAC 173-145-050 are being implemented.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-060, filed 1/28/87; 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) Ecology will review all projects for compliance with the requirements pursuant to this chapter and chapter 86.26 RCW.

(2) Ecology shall consult with the state departments of fisheries and game in the development of a project priority list. The state department of natural resources, affected Indian tribes, and other affected parties may review and comment on the proposed project plans prior to approval.

(3) 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.

(4) The project priority list will be available at the flood plain management section of the department of ecology, at least fifteen days prior to the public hearing.

(5) The public comments will be reviewed and ecology shall approve the project priority list as proposed or as revised in accordance with public comments.

(6) Ecology shall prepare and finalize the written agreements with the counties.

(7) The counties shall prepare and finalize the written agreements with the involved eligible municipal corporations within the county.

(8) The construction plans and specifications shall be prepared by the applicant for approval by the county engineer prior to submission to ecology for review and approval of each project for compliance with all requirements.

(9) 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. 87-04-022 (Order 86-36), § 173-145-070, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-070, filed 6/21/85.]

**WAC 173-145-080 Criteria for allocation of funds.** The priority given to projects by ecology, the counties, and other eligible municipal corporations shall involve consideration of the following criteria:

(1) The relationship of public benefits to total project costs.

(2) The priority which has already been established by each county.

(3) Intensity of local flood control management problems, including but not limited to their inter-relationships with:

- (a) Population affected;
- (b) Property and related development affected;
- (c) Land management and zoning;
- (d) Existing flood control management practices.

(4) Where the CFCMP is completed and adopted, the following will be considered:

- (a) Consistency with the plan or plan recommendations;
- (b) Priority of project as identified in the plan;

- (c) Implementation of plan or plan recommendations;
- (d) Potential impacts of instream uses and resources;
- (5) Where a CFCMP is being developed or has not been initiated, the following will be considered:

(a) Evidence of multijurisdictional cooperation necessary for development of a comprehensive county or multicounty comprehensive flood control management plan (CFCMP);

(b) Availability of qualified personnel or resources for planning purposes;

(c) Availability of qualified personnel or resources for project construction purposes;

(d) Other planning efforts undertaken or proposed within the planning jurisdiction and their relationship to flood control management;

(e) Ability to make rapid progress toward development of a comprehensive flood control management plan;

(f) Existing and proposed participation of community groups, private industry, professional organizations, the general public, and others toward the development and implementation of the proposed comprehensive flood control management plan.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-080, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-080, filed 6/21/85.]

**WAC 173-145-090 Flood control assistance account funding and matching requirements.** The flood control assistance account is established at four million dollars at the beginning of each biennium. The following criteria shall be used for allocating FCAAP funds:

(1) The amount of FCAAP funding for any project, except emergency projects described in WAC 173-145-100, shall not exceed fifty percent of the total project cost, including planning and design costs.

(2) The amount of FCAAP funds to prepare a CFCMP shall not exceed seventy-five percent of the full planning costs.

(3) The amount of FCAAP funds available for all nonemergency projects and CFCMP's in any county shall not exceed five hundred thousand dollars per biennium.

(4) In addition to the limits in subsection (3) of this section, an agency formed under chapter 86.13 RCW shall be allowed up to one hundred thousand dollars in FCAAP funds per biennium.

(5) In those areas where a designated CFCMP area extends into two or more jurisdictions, costs for a CFCMP may be shared by the involved local authorities.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-090, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-090, filed 6/21/85.]

**WAC 173-145-100 Emergency fund administration.** Funds shall be available for flood control projects in response to unusual, unforeseeable, and emergent flood conditions and shall be allocated in amounts adequate for the preservation of life and property. The following criteria shall be the basis of allocating the emergency funds:

(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 for emergency work shall be allocated on a first-come first-serve basis and shall not be based on any priority system.

(5) At the discretion of ecology, emergency funds may be made available for use on nonemergency projects.

(6) The maximum amount of emergency funds initially available for any one county is one hundred fifty thousand dollars per biennium. If the total available emergency funds are not needed by other counties and the amount of emergency funds needed in a county exceeds one hundred fifty thousand dollars the county can request additional emergency funds.

(7) The flood control assistance account contribution shall not exceed eighty percent of the eligible project cost of an emergency project.

(8) Emergency funds will only be made available to projects which have been given approval for matching funds by the department of ecology prior to construction work being performed.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-100, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-100, filed 6/21/85.]

**WAC 173-145-110 Multiyear projects.** Approval for eligibility by ecology will only be required once for a project which continues more than one biennium, but funding for each subsequent biennium is subject to further FCAAP appropriation by the legislature.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-110, filed 1/28/87; 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 county engineer.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-120, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-120, filed 6/21/85.]

**WAC 173-145-130 Project construction monitoring.** The 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) Ecology's responsibilities. The authorized representative of the department of ecology shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of monitoring and inspecting the project work as necessary to assure

compliance with the terms of the appropriate written agreement. The authorized representative of the department of ecology is the contract officer and shall be identified in the written agreement. The county engineer will be informed prior to any inspection for purposes of construction monitoring and guidance by any representative of ecology other than the contract officer. Representatives of ecology may observe the construction process without prior notification of the county engineer.

(3) Final inspection and approval. Upon completion of the work, a final detailed inspection shall be made by the county engineer along with representatives from ecology and the applicant. Results of the final inspection shall be displayed in a written report prepared by ecology and, when appropriate, on "as built" construction plans. "As built" construction plans shall be submitted to ecology within thirty days after the final project inspection.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-130, filed 1/28/87; 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 ecology as a means to reimburse eligible municipal corporations for work done on approved eligible projects or for development of CFCMP's. Written agreements, billing, and payment shall comply with ecology's standard requirements for grants and contracts. Notification is required when written agreements will not be accepted or executed to allow ecology the opportunity to award prioritized, unfunded projects.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-140, filed 1/28/87; 85-14-002 (Order DE 85-10), § 173-145-140, filed 6/21/85.]

**WAC 173-145-155 Approval of changes to written agreements.** All flood control maintenance and comprehensive flood control management planning (CFCMP) projects subject to the provisions of this regulation shall be conducted in accordance with the plans, specifications, and conditions approved by ecology. Any contemplated changes during construction or planning process which are significant deviations from conditions of the approved agreement, shall first be submitted to ecology for approval. Any changes to the total cost of the project following execution of the written agreement must be submitted to ecology for approval prior to construction or plan completion.

[Statutory Authority: Chapter 86.26 RCW. 87-04-022 (Order 86-36), § 173-145-155, filed 1/28/87.]

## 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.
173-150-125	Enforcement.
173-150-130	Appeals.
173-150-135	Regulation review.
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;

(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 173-150-125 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are 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 90.03.600.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-125, filed 6/9/88.]

**WAC 173-150-130 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-130, filed 6/9/88. Statutory Authority: Chapter 90.44 RCW. 85-12-017 (Order 84-44), § 173-150-130, filed 5/29/85.]

**WAC 173-150-135 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-150-135, filed 6/9/88.]

(1990 Ed.)

**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.
173-154-095	Enforcement.
173-154-100	Appeals.
173-154-105	Regulation review.
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

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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 173-154-095 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are 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 90.03.600.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-095, filed 6/9/88.]

**WAC 173-154-100 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43-.21B RCW.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-100, filed 6/9/88. Statutory Authority: Chapters 90.44 and 90.54 RCW. 85-12-018 (Order 84-45), § 173-154-100, filed 5/29/85.]

**WAC 173-154-105 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21A, 43.27A, 90.03 and 90.44 RCW. 88-13-037 (Order 88-11), § 173-154-105, filed 6/9/88.]

**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 173-158 WAC FLOOD PLAIN MANAGEMENT

### WAC

173-158-010	Authority.
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173-158-050	Criteria for land management and use.
173-158-064	Additional state requirements.
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173-158-084	Submission of local ordinances.
173-158-086	Local option to exceed minimum requirements.
173-158-090	Penalties and enforcement.
173-158-120	Variances.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-158-060	Additional state requirements. [Statutory Authority: RCW 86.16.061. 89-07-022 and 90-06-059 (Order 88-57 and 88-57A), § 173-158-060, filed 3/7/89 and 3/6/90, effective 4/6/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-060, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
173-158-100	Local compliance schedule. [Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-100, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.
173-158-110	State assumption of regulatory authority. [Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-110, filed 5/4/88.] Repealed by 90-21-089, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 86.16.061.

**WAC 173-158-010 Authority.** This chapter is adopted pursuant to chapter 86.16 RCW as amended during the 1989 legislative session.

Note: Copies of all statutes, regulations, and other documents cited or referred to in this chapter may be viewed at the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-010, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-010, filed 5/4/88.]

**WAC 173-158-020 Purpose.** Chapter 86.16 RCW establishes state-wide authority for flood plain management through the adoption and administration by local governments of regulatory programs which are compliant with the minimum standards of the National Flood Insurance Program (NFIP). Chapter 86.16 RCW also directs the department of ecology to establish minimum state requirements for flood plain management which equal the NFIP minimum standards; to provide technical assistance and information to local governments related to administration of their flood plain management ordinances and the NFIP; to provide assistance to local governments in identifying the location of the one hundred year (base) flood plain; and allows for the issuance of regulatory orders.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-020, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-020, filed 5/4/88.]

**WAC 173-158-030 Definitions.** For the purposes of this chapter the following definitions shall apply:

(1) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "one hundred year flood."

(2) "Best available information" means in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

(3) "Designated floodway" means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway map (FBFM) of a community's flood insurance study and is included in the community's flood damage prevention ordinance.

(4) "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

(5) "Flood insurance rate map (FIRM)" means the official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(6) "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 flood without cumulatively increasing the water surface elevation more than one foot.

(7) "New construction" means structures for which the "start of construction" commenced on or after the effective date of the local ordinance.

(8) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

(9) "Special flood hazard area" means an area subject to a base or one hundred year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.

(10) "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

(11) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home

on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(12) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(i) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(13) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(14) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: (a) At least periodically, the land supports predominantly hydrophytes; (b) the substrate is predominantly undrained hydric soil; and (c) the substrate is nonsoils and is saturated with water or covered by shallow water at some time during the growing season of each year.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-030, filed 10/19/90, effective 11/19/90; 89-07-022 and 90-06-059 (Order 88-57 and 88-57A), § 173-158-030, filed 3/7/89 and 3/6/90, effective 4/6/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-030, filed 5/4/88.]

**WAC 173-158-040 Regulatory area.** The minimum regulatory area for state and local flood plain management regulations shall be those areas subject to a base (one hundred year) flood and designated as special flood hazard areas on the most recent maps provided by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP). Best available information shall be used if these maps are not available or sufficient as determined by the Federal Emergency Management Agency.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-040, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-040, filed 5/4/88.]

**WAC 173-158-045 Technical assistance.** The department of ecology shall provide technical assistance to local governments in the administration of their flood plain management ordinances. The department shall also assist counties, cities, and towns in identifying the location of the one hundred year flood plain, and petitioning the federal government to alter its designations of where the one hundred year flood plain is located if the federally recognized location of the one hundred year flood plain is found to be inaccurate.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-045, filed 10/19/90, effective 11/19/90.]

**WAC 173-158-050 Criteria for land management and use.** The standards and definitions contained in 44 CFR, Parts 59 and 60 for the National Flood Insurance Program are adopted as the minimum state standards by reference.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-050, filed 5/4/88.]

**WAC 173-158-064 Additional state requirements.** State requirements may be established for specific flood plains that exceed the minimum federal requirements of the NFIP, in accordance with RCW 86.16.031(8) and the following:

(1) A written request must be submitted to the department of ecology by the affected county, city, or town to initiate the process.

(2) The location of the one hundred year flood plain must be reexamined by the affected community and the department of ecology, and has been certified by the department as being accurate for the affected areas.

(3) The department of ecology shall negotiate with the affected community to determine the content of proposed additional requirements.

(4) The department of ecology shall notify the public of related public meetings and public hearings.

(5) The department of ecology must find that the proposed increased requirements are necessary due to local circumstances and general public safety.

(6) The area where the additional requirements apply is to be clearly identified.

(7) Additional state requirements shall be established as needed in accordance with the required state rule-making procedures.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-064, filed 10/19/90, effective 11/19/90.]

**WAC 173-158-070 Additional floodway requirements.** The following additional state requirements are established in accordance with RCW 86.16.041.

(1) Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction, or

improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent determination in (b) of this subsection.

(2) Special flood hazard areas without designated floodways. When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4), and (c)(10) of the NFIP regulations.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-070, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-070, filed 5/4/88.]

**WAC 173-158-080 Wetlands management.** Wetlands are areas of great natural productivity and hydrological utility, providing natural flood control, flood desynchronization, and flow stabilization of rivers and streams. The unrestricted use and development of wetlands will destroy many of these beneficial qualities which directly affect human health and safety during flood events. The piecemeal alteration and destruction of wetlands through draining, dredging, filling and other means has an adverse cumulative impact on their ability to reduce flood damages.

Communities should, to the maximum extent possible, seek to avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to ameliorate flooding impacts. Proposals for development within special flood hazard areas (base floodplains) should be reviewed for their possible impacts on wetlands located within the floodplain. Communities should ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm hazards.

Communities may request technical assistance from the department of ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. Local wetlands management strategies can also be developed which will preserve these valuable areas.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-080, filed 5/4/88.]

**WAC 173-158-084 Submittal of local ordinances.** Communities shall submit to the department of ecology and to the federal Emergency Management Agency (FEMA) regional office newly adopted or amended flood damage prevention ordinances to incorporate the requirements of chapter 86.16 RCW and this chapter. Such ordinances or amendments shall take effect thirty days from filing with the department unless the department disapproves such ordinance or amendment, in writing, within that time period. The department may disapprove any ordinance or amendment which does not comply with the requirements of the NFIP, or WAC 173-158-040, 173-158-064, or 173-158-070. The department will provide guidance and assistance to communities in preparation and review of draft ordinances upon request by the community.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-084, filed 10/19/90, effective 11/19/90.]

**WAC 173-158-086 Local option to exceed minimum requirements.** In accordance with RCW 86.16.045 a county, city, or town may adopt flood plain management ordinances or requirements that exceed the minimum federal requirements of the National Flood Insurance Program and the state requirements of this chapter without following the procedures provided in RCW 86.16.031(8) and WAC 173-158-064.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-086, filed 10/19/90, effective 11/19/90.]

**WAC 173-158-090 Penalties and enforcement.** (1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

[Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-090, filed 5/4/88.]

**WAC 173-158-120 Variances.** The variance procedure contained in 44 CFR, Part 60.6 and the local flood damage prevention ordinance shall apply to this chapter unless an activity or use is expressly prohibited therein.

[Statutory Authority: RCW 86.16.061. 90-21-089, § 173-158-120, filed 10/19/90, effective 11/19/90. Statutory Authority: Chapter 86-16 RCW. 88-10-058 (Order 88-6), § 173-158-120, filed 5/4/88.]

## Chapter 173-160 WAC

### MINIMUM STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF WELLS

#### WAC

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- 173-160-415 Abandonment of wells.
- 173-160-420 Abandonment of uncased wells.
- 173-160-425 Abandonment of wells—Abandonment of drilled or jetted wells.
- 173-160-435 Abandonment of wells—Abandonment of gravel-packed wells.
- 173-160-445 Abandonment of wells—Abandonment of artesian wells.
- 173-160-455 Abandonment of wells—Abandonment of dug wells.
- 173-160-465 Abandonment of wells—Plugging of test wells.
- 173-160-475 Artificial recharge of ground-water bodies.

#### PART THREE—RESOURCE PROTECTION WELLS

- 173-160-500 Design and construction—General.
- 173-160-510 Design and construction—Surface protective measures.
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- 173-160-540 Design and construction—Well screen, filter pack, and development.
- 173-160-550 Design and construction—Well seals.
- 173-160-560 Abandonment of resource protection wells.
- DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**
- 173-160-060 Location of well site and access requirements. [Order 73-6, § 173-160-060, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-070 Design and construction. [Order 73-6, § 173-160-070, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-080 Design and construction—Casing. [Order 73-6, § 173-160-080, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-090 Design and construction—Well completion—General. [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.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-09001 Recommended well diameters. [Statutory Authority: RCW 18.104.040(4). 79-02-010 (Order DE 78-22), § 173-160-09001, filed 1/10/79.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-100 Design and construction—Sealing materials. [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.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-110 Design and construction—Sealing of casing—General. [Order 73-6, § 173-160-110, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-120 Design and construction—Sealing of consolidated formations. [Order 73-6, § 173-160-120, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-130 Sealing of unconsolidated formations without significant clay beds. [Order 73-6, § 173-160-130, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-140 Sealing of unconsolidated formations with clay beds. [Order 73-6, § 173-160-140, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-150 Special sealing standards for artesian wells. [Order 73-6, § 173-160-150, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-160 Artificial gravel-packed wells—General. [Order 73-6, § 173-160-160, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-170 Sealing of artificial gravel-packed wells. [Order 73-6, § 173-160-170, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-180 Sealing of dug wells. [Order 73-6, § 173-160-180, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-190 Special standards for driven or jetted wells. [Order 73-6, § 173-160-190, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-200 Upper terminal of well. [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.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-210 Capping. [Order 73-6, § 173-160-210, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-220 Testing of well. [Order 73-6, § 173-160-220, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-230 Testing of well—Access port or pressure gage. [Order 73-6, § 173-160-230, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-240 Disinfection. [Order 73-6, § 173-160-240, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-250 Quality of drilling water. [Order 73-6, § 173-160-250, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-260 Pump installation. [Order 73-6, § 173-160-260, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-270 Explosives. [Order 73-6, § 173-160-270, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-280 Chemical conditioning. [Order 73-6, § 173-160-280, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-290 Abandonment or destruction of wells. [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.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-300 Abandonment or destruction of wells—Abandonment or destruction of drilled or jetted wells. [Order 73-6, § 173-160-300, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-310 Abandonment or destruction of wells—Abandonment or destruction of gravel-packed wells. [Order 73-6, § 173-160-310, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-320 Abandonment or destruction of wells—Abandonment or destruction of artesian wells. [Order 73-6, § 173-160-320, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-330 Abandonment or destruction of wells—Abandonment or destruction of dug wells. [Order 73-6, § 173-160-330, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-340 Abandonment or destruction of wells—Plugging of test wells. [Order 73-6, § 173-160-340, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-350 Artificial recharge of ground water bodies. [Order 73-6, § 173-160-350, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-360 Special exemptions. [Order 73-6, § 173-160-360, filed 4/30/73.] Repealed by 88-08-070 (Order 88-



- 58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-370 Relationship to other authorities. [Order 73-6, § 173-160-370, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
- 173-160-380 Comparable construction standards. [Order 73-6, § 173-160-380, filed 4/30/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.

## PART ONE—GENERAL REQUIREMENTS

**WAC 173-160-010 Purpose.** (1) These regulations are adopted pursuant to chapter 18.104 RCW, in order to establish minimum standards for the construction of all wells in the state of Washington. These regulations establish minimum construction standards for two classes of wells; water supply wells and resource protection wells. Water supply wells include wells used to appropriate water for beneficial purposes, cased dewatering wells, and test wells. Resource protection wells include: Monitoring wells, observation wells, piezometers, geotechnical test borings, and spill response wells.

(2) Provisions of Part One shall apply to all wells. Provisions of Part Two shall apply to water supply wells. Provisions of Part Three shall apply to resource protection wells.

(3) The following are excluded from these regulations:

(a) Excavations that are not used to locate, divert, artificially recharge, or withdraw ground water.

(b) Post holes.

(c) Landfill gas extraction wells.

(d) An excavation for the purpose of obtaining or prospecting for oil, natural gas, minerals, products of mining, quarrying, inserting media to repressure oil or natural gas bearing formations, storing petroleum, natural gas, or other products, as provided in chapter 78.52 RCW.

(e) Injection wells, such as stormwater disposal or recharge wells regulated in chapter 173-218 WAC.

(f) Cathodic protection wells.

(g) Uncased wells used for dewatering purposes in construction work, and other uncased excavations, such as uncased geotechnical test borings. However, the provisions of WAC 173-160-055, 173-160-010(4), and 173-160-420 shall apply.

(h) Infiltration galleries, trenches, ponds, pits, and sumps.

(4) Pursuant to chapter 90.48 RCW, those excavations excluded in subsection (3)(a) through (h) of this section shall be constructed and abandoned to ensure protection of the ground water resource and to prevent the contamination of that resource.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-010, filed 4/6/88; Order 73-6, § 173-160-010, filed 4/30/73.]

**WAC 173-160-020 General.** The following minimum standards shall apply to all wells constructed in the state of Washington. 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. Additional requirements are necessary when the well is constructed in or adjacent to a source of contamination. Sources of contamination include, but are not limited to, the following: Septic systems, lagoons, landfills, hazardous waste sites, salt water intrusion areas, chemical storage areas, and pipelines.

(2) When strict compliance with these regulations is impractical, the well contractor or driller shall make application to the department for approval of comparable alternative specifications (a variance) prior to the work being done. The department shall authorize or deny a variance request within fourteen days of receipt of a written request. In an emergency, a public health emergency, or in exceptional instances, the department will allow verbal notification to the appropriate regional office, with a written request follow-up.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-020, filed 4/6/88; 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 well which has been filled or plugged so it is rendered unproductive. A properly abandoned well will not produce water nor serve as a channel for movement of water.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for 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 wall of the drilled hole and the casing.

(4) "Aquifer" is 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) "Artesian well" is a well tapping an aquifer bounded above and below by impermeable beds or beds of distinctly lower permeability than the aquifer itself. 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 mixture of gravel and/or sand placed in the annular space around the well screen. A gravel pack is used to reduce the movement of finer material into the well, reduce the movement of finer material into the well, increase the well yield and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(10) "Casing" is a pipe, generally of metal or plastic, which is installed in the bore hole to maintain the opening.

(11) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide a space between the well bore and the liner for sealing.

(12) "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. An uncased drill hole will normally remain open in these formations.

(13) "Contamination" is an impairment of natural ground water quality by biological, chemical, physical, or radiological materials which lower the water quality to a degree which creates a potential hazard to the environment, public health, or interferes with a beneficial use.

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

(15) "Disinfection" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(16) "Domestic water supply" is any water supply serving one or more single family residences.

(17) "Drawdown" is the measured difference between the static water level and the water level induced by pumping.

(18) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger rigs.

(19) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(20) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(21) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the borehole wall and the well screen to prevent formation material from entering the well.

(22) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(23) "Geotechnical test boring" means any temporary cased borehole completed primarily for the purpose of obtaining geologic, or geotechnical data about subsurface soil or rock conditions, and/or for determining ground water levels.

(24) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to fill and seal abandoned wells.

(25) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(26) "Licensee" is any person who is licensed as a well contractor pursuant to the provisions of this act and these rules.

(27) "Liner" means any casing, screen, or other device inserted into a larger casing, screen, or open hole as a means of sealing off undesirable material or maintaining the structural integrity of the well.

(28) "Landfill gas extraction well" is a well used to withdraw gas from an unsaturated zone.

(29) "Monitoring well" is a well designed to obtain a representative ground water sample and/or to measure the water level elevation over the screened interval.

(30) "Observation well" is a well designed to measure the depth to the water table. An observation well is screened across the water table and usually is installed in unconfined aquifers.

(31) "Operator" is any person employed by a well contractor or self-employed as a contractor-operator for the control and supervision of well construction or for the operation of well construction equipment.

(32) "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.

(33) "Piezometer well" is a well designed to measure the hydraulic potential (water level elevation) at a specific point in the subsurface. A piezometer has a short screen that is positioned entirely beneath the water table.

(34) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(35) "PTFE" means polytetrafluoroethylene casing materials (such as teflon) and is not an endorsement for any specific PTFE product.

(36) "Public water supply" is any 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, available to the public for human consumption or domestic use, excluding water supplies serving one single family residence.

(37) "Puddling clay" is a mixture of at least fifty percent bentonite and fine sand material which seals out or retards the movement of water.

(38) "PVC" means polyvinyl chloride a type of thermoplastic casing.

(39) "Resource protection wells" mean monitoring wells, observation wells, piezometers and spill response wells, and cased geotechnical test borings.

(40) "Spill response well" is any well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(41) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not effected by pumping or free flow.

(42) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the permanent casing) which is temporarily installed during well construction to maintain the annular space.

(43) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated.

If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resource protection wells.

(44) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(45) "Unconsolidated formation" means any naturally occurring, loosely cemented or poorly indurated earth material including such materials as uncompacted gravel, sand, silt and clay. Alluvium, soil, and overburden are terms frequently used to describe such formations.

(46) "Water supply well" means any well that is used to withdraw, dewater, or recharge ground water.

(47) "Well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of an excavation is for the location, diversion, artificial recharge, or withdrawal of ground water. Well includes water-supply well and resource protection well. Well does not mean excavations excluded in WAC 173-160-010(3).

(48) "Well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing wells.

(49) "Well driller" is synonymous with "operator."

(50) "Well rig" is any power driven, percussion, rotary, boring, digging, jetting or auguring machine used in the construction of a well.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-030, filed 4/6/88; Order 73-6, § 173-160-030, filed 4/30/73.]

**WAC 173-160-040 Permit.** As provided in RCW 90.44.050, no well shall be constructed if a withdrawal of more than five thousand gallons a day or irrigation of more than one-half acre of noncommercial lawn and garden is contemplated, unless an application to appropriate such waters has been made to the department and a permit has been granted.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-040, filed 4/6/88; Order 73-6, § 173-160-040, filed 4/30/73.]

**WAC 173-160-050 Records.** (1) Every well contractor, within thirty 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 supply and resource protection wells. The well record shall be made on a form provided by the

department, or a reasonable facsimile, as approved by the department.

(2) The water supply and test well record shall include the following information, where applicable, as a minimum: Location of well to at least 1/4, 1/4 section or smallest legal subdivision; intended use of well; the depth, diameter, and general specifications of each well; the depth, thickness and character of each bed, stratum or formation penetrated by each well; 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 below the land surface, and also the drawdown of the water level at the end of the well capacity test; for each flowing well, the shut-in pressure measured 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.

(3) The well record shall be made on a form provided by the department, or a reasonable facsimile, as approved by the department. The resource protection well record shall include the following information as a minimum: Project name, if appropriate; location of well to at least 1/4, 1/4 section or smallest legal subdivision; land surface datum; well identification number; diameter; depth, and general specifications of each well; the depth thickness and character of each bed, stratum or formation penetrated by each well; and commercial specifications of all casing and screen; as-built diagram; and additional information as required by the department.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-050, filed 4/6/88; Order 73-6, § 173-160-050, filed 4/30/73.]

**WAC 173-160-055 Well construction notification (start card).** All well contractors shall notify the department of their intent to construct, reconstruct, or abandon a well at least seventy-two hours before starting work.

Notification shall be submitted on forms provided by the department and shall contain the well owners name, well location, proposed use, approximate start and completion dates, contractor's registration number, driller's name and license number, and drilling company's name. In an emergency, a public health emergency, or in exceptional instances, the department will allow verbal notification to the appropriate regional office, with a start card follow-up.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-055, filed 4/6/88.]

**WAC 173-160-065 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 well site 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 necessary to satisfy the requirements which the user has stated are needed and for which well water is intended to be used.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-065, filed 4/6/88.]

**WAC 173-160-075 Design and construction--Sealing of casing--General.** In constructing, 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 movement of surface, or ground water into the annular space. Sealing shall prevent the upward movement of artesian waters within the annular space around the well casing, to prevent the contamination or wasting of ground water. Sealing shall prevent the movement of ground water either upward or downward from zones that were cased off because of poor quality. When cement grout is used in sealing, it shall be set in place seventy-two hours before additional drilling takes place, unless special additives are mixed with the grout that cause it to set in a shorter period of time. All grouting shall be performed by tremming the mixture from the bottom of the annular space to the surface in one continuous operation. The annular space to be grouted shall be a minimum four inches larger than the permanent casing.

When casing diameter is reduced, a minimum of eight feet of casing overlap is required and the bottom of the annular space between the casings shall be sealed with a watertight packer; the remainder of the annular space must be pressure grouted with bentonite or neat cement.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-075, filed 4/6/88.]

**WAC 173-160-085 Capping.** All wells which are not in use, or are temporarily out of service, shall be securely capped such that no contamination can enter the well. Capping shall be affixed by solid welds or equal seal to prevent unauthorized access to the well.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-085, filed 4/6/88.]

**WAC 173-160-095 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 well construction nor shall it preclude the adoption of more stringent minimum well construction standards by local government.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-095, filed 4/6/88.]

**WAC 173-160-105 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.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-105, filed 4/6/88.]

**WAC 173-160-115 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190, civil penalties under RCW 90.03.600 and 18.104.155, and criminal penalties under RCW 18.104.160.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-115, filed 4/6/88.]

**WAC 173-160-125 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-125, filed 4/6/88.]

**WAC 173-160-135 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-135, filed 4/6/88.]

## PART TWO--WATER SUPPLY WELLS

**WAC 173-160-205 Location of well site and access requirements.** The proposed water supply well should be located on high ground consistent with the general terrain. It shall be protected from a one hundred year flood and from any surface or subsurface drainage capable of impairing the quality of the ground water supply. The well shall be located away from possible sources of contamination. Well design shall consider porosity and permeability of the soil, adjacent land uses, local ground water conditions and end use of the well. When a well is located in an area of known or suspected contamination, the well casing shall be impervious to the contaminants and shall not interconnect aquifers.

When a well is constructed adjacent to a building, it shall be located where the centerline of the well extended vertically will clear any projection from the building by at least five feet.

After construction, the water well contractor or operator should strongly emphasize to the well owner, the importance of retaining 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, or the local health authority. The requirements of the state board of health

regulation regarding public water supplies (chapter 248-54 WAC) shall apply. This regulation includes requirements for zones of protection, location of the well, accessibility features, 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 and state health regulations. Wells shall be located at least one hundred feet from a sewer line, sewage or manure lagoon, pipeline, or known, or suspected source of contamination. Wells shall not be located within one thousand feet of solid waste landfills.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-205, filed 4/6/88.]

**WAC 173-160-215 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 well drillers or designers responsibility to advise the owner or his representative of 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 is appropriate only where the withdrawn waters are essentially free of sand, silt and turbidity.

(2) **Perforated pipe completion.** Perforated pipe completion is 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 are not 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 sawcut, 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 construction. *The use of perforated casing for working casing as the hole is being drilled is prohibited*, except in those cases where the contractor can, through personal experience in the particular area of drilling, attest to the sufficiency of the 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. A neoprene, or grout seal shall be fitted to the top of the well screen assembly. The bottom of the well screen shall be plugged or capped.

(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 twenty

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 173-160-235.

[Statutory Authority: Chapter 18.104 RCW. 89-15-017 and 90-07-016 (Orders 89-4 and 89-4A), § 173-160-215, filed 7/12/89 and 3/13/90, effective 8/12/89 and 4/13/90; 88-08-070 (Order 88-58), § 173-160-215, filed 4/6/88.]

**WAC 173-160-225 Design and construction--Casing.** Proper casing shall be installed in all water supply wells. The casing shall withstand the normal forces which 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 Table 1:

TABLE 1  
Minimum Specifications for Steel Casing and Pipe

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)
1 1/4	1.660	0.140	2.27
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
5	5.563	0.258	14.62
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

Casing larger than twenty inches shall have a minimum wall thickness of 0.375 inches.

Casings shall be new or, in like-new condition, where the only previous contact was with water, and be structurally sound. When casing lengths are joined together, they shall be connected by watertight welded or screw coupled joints. Welded joints shall be at least as thick as the wall thickness of the well casing and be fully penetrating.

(2) Plastic casing. Plastic, fiberglass, PVC, SR, ABS, or other type of well casing shall be manufactured and installed to conform with ANSI/ASTM F 480-81, Standard Dimension Ratio (SDR) 21 or the most recent revision.

SDR 21 is the minimum requirement; higher pressure rated pipe may be used. All plastic casing shall be installed only in an oversized drill hole without driving.

Plastic casing for use in potable water supplies shall be manufactured to conform to be acceptable to National Sanitation Foundation (NSF) Standard 14-84, or the most recent revision.

(3) Plastic casing joints shall be watertight. Either "bell" type, threaded joints, or coupling hubs are approved. Hub couplings shall be of material meeting the specifications for plastic casings as stipulated in subsection (2) of this section. If joints are secured with solvent cement it shall be done in accordance with manufacturers directions. Table 2A is the manufacturer's recommendations for specifications of plastic casing.

TABLE 2A  
Minimum Specifications for Plastic Casing

NOMINAL CASING DIAMETER (inches)	MINIMUM THICKNESS (inches)	SDR
2	0.133	21
2.5	0.137	21
3	0.167	21
3.5	0.190	21
4	0.214	21
4.5	0.236	21
5	0.265	21
6	0.316	21
8	0.410	21
10	0.511	21
12	0.606	21

(4) Liner pipe shall consist of steel, in new or like-new condition, being free of pits or breaks; or polyvinyl chloride (PVC), SR, ABS, type 1220, 1120, or SDR 21 (Class 200).

Liner pipe shall be of sufficient strength to withstand breakage or collapse when the well is pumped. When installed, liner pipe shall extend or telescope at least two feet into the lower end of the well casing. If more than one string of liner pipe is installed, each string shall extend or telescope at least eight feet into the adjacent larger diameter liner pipe. Liner pipe shall not be permanently fixed to a well casing below land surface except by placement of cement grout, packers, or similar sealing materials in the annular space between the liner and well casing.

(5) Poured concrete casing shall:

(a) Consist of clean, hard and durable aggregate with not less than five 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 six inches thick and free of voids. The walls shall be poured in one continuous operation.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-225, filed 4/6/88.]

WAC 173-160-235 Recommended well diameters.

TABLE 3  
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 350	6	10 ID	8 ID
300 to 700	8	12 ID	10 ID
500 to 1000	10	14 OD	12 ID
800 to 1800	12	16 OD	14 OD
1200 to 3000	14	20 OD	16 OD
2000 to 3800	16	24 OD	20 OD
3000 to 6000	20	30 OD	24 OD

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-235, filed 4/6/88.]

WAC 173-160-245 Design and construction--  
**Sealing materials.** (1) Puddling clay shall consist of any stable, fine-grained (0.5 mm - 1 mm), impervious material and at least fifty percent bentonite, by volume, which is capable of providing a permanent water tight seal between the casing and formation throughout the required sealing depth.

(2) 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 five percent bentonite clay, by weight, may be added to improve flow qualities and compensate for shrinkage. When bentonite slurry is used to seal a well, it shall conform to the requirements of subsection (4) of this section.

(3) Pelletized, granulated, or chip bentonite may be used where bridging will not occur.

(4) Bentonites used to prepare puddling clay, or slurries for sealing shall be specifically designed for this purpose.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-245, filed 4/6/88.]

WAC 173-160-255 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 four inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface to at least five feet into sound, unfractured, consolidated formation.

Unperforated permanent casing shall be installed to extend to this same depth and the lower part of the casing shall be sealed into the consolidated formation with cement grout. The remainder of the annular space to land surface shall be filled with cement grout, puddling clay, or bentonite. See Figure 1A.

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 two inches larger than the outside diameter of the permanent casing.

(2) An upper drill hole at least four inches greater in diameter than the nominal size of the permanent casing shall extend from land surface to a depth of at least eighteen feet. An unperforated permanent casing shall be installed so that it extends at least five feet into sound, unfractured, consolidated formation.

Throughout the driving of the well casing to the consolidated formation, the annular space between the upper drill hole and the permanent casing shall be kept at least one-half full with granular bentonite, or bentonite slurry.

The annular space between the consolidated 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, puddling clay, or bentonite. See Figure 1B.

(3) If temporary surface casing is used in either of the procedures in subsection (1) or (2) of this section, 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.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-255, filed 4/6/88.]

**WAC 173-160-265 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 (at least six feet thick) clay beds, an unperforated well casing shall extend to at least one foot below the water table. An upper drill hole having a diameter at least four inches greater than the nominal size of the permanent casing shall be installed to at least eighteen feet below land surface.

The annular space between the upper drill hole and the well casing shall be kept at least one-half full with granular bentonite or 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, puddling clay, or bentonite. See Figure 2A.

If temporary surface casing is installed to the same depth as the permanent casing, a watertight packer shall be installed between the permanent 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, puddling clay, or bentonite as the temporary surface casing is withdrawn. See Figure 2B.

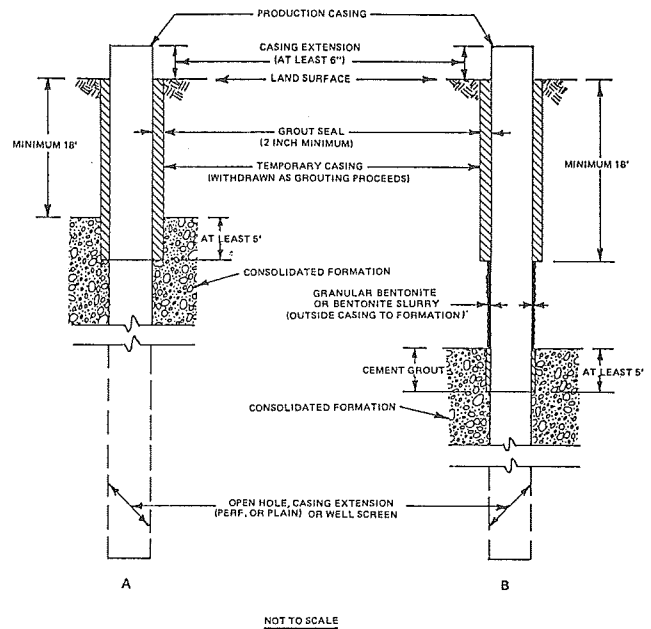


FIGURE 1. SEALING OF CONSOLIDATED FORMATIONS

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-265, filed 4/6/88.]

**WAC 173-160-275 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 six 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 173-160-255 and Figure 2C at the end of this chapter).

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-275, filed 4/6/88.]

**WAC 173-160-285 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 sealed into the confining stratum 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 flow can be completely stopped. The well shall be completed with seals, packers or grout that eliminates leakage around the well casing. The driller shall not move the drilling rig from the well site until leakage is completely stopped unless authority for temporary removal is granted by the department, or when loss of life or property is imminent.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-285, filed 4/6/88.]

**WAC 173-160-295 Artificial gravel-packed wells--**  
**General.** In gravel-packed wells, the gravel mixture shall be placed around the screen so that bridging or size separation does not occur. The gravel pack shall be clean, and chemically stable. All gravel and water used shall be



disinfected in at least fifty parts per million (ppm) chlorine with a contact time of at least thirty minutes. Rinse water containing chlorine is a pollutant. Chlorine in the rinse water shall be allowed to dissipate and discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-295, filed 4/6/88.]

**WAC 173-160-305 Sealing of artificial gravel-packed wells.** (1) **Permanent surface casing not installed.** An upper drill hole having a diameter of at least four 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. If the upper drill hole will not remain open throughout construction of the well, a temporary surface casing must be installed to this depth to maintain the annular space. The annular space to this depth shall be filled with cement grout, puddling clay, or bentonite. 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 eighteen feet below land surface, provided that the casing does not pass through the impermeable zone. A watertight 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 the seal is watertight around the fill pipe. The fill pipe shall be capped with a watertight seal or plug. See Figure 3A.

(2) **Permanent surface casing installed.** When permanent surface casing is installed, the well bore shall have a diameter at least four inches greater than the surface casing for the introduction of sealing materials. A 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 subsection (1) of this section. If the upper drill hole will not remain open throughout construction of the well, a temporary casing must be used to maintain the oversized drill hole. The annular space to be sealed under conditions of subsections (1) and (2) of this section shall be kept full with cement grout, puddling clay, or bentonite as the temporary casing is withdrawn. See Figure 3B.

(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 eighteen feet below land surface. Sealing procedures, installation of gravel fill pipes and temporary casing are substantially the same as in subsections (1) and (2) of this section.

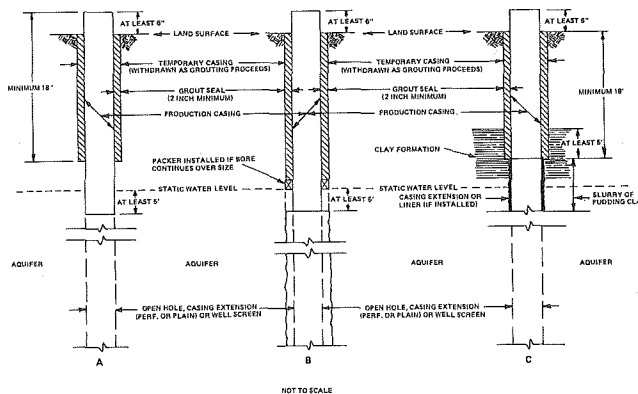


FIGURE 2. SEALING OF UNCONSOLIDATED FORMATIONS

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-305, filed 4/6/88.]

**WAC 173-160-315 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 eighteen feet or within three feet of the bottom in wells that are less than twenty-one feet in depth.

(1) In all dug wells, other than a buried slab type, concrete at least six 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 six 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.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-315, filed 4/6/88.]

**WAC 173-160-325 Special standards for driven or jetted wells.** In all driven point wells, the casing shall extend at least five feet below the anticipated pumping level. An upper hole at least four inches greater in diameter than the permanent casing shall extend a minimum of six 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, puddling clay, or bentonite. See Figure 5.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-325, filed 4/6/88.]

**WAC 173-160-335 Upper terminal of well.** The watertight casing or curbing of any well shall extend at least six inches above the ground surface. In the case of public water supplies where the site is not subject to flooding, the pumphouse floor must be at least one foot



[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-345, filed 4/6/88.]

**WAC 173-160-355 Testing of well--Access port or pressure gage.** All wells shall be equipped with an access port that allows for the measurement of the depth to water surface or a pressure gage that indicates the shut-in pressure of a flowing artesian well. See Figure 6. 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.

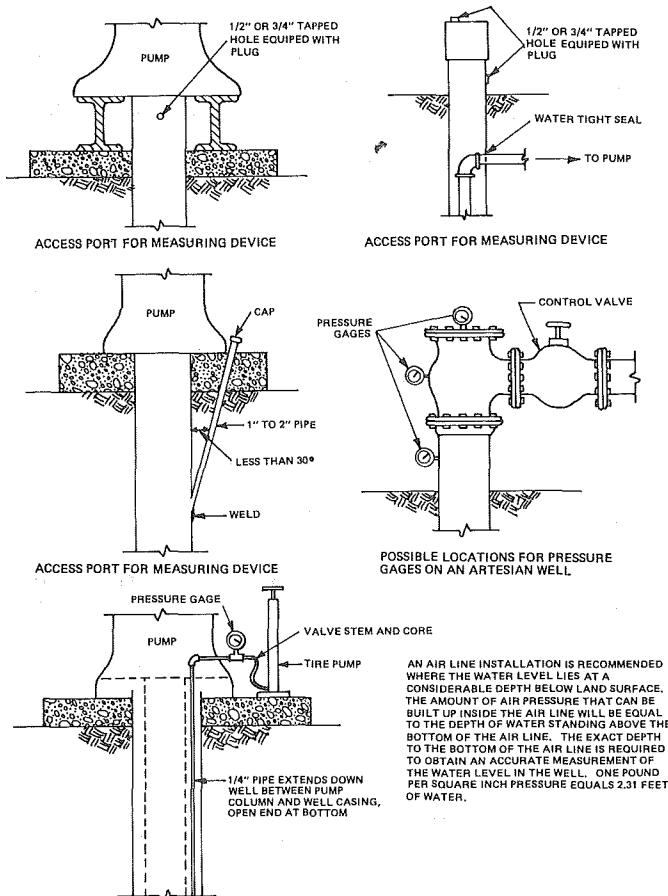


FIGURE 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIRLINES FOR MEASURING WATER LEVELS IN WELLS

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-355, filed 4/6/88.]

**WAC 173-160-365 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 disinfected with a

solution containing at least fifty ppm of chlorine for at least thirty minutes.

(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 fifty 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 twenty-four hours, after which there shall remain a minimum of ten 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.

(6) Chlorine is a pollutant. Allow the chlorine in the rinse to dissipate before discharging the water to surface water. This water shall be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-365, filed 4/6/88.]

**WAC 173-160-375 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 zone.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-375, filed 4/6/88.]

**WAC 173-160-385 Pump installation.** All pumps and pumping equipment shall be installed in a manner consistent with the intent and purposes of these regulations.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-385, filed 4/6/88.]

**WAC 173-160-395 Explosives.** The use of explosives in the construction, development or reconditioning of any water well shall be accomplished under the direct supervision of an individual licensed under chapter 70.74 RCW.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-395, filed 4/6/88.]

**WAC 173-160-405 Chemical conditioning.** The use of detergents, chlorine, acids or other chemicals in wells for the purpose of increasing or restoring yield, may be used according to manufacturer's recommendations.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-405, filed 4/6/88.]

**WAC 173-160-415 Abandonment of wells. General.** (1) Any well which is unusable, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be abandoned. The abandonment procedure (as prescribed by these regulations) must be recorded and reported as required by the department.

(2) Wells that were not constructed in accordance with these regulations, or wells which are abandoned to allow the placement of potential sources of contamination within one hundred feet of the well, shall be abandoned in one of two ways:

(a) The casing shall be perforated from the bottom to within five feet of the land surface and pressure grouted. Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(b) Withdraw the casing and fill the bore hole with grout, puddled clay, or bentonite as the casing is being withdrawn.

(3) Piping of sealing materials directly to the point of application or placement by means of a dump bailer or tremie tube is recommended. If cement grout, neat cement, or puddled clay is used as a sealing material below the static-water level in the well, it should be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place grout, the discharge end of the tremie tube shall be submerged in the grout to avoid breaking the seal while filling the annular space.

(4) If it can be verified that a water supply well was constructed in accordance with these regulations, and it is not being abandoned to allow siting of potential sources of contamination within one hundred feet of the well, it shall be abandoned in accordance with WAC 173-160-420 through 173-160-465, whichever applies.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-415, filed 4/6/88.]

**WAC 173-160-420 Abandonment of uncased wells.** Uncased wells shall be backfilled with concrete, grout, puddled clay, or high-solids bentonite.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-420, filed 4/6/88.]

**WAC 173-160-425 Abandonment of wells--Abandonment 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, puddled clay, or bentonite.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-425, filed 4/6/88.]

**WAC 173-160-435 Abandonment of wells--Abandonment 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, puddled clay, or bentonite.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-435, filed 4/6/88.]

**WAC 173-160-445 Abandonment of wells--Abandonment of artesian wells.** A cement grout or concrete plug shall be placed in the confining stratum overlying the artesian zone to prevent subsurface leakage from the

artesian zone. The remainder of the well shall be filled with cement grout, concrete, or bentonite.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-445, filed 4/6/88.]

**WAC 173-160-455 Abandonment of wells--Abandonment of dug wells.** Clean chlorinated sand shall be installed to a point two feet above static water level. The remainder of the well to land surface shall be filled with clay, concrete, puddled clay, or bentonite.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-455, filed 4/6/88.]

**WAC 173-160-465 Abandonment of wells--Plugging of test 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. Test wells shall be abandoned in accordance with WAC 173-160-420.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-465, filed 4/6/88.]

**WAC 173-160-475 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.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-475, filed 4/6/88.]

### PART THREE--RESOURCE PROTECTION WELLS

**WAC 173-160-500 Design and construction--General.** (1) No resource protection well shall be used for domestic, industrial, commercial, or agricultural purposes, unless it meets the minimum construction standards for water supply wells.

(2) No resource protection well shall interconnect saturated formations or aquifers.

(3) Cuttings and development water shall be managed in a manner consistent with the intent and purposes of the Water Pollution Control Act, chapter 90.48 RCW, the Hazardous Waste Management Act, chapter 70.105 RCW, and implementing regulations (chapter 173-303 WAC).

(4) A well identification number shall be permanently attached or engraved on the inner and outer well casings.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-500, filed 4/6/88.]

**WAC 173-160-510 Design and construction--Surface protective measures.** (1) Every resource protection well shall be capped and protected using one of the following methods:

(a) If the well is cased with metal and completed above the ground surface, a lockable cap shall be attached to the top of the casing.

(b) If the well is not cased with metal and completed above the ground surface, a metal protective casing shall be installed around the well. The protective casing shall extend at least six inches above the top of the well casing

and at least two feet into the ground. A lockable cap shall be attached to the top of the protective casing.

(c) If the well is completed below ground surface, a lockable "water-meter cover," or equivalent, shall be installed around the well. A protective cover, level with the ground surface, shall be installed with a waterproof seal to prevent the inflow of surface water. Drains shall be provided, when feasible, to keep water out of the well and below the well cap. The cover must be designed to withstand the maximum expected loadings.

(2) The well(s), completed above ground, shall be protected from damage by one of the following methods:

(a) Three metal posts at least three inches in diameter, and set in concrete, shall be installed in a triangular array around the casing and at least two feet from it. Each post shall extend at least three feet above and below the ground surface.

(b) A reinforced concrete pad may be installed to prevent freeze/thaw cracking of the surface seal. When a concrete pad is used, the well seal shall be part of the concrete pad.

(c) A protective cover shall be installed when the well is completed below the ground surface. The cover must be designed to withstand the maximum expected loadings.

(3) The protective measures may be waived, if the well is inspected at least weekly and is located in a secure area that is not susceptible to vandalism or to damage.

(4) If the well is to be protected by other surface protection methods, the owner shall obtain prior written approval from the department.

(5) If the well is damaged, the well protection measures and casing shall be restored as prescribed by this chapter. If the well is damaged beyond repair, it shall be properly plugged and abandoned in accordance with WAC 173-160-560.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-510, filed 4/6/88.]

**WAC 173-160-520 Design and construction--Casing.** The casing shall be nonreactive with the subsurface environment. The casing shall not effect or interfere with the chemical, physical, radiological, or biological constituents of interest. All resource protection well casing shall conform to ASTM Standards, or at least 304 or 316 stainless steel, PTFE, or Schedule 40 PVC casing. Glued casing joints shall not be used in areas of known or potential contamination.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-520, filed 4/6/88.]

**WAC 173-160-530 Design and construction--Cleaning.** (1) When drilling in known or potential areas of contamination, the drill rig derrick and all drilling equipment shall be steam cleaned before and after well construction.

(2) The casing and screen(s) shall be steam cleaned and rinsed before installation, and stored off the ground on secure clean racks.

(1990 Ed.)

(3) The filter pack shall be washed with clean water before installation and shall not interfere with the chemical, physical, radiological, or biological constituents of interest.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-530, filed 4/6/88.]

**WAC 173-160-540 Design and construction--Well screen, filter pack, and development.** (See Figure 7 at the end of this section.) (1) Wells installed for water quality sampling shall include the following:

(a) Commercially fabricated screen. The well screen shall be constructed of material that is nonreactive to subsurface conditions.

(b) Filter pack. A filter pack is preferred, but not required in coarse or granular formations. When used, it shall be installed from the bottom of the screen to at least three feet above the top of the screen.

(2) Well development. The well shall be developed to assure continuity between the well, well screen, and formation materials.

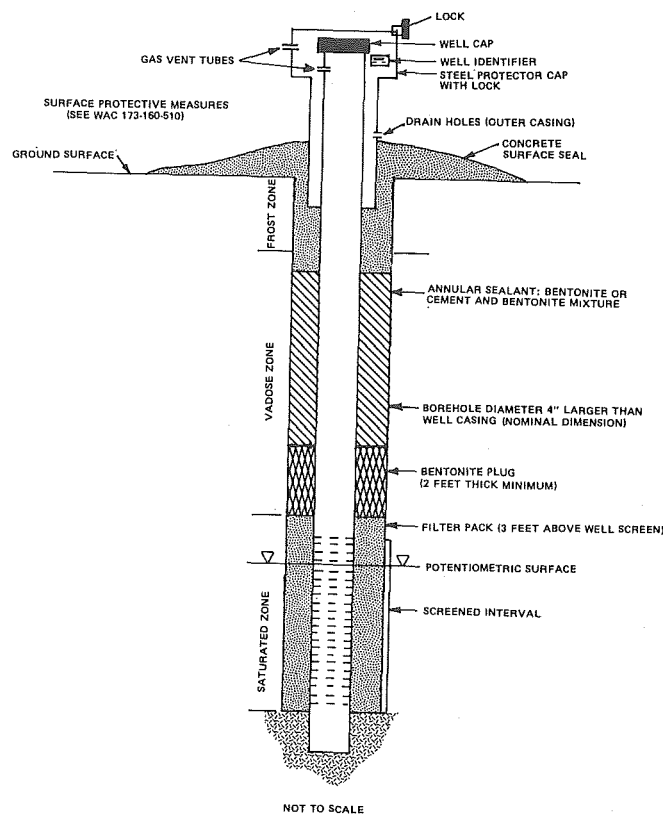


FIGURE 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-540, filed 4/6/88.]

**WAC 173-160-550 Design and construction--Well seals.** (1) A layer of bentonite at least two feet thick shall be placed on top of the filter pack. Figure 7 illustrates the well construction.

(2) The annular space shall be grouted with bentonite; or a bentonite-cement sealant, which has a weight in the

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range of eleven to thirteen pounds per gallon as verified on site, with a mud balance. Monitoring wells designed to retain the outer casing shall be sealed into the first impermeable layer. The sealant shall be installed with a tremie tube from the bottom up. Use only potable water to hydrate the mixture.

(3) Other methods may be used to seal the annular space, if they provide equivalent protection, and a variance has been issued by the department.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-550, filed 4/6/88.]

**WAC 173-160-560 Abandonment of resource protection wells.** (1) If it can be verified that a resource protection well was constructed in accordance with these regulations, it shall be abandoned by filling the casing from the bottom to the surface with grout or bentonite. If the construction cannot be verified, the well shall be abandoned in accordance with WAC 173-160-415(2).

(2) The abandonment procedure shall be recorded on a form provided by the department and shall include, as a minimum, the following information: Project name, if appropriate; date; location of well by 1/4, 1/4, section or smallest legal subdivision; well identification number; use of well; method of setting the plug; type and amount of sealant used; and such additional information as required by the department.

(3) The well abandonment must be recorded and reported to the department within thirty days of abandonment.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-560, filed 4/6/88.]

### Chapter 173-162 WAC

#### REGULATION AND LICENSING OF WELL CONTRACTORS AND OPERATORS

##### WAC

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

173-162-110	Examinations—Conducting examinations. [Order DE 73-10, § 173-162-110, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.
173-162-150	Licenses—Conditional license. [Order DE 73-10, § 173-162-150, filed 6/29/73.] Repealed by 88-08-

070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.

173-162-160 Temporary authorization. [Order DE 73-10, § 173-162-160, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.

173-162-180 Water well contractors—Identification numbers. [Order DE 73-10, § 173-162-180, filed 6/29/73.] Repealed by 88-08-070 (Order 88-58), filed 4/6/88. Statutory Authority: Chapter 18.104 RCW.

**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 well contractors and operators.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-010, filed 4/6/88; Order DE 73-10, § 173-162-010, filed 6/29/73.]

**WAC 173-162-020 General.** These regulations are applicable to all well contractors and operators who are contracting for well construction or constructing wells in the state of Washington.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-020, filed 4/6/88; 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) "Drilled well" is a well which is usually excavated by mechanical means such as rotary, cable tool, or auger rigs.

(5) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(6) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(7) "Licensee" is any person licensed as a well contractor pursuant to the provisions of this act and these rules.

(8) "Liner" means any casing, screen, or other device inserted into a larger casing, screen, or bore hole as a means of sealing off undesirable material or maintaining the structural integrity of the well.

(9) "Landfill gas extraction well" is a well used to withdraw gas from an unsaturated zone.

(10) "Monitoring well" is a well designed to obtain a representative ground water sample and/or to measure the water level over the screened interval.

(11) "Observation well" is a well designed to measure the depth to the water table. An observation well is screened across the water table and usually is installed in unconfined aquifers.

(12) "Operator" is any person employed by a well contractor or self employed as a contractor operator for the control and supervision of well construction and for the operation of well construction equipment.

(13) "Piezometer well" is a well designed to measure the hydraulic potential (water level elevation) at a specific point in the subsurface. A piezometer has a short screen that is positioned entirely beneath the water table.

(14) "Resource protection wells" mean monitoring wells, observation wells, piezometers and spill response wells, and cased geotechnical test borings.

(15) "Spill response well" is any well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(16) "Supervision" or "supervising" means being present at the site of well construction and responsible for proper construction at any and all times well construction equipment is being operated.

(17) "Water supply well" means any well that is used to withdraw, dewater, or recharge ground water.

(18) "Well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of an excavation is for the location, diversion, artificial recharge or withdrawal of ground water. Well includes water-supply well and resource protection well. Well does not mean excavations excluded in WAC 173-160-010(3).

(19) "Well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing wells.

(20) "Well rig" is any power driven, percussion, rotary, boring, digging, jetting, or augering machine used in the construction of a well.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-030, filed 4/6/88; Order DE 73-10, § 173-162-030, filed 6/29/73.]

**WAC 173-162-040 Compliance--Requirement for licensing.** (1) A well construction operators license is required for all operators.

(2) A well construction operators license is required for all well contractors as follows:

(a) Every 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 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 well construction operator in its employ; provided that all well construction associated with their various projects is conducted by a duly licensed well contractor.

(1990 Ed.)

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-040, filed 4/6/88; Order DE 73-10, § 173-162-040, filed 6/29/73.]

**WAC 173-162-050 Exemptions.** A 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 well contractor in connection with the drilling of a well at the direction and under on-site supervision and control of a licensed operator.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-050, filed 4/6/88; 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.

(3) Has at least two years of field experience with a licensed well driller or one year of field experience and an equivalent of at least one school year of qualifying educational training. The qualifying educational training should include the following studies, in combination with field demonstration and experience for the minimum amount of hours shown:

(a) Ground water geology and hydrology - fifty-five hours;

(b) Well design and construction - fifty-five hours;

(c) Records and business basics - twenty-two hours;

(d) History of methods of drilling - twenty-two hours;

(e) Welding - one hundred ten hours; and

(f) Well drilling experience - four hundred fifty-nine hours.

These criteria must have official documentation by state or nationally approved institutions of higher learning.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-060, filed 4/6/88; 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.

(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.]

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**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 department. 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 well construction;
- (4) Drilling tools and equipment;
- (5) Underground geology as it relates to well construction;
- (6) Rules and regulations of the department and the department of social and health services relating to 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.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-100, filed 4/6/88; Order DE 73-10, § 173-162-100, 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 in its implementation of the licensing phase of the Washington Water Well Construction Act to effect a smooth transition of this requirement into the well construction industry without causing undue hardship on individuals and/or businesses whose livelihood is dependent upon continuing work in this field.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-130, filed 4/6/88; 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 well construction operators license without any restrictions or conditions.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-140, filed 4/6/88; Order DE 73-10, § 173-162-140, filed 6/29/73.]

**WAC 173-162-170 Retaking examination.** Upon failing to qualify for a 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.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-170, filed 4/6/88; Order DE 73-10, § 173-162-170, filed 6/29/73.]

**WAC 173-162-190 Well contractors—Responsibilities.** The 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.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-190, filed 4/6/88; Order DE 73-10, § 173-162-190, filed 6/29/73.]

**WAC 173-162-200 Enforcement.** In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190, civil penalties under RCW 90.03.600 and 18.104.155, and criminal penalties under RCW 18.104.160.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-200, filed 4/6/88.]

**WAC 173-162-210 Appeals.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43-21B RCW.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-210, filed 4/6/88.]

**WAC 173-162-220 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-162-220, filed 4/6/88.]

**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.
- 173-164-080 Regulation review.

**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
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: Chapters 43.83B and 43.27A RCW. 88-13-037 (Order 88-11), § 173-164-050, filed 6/9/88. 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.]

**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.]

**WAC 173-164-080 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.83B and 43.27A RCW. 88-13-037 (Order 88-11), § 173-164-080, filed 6/9/88.]

### 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.
173-166-070	Regulation review.

**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.

(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.]

**WAC 173-166-070 Regulation review.** The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.83B and 43.27A RCW. 88-13-037 (Order 88-11), § 173-166-070, filed 6/9/88.]

### Chapter 173-170 WAC

#### AGRICULTURAL WATER SUPPLY FACILITIES

##### WAC

173-170-010	Purpose and authority.
173-170-020	Definitions.
173-170-030	Application process—Planning phase.
173-170-040	Comprehensive water conservation plan—Contents—Funding.
173-170-050	Planning phase—Funding.
173-170-060	Application process—Implementation phase.
173-170-070	Criteria for approval of requests for financial assistance—Implementation phase.
173-170-080	Implementation phase—Funding.
173-170-090	Emergency projects—Applications—Designation—Funding.
173-170-100	Small parcels—Funding.
173-170-110	Fisheries and recreational facilities—Funding.
173-170-120	Supplemental guidelines.

**WAC 173-170-010 Purpose and authority.** The purpose of this chapter is to establish requirements for the grant and loan program covering rehabilitation, improvement, and construction of agricultural water supply facilities pursuant to Referendum 38, chapter 43.99E RCW. The department shall provide grants and loans to applicants for water supply facilities for agricultural use alone or in combination with fishery, recreational, or other beneficial uses of water. In this regard, an objective of providing state assistance to public bodies engaged in irrigation shall be to assist those entities in improving their efficiency of water use beyond current levels.

Note: All statutes, rules, or regulations cited in this chapter are available for review at Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-010, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-020 Definitions.** (1) "Department" means the Washington state department of ecology.

(2) "Agreement" means a binding legal document containing all applicable terms and conditions pertaining to loans and/or grants entered into under Referendum 38 which is signed by the program manager for the department's water resources program and by the duly authorized official of the applicant.

(3) "Agricultural water supply facility" means a water supply and distribution system used for agricultural purposes and owned or operated by a public body, including but not limited to all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system.

(4) "Applicant" means the public body making a request for financial assistance under Referendum 38.

(5) "Class A project" means a construction element associated with an agricultural water supply facility which:

(a) Results in improved water use efficiency and/or quantitative water savings as determined by the department; and

(b) Is one or more of the following: (i) Canal and lateral linings; (ii) piped conveyance and distribution system; (iii) consolidation and/or realignment of delivery systems; (iv) flow measuring devices, e.g., flow control devices; (v) entire structures/regulating structures (which are new or replace obsolete ones) including: (A) Checks, (B) checkdrops, (C) siphons, (D) turnouts, (E) flumes, (F) reregulation reservoirs; (vi) multiple use water storage dams and reservoirs; (vii) automation with central control of regulating structures including on-off control of pumping plants in canals and laterals; (viii) new booster pumps for pressurized systems; (ix) project pumping plants;

(c) In the event there are technological advances that increase water use efficiency and/or result in significant water savings that are not described in (a) of this subsection, such project element(s) will be evaluated as a Class A project by the department.

(6) "Class B project" means a construction element associated with an agricultural water supply facility which:

(a) Does not contribute to quantitative water savings as determined by the department; and

(b) Is one or more of the following: (i) In-line water withdrawal pumping plant; (ii) well drilling, well pumps; (iii) diversion dams; (iv) replacement, rehabilitation, or improvement of in-line booster pump(s); (v) rehabilitation or improvement of storage dam(s) or part(s) thereof.

(7) "Emergency project" means a capital improvement construction element to repair, due to natural causes (except drought), water supply, diversion or conveyance facilities, which is necessary to prevent unsafe conditions or ensure the continued delivery or conveyance of water in the agricultural water supply system.

(8) "Financial assistance" means grants and loans as authorized by chapter 43.99E RCW, Referendum 38.

(9) "Fisheries facility" means a construction element associated with an agricultural water supply facility which:

(a) Is identified as an integral element of a project for the construction, rehabilitation, and/or improvement of an agricultural water supply facility; and

(b) Will provide recognized benefits to the anadromous and/or resident fish species of the state.

(10) "Implementation phase" means the acquisition, design, construction, and improvement of agricultural water supply facilities within an irrigation district or a specific area or drainage basin for storing, diverting, transporting, or distributing water to land for irrigation and for protecting and enhancing fisheries, recreational, or other beneficial uses that may be associated with such facilities.

(11) "Local clearinghouse" means the county or regional comprehensive planning agency designated to serve as a coordinating office for certain local areas. A list of clearinghouses is available from the department. The local clearinghouses review proposed projects for conformance to regional plans, ask for comments from other agencies, and relay these remarks back to the applicant. This process helps assure that policies and comprehensive plans of cities, counties, or regions will be followed.

(12) "Payment schedule" means the due dates for loan payments and any interest thereon, as included in the loan agreement.

(13) "Planning phase" means the preparation of a comprehensive water conservation plan which conforms with WAC 173-170-060, which covers the applicant's entire jurisdiction and service area.

(14) "Plans and specifications" means engineering information and calculations to support the project and construction drawings with necessary engineering detail of the project and complete material specifications and standards to support the drawings and project. These will be prepared in sufficient detail and, upon approval by the department, become part of the bid documents which allow contractors to bid on and construct agricultural water supply facilities or attendant fisheries facilities or recreational facilities or a portion thereof.

(15) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof; an agency of the federal government; and those Indian tribes which may constitutionally receive grants or loans from the state of Washington.

(16) "Recreational facility" means a water and/or water-associated system which:

(a) Is identified as an integral element of an agricultural water supply facility; and

(b) Will provide recognized benefits for human use and recreation through fishing, boating, water skiing, swimming, rafting, picnicking, and/or camping.

(17) "Referendum 38" means the grant and loan financial assistance program and its procedures, which pertain to agricultural water supply facilities alone or in combination with fishery, recreational, or other beneficial uses of water, as authorized in chapter 43.99E RCW.

(18) "Request for financial assistance" means the formal application packet, as described in WAC 173-170-030 and 173-170-060, submitted to the department requesting grant and/or loan funds to accomplish an eligible project.

(19) "Small parcels" means those lands which:

(a) Have been platted or subdivided prior to the enactment of the 1985 amendment to RCW 58.17.310; and

(b) Are entitled to receive irrigation water for non-commercial use; and

(c) Lie wholly within an irrigation district established under state laws prior to July 28, 1985.

(20) "Water use efficiency elements" means those implementation projects or portions thereof which result

in reduced operational and conveyance losses and improved delivery of requisite amounts of water to farms within the limits of the pertinent water right permit or certificate.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-020, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-030 Application process—Planning phase.** (1) Requests for financial assistance for the planning phase shall be submitted to the department between November 1 of any year and the last day of February of the following year.

(2) The applicant shall submit an application form with the following minimum information:

(a) Who shall prepare the comprehensive plan;

(b) A projected completion date for the comprehensive plan;

(c) A United States Geological Survey Quadrangle or comparable map of the area to be covered by the comprehensive plan.

(3) Requests for loan funding must be accompanied by a resolution executed by the applicant's governing body that they will follow the procedures for indebtedness in chapter 87.03 RCW and establish a reserve account into which funds will be deposited in an amount adequate to provide coverage for principal and interest payments due under the loan agreement, whenever circumstances beyond the applicant's control preclude payments from standard sources.

(4) Within ninety days of receipt of the request for financial assistance, the department will notify the applicant of its preliminary findings regarding eligibility. In all cases the department shall make its final selection of funded projects and notify the applicants no later than May 31 following the application period.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-030, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-040 Comprehensive water conservation plan—Contents—Funding.** The comprehensive water conservation plan, which is the ultimate work product due at the end of the planning phase, will address and provide information on the following topics for the geographical area indicated in the request for financial assistance:

#### Applicant Organization

(1) Applicant's statutory authority; history of organization management; assessment authority; and operation procedures and management policies.

#### Land Base and Land Use

(2) Layout map showing:

(a) Boundaries of the applicant's jurisdiction and service area;

(b) Location of: (i) The lands which are assessed by the applicant, and (ii) those lands to which water is delivered in accordance with the water rights or water right claims or otherwise;

(c) Land use information including total acres irrigated over a representative historical period and cropping patterns for each year of a recent five-year period.

#### Water Supply, Use, and Rights

(3) Layout map showing location of: (a) Natural features (streams, rivers, lakes, ground water aquifers) including those in the watershed(s) where the water supply originates; and (b) all of the applicant's existing water supply facilities inside and out of its service area.

(4) Information on the applicant's and/or pertinent individual's water rights and/or water right claims for irrigation water supply, including ongoing or future water rights or water rights claims, conflicts, and litigation.

(5) Hydrologic water supply data including historical records of surface water availability (natural flows and storage), and ground water pumpages and other pertinent aquifer data on availability for withdrawal for water supply purposes.

(6) Quantities of surface water diverted and/or ground water withdrawn for water supply for each year of a recent five-year period. (Annual and monthly acre-foot and maximum and minimum monthly flows in cfs (surface) and gpm (ground water).)

(7) Identify and assess the hydrological water flow system within the applicant's service area as it pertains to the quantities of water: (a) Diverted or withdrawn, (b) conveyed and distributed, (c) delivered and applied on farm, (d) which recharge the ground water and are returned to the agricultural water supply system, and (e) which comprise return flows for further irrigation downstream within the agricultural water supply system.

(8) Identify the quality of water supply and an assessment of the water quality impacts from use of the agricultural water supply system within the applicant's jurisdiction.

#### Present Facilities and Operations

(9) Identify and describe the present physical system utilized for the storage, diversion, pumping, conveyance, and distribution of the water supply.

(10) Assess and evaluate the existing water supply system including system efficiencies and energy use.

#### Water Needs and Adequacy of Water Supply

(11) Forecast future trends of land use.

(12) Estimate irrigation water requirements for the present and anticipated land use and cropping patterns.

(13) Relate the water needs to present water supply available.

#### Evaluation of Opportunities for Improvements in Water Supply and Distribution System Efficiencies

(14) Identify improvements in water supply and distribution system efficiencies (structural and nonstructural).

(15) Document a system improvements and rehabilitation plan, prepare preliminary designs and cost estimates, and estimate time frame for implementation. Identify location of improvements on layout map.

(16) Quantify the reasonable net water savings that would result from the efficiency improvements.

(17) Identify and describe opportunities for improving irrigation water management.

(18) Quantify any net energy savings that would result from efficiency improvements.

(19) Evaluate the socioeconomic impacts from the efficiency improvements and rehabilitation plan and changes or modifications of the systems operations and management policies. Discuss and quantify the benefits that accrue from the implementation of the improvements and rehabilitation plan.

(20) Assess and evaluate the impacts and benefits of transferring the net water savings to other water uses and resources.

(21) Identify associated wetlands and assess the impacts on them from implementation of the physical system's improvements and rehabilitation plan.

(22) Evaluate the impacts on water quality standards from implementation of the physical system's improvements and rehabilitation plan.

(23) Evaluate other environmental impacts from the efficiency improvements and rehabilitation plan. Develop a plan regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA) if applicable.

#### Financial

(24) Develop a financial program that addresses the implementation of the improvements and rehabilitation plan. The financial program should include, among other elements, a time schedule for completing the comprehensive water conservation plan, a summary of the applicant's current indebtedness and repayment plans, present and future operation, maintenance and energy costs (with and without implementation of the proposed project), and a schedule of assessments to cover planned indebtedness to complete implementation of the comprehensive water conservation plan.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-040, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-050 Planning phase--Funding.** (1) Financial assistance will be available for the planning phase in the form of:

(a) Grants in the amount of fifty percent of the total eligible phase costs; and

(b) Concurrent loans in the amount of forty percent of the total eligible phase costs.

(2) Loans shall be for a maximum five-year period, repayable at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into, discounted by four percent.

(3) Comprehensive water conservation plans must precede the implementation phase for projects approved after the effective date of these rules, with the following exceptions:

(a) Specific project work approved by the department prior to the effective date of these rules; or

(b) Project work that is currently in the implementation phase, when these rules become effective; or

(c) Specific project work that is approved by the department as part of a phased project begun prior to the effective date of these rules.

For these exceptions, work may proceed without an approved comprehensive water conservation plan, provided that the applicant undertakes and completes its plan covering such projects within two years from the effective date of these rules.

(4) Financial assistance for the planning phase, regardless of the form it takes, may not exceed two hundred thousand dollars per applicant. This ceiling shall not be subject to the review contained in WAC 173-170-080(5).

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-050, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-060 Application process—Implementation phase.** (1) Requests for financial assistance for the implementation phase shall be submitted to the department between November 1 of any year and the last day of February of the following year.

(2) The applicant will submit two preapplication forms to the nearest local clearinghouse; one for the department and one for planning and community affairs. These forms are available from either the department or the clearinghouse.

(3) The applicant shall accompany the request for financial assistance with a copy of the completed comprehensive water conservation plan as approved by the department indicating which part(s) of the plan the proposed project fits under and the location of the proposed project on a United States Geological Survey Quadrangle map or any other comparable and readily available map.

(4) Within ninety days of receipt of the request for financial assistance, the department will notify the applicant of its preliminary findings regarding eligibility as to organization, type of project, purpose(s) of project, and conformance with the objectives of Referendum 38. In all cases the department shall make its final selection of funded projects and notify the applicant no later than May 31 of the year following the close of the current application period.

(5) Requests for loan funding must be accompanied by a resolution executed by the applicant's governing body that they will follow the procedures for indebtedness in chapter 87.03 RCW and establish a reserve account into which funds will be deposited in an amount adequate to provide coverage for principal and interest payments due under the loan agreement, whenever circumstances beyond the applicant's control preclude payments from standard sources.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-060, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-070 Criteria for approval of requests for financial assistance—Implementation phase.** (1)(a) The implementation phase project(s) must be included

in a comprehensive water conservation plan approved by the department.

(b) For projects that received approval from the department prior to the effective date of these rules, work may proceed provided the applicant undertakes and completes a comprehensive water conservation plan within two years of the effective date of these rules.

(2) The agricultural water supply facilities must be designed to accomplish the purpose of the planned project. Accepted engineering design principles, criteria, and concepts will be used in the design of the facilities and approved by the department. Cost estimates for the proposed project must be prepared in detail. Plans and specifications must be approved by the department prior to advertising for construction bids.

(3) The State Environmental Policy Act (SEPA) requirements for any proposed actions must be met. The SEPA rules, chapter 197-11 WAC, will be followed to determine the environmental impacts of the proposed project. A copy of the environmental assessment and the final impact statement, if appropriate, must be submitted to the department. If no impact statement has been prepared, a copy of the declaration of nonsignificance in accordance with chapter 197-11 WAC must be submitted to the department.

(4) Documentation showing all lands and land rights required for satisfactory construction, operation, and maintenance of the project have been or can be acquired.

(5) The project will not be in conflict with any applicable federal, state, and local laws, orders, regulations, rules, licenses, and permits.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-070, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-080 Implementation phase—Funding.** (1) Implementation phase projects will be categorized by the department as Class A projects or Class B projects in accordance with the definitions for those terms under WAC 173-170-020 (5) and (6).

(2) For projects that received approval from the department prior to the effective date of these rules and where the applicant is working on the comprehensive water conservation plan, financial assistance will be available as follows:

(a) For Class A projects, grants in the amount of twenty-five percent of the total eligible project costs; and concurrent loans in the amount of sixty-five percent of the total eligible project costs.

(b) For Class B projects, grants in the amount of fifteen percent of the total eligible project costs; and concurrent loans in the amount of seventy-five percent of the total eligible project costs.

(3) Financial assistance for Class A projects subject to a completed comprehensive water conservation plan will be available in the form of:

(a) Grants in the amount of thirty percent of the total eligible project costs; and

(b) Concurrent loans in the amount of sixty percent of the total eligible project costs.



(4) Financial assistance for Class B projects subject to a completed comprehensive water conservation plan will be available in the form of:

(a) Grants in the amount of fifteen percent of the total eligible project costs; and

(b) Concurrent loans in the amount of seventy-five percent of the total eligible project costs.

(5) Financial assistance for implementation phase projects shall be limited to a total of one million five hundred thousand dollars per applicant regardless of the form such financial assistance takes, with the following possibility of increase. This cap shall be subject to review on July 1, 1994. In the event that demand on the Referendum 38 fund is significantly less than anticipated this cap may be adjusted upwards to provide more funding possibilities to applicants already at the upper limit.

(6) Loans shall be available on the following repayment and interest schedule:

(a) Loans for up to a maximum five-year period, repayable with interest at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into, discounted by four percent.

(b) Loans for five years through a maximum ten-year period, repayable with interest at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into, discounted by two percent.

(c) Loans for ten years through a maximum fifteen-year period, repayable with interest at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into, discounted by one percent.

(d) Loans for fifteen years through a maximum twenty-five-year period, repayable with interest at an annual percentage rate which equals the rate for one year federal treasury bills at the first auction following July 1 of the year in which the loan agreement is entered into.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-080, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-090 Emergency projects--Applications--Designation--Funding.** (1) Applications for emergency projects may be accepted at any time throughout the year. The application shall indicate:

(a) The nature of the occurrence that caused the need for repairs;

(b) The location of needed repairs;

(c) A project description of the repairs; and

(d) A summary of how the repairs fit within the long-range improvements addressed in the comprehensive water conservation plan.

If the comprehensive water conservation plan has not been completed, a summary of how the repairs fit within proposed long-range improvements.

(2) Upon receipt of the application the department will designate the emergency project as a Class A or

Class B project. A decision on whether to fund the emergency project will be made within fifteen days of receipt of the application. The department may agree to the applicant incurring costs prior to an agreement being signed and shall so indicate by letter to the applicant.

(3) Financial assistance for emergency projects shall take the following form:

(a) For Class A projects, grants in the amount of thirty percent of the total eligible project costs; and concurrent loans in the amount of sixty percent of the total eligible project costs; or

(b) For Class B projects, grants in the amount of fifteen percent of the total eligible project costs; and concurrent loans in the amount of seventy-five percent of the total eligible project costs.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-090, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-100 Small parcels--Funding.** (1) A small parcel element is that part of an implementation project that provides irrigation water for noncommercial use to small parcels, as defined in WAC 173-170-020(19).

(2) Financial assistance for the small parcel element shall be available in the form of:

(a) Grants in the amount of fifteen percent of the small parcel element's total eligible costs; and

(b) Loans in the amount of fifty percent when unaccompanied by a grant or thirty-five percent in combination with a grant of the small parcel element's total eligible costs.

(3) Financial assistance, whether grant, loan, or a combination grant and loan, may not exceed one hundred thousand dollars for any one applicant.

(4) Total funds available state-wide for small parcel elements is one million dollars. Any moneys unspent out of that fund on July 1, 1995, shall be transferred to the general implementation fund and shall no longer be available for small parcel elements.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-100, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-110 Fisheries and recreational facilities--Funding.** (1) A fisheries or recreational facility element is the part of an implementation project that provides public benefits through concomitant use of water within an agricultural water supply facility. Specific elements are defined in WAC 173-170-020 (9) and (16).

(2) Financial assistance for the fisheries and/or recreational element shall be available as grants in the amount of seventy-five percent of the fisheries and/or recreational element's total eligible costs.

(3) Financial assistance for a fisheries and/or recreational element may not exceed five hundred twenty-five thousand dollars for any one applicant, which sum is not part of the cap on funding for the implementation phase, contained in WAC 173-170-080(5).

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-110, filed 10/2/90, effective 11/2/90.]

**WAC 173-170-120 Supplemental guidelines.** The department will publish guidelines which will describe in greater detail the financial assistance application, application review and funding issuance processes, the terms of financial assistance, and other elements of this program. These guidelines will also describe recommended methodologies for the completion of the comprehensive water conservation plan.

[Statutory Authority: RCW 43.17.060. 90-20-109, § 173-170-120, filed 10/2/90, effective 11/2/90.]

### Chapter 173-200 WAC

## WATER QUALITY STANDARDS FOR GROUND WATERS OF THE STATE OF WASHINGTON

### WAC

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**WAC 173-200-010 Introduction.** (1) This chapter implements chapter 90.48 RCW, the Water Pollution Control Act and chapter 90.54 RCW, the Water Resources Act of 1971.

(2) This chapter applies to all ground waters of the state that occur in a saturated zone or stratum beneath the surface of land or below a surface water body.

(3) This chapter shall not apply to:

(a) Contaminant concentrations found in saturated soils where those contaminants are chemicals or nutrients that have been applied at agronomic rates for agricultural purposes if those contaminants will not cause pollution of any ground waters below the root zone.

(b) Contaminant concentrations found in saturated soils where those contaminants are constituents that have been applied at approved rates and under approved methods of land treatment if those contaminants will not cause pollution of any ground waters below the root zone.

(c) Clean up actions approved by the department under the Model Toxics Control Act, chapter 70.105D RCW, or approved by the United States Environmental Protection Agency under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 et seq. Ground water cleanup standards for such sites shall be developed under WAC 173-340-720.

(4) The goal of this chapter is to maintain the highest quality of the state's ground waters and protect existing and future beneficial uses of the ground water through the reduction or elimination of the discharge of contaminants to the state's ground waters.

(5) To implement this goal, this chapter establishes ground water quality standards which, together with the state's technology-based treatment requirements, provide for the protection of the environment and human

health and protection of existing and future beneficial uses of ground waters.

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-010, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-020 Definitions.** As used in this chapter:

(1) "Activity" means any site, area, facility, structure, vehicle, installation, or discharge which may produce pollution.

(2) "Artificial ground water" means ground water that has been put in place through means, such as irrigation, other than natural recharge.

(3) "Background water quality" means the concentrations of chemical, physical, biological, or radiological constituents, or other characteristics in or of ground water at a particular point in time and upgradient of an activity that have not been affected by that activity.

(4) "Beneficial uses" means uses of waters of the state which include but are not limited to use for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, recreation, generation of electric power and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

(5) "Best management practices" or "BMPs" mean schedules of activities, prohibitions of practices, maintenance of procedures, and other management practices, to prevent or reduce the pollution of ground waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

(6) "Carcinogen" means any substance or agent that produces or tends to produce cancer in humans. For implementation of this chapter, the term carcinogen will apply to all substances on the United States Environmental Protection Agency Integrated Risk Information System, IRIS data base, of A (known human) and B1 and B2 (probable human) carcinogens for which IRIS listed an oral slope factor.

(7) "Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in ground water or that occurs at concentrations greater than those in the natural levels.

(8) "Criteria" means numerical values or narrative standards that represent the maximum allowable contaminant concentrations in the ground water.

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

(10) "Early warning value" means a concentration set in accordance with WAC 173-200-070 that is a percentage of a ground water quality enforcement limit.

(11) "Enforcement limit" means the value assigned to any contaminant for the purposes of regulating that contaminant.

(12) "Ground water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

(13) "Human-caused pollution" means pollution resulting from human activity.

(14) "Isolated ground water" means ground water fully separated from other ground waters by an impermeable layer of rock or strata.

(15) "Maximum contaminant level" or "MCL" means the maximum concentration of a contaminant in water established by the Environmental Protection Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in 40 C.F.R. 141 as presently promulgated or as subsequently amended or repromulgated.

(16) "Maximum contaminant level goal" or "MCLG" means the maximum concentration of a contaminant established by the Environmental Protection Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in 40 C.F.R. 141 as presently promulgated or subsequently amended or repromulgated, for which no known or anticipated adverse effects on human health occur including an adequate margin of safety.

(17) "Natural ground water quality" means ground water quality that was present before any human-caused pollution.

(18) "Naturally nonpotable ground water" means ground water that is unsuitable for drinking water because of natural ground water quality and for which current treatment methods are considered unreasonable and impractical.

(19) "Permit" means a department authorization, license, or equivalent control document issued to a facility, activity, or entity authorized to treat, store, dispose, or discharge materials or wastes. This includes, but is not limited to, state waste discharge permits issued pursuant to chapter 173-216 WAC, permits for dangerous waste management facilities issued pursuant to chapter 173-303 WAC, and permits for ground water withdrawal issued pursuant to chapter 90.44 RCW.

(20) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(21) "Point of compliance" means the location, set in accordance with WAC 173-200-060, where the ground water quality enforcement limit shall not be exceeded.

(22) "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, fish, or other aquatic life.

(23) "Practical quantification level" or "PQL" means the lowest concentration of a substance that can be reliably achieved within specific limits of precision, accuracy, representativeness, completeness, and

comparability during routine laboratory operating conditions.

(24) "Root zone" means the zone that extends from the surface of the soil to the depth of the lowest root and is specific to a species of plant, group of plants, or crop.

(25) "Saturated zone" means the zone below the water table in which all interstices are filled with water.

(26) "Seasonal ground water" means ground water that exists for a temporary period of the year and is usually associated with a particular activity or phenomenon.

(27) "State waste discharge permit" means a permit issued in accordance with the state waste discharge permit program, chapter 173-216 WAC.

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-020, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-030 Antidegradation policy.** (1) The antidegradation policy of the state of Washington, is generally guided by chapter 90.48 RCW, the Water Pollution Control Act, and chapter 90.54 RCW, the Water Resources Act of 1971. The goal of this policy is to ensure the purity of the state's ground waters and to protect the natural environment.

(2) The antidegradation policy is as follows:

(a) Existing and future beneficial uses shall be maintained and protected and degradation of ground water quality that would interfere with or become injurious to beneficial uses shall not be allowed.

(b) Degradation shall not be allowed of high quality ground waters constituting an outstanding national or state resource, such as waters of national and state parks and wildlife refuges, and waters of exceptional recreational or ecological significance.

(c) Whenever ground waters are of a higher quality than the criteria assigned for said waters, the existing water quality shall be protected, and contaminants that will reduce the existing quality thereof shall not be allowed to enter such waters, except in those instances where it can be demonstrated to the department's satisfaction that:

(i) An overriding consideration of the public interest will be served; and

(ii) All contaminants proposed for entry into said ground waters shall be provided with all known, available, and reasonable methods of prevention, control, and treatment prior to entry.

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-030, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-040 Criteria.** (1) Ground waters in the state of Washington support many different beneficial uses. The purpose of these criteria is to establish maximum contaminant concentrations for the protection of a variety of beneficial uses of Washington's ground water.

(a) Drinking water is the beneficial use generally requiring the highest quality of ground water.

(b) Providing protection to the level of drinking water standards will protect a great variety of existing and future beneficial uses.

(c) Some ground waters of the state support environmental systems with existing and future beneficial uses requiring more stringent protection than that provided by human health based criteria. These ground waters and dependent uses will be protected by either or both of the following:

(i) Designation of an area and its associated ground water as a special protection area in accordance with WAC 173-200-090.

(ii) Establishment of enforcement limits as close to the natural ground water quality as possible for activities that may adversely affect those ground waters in accordance with WAC 173-200-050.

(d) The use of criteria based on drinking water quality shall in no way be interpreted to mean that all ground waters are used for drinking water or that all ground waters are presently suitable for drinking water.

(2) The following criteria shall apply to all ground waters in the state of Washington:

(a) Ground water concentrations shall not exceed the criteria listed in Table 1, except as described in WAC 173-200-050 (3)(b).

(b) For the primary and secondary contaminants and radionuclides listed in Table 1, the criteria shall be the most stringent concentration of the following and those listed in Table 1:

- (i) Maximum contaminant level goals;
- (ii) Maximum contaminant levels; and
- (iii) State maximum contaminant levels published in chapter 248-54 WAC as presently promulgated or subsequently amended or repromulgated.

The criteria for primary and secondary contaminants and radionuclide contaminants in Table 1 shall be amended as the federal and state rules are amended and without amendment of this chapter.

(c) For carcinogens listed in Table 1, the criteria are the concentrations that are anticipated to result in a total incremental human cancer risk of less than 1 in 1,000,000, and were estimated using the following equation and standard exposure assumptions:

$$\text{Ground Water Criteria (ug/1)} = \frac{\text{RISK} \times \text{BW} \times \text{LIFE} \times \text{UCF}}{\text{CPF} \times \text{DWIR} \times \text{DUR}}$$

Where:

- RISK = Human cancer risk level (1 in 1,000,000)
- BW = Body Weight (70 kg)
- LIFE = Lifetime (70 years)
- UCF = Unit conversion factor (1,000 ug/mg)
- CPF = Cancer potency factor as published in the IRIS data base (1/mg/kg/day)
- DWIR = Drinking water ingestion rate (2.0 liters/day)
- DUR = Duration of exposure (30 years)

For volatile carcinogens, inhalation exposure from showering was incorporated into the criteria by doubling the drinking water ingestion rate.

(3) For contaminants for which no numeric criteria have been established, enforcement limits shall be established in accordance with WAC 173-200-050.

TABLE 1  
GROUND WATER QUALITY CRITERIA

CONTAMINANT	CRITERION	
<b>I. PRIMARY AND SECONDARY CONTAMINANTS AND RADIONUCLIDES</b>		
<b>A. PRIMARY CONTAMINANTS</b>		
Barium*	1.0	milligrams/liter (mg/l)
Cadmium*	0.01	mg/l
Chromium*	0.05	mg/l
Lead*	0.05	mg/l
Mercury*	0.002	mg/l
Selenium*	0.01	mg/l
Silver*	0.05	mg/l
Fluoride	4	mg/l
Nitrate (as N)	10	mg/l
Endrin	0.0002	mg/l
Methoxychlor	0.1	mg/l
1,1,1-Trichloroethane	0.20	mg/l
2-4 D	0.10	mg/l
2,4,5-TP Silvex	0.01	mg/l
Total Coliform Bacteria	1/100	ml
<b>B. SECONDARY CONTAMINANTS</b>		
Copper*	1.0	mg/l
Iron*	0.30	mg/l
Manganese*	0.05	mg/l
Zinc*	5.0	mg/l
Chloride	250	mg/l
Sulfate	250	mg/l
Total Dissolved Solids	500	mg/l
Foaming Agents	0.5	mg/l
pH	6.5-8.5	
Corrosivity	noncorrosive	
Color	15 color units	
Odor	3 threshold odor units	
<b>C. RADIONUCLIDES</b>		
Gross Alpha Particle Activity	15	pico Curie/liter (pCi/l)
Gross Beta Particle Radioactivity		
Gross Beta Activity	50	pCi/l
Tritium	20,000	pCi/l
Strontium-90	8	pCi/l
Radium 226 & 228	5	pCi/l
Radium -226	3	pCi/l
<b>II. CARCINOGENS</b>		
Acrylamide	0.02	micrograms/liter ug/l
Acrylonitrile	0.07	ug/l
Aldrin	0.005	ug/l
Aniline	14	ug/l
Aramite	3	ug/l
Arsenic*	0.05	(ug/l)
Azobenzene	0.7	ug/l
Benzene	1.0	ug/l
Benzidine	0.0004	ug/l
Benzo(a)pyrene	0.008	ug/l
Benzotrithloride	0.007	ug/l
Benzyl chloride	0.5	ug/l
Bis(chloroethyl)ether	0.07	ug/l
Bis(chloromethyl)ether	0.0004	ug/l
Bis(2-ethylhexyl) phthalate	6.0	ug/l
Bromodichloromethane	0.3	ug/l
Bromoform	5	ug/l
Carbazole	5	ug/l
Carbon tetrachloride	0.3	ug/l
Chlordane	0.06	ug/l
Chlorodibromomethane	0.5	ug/l
Chloroform	7.0	ug/l
4 Chloro-2-methyl aniline	0.1	ug/l
4 Chloro-2-methyl aniline hydrochloride	0.2	ug/l
o-Chloronitrobenzene	3	ug/l
p-Chloronitrobenzene	5	ug/l
Chlorthalonil	30	ug/l
Diallate	1	ug/l
DDT (includes DDE and DDD)	0.3	ug/l
1,2 Dibromoethane	0.001	ug/l
1,4 Dichlorobenzene	4	ug/l
3,3' Dichlorobenzidine	0.2	ug/l
1,1 Dichloroethane	1.0	ug/l

CONTAMINANT	CRITERION	
1,2 Dichloroethane (ethylene chloride)	0.5	ug/l
1,2 Dichloropropane	0.6	ug/l
1,3 Dichloropropene	0.2	ug/l
Dichlorvos	0.3	ug/l
Dieldrin	0.005	ug/l
3,3' Dimethoxybenzidine	6	ug/l
3,3 Dimethylbenzidine	0.007	
1,2 Dimethylhydrazine	60	ug/l
2,4 Dinitrotoluene	0.1	ug/l
2,6 Dinitrotoluene	0.1	ug/l
1,4 Dioxane	7.0	ug/l
1,2 Diphenylhydrazine	0.09	ug/l
Direct Black 38	0.009	ug/l
Direct Blue 6	0.009	ug/l
Direct Brown 95	0.009	ug/l
Epichlorohydrin	8	ug/l
Ethyl acrylate	2	ug/l
Ethylene dibromide	0.001	ug/l
Ethylene thiourea	2	ug/l
Folpet	20	ug/l
Furazolidone	0.02	ug/l
Furium	0.002	ug/l
Furmecycloz	3	ug/l
Heptachlor	0.02	ug/l
Heptachlor Epoxide	0.009	ug/l
Hexachlorobenzene	0.05	ug/l
Hexachlorocyclohexane (alpha)	0.001	ug/l
Hexachlorocyclohexane (technical)	0.05	ug/l
Hexachlorodibenzo-p-dioxin, mix	0.00001	ug/l
Hydrazine/Hydrazine sulfate	0.03	ug/l
Lindane	0.06	ug/l
2 Methoxy-5-nitroaniline	2	ug/l
2 Methylaniline	0.2	ug/l
2 Methylaniline hydrochloride	0.5	ug/l
4,4' Methylene bis(N,N'-dimethyl) aniline	2	ug/l
Methylene chloride (dichloromethane)	5	ug/l
Mirex	0.05	ug/l
Nitrofurazone	0.06	ug/l
N-Nitrosodiethanolamine	0.03	ug/l
N-Nitrosodiethylamine	0.0005	ug/l
N-Nitrosodimethylamine	0.002	ug/l
N-Nitrosodiphenylamine	17	ug/l
N-Nitroso-di-n-propylamine	0.01	ug/l
N-Nitrosopyrrolidine	0.04	ug/l
N-Nitroso-di-n-butylamine	0.02	ug/l
N-Nitroso-N-methylethylamine	0.004	ug/l
PAH	0.01	ug/l
PBBs	0.01	ug/l
PCBs	0.01	ug/l
o-Phenylenediamine	0.005	ug/l
Propylene oxide	0.01	ug/l
2,3,7,8-Tetrachlorodibenzo-p-dioxin	0.0000006	ug/l
Tetrachloroethylene (perchloroethylene)	0.8	ug/l
p,α,α,α-Tetrachlorotoluene	0.004	ug/l
2,4 Toluenediamine	0.002	ug/l
o-Toluidine	0.2	ug/l
Toxaphene	0.08	ug/l
Trichloroethylene	3	ug/l
2,4,6-Trichlorophenol	4	ug/l
Trimethyl phosphate	2	ug/l
Vinyl chloride	0.02	ug/l

\*metals are measured as total metals

[Statutory Authority: RCW 90.48.035, 90-22-023, § 173-200-040, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-050 Enforcement limit.** (1) An enforcement limit is a value assigned to any contaminant for the purposes of regulating that contaminant to protect existing ground water quality and to prevent ground water pollution.

(2) Enforcement limits shall be defined on a case-by-case basis and shall be met at the point of compliance as defined in WAC 173-200-060. When the point of compliance is established at or in close proximity to the

property boundary, enforcement limits shall be established sufficiently below criteria to provide an adequate margin of safety to ensure pollution does not extend beyond the property boundary.

(3) All enforcement limits shall, at a minimum, be based on all known, available, and reasonable methods of prevention, control, and treatment.

(a) The department shall consider all of the following in establishing enforcement limits:

(i) The antidegradation policy;

(ii) Establishment of an enforcement limit as near the natural ground water quality as practical;

(iii) Overall protection of human health and the environment;

(iv) Whether the potentially affected area has been designated as a special protection area;

(v) Protection of existing and future beneficial uses;

(vi) Effects of the presence of multiple chemicals, multiple exposure pathways in accordance with subsection (5) of this section, and toxicity of individual contaminants;

(vii) Federal, state, tribal, and local land use plans, policies, or ordinances including wellhead protection programs;

(viii) Pollution of other media such as soils or surface waters; and

(ix) Any other considerations the department deems pertinent to achieve the objectives of this chapter.

(b) Where a criterion is established for a given contaminant, the enforcement limit shall not exceed the criterion except as follows:

(i) When the natural ground water quality for a contaminant exceeds the criterion, the enforcement limit for that contaminant shall be equal to the natural level.

(ii) When the background ground water quality exceeds a criterion, the enforcement limit at the point of compliance shall not exceed the background ground water quality for that criterion. Enforcement limits based on elevated background ground water quality shall in no way be construed to allow continued pollution of the receiving ground water.

(iii) When a criterion is less than the practical quantification level, the enforcement limit shall be established in an alternate location to provide a realistic estimate that the criterion shall not be exceeded in the ground water. Evaluation for such enforcement limits shall be performed in accordance with WAC 173-200-080(5).

(iv) When naturally nonpotable ground water exceeds a secondary contaminant criterion, an enforcement limit for a secondary contaminant may exceed a criterion when it can be demonstrated to the department's satisfaction that:

(A) The environment is protected;

(B) Human health is protected in consultation with the Washington state department of health;

(C) Existing and future beneficial uses are not harmed; and

(D) All known, available, and reasonable methods of prevention, control, and treatment will not result in concentrations less than the secondary contaminant criteria.

(v) Enforcement limits may exceed criteria in isolated artificial or seasonal ground waters when all of the following conditions exist:

(A) The isolated artificial or seasonal ground waters are of insufficient quantity for use as a drinking water source;

(B) Established enforcement limits will not cause harm to existing and future beneficial uses including support of seasonal wetlands;

(C) Accumulation of contaminants will not cause adverse acute or chronic effects to human health as determined in consultation with the Washington state department of health;

(D) Accumulation of contaminants will not cause adverse acute or chronic effects to the environment.

(vi) In rare circumstances the department may allow an enforcement limit to exceed a criterion for an activity for a period not to exceed five years without reconsideration of the evidence presented in subitems (A), (B), and (C) of this subdivision, and if all of the following conditions are met:

(A) The permit holder or responsible person demonstrates to the department's satisfaction that an enforcement limit that exceeds a criterion is necessary to provide greater benefit to the environment as a whole and to protect other media such as air, surface water, soil, or sediments;

(B) The activity has been demonstrated to be in the overriding public interest of human health and the environment;

(C) The department selects, from a variety of control technologies available for reducing and eliminating contamination from each potentially affected media, the technologies that minimize impacts to all affected media; and

(D) The action has been approved by the director of the department or his/her designee.

(4) Where a criterion is not established for a contaminant, the enforcement limit in ground water shall not exceed the practical quantification level except:

(a) Where there is evidence that a lower concentration would better protect human health and the environment (based on published health advisories, risk assessments, and other available information), the department shall establish a more stringent enforcement limit;

(b) If clear and convincing evidence can be provided to the department that an alternative concentration will provide protection to human health and the environment, the department may establish an enforcement limit higher than the practical quantification level.

Protection of human health shall be determined in consultation with the Washington state department of health.

(5) For multiple contaminants and multiple routes of exposure, enforcement limits shall be addressed as follows:

(a) Estimated doses of individual contaminants from one or more routes of exposure are assumed to be additive unless evidence is available to suggest otherwise.

(b) Adverse effects of multiple contaminants with similar types of toxic responses are assumed to be additive unless evidence is available to suggest otherwise.

(c) Human cancer risks associated with multiple carcinogens are assumed to be additive unless evidence is available to suggest otherwise and shall not exceed a total incremental human cancer risk of 1 in 1,000,000.

(6) The enforcement limit for a specific activity may be established through, but not limited to the following mechanisms: A state administrative rule, a state waste discharge permit, other department permit, or administrative order.

(7) The ground water quality at the point of compliance for an activity may temporarily exceed an enforcement limit while the activity is under an enforceable schedule of compliance.

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-050, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-060 Point of compliance.** (1) The point of compliance is the location where the enforcement limit, set in accordance with WAC 173-200-050, shall be measured and shall not be exceeded.

(a) The department shall establish the point of compliance for an activity. The point of compliance shall be established in the ground water as near the source as technically, hydrogeologically, and geographically feasible.

(b) Compliance with the enforcement limits shall be maintained throughout the site from the uppermost level of the saturated zone extending vertically to the lowest depth that could potentially be affected by an activity.

(2) An alternative point of compliance, established at a location some distance from the source up to but not exceeding the property boundary, may be approved by the department as follows:

(a) An alternative point of compliance may be approved in the following situations:

(i) When all known, available, and reasonable methods of prevention, control, and treatment result in an exceedance of the criteria at the point of compliance.

(ii) When a point of compliance is defined in another state administrative rule including, but not limited to, Minimum functional standards for solid waste handling (chapter 173-304 WAC), Dangerous waste regulations (chapter 173-303 WAC), and Uranium and/or thorium mill operation and stabilization of mill tailing piles (chapter 402-52 WAC).

(b) In determining an alternative point of compliance, the department shall consider, at a minimum, the following factors:

(i) Effectiveness of all known, available, and reasonable methods of prevention, control, and treatment;

(ii) The contaminant volume, type, mobility, and characteristics;

(iii) Design and life span of the activity;

(iv) Existing and anticipated land and ground water uses; and

(v) Remedial options if an enforcement level is exceeded at the point of compliance.

(3) The department recognizes that evaluation of the impact of an activity at the designated point of compliance may be impractical, and the department may allow evaluation of that activity at some other point, in accordance with WAC 173-200-100 and 173-200-080(5).

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-060, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-070 Early warning value.** (1) The purpose of an early warning value is to provide early detection of increasing contaminant concentrations that may approach or exceed enforcement limits.

(2) Whenever an enforcement limit is established above background ground water quality, an early warning value may be established, as appropriate.

(3) An early warning value shall be required when an alternative point of compliance is established unless technical constraints would prohibit establishment of an early warning value.

(4) An early warning value shall be established as a percentage of the enforcement limit upon consideration by the department of factors including, but not limited to, the following:

(a) The enforcement limit relative to background ground water quality;

(b) The availability, reliability, and reasonableness of analytical methods;

(c) The chemical, physical, and biological characteristics of the contaminants;

(d) The reliability of all known, available, and reasonable methods of prevention, control, and treatment;

(e) The anticipated increases in contaminant levels at the point of compliance; and

(f) The potential harm to existing and future beneficial uses.

(5) It shall not be considered a violation of these rules when contaminants are detected in concentrations exceeding an early warning value, but not exceeding an enforcement limit, unless there is failure to notify the department or respond as required in accordance with subsection (6) of this section.

(6) The following procedures apply when a contaminant is detected at a point of compliance or an alternative point of compliance and an early warning value is attained or exceeded.

(a) The permit holder or responsible person shall notify the department, in writing, within ten calendar days from detection of the early warning value, that the early warning value has been attained or exceeded. The notification shall contain, at a minimum, the following information:

(i) The concentrations of contaminants that attained or exceeded early warning values;

(ii) Concentrations of other contaminants monitored;

(iii) The location(s) and date(s) sampled; and

(iv) Concentrations of contaminants determined during previous sampling events.

(b) When notification is received, the department may require the permit holder or responsible person to perform one or more of the following:

(i) Take no action.

(ii) Resample to verify results.

(iii) Increase monitoring or modify the monitoring plan or evaluation procedures.

(iv) Develop and implement a trend analysis to determine the likelihood of exceeding the enforcement limit.

(v) Prepare and submit a report documenting the changes in ground water quality and discuss and propose alternative methods of operation that will reduce impacts to ground water.

(vi) Take such actions as the department deems necessary, if the department determines that there is a likelihood of exceeding an enforcement limit at the point of compliance.

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-070, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-080 Evaluation.** (1) The purpose of this section is to establish minimum requirements for evaluating the impacts of an activity on the ground water quality to determine compliance with this chapter.

(2) If the department determines a potential to pollute the ground water exists, the department shall request a permit holder or responsible person to prepare and submit for departmental approval a ground water quality evaluation program for its activity. Each evaluation program shall be based on soil and hydrogeologic characteristics and be capable of assessing impacts on ground water at the point of compliance.

(3) A ground water evaluation program approved by the department may include, but not be limited to, any of the following:

(a) Ground water monitoring for a specific activity;

(b) Ground water monitoring at selected sites for a group of activities;

(c) Monitoring of the vadose zone;

(d) Evaluation and monitoring of effluent quality;

(e) Evaluation within a treatment process;

(f) Evaluation of management practices.

(4) In the evaluation program the permit holder or responsible person shall include information on the following:

(a) The chemical, physical, and biological characteristics of the contaminants;

(b) The availability and adequacy of analytical methods;

(c) The complexity and capability of assessing the hydrogeologic system;

(d) The reliability of all known, available, and reasonable methods of prevention, control, and treatment;

(e) The location of the point or points of compliance or alternative point of compliance; and

(f) Such other information that the department deems necessary to achieve the objectives of this chapter.

(5) When it is impractical to evaluate the impact of an activity at the designated point of compliance, for example when a criterion is less than the practical quantification limit, evaluation shall be designed and performed at an alternate location to provide a realistic estimate of conditions in the ground water at a point of compliance.



(6) These evaluation requirements pertain to activities that are not already covered by state regulation which have specific monitoring requirements such as chapter 173-303 WAC, Dangerous waste regulations, chapter 173-304 WAC, Minimum functional standards for solid waste handling, and chapter 402-52 WAC, Uranium and/or thorium mill operation and stabilization of mill tailing piles.

(7) For those activities for which the department has not issued permits and that have the potential to pollute the ground water, evaluation shall be conducted according to the following:

(a) Evaluation procedures shall be included in department guidelines, policies, and best management practices to ensure that an adequate determination of compliance with this chapter can be made;

(b) For those activities regulated by other agencies but not regulated by department rule, the department will pursue evaluation of the activity through a memorandum of understanding with the regulating agency.

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-080, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-090 Special protection areas.** (1) The purpose of a special protection area is to identify and designate ground waters that require special consideration or increased protection because of one or more unique characteristics.

(2) The unique characteristics of a special protection area shall be considered by the department when regulating activities, developing regulations, guidelines, and policies, and when prioritizing department resources for ground water quality protection programs.

(3) The characteristics to guide designation of a special protection area shall include, but not be limited to, the following:

(a) Ground waters that support a beneficial use or an ecological system requiring more stringent criteria than drinking water standards;

(b) Ground waters, including, but not limited to, recharge areas and wellhead protection areas, that are vulnerable to pollution because of hydrogeologic characteristics; and

(c) Sole source aquifer status by federal designation.

(4) Special protection areas may be proposed for designation at any time by the department upon its own initiative or at the request of a federal agency, another state agency, an Indian tribe, or local government.

(a) The requestor of designation shall provide sufficient information for the department to determine if the proposed designation is in the best interest of the public. This information shall include, but not be limited to:

(i) A rationale for the proposed designation;

(ii) Supporting data for the proposed designation;

(iii) A description of the proposed area including geographic and hydrologic boundaries;

(iv) Documentation of coordination with affected state and local agencies, tribes, and water user groups; and

(v) Such other information as the department deems necessary.

(b) In coordination with the department, the initiator of the request for designation shall hold at least one public meeting and take written comment for the purpose of receiving comments from the public, affected local, state and federal agencies, tribes, and other persons. Documentation of the public review process and comments received shall be submitted to the department.

(c) The department shall review the request for designation, provide written notification to all affected local, state and federal governments, and tribes, and hold at least one public hearing within the county or counties containing the proposed special protection area.

(5) The department shall designate said ground waters as a special protection area if the department determines:

(a) The special protection area contains one or more of the characteristics described in subsection (2) of this section; and

(b) Such a designation is in the public interest.

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-090, filed 10/31/90, effective 12/1/90.]

**WAC 173-200-100 Implementation and enforcement.** (1) The requirements of this chapter shall be met for all ground waters to meet the requirements of this chapter at all places and at all times.

(2) No person shall engage in any activity that violates or causes the violation of this chapter.

(3) This chapter shall be enforced through all legal, equitable, and other methods available to the department including, but not limited to: Issuance of state waste discharge permits, other departmental permits, regulatory orders, court actions, review and approval of plans and specifications, evaluation of compliance with all known, available, and reasonable methods of prevention, control, and treatment of a waste prior to discharge, and pursuit of memoranda of understanding between the department and other regulatory agencies.

(4) Permits issued or reissued by the department shall be conditioned in such a manner as to authorize only activities that will not cause violations of this chapter.

(a) Any applicant for any departmental permit shall evaluate the potential impact of its proposed activity on the ground water quality.

(b) For reissued permits, the permit holder shall evaluate the impacts of its activities on ground water quality, and, if necessary to achieve compliance with ground water quality enforcement limits, determine a department approved schedule of compliance.

(5) For permit holders in compliance with the terms and conditions of a department permit and whose activity violates this chapter, the department is electing, from among the enforcement mechanisms available to it for the enforcement of WAC 173-200-040 and 173-200-050, to precede any civil or criminal penalty with a compliance order or permit modification.

(6) The department shall pursue memoranda of understanding with other state agencies to develop policies and rules that will require all known, available, and reasonable methods of prevention, control, and treatment to

achieve compliance with this chapter. Departmental orders, memoranda of understanding, and best management practices shall be modified by the department whenever an activity authorized by such orders or BMPs or pursuant to such memoranda of understanding violates this chapter.

(7) The department shall pursue memoranda of understanding with other state agencies, federal agencies, and tribal authorities to coordinate ground water management activities.

(8) For persons whose activity violates this chapter but is in compliance with best management practices adopted by rule in chapter 248-96 WAC, WAC 173-304-300(4), RCW 15.58.150 (2)(c), WAC 16-228-180(1), or 16-228-185, the department is electing, from among the enforcement mechanisms available to it for the enforcement of WAC 173-200-040 and 173-200-050, to precede any civil or criminal penalty with a compliance order.

(9) When a distinction cannot be made among ground water, surface water, or sediments the applicable standard shall depend on which beneficial use is or could be adversely affected. If beneficial uses of more than one resource are affected, the most restrictive standard shall apply.

(10) The department shall give due consideration to the precision and accuracy of sampling and analytical methods used when determining compliance with this chapter.

(11) The analytical testing methods for determining compliance with this chapter shall be approved in writing by the department prior to the performance of analyses.

[Statutory Authority: RCW 90.48.035. 90-22-023, § 173-200-100, filed 10/31/90, effective 12/1/90.]

### Chapter 173-201 WAC

#### WATER QUALITY STANDARDS FOR SURFACE 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.
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 consistent with public health and public enjoyment thereof, and the propagation and protection of fish, shellfish, and wildlife, 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 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-010, filed 1/6/88. 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) Hardness: A measure of the calcium and magnesium salts present in water. For purposes of this chapter,

hardness is measured in milligrams per liter as calcium carbonate ( $\text{CaCO}_3$ ).

(5) 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.

(6) Geometric mean: The nth root of a product of n factors.

(7) 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.

(8) 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.

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

(10) 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.

(11) 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.

(12) 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.

(13) Temperature: Water temperature expressed in degrees Celsius ( $^{\circ}\text{C}$ ).

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

(15) 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.

(16) USEPA: United States Environmental Protection Agency.

(17) 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 and 90.48.260, 88-02-058 (Order 87-6), § 173-201-025, filed 1/6/88. 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) 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/her designee subject to such terms and conditions as he/she 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/her 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/her 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 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 *Guidelines Establishing Test Procedures for the Analysis of Pollutants* (40 C.F.R. Part 136) 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) 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).

(13) 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 (33 U.S.C. 1251 et seq.).

[Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-035, filed 1/6/88. 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 maximum permissible temperature increase measured at a dilution zone boundary; and "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge.

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 below those which may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-201-047).

(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 maximum permissible temperature increase measured at a dilution zone boundary; and "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge.

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 which may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-201-047).

(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 maximum permissible temperature increase measured at a dilution zone boundary; and "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge.

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 may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-201-047).



(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 maximum permissible temperature increase measured at a dilution zone boundary; and "T" represents the background temperature as measured at a point unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge.

(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 may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health (see WAC 173-201-047).

(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 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-045, filed 1/6/88. 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 173-201-047 Toxic substances.** (1) The following criteria shall apply to all surface waters of the state of Washington (values are µg/L):

Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Aldrin/Dieldrin, <sup>a</sup>	2.5 <sup>w</sup>	0.0019 <sup>x</sup>	0.71 <sup>w</sup>	0.0019 <sup>x</sup>
Ammonia	b,y	c,z	–	–
Cadmium	d,y	e,z	43.0 <sup>y</sup>	9.3 <sup>z</sup>
Chlordane	2.4 <sup>w</sup>	0.0043 <sup>x</sup>	0.09 <sup>w</sup>	0.004 <sup>x</sup>
Chlorine	19.0 <sup>y</sup>	11.0 <sup>z</sup>	13.0 <sup>y</sup>	7.5 <sup>z</sup>
Chloropyrifos	0.083 <sup>y</sup>	0.041 <sup>z</sup>	0.011 <sup>y</sup>	0.0056 <sup>z</sup>
Chromium (Hex)	16.0 <sup>y</sup>	11.0 <sup>z</sup>	1100.0 <sup>y</sup>	50.0 <sup>z</sup>
Chromium (Tri)	f,y	g,z	–	–
Copper	h,y	i,z	2.9 <sup>y</sup>	–
Cyanide	22.0 <sup>y</sup>	5.2 <sup>z</sup>	1.0 <sup>y</sup>	–
DDT & Metabolites	1.1 <sup>w</sup>	0.001 <sup>x</sup>	0.13 <sup>w</sup>	0.001 <sup>x</sup>
Endosulfan	0.22 <sup>w</sup>	0.056 <sup>x</sup>	0.034 <sup>w</sup>	0.0087 <sup>x</sup>
Endrin	0.18 <sup>w</sup>	0.0023 <sup>x</sup>	0.037 <sup>w</sup>	0.0023 <sup>x</sup>
Heptachlor	0.52 <sup>w</sup>	0.0038 <sup>x</sup>	0.053 <sup>w</sup>	0.0036 <sup>x</sup>
Hexachlorocyclohexane (Lindane)	2.0 <sup>w</sup>	0.08 <sup>x</sup>	0.16 <sup>w</sup>	–
Lead	j,y	k,z	140.0 <sup>y</sup>	5.6 <sup>z</sup>
Mercury	2.4 <sup>y</sup>	0.012 <sup>z</sup>	2.1 <sup>y</sup>	0.025 <sup>z</sup>



Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Nickel	1,y	m,z	75 <sup>y</sup>	8.3 <sup>z</sup>
Parathion	0.065 <sup>y</sup>	0.013 <sup>z</sup>	—	—
PCB's	2.0 <sup>x</sup>	0.014 <sup>x</sup>	10.0 <sup>x</sup>	0.03 <sup>x</sup>
Pentachlorophenol	q,y	r,z	13.0 <sup>y</sup>	7.9 <sup>z</sup>
Selenium	260.0 <sup>w</sup>	35.0 <sup>x</sup>	410.0 <sup>w</sup>	54.0 <sup>x</sup>
Silver	n,w	—	2.3 <sup>w</sup>	—
Toxaphene	0.73 <sup>y</sup>	0.0002 <sup>z</sup>	0.21 <sup>y</sup>	0.0002 <sup>z</sup>
Zinc	o,y	p,z	95.0 <sup>y</sup>	86.0 <sup>z</sup>

Notes to Table

a. Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.

b.  $\leq 0.52/FT/FPH/2$

Where  $FT = 10^{0.03(20-TCAP)}$ ;  $TCAP \leq T \leq 30$   
 $10^{0.03(20-T)}$ ;  $0 \leq T \leq TCAP$

$FPH = 1$ ;  $8 \leq pH \leq 9$

$FPH = \frac{1 + 10^{7.4-pH}}{1.25}$ ;  $6.5 \leq pH \leq 8$

$TCAP = 20^\circ C$ ; Salmonids present

$TCAP = 25^\circ C$ ; Salmonids absent

c.  $\leq 0.80/FT/FPH/RATIO$

The  $RATIO = 16$  if;  $7.7 \leq pH \leq 9$

The  $RATIO = 24 \times \frac{10^{7.7-pH}}{1 + 10^{7.4-pH}}$  if;  $6.5 \leq pH \leq 7.7$

Where FT and FPH are as above except:

$TCAP = 15^\circ C$ ; Salmonids present

$TCAP = 20^\circ C$ ; Salmonids absent

d.  $\leq e^{(1.128 [\ln(\text{hardness})] - 3.828)}$

e.  $\leq e^{(0.7852 [\ln(\text{hardness})] - 3.490)}$

f.  $\leq e^{(0.8190 [\ln(\text{hardness})] + 3.688)}$

g.  $\leq e^{(0.8190 [\ln(\text{hardness})] + 1.561)}$

h.  $\leq e^{(0.9422 [\ln(\text{hardness})] - 1.464)}$

i.  $\leq e^{(0.8545 [\ln(\text{hardness})] - 1.465)}$

j.  $\leq e^{(1.273 [\ln(\text{hardness})] - 1.460)}$

k.  $\leq e^{(1.273 [\ln(\text{hardness})] - 4.705)}$

l.  $\leq e^{(.8460 [\ln(\text{hardness})] + 3.3612)}$

m.  $\leq e^{(.8460 [\ln(\text{hardness})] + 1.1645)}$

n.  $\leq e^{(1.72 [\ln(\text{hardness})] - 6.52)}$

o.  $\leq e^{(.8473 [\ln(\text{hardness})] + .8604)}$

p.  $e^{(.8473 [\ln(\text{hardness})] + .7614)}$

q.  $e^{[1.005(pH) - 4.830]}$

r.  $e^{[1.005(pH) - 5.290]}$

w. An instantaneous concentration not to be exceeded at any time.

x. A 24 hour average not to be exceeded.

y. A 1-hour average concentration not to be exceeded more than once every three years.

z. A 4-day average concentration not to be exceeded more than once every three years.

(2) *USEPA Quality Criteria for Water, 1986* shall be used in the use and interpretation of the values listed in subsection (1) of this section.

(3) Concentrations of toxic, and other substances with toxic propensities not listed in subsection (1) of this section shall be determined in consideration of *USEPA's Quality Criteria for Water, 1986*, and as revised, and other relevant information as appropriate.

(4) Toxic substances shall not be introduced above natural background levels in waters of the state which may adversely affect characteristic water uses, cause acute or chronic conditions to the aquatic biota, or adversely affect public health, as determined by the department.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-047, filed 1/6/88.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WAC 173-201-070 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 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 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-070, filed 1/6/88. 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	(24) Coweeman River from Mulholland Creek (river mile 18.4) to headwaters.	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	(25) Cowlitz River from mouth to base of Riffe Lake Dam (river mile 52.0).	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	(26) Cowlitz River from base of Riffe Lake Dam (river mile 52.0) to headwaters.	Class AA
(9) Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7).	Class A	(27) Crab Creek and tributaries.	Class B
(10) Chehalis River, from Rock Creek (river mile 106.7) to headwaters.	Class AA	(28) Decker Creek.	Class AA
(11) Chehalis River, south fork.	Class A	(29) Deschutes River from mouth to boundary of Snoqualmie National Forest (river mile 48.2).	Class A
(12) Chewack River.	Class AA	(30) Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters.	Class AA
(13) Chiwawa River.	Class AA	(31) Dickey River.	Class A
(14) Cispus River.	Class AA	(32) Dosewallips River and tributaries.	Class AA
(15) Clearwater River.	Class A	(33) Duckabush River and tributaries.	Class AA
(16) Cle Elum River.	Class AA	(34) Dungeness River from mouth to Canyon Creek (river mile 10.8).	Class A
(17) Cloquallum Creek.	Class A	(35) Dungeness River and tributaries from Canyon Creek (river mile 10.8) to headwaters.	Class AA
(18) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom.	Class A	(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
(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	(37) Elochoman River.	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	(38) Elwha River and tributaries.	Class AA
(21) Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0).	Class AA	(39) Entiat River from Wenatchee National Forest boundary (river mile 20.5) to headwaters.	Class AA
(22) Colville River.	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
(23) Coweeman River from mouth to Mulholland Creek (river mile 18.4).	Class A	(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 boundary of Flaming Geyser State Park, river mile 42.3) to west boundary of Sec. 13-T21N-R7E (river mile 59.1).	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

(46) Hamma Hamma River and tributaries.	Class AA	(68) Nisqually River from mouth to Alder Dam (river mile 44.2).	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	(69) Nisqually River from Alder Dam (river mile 44.2) to headwaters.	Class AA
(48) Hanaford Creek from east boundary of Sec. 25-T15N-R2W (river mile 4.1) to headwaters.	Class A	(70) Nooksack River from mouth to Maple Creek (river mile 49.7).	Class A
(49) Hoh River and tributaries.	Class AA	(71) Nooksack River from Maple Creek (river mile 49.7) 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	(72) Nooksack River, south fork, from mouth to Skookum Creek (river mile 14.3).	Class A
(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	(73) Nooksack River, south fork, from Skookum Creek (river mile 14.3) to headwaters.	Class AA
(52) Humptulips River, east fork from Olympic National Forest boundary (river mile 12.8) to headwaters.	Class AA	(74) Nooksack River, middle fork.	Class AA
(53) Humptulips River, west fork from Olympic National Forest boundary (river mile 40.4) to headwaters.	Class AA	(75) Okanogan River.	Class A
(54) Issaquah Creek.	Class A	(76) Palouse River from mouth to south fork (Colfax, river mile 89.6).	Class B
(55) Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters.	Class AA	(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
(56) Klickitat River from Little Klickitat River (river mile 19.8) to headwaters.	Class AA	(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
(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	(79) Pilchuck River from city of Snohomish Waterworks Dam (river mile 26.8) to headwaters.	Class AA
(58) Lewis River, east fork, from Multon Falls (river mile 24.6) to headwaters.	Class AA	(80) Puyallup River from mouth to river mile 1.0.	Class B
(59) Little Wenatchee River.	Class AA	(81) Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6).	Class A
(60) Methow River from mouth to Chewack River (river mile 50.1).	Class A	(82) Puyallup River from Kings Creek (river mile 31.6) to headwaters.	Class AA
(61) Methow River from Chewack River (river mile 50.1) to headwaters.	Class AA	(83) Queets 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	(84) Quillayute River.	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	(85) Quinault River and tributaries.	Class AA
(64) Mill Creek and tributaries from city of Walla Walla Waterworks Dam (river mile 25.2) to headwaters. Special condition - no waste discharge will be permitted.	Class AA	(86) Salmon Creek (Clark County).	Class A
(65) Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters.	Class AA	(87) Satsop River from mouth to west fork (river mile 6.4).	Class A
(66) Naselle River from Naselle "Falls" (cascade at river mile 18.6) to headwaters.	Class AA	(88) Satsop River, east fork.	Class AA
(67) Newaukum River.	Class A	(89) Satsop River, middle fork.	Class AA
		(90) Satsop River, west fork.	Class AA
		(91) Skagit River from mouth to Skiyou Slough-lower end (river mile 25.6).	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
- (93) Skokomish River and tributaries. Class AA
- (94) Skookumchuck River from Bloody Run Creek (river mile 21.4) to headwaters. Class AA
- (95) Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2). Class A
- (96) Skykomish River from May Creek (above Gold Bar at river mile 41.2) to headwaters. Class AA
- (97) Snake River from mouth to Washington—Idaho—Oregon border (river mile 176.1). Special condition.
  - (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  $t=34/(T+9)$ .
  - (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.
- (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
- (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
- (100) Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1). Class A
- (101) Snoqualmie River, middle fork. Class AA
- (102) Snoqualmie River, north fork. Class AA
- (103) Snoqualmie River, south fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters. Class AA
- (104) Soleduck River and tributaries. Class AA
- (105) Spokane River from mouth to Long Lake Dam (river mile 33.9). 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
- (106) Spokane River from Long Lake Dam (river mile 33.9) to Nine Mile Bridge (river mile 58.0). Special conditions:
  - (a) The average euphotic zone concentration of total phosphorus (as P) shall not exceed 25µg/L during the period of June 1 to October 31.
  - (b) 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  $t=34/(T+9)$ . Lake Class
- (107) Spokane River from Nine Mile Bridge (river mile 58.0) to the Idaho border (river mile 96.5). 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
- (108) Stehekin River. Class AA
- (109) Stillaguamish River from mouth to north and south forks (river mile 17.8). Class A
- (110) Stillaguamish River, north fork, from mouth to Squire Creek (river mile 31.2). Class A
- (111) Stillaguamish River, north fork, from Squire Creek (river mile 31.2) to headwaters. Class AA
- (112) Stillaguamish River, south fork, from mouth to Canyon Creek (river mile 33.7). Class A
- (113) Stillaguamish River, south fork, from Canyon Creek (river mile 33.7) to the headwaters. Class AA
- (114) Sulphur Creek. Class B
- (115) Sultan River from mouth to Chaplain Creek (river mile 5.9). Class A
- (116) 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 AA
- (117) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23). Class A
- (118) Tieton River. Class AA
- (119) Tolt River, south fork and tributaries from mouth to west boundary of Sec. 31–T26N–R9E (river mile 6.9). Class AA

(120) 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

(121) Touchet River, north fork from Dayton water intake structure (river mile 3.0) to headwaters.

Class AA

(122) Toutle River, north fork, from Green River to headwaters.

Class AA

(123) Toutle River, south fork.

Class AA

(124) Tucannon River from Umatilla National Forest boundary (river mile 38.1) to headwaters.

Class AA

(125) Twisp River.

Class AA

(126) Union River and tributaries from Bremerton Waterworks Dam (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted.

Class AA

(127) Walla Walla River from mouth to Lowden (Dry Creek at river mile 27.2).

Class B

(128) 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

(129) Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to headwaters.

Class AA

(130) White River (Pierce-King counties) from Mud Mountain Dam (river mile 29.6) to headwaters.

Class AA

(131) White River (Chelan County).

Class AA

(132) Wildcat Creek.

Class A

(133) Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8).

Class A

(134) Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W).

Class B

(135) 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

(136) 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

(137) 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

(138) Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9).

Class A

(139) Wynoochee River from Olympic National Forest boundary (river mile 45.9) to headwaters.

Class AA

(140) Yakima River from mouth 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

(141) Yakima River from Cle Elum River (river mile 185.6) to headwaters.

Class AA

[Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-080, filed 1/6/88. 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 (33 U.S.C. 1251 et seq.) as appropriate. It is also the intent that cognizance will be taken of the need for participation in cooperative 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 and 90.48.260, 88-02-058 (Order 87-6), § 173-201-090, filed 1/6/88. 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 and 90.48.260, 88-02-058 (Order 87-6), § 173-201-100, filed 1/6/88. 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 222-08-035—Continuing review of forest practices regulations.  
WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.  
WAC 222-12-045—Adaptive management.  
WAC 222-12-070—Enforcement policy.  
WAC 222-12-090—Forest practices board manual.  
WAC 222-16-010—General definitions.  
WAC 222-16-020—Water categories.  
WAC 222-16-030—Water typing system.  
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), (5), (6), (7)—Harvest unit planning and design.  
WAC 222-30-030—Stream bank 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—Handling, storage, application.

[Statutory Authority: Chapter 76.09 RCW, 88-22-030 (Order 88-19), § 173-202-020, filed 10/27/88. Statutory Authority: RCW 76.09.040, 87-23-017 (Order 87-5), § 173-202-020, filed 11/10/87, effective 1/1/88; 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.

(1990 Ed.)

(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

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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 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 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

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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 173-216-125 Monitoring.** Use of registered or accredited laboratories:

(1) Except as established in subsection (3) of this section, monitoring data submitted to the department in accordance with this chapter shall be prepared by a laboratory accredited under the provisions of chapter 173-50 WAC no later than July 1, 1993, for all state permittees with a permitted average flow rate greater than five million gallons per day.

Note. Chapter 173-50 WAC is available at:

Department of Ecology  
Records Management  
Mailstop PV-11  
Olympia, WA 98504-8711

These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

(2) Except as established in subsection (3) of this section, monitoring data submitted to the department in accordance with this chapter shall be prepared by a laboratory registered or accredited under the provisions of

chapter 173-50 WAC no later than July 1, 1994, for all state permittees not covered under subsection (1) of this section.

Note. Chapter 173-50 WAC is available at:

Department of Ecology  
Records Management  
Mailstop PV-11  
Olympia, WA 98504-8711

These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

(3) The following parameters need not be accredited or registered:

(a) Flow;

(b) Temperature; and

(c) Parameters which are used solely for internal process control.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-216-125, filed 10/19/90, effective 11/19/90.]

**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 90.48.610.

(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. 88-12-035 (Order 88-8), § 173-216-130, filed 5/26/88, effective 7/1/88; 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, constitute 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**

173-220-010	Purpose.
173-220-020	Permit required.
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.

(1990 Ed.)

173-220-140	Schedules of compliance.
173-220-150	Other terms and conditions.
173-220-160	Transmission of issued permit to regional administrator.
173-220-170	Relationship with non-NPDES permits.
173-220-180	Duration and replacement of existing permit.
173-220-190	Modification and revocation of permits.
173-220-200	Transfer of permit.
173-220-210	Monitoring, recording and reporting.
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.

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

173-220-220	Control of disposal of pollutants into wells. [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.] Repealed by 88-22-059 (Order 88-9), filed 11/1/88. Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW.
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**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 surface 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.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-010, filed 11/1/88; Order DE 74-1, § 173-220-010, filed 2/15/74.]

**WAC 173-220-020 Permit required.** No pollutants shall be discharged to any surface 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 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-020, filed 11/1/88. 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) "Administrator" means the administrator of the United States Environmental Protection Agency.

(2) "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.

(3) "Department" means department of ecology.

(4) "Director" means the director of the department of ecology or his/her authorized representative.

(5) "Discharge of pollutant" and the term "discharge of pollutants" each means (a) any addition of any pollutant or combination of pollutants to surface 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.

(6) "Discharger" means owner or operator of any facility or activity subject to regulation under the NPDES program.

(7) "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.

(8) "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. This term applies only to facilities discharging to surface water.

(9) "Effluent limitation" means any restriction established by the state or administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into surface waters of the state.

(10) "FWPCA" means the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251 et seq.

(11) "General permit" means an NPDES permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

(12) "Individual permit" means a permit for a single point source or a single facility.

(13) "Major discharger" means any discharger classified as such by the administrator in conjunction with the director and published in the annual state-EPA agreement.

(14) "Minor discharger" means any discharger not designated as major or covered under a general permit.

(15) "NPDES" means the National Pollutant Discharge Elimination System.

(16) "Permit" means an authorization, license, or equivalent control document issued by the director to implement this chapter.

(17) "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.

(18) "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.

(19) "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.

(20) "Regional administrator" means the regional administrator of Region X of the Environmental Protection Agency (EPA) or his/her authorized representative.

(21) "Surface waters of the state" means all waters defined as "waters of the United States" in 40 CFR 122.2 that are within the boundaries of the state of Washington. This includes lakes, rivers, ponds, streams, inland waters, wetlands, ocean, bays, estuaries, sounds, and inlets.

(22) "Water quality standards" means the state of Washington's water quality standards for surface waters of the state, which are codified in chapter 173-201 WAC.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-030, filed 11/1/88. 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 surface 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 surface waters of the state must file an application with the department on a form prescribed by the department, (a) no less than one hundred eighty 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 any applicable fees required pursuant to RCW 90.48.610.

(4) The requirement for permit application will be satisfied if the discharger files:

(a) A complete application form which is appropriate for the type, category, or size of discharge per 40 CFR 122.21; or

(b) A complete request for coverage by a general permit; and

(c) 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) Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

(7) No discharge of pollutants into the surface waters of the state is authorized until such time as a permit has been issued consistent with the terms and conditions of this chapter.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-040, filed 11/1/88. 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 or 303 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) Storm water point sources; or

(b) Categories of point sources which meet all of the following requirements:

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same types of wastes;

(iii) Require the same effluent limitations or operating conditions, and require 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. Grounds for modification or revocation and reissuance include those listed in subsection (4) of this section.

(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;

(f) Information is obtained which indicates that cumulative effects on the environment from dischargers covered under the general permit are unacceptable; or

(g) Other causes listed in WAC 173-220-150 (1)(d).

(5) In cases where the director requires any discharger to apply for an individual permit, the discharger 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 interested person may petition the director to require a discharger authorized by a general permit to apply for and obtain an individual permit.

(7) 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 discharger 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.

(8) 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.

(9) 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 end of the thirty-day comment period required by WAC 173-220-050(2).

(10) 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.

(11) Where the department has determined that a discharger should not be covered by a general permit, it shall respond in writing within thirty days, to a request for 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: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-045, filed 11/1/88. 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 regarding an individual permit or general permit, and request for coverage by a general permit, shall be circulated in a manner designed to inform interested and potentially affected persons of the proposed discharge and of the proposed determination to issue or deny a permit for the proposed discharge, as follows:

(a) For individual permits, notice shall be circulated within the geographical area of the proposed discharge; such circulation may include any or all of the following, as directed by the department:

(i) Posting by the applicant for a period of thirty days in the post office, public library, and public places of the municipality nearest the premises of the applicant in which the effluent source is located;

(ii) Posting by the applicant for a period of thirty days near the entrance of the applicant's premises and nearby places;

(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 major local newspapers of general circulation serving the area in which the discharge occurs: *Provided*, That if an applicant fails to publish notice within thirty days of the time prescribed by the director, the department may publish the notice and bill the applicant for the cost of publication;

(iv) Publishing by the applicant of paid advertisements;

(v) Publishing by the department of news releases or newsletter articles.

(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 major local newspaper of general circulation in each affected area; and

(ii) Posting or publishing by the applicant of a request for coverage by a general permit in accordance with any or all methods listed in (a)(i), (ii), (iii), (iv), or (v) of this subsection, as directed by the department.

(c) Notice shall be mailed to any person upon request; and

(d) The department shall add the name of any person 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 a draft permit determination or a request for 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 determination with respect to the application. The period for comment may be extended at the discretion of the department.

(3) The department shall prepare the contents of the public notice, which shall, at a minimum, summarize 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) Each applicant's activities or operations which result in a discharge (e.g., municipal waste treatment, 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 the location of each discharge on the waterway, indicating whether such discharge is a new or an existing discharge;

(e) The tentative determination to issue or deny a permit for the discharge;

(f) Where coverage by a general permit is replacing a current individual permit, notice of termination of the individual permit;

(g) 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 comment upon those determinations; and

(h) Address and phone number of state premises at which interested persons may obtain further information.

(4) The department shall provide copies of permit applications, draft permit determinations, requests for coverage, and general permits upon request.

(5) The department shall notify the applicant and persons who have submitted written comments or requested notice of the final permit decision. This notification shall include response to comments received and reference to the procedures for contesting the decision.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-050, filed 11/1/88. 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) The department shall prepare a fact sheet for every draft permit determination regarding major dischargers, minor dischargers, and general permits. Such fact sheets shall, at a minimum, summarize the following:

(a) The type of facility or activity which is the subject of the application;

(b) The location of the discharge in the form of a sketch or detailed description;

(c) The type and quantity of the discharge, including at least the following:

(i) The rate or frequency of the proposed discharge;

(ii) For thermal discharges, the average summer and winter temperatures; and

(iii) The average discharge in pounds per day, or other appropriate units, of any pollutants which are present in significant quantities or which are subject to

limitations or prohibition under RCW 90.48.010, 90.52-.040, 90.54.020 and sections 301, 302, 306, or 307 of the FWPCA and regulations published thereunder;

(d) The conditions in the proposed permit;

(e) The legal and technical grounds for the draft permit determination, including an explanation of how conditions meet both the technology-based and water quality-based requirements of the FWPCA and chapters 90.48, 90.52, and 90.54 RCW;

(f) The effluent standards and limitations applied to the proposed discharge;

(g) The applicable water quality standards, including identification of the uses for which receiving waters have been classified;

(h) How the draft permit addresses use or disposal of residual solids generated by wastewater treatment; and

(i) The procedures for the formulation of final determinations (in more detailed form than that given in the public notice) including:

(i) The thirty-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 send a fact sheet to the applicant and, upon request, to any other person.

(3) The department shall add the name of any person upon request to a mailing list to receive copies of fact sheets.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-060, filed 11/1/88. 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 request for 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, 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) Unless waived by the respective agency, the public notice shall be sent to the appropriate district engineer of the Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the state departments of fisheries, natural resources, wildlife, and social and health services, the archaeology and historic preservation office, the agency responsible for the preparation of an approved plan pursuant to section 208(b) of the FWPCA, applicable Indian tribes and any other applicable government agencies.

(4) A copy of any written agreement between the department and an agency identified in subsection (3) of this section which waives the receipt of public notices 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, Indian tribe 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.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-070, filed 11/1/88. 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) In accordance with chapter 42.17 RCW, the department shall make records relating to NPDES permits available to the public for inspection and copying.

(2) The department shall protect any information (other than information on the effluent) contained in its NPDES permit records as confidential upon a showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such person.

(3) Any information accorded confidential status, whether or not contained in an application form, shall be disclosed, upon request, to the regional administrator.

(4) The department shall provide facilities for the inspection of information relating to NPDES permits 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 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-080, filed 11/1/88. 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 or person may request a public hearing with respect to a draft permit determination or request for coverage by a general permit. Any such request for a public hearing shall be filed within the thirty-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 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 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-090, filed 11/1/88. 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.]

#### **WAC 173-220-100 Public notice of public hearings.**

(1) The department shall circulate public notice of any hearing held pursuant to WAC 173-220-090 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 major local newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies who received a copy of the notice pursuant to WAC 173-220-050 or the fact sheet;

(c) Notice shall be mailed to any person upon request; and

(d) Notice shall be effected pursuant to (a) and (c) of this subsection 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 reference to the public notice issued pursuant to WAC 173-220-050, including identification number and date of issuance;

(c) 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) The nature of the hearing;

(g) The issues raised by the persons requesting the hearing, and any other appropriate issues which may be of interest to the public;

(i) Except when unknown in the case of general permit determinations, the name and address of each applicant whose proposed discharge will be considered at the hearing;

(ii) Except when unknown in the case of general permit determinations, the name of waterway to which each discharge is made and the location of each discharge on the waterway.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-100, filed 11/1/88. 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 surface waters of the state;

(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/her 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 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-120, filed 11/1/88. 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) All known, available, and reasonable methods of treatment required under RCW 90.52.040, 90.54.020 (3)(b), and 90.48.520; including effluent limitations established 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 limitations shall reflect any seasonal variation in industrial loading. Modifications to technology-based effluent limitations for specific discharge categories are as follows:

(i) 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) 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 geometric mean of 200 organisms per 100 ml with a maximum weekly geometric mean of 400 organisms per 100 ml;

(ii) For municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river, the effluent limitations shall be adjusted, in accordance with RCW 90.54.020 (3)(b), to reflect credit for substances removed from the plant intake water if:

(A) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(B) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(b) Any more stringent limitation, including those necessary to:

(i) 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) Meet any federal law or regulation other than the FWPCA or regulations thereunder; or

(iii) 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) Prevent or control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or materials handling or storage; and

(v) Meet the permit by rule provisions of the state dangerous waste regulation, WAC 173-303-802 (4) or (5).

(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 subsection (1)(a) 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 subsections (1) and (2) of this section, each issued permit shall specify:

(a) For industrial wastewater facilities, average monthly and maximum daily quantitative mass and/or concentration limitations, or other such appropriate limitations for the level of pollutants and the authorized discharge;

(b) For domestic wastewater facilities, average weekly and monthly quantitative concentration and mass limitations, or other such appropriate limitations for the level of pollutants and the authorized discharge; and

(c) If a dilution zone is authorized within which water quality standards are modified, the dimensions of such dilution zone.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-130, filed 11/1/88. 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) 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:

Any legally applicable schedule of compliance contained in:

(i) Section 301 of FWPCA;

(ii) Applicable effluent standards and limitations;

(iii) Water quality standards; and

(iv) Applicable requirements listed in WAC 173-220-130, 173-220-150, and 173-220-210;

(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 subsection (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 in the previous ninety days of failure or refusal of a major permittee to comply with an interim or final requirement. Such list shall be available to the public for inspection and copying and shall contain at least the following information on 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, delay in commencement of construction of treatment facility, failure to notify department of compliance with an interim requirement, 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 explain or mitigate an instance of noncompliance with an 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 or revoke the permit or take direct enforcement action.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-140, filed 11/1/88. 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;

(b) Any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants causing effluent limitations in the permit to be exceeded 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;

(c) 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;

(d) The permit may be modified 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) A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations;

(v) Incorporation of an approved local pretreatment program into a municipality's permit;

(vi) Establishment of a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) under section 307(a) of the FWPCA for a toxic pollutant which is more stringent than any limitation upon such pollutant in the permit;

(vii) Failure or refusal of the permittee to allow entry as required in RCW 90.48.090; and

(viii) Nonpayment of permit fees assessed pursuant to RCW 90.48.610.

(e) 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; and

(iv) To sample any discharge of pollutants.

(f) 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 existing at the time of issuance of the permit.

Such notice shall include information on:

(A) The quality and quantity of effluent to be introduced into such treatment works; and

(B) Any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

(g) 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 allow flows or waste loadings to exceed approved design criteria, or approved revisions thereto.

(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) When deemed necessary by the department, any publicly owned treatment works shall be required to develop a full or partial local pretreatment program as specified in 40 CFR Part 403. Permit conditions for a municipality which has received full local pretreatment program approval shall include:

(a) Granting of authority to issue permits under chapter 173-208 WAC;

(b) A requirement to develop, adopt, and enforce a program that is at least as stringent as the department's program under chapter 173-216 WAC; and

(c) A requirement to report to the department at a specified frequency on the status of its implementation.

(4) 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; or

(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.

(5) For facilities that are owned by nonpublic entities and under contract to a public entity, the permit shall be issued to the public entity.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-150, filed 11/1/88. Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-220-150, filed 5/26/88, effective 7/1/88; 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 of issued permit to regional administrator. Immediately following issuance, the department shall transmit a copy of every issued permit 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 to the regional administrator.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-160, filed 11/1/88. 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 an existing permit or continuation of a discharge beyond the expiration date of his/her permit by filing with the department an application for replacement of the permit at least one hundred eighty days prior to its expiration.

(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 substantial compliance 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.

(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 denied or a replacement permit has been issued by the department.

(6) Notwithstanding any other provision in this chapter, 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 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-180, filed 11/1/88. 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 and revocation of permits.** (1) Any permit issued under this chapter can be modified 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)(d) or when remanded to the department for modification by the pollution control hearings board.

(2) The department may, upon request of the permittee, modify a schedule of compliance or an operating condition in an issued permit if it determines good and valid cause exists for such revision (such as an act of God, strike, flood, materials shortage, or other event over which the permittee has little or no control and for which there is no other reasonably available remedy).

(3) The department shall modify 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.

[Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-190, filed 11/1/88. 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 discharger if:

(a) A written agreement between the old and new discharger containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the director; and

(b) The director does not notify the old and new discharger of his/her 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 (a) of this subsection.

(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 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-200, filed 11/1/88. 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.

(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 surface 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 (a) of this subsection 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 surface 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.

(4) Use of registered or accredited laboratories:

(a) Except as established in (c) of this subsection, monitoring data submitted to the department in accordance with this chapter shall be prepared by a laboratory accredited under the provisions of chapter 173-50 WAC no later than indicated by the appropriate date below:

July 1, 1992, major dischargers;

July 1, 1993, all permittees with a permitted average flow rate greater than five million gallons per day.

Note. Chapter 173-50 WAC is available at:

Department of Ecology  
Records Management  
Mailstop PV-11  
Olympia, WA 98504-8711

These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

(b) Except as established in (c) of this subsection, monitoring data submitted to the department in accordance with this chapter shall be prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC no later than July 1, 1994, for all NPDES permittees not covered under (a) of this subsection.

Note. Chapter 173-50 WAC is available at:

Department of Ecology  
Records Management  
Mailstop PV-11  
Olympia, WA 98504-8711

These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

(c) The following parameters need not be accredited or registered:

(i) Flow;

(ii) Temperature; and

(iii) Parameters which are used solely for internal process control.

[Statutory Authority: RCW 43.21A.230. 90-21-090 (Order 90-21), § 173-220-210, filed 10/19/90, effective 11/19/90. Statutory Authority: RCW 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-210, filed 11/1/88. 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 173-220-225 Appeals.** (1) Individual permits are subject to appeals as specified in chapter 43.21B RCW.

(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 in accordance with chapter 43.21B RCW; (b) the terms and conditions of a general permit as they apply to an individual discharger are subject to appeal in accordance with chapter 43.21B RCW 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 90.54.020 and chapter 90.48 RCW. 88-22-059 (Order 88-9), § 173-220-225, filed 11/1/88. 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 173-221 WAC

#### DISCHARGE STANDARDS AND EFFLUENT LIMITATIONS FOR DOMESTIC WASTEWATER FACILITIES

##### WAC

173-221-010	Purpose and scope.
173-221-020	Policy.
173-221-030	Definitions.
173-221-040	Domestic wastewater facility discharge standards.

173-221-050	Alternative domestic wastewater facility discharge standards and effluent limitations.
173-221-100	Severability.

**WAC 173-221-010 Purpose and scope.** (1) The purpose of this chapter is to implement RCW 43.21A-.010, 90.48.010, and 90.52.040 by setting discharge standards which represent "all known, available, and reasonable methods" of prevention, control, and treatment for domestic wastewater facilities which discharge to waters of the state. This chapter supplements WAC 173-220-130. Guidelines or policies of the department not included in this chapter are not affected by this chapter, except that if such guidelines or policies are in conflict, the requirements of this chapter shall take precedence.

(2) This chapter also supplements 40 CFR Part 133; Secondary Treatment Regulation. Wherever this chapter is more stringent than the federal regulation, the requirements of this chapter shall take precedence.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 87-23-020 (Order 87-26), § 173-221-010, filed 11/12/87.]

**WAC 173-221-020 Policy.** Waters of the state shall be of the highest possible quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for discharge into said waters shall be provided with all known, available, and reasonable methods of treatment prior to discharge. Even though 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 (1) in those situations where it is clear that overriding considerations of the public interest will be served, and (2) they receive all known, available, and reasonable methods of treatment prior to discharge.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 87-23-020 (Order 87-26), § 173-221-020, filed 11/12/87.]

**WAC 173-221-030 Definitions.** As used in this chapter, unless the context indicates otherwise:

(1) "Seven-day average" means the arithmetic mean of pollutant parameter values for samples collected in a period of seven consecutive days. The department may use pollutant parameter values for samples collected in a calendar week for determining compliance with permit conditions.

(2) "Thirty-day average" means the arithmetic mean of pollutant parameter values for samples collected in a period of thirty consecutive days. The department may use pollutant parameter values for samples collected in a calendar month for determining compliance with permit conditions.

(3) "BOD" means five-day biochemical oxygen demand.

(4) "CBOD" means five-day carbonaceous biochemical oxygen demand.

(5) "Combined sewer" means a sewer which has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

(6) "Department" means the Washington department of ecology.

(7) "Director" means the director of the Washington department of ecology.

(8) "Discharge standard" means a minimum performance requirement established in regulation by the department. Effluent limitations for a pollutant parameter shall not be less stringent than the applicable discharge standard.

(9) "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.

(10) "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.

(11) "Effluent concentrations consistently achievable through proper operation and maintenance" means:

(a) For a given pollutant parameter, the 95th percentile value for the thirty-day average effluent quality achieved by a wastewater facility in a period of at least twenty-four consecutive months, excluding values attributable to equipment failures, operational errors, overloading, and other unusual conditions; and

(b) A seven-day average value equal to 1.5 times the value derived under (a) of this subsection.

(12) "Effluent limitation" means any restriction, prohibition, or specification established by the department in a permit or administrative order on:

(a) Quantities, rates, percent removals, and/or concentrations of physical, chemical, or biological characteristics of wastes which are discharged into waters of the state; and

(b) Management practices relevant to the prevention or control of such waste discharges.

Effluent limitations shall be derived from discharge standards and other relevant factors identified in chapter 173-220 WAC.

(13) "Expansion" means the construction of additional treatment units to accommodate hydraulic flow and/or pollutant load for the purpose of increasing the existing design capacity of the wastewater facility.

(14) "Fecal coliform" means the group of coliform bacteria which originate in the intestinal tract of warm-blooded animals.

(15) "Industrial wastewater" means the water or liquid carried wastes 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.

(16) "Infiltration" means the addition of ground water into a sewer through joints, the sewer pipe material, cracks, and other defects.

(17) "Inflow" means the addition of rainfall-caused surface water drainage from roof drains, yard drains, basement drains, street catch basins, etc., into a sewer.

(18) "Interfere with" means a discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the domestic wastewater facility, 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 domestic wastewater facility's permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the domestic wastewater facility in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Federal Water Pollution Control Act, 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.

(19) "Permittee" means the entity to which the department issues a permit.

(20) "pH" means the negative logarithm of the hydrogen ion concentration.

(21) "Sanitary sewer" means a sewer which is designed to convey domestic wastewater and infiltration.

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

(23) "Trickling filter" means a fixed growth biological treatment system in which wastewater is sprayed over the top surface of a column of rock or synthetic media. This definition does not include fixed growth biological systems which have a supplemental biological treatment system, other than a waste stabilization pond(s), for the principal wastewater stream.

(24) "TSS" means total suspended solids.

(25) "TSS concentrations achievable with waste stabilization ponds" means a TSS value, determined by the department, which is equal to the effluent concentrations achieved ninety percent of the time within the state or appropriate contiguous geographical area by waste stabilization ponds that are achieving the levels of effluent quality for BOD specified in WAC 173-221-050 (2)(a).

(26) "Waste stabilization pond" means basins built by excavating the ground and by diking for the purpose of treating wastewater under conditions that favor natural biological treatment and accompanying bacterial reduction. This includes domestic wastewater facilities which are classified as stabilization ponds, or aerated lagoons per the department's Criteria for Sewage Works Design.

(27) "Wastewater facility" means all structures and equipment required to collect, transport, treat, reclaim, or dispose of domestic, industrial, or combined domestic/industrial wastewaters.

(28) "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.

(29) "Water quality standards" means the standards set forth in chapter 173-201 WAC.

(30) "Wet weather" means the time during and immediately following rainfall events which cause large quantities of inflow.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 87-23-020 (Order 87-26), § 173-221-030, filed 11/12/87.]

**WAC 173-221-040 Domestic wastewater facility discharge standards.** (1) Except as allowed under WAC 173-221-050, domestic wastewater facilities which discharge to surface waters shall not exceed a thirty-day average of 30 milligrams per liter (mg/L) BOD, 30 mg/L TSS. Seven-day averages shall not exceed 45 mg/L BOD, 45 mg/L TSS. Additionally, the thirty-day average percent removals of BOD and TSS shall not be less than eight-five percent of influent concentrations.

(2) Fecal coliform limits shall not exceed a monthly geometric mean of 200 organisms/100 milliliters (mL), and a weekly geometric mean of 400 organisms per 100 mL.

(3) The effluent pH value shall be between 6.0 and 9.0 standard units unless the permittee demonstrates that:

(a) Inorganic chemicals are not added to the waste stream as part of the treatment process; and

(b) Contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0; and

(c) The discharge does not cause water quality violations outside of an approved dilution zone.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 87-23-020 (Order 87-26), § 173-221-040, filed 11/12/87.]

**WAC 173-221-050 Alternative domestic wastewater facility discharge standards and effluent limitations.** (1) Alternative discharge standards for trickling filters which were constructed and/or expanded prior to November 1984 are:

(a) Up to a thirty-day average of 45 mg/L BOD, 45 mg/L TSS. Seven-day averages shall not exceed 65 mg/L BOD, 65 mg/L TSS. In addition, the thirty-day average percent removals of BOD and TSS shall not be less than sixty-five percent of influent concentrations;

(b) Notwithstanding (a) of this subsection, not any less stringent than "effluent concentrations consistently

achievable through proper operation and maintenance" of the wastewater facility based on an analysis of the past performance, the design, and the design capacity of the wastewater facility;

(c) Fecal coliform and pH discharge standards are as established in WAC 173-221-040.

(2) Alternative discharge standards for waste stabilization ponds which are the principal treatment process and which either have less than a two million gallon per day design capacity or have received, prior to the effective date of this regulation, the department's approval under chapter 173-240 WAC, for a greater design capacity, are:

(a) Up to a thirty-day average of 45 mg/L BOD, 45 mg/L TSS. Seven-day averages shall not exceed 65 mg/L BOD, 65 mg/L TSS. Additionally, the thirty-day average percent BOD removal shall not be less than sixty-five percent of influent concentrations.

(b) The discharge standards for TSS in (a) of this subsection may be adjusted by the department to conform to the "TSS concentrations achievable with waste stabilization ponds," provided that operation and maintenance data indicate that the TSS values specified in (a) of this subsection cannot be achieved.

(c) Notwithstanding (a) and (b) of this subsection, not any less stringent than "effluent concentrations consistently achievable through proper operation and maintenance" of the wastewater facility based upon an analysis of the past performance.

(d) Fecal coliform and pH discharge standards shall be as established in WAC 173-221-040.

(3) For domestic wastewater facilities which receive flows from combined sewers, the department shall decide on a case-by-case basis whether any attainable percent removal can be defined during wet weather. If it can be defined, the department will set an alternative percent removal effluent limitation for the wet weather period. A permittee who requests such alternative limits shall submit supporting documentation to the department.

(4)(a) For domestic wastewater facilities which receive less concentrated influent wastewater, permittees can request and submit supporting documentation for:

(i) A lower percent removal effluent limitation than the discharge standards set forth in WAC 173-221-040, or subsections (1) and (2) of this section; or

(ii) A mass loading limit based upon the lower percent removal.

(b) To qualify for alternative effluent limitations because of less concentrated influent wastewater, the permittee must demonstrate:

(i) The wastewater facility is consistently achieving, and/or will consistently achieve, the effluent concentration limits and mass limits based upon the effluent concentrations in its permit; and

(ii) That to meet the percentage removal requirements set forth in WAC 173-221-040 or subsections (1) and (2) of this section, the wastewater facility would have to achieve an effluent concentration at least 5 mg/L below the effluent concentration which is otherwise required; and

(iii) The less concentrated influent is not the result of excessive infiltration and/or inflow. The department will use federal regulations and guidance in defining excessive infiltration and inflow; and

(iv) The development and implementation of a program, subject to the department's approval, for ongoing wastewater facility maintenance, repair, and replacement, including infiltration and inflow control. A goal of the program shall be eventual achievement of the percent removal requirements specified in WAC 173-221-040 and subsection (1) or (2) of this section, whichever is applicable. The department shall incorporate the approved infiltration and inflow control program into the permit for the wastewater facility.

(5) Subject to the department's approval, a request for alternative effluent limitations pursuant to subsections (1) through (4) of this section must meet all of the following conditions:

(a) The effluent shall not cause water quality violations; and

(b) The permittee shall identify effluent concentrations consistently achievable through proper operation and maintenance; and

(c) The permittee shall demonstrate that industrial wastewater does not interfere with the domestic wastewater facility; and

(d) The wastewater facility must be within department approved hydraulic and organic design capacity; and

(e) The permittee must complete an analysis of whether seasonal alternative effluent limits are more appropriate than year-round; and

(f) The wastewater facility must be able to meet all other permit requirements and conditions.

(6)(a) At the option of the department, in lieu of the parameter BOD and the levels of the BOD effluent quality specified in WAC 173-221-040, the parameter CBOD may be substituted as an effluent limitation with the following levels of the CBOD effluent quality provided: The thirty-day average shall not exceed 25 mg/L. The seven-day average shall not exceed 40 mg/L. Additionally, the thirty-day average percent removal shall not be less than eighty-five percent of the influent concentration.

(b) At the option of the department, in lieu of the parameter BOD and the levels of the BOD effluent quality specified in subsections (1) and (2) of this section, the parameter CBOD may be substituted as an effluent limitation on a case-by-case basis where data are available. The levels of CBOD effluent quality shall not be less stringent than the following: The thirty-day average shall not exceed 40 mg/L. The seven-day average shall not exceed 60 mg/L. The thirty-day average percent removal shall not be less than sixty-five percent of the influent concentration.

(c) Permittee applications for substitution of CBOD for BOD under (b) of this subsection shall include parallel CBOD and BOD data.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 87-23-020 (Order 87-26), § 173-221-050, filed 11/12/87.]

**WAC 173-221-100 Severability.** If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 87-23-020 (Order 87-26), § 173-221-100, filed 11/12/87.]

### Chapter 173-221A WAC

## WASTEWATER DISCHARGE STANDARDS AND EFFLUENT LIMITATIONS

### WAC

- 173-221A-010 Purpose and scope.
- 173-221A-020 Policy.
- 173-221A-030 Definitions.
- 173-221A-100 Upland fin-fish facilities.
- 173-221A-150 Enforcement.

**WAC 173-221A-010 Purpose and scope.** This chapter implements chapters 43.21A, 90.48, 90.52, and 90.54 RCW by setting minimum discharge standards which represent "known, available, and reasonable methods" of prevention, control, and treatment for industrial wastewater facilities that discharge to waters of the state. This chapter supplements WAC 173-216-110, 173-218-100, and 173-220-130.

[Statutory Authority: Chapter 90.48 RCW. 90-14-078 (Order 90-11), § 173-221A-010, filed 7/3/90, effective 8/3/90.]

**WAC 173-221A-020 Policy.** Waters of the state shall be of the 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 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.

[Statutory Authority: Chapter 90.48 RCW. 90-14-078 (Order 90-11), § 173-221A-020, filed 7/3/90, effective 8/3/90.]

**WAC 173-221A-030 Definitions.** As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology, or designee.
- (3) "General NPDES permit" means a permit designed to cover multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.
- (4) "Individual NPDES permit" means a permit for a single point source or a single facility.
- (5) "NPDES" means National Pollutant Discharge Elimination System.
- (6) "Permit" means an authorization, license, or equivalent control document issued by the department to

implement chapter 173-220 WAC and/or chapter 173-216 WAC.

(7) "Sediment quality standards" means the standards set forth in chapter 173-204 WAC.

(8) "Upland fin-fish facility" means those facilities not located within waters of the state where fin-fish are hatched, fed, nurtured, held, maintained, or reared to reach the size of release or for market sale. This includes fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated public or private facility.

(9) "Wastewater" means the water or liquid carried waste. These wastes may result from any process or activity, including but not limited to, of industry, manufacturer, trade, business, development of any natural resource, or from animal operations such as feed lots, poultry houses, dairies, or fish rearing operations. The term also includes contaminated stormwater and leachate from solid waste facilities.

(10) "Water quality standards" means any applicable standards including chapter 173-201 WAC for surface waters and chapter 173-290 for ground water.

(11) "Waters of the state" includes those waters as defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington state and "waters of the state" as defined in RCW 90.48.020.

(12) "40 CFR" means Title 40 of the Code of Federal Regulations, as presently promulgated and subsequently amended or repromulgated.

[Statutory Authority: Chapter 90.48 RCW. 90-14-078 (Order 90-11), § 173-221A-030, filed 7/3/90, effective 8/3/90.]

**WAC 173-221A-100 Upland fin-fish facilities. (1) Compliance.**

(a) An NPDES permit under chapter 173-220 WAC is required for each upland fin-fish facility that: (i) Is a concentrated aquatic animal production facility as defined in 40 CFR 122.24, or (ii) the department has designated as a significant contributor of pollution in accordance with 40 CFR 122.24. NPDES permit requirements may be satisfied by obtaining coverage under either an individual or general permit.

Each upland fin-fish facility for which either an individual or a general NPDES permit is required must comply with subsections (2), and (4) through (7) of this section.

(b) Each upland fin-fish facility that produces more than 5,000 harvest weight pounds of aquatic animals per year or that feeds more than 1,250 pounds of food during the calendar month of maximum production and does not fall within (a) of this subsection must comply with subsections (2), (3), (5), and (6) of this section.

(c) Each upland fin-fish facility which does not fall within (a) or (b) of this subsection must comply with subsections (3)(a)(ii), (3)(b), (5), and (6) of this section.

(2) Time of compliance. Each upland fin-fish facility falling within subsection (1)(a) of this section must obtain coverage under a discharge permit prior to commencing operations. Each upland fin-fish facility falling

within subsection (1)(b) of this section in existence on the effective date of this rule must either register for an exemption from having a state waste discharge permit under subsection (3) of this section or file a complete application for a permit with the department by January 1, 1991.

Each upland fin-fish facility falling within subsection (1)(b) of this section either be deemed exempt by compliance with subsection (3) of this section or obtain a permit prior to commencing operations.

**(3) Exemptions.**

(a) Registration for exemption. Each upland fin-fish facility which meets the size criteria in subsection (1)(b) of this section and wishes to be deemed exempt from the requirement of obtaining a state waste discharge permit must register with the department on an exemption registration form prescribed by the department in (a)(i) of this subsection and comply with (a)(ii) of this subsection. Upon submission to the department of a complete and accurate exemption registration form and so long as the facility complies fully with (a)(ii) of this subsection the facility shall be deemed exempt from the requirement to obtain a state waste discharge permit.

(i) The exemption registration form shall require the following information: The facility owner's name, mailing address and phone number; the facility operator's name, mailing address and phone number if different from the owners; the facility location and address; the facility's average annual production in pounds of fish; the maximum historical and anticipated harvest weight in pounds of fish; the average amount of fish on hand in pounds; the facility's maximum anticipated amount of fish on hand at any time; the amount of food fed (in pounds) during the calendar month of maximum feeding; the facility's water source(s); the receiving water of the state into which facility effluent is discharged; and the amount of water being discharged into the receiving water of the state.

(ii) All upland fin-fish facilities shall be operated so as to:

(A) Comply with subsections (5) and (6) of this section.

(B) Comply with all applicable water quality standards, sediment quality standards and other applicable requirements of federal and state law.

(C) Allow authorized representatives of the department, upon presentation of identification to:

(I) Enter in or upon the facility at all reasonable times;

(II) Have access to and copy at all reasonable times any records relative to information that must be kept or provided the department under the terms of the exemption;

(III) Inspect, investigate, and photograph at all reasonable times any production, collection, treatment, pollution management, monitoring, or discharge equipment or facilities, or any conditions relating to pollution or possible pollution of any water of the state;

(IV) Sample and make tests at all reasonable times; and



(V) The term "reasonable times" shall include normal business hours, hours during which production, prevention, control, or treatment occurs or times when the department reasonably suspects a violation of this chapter is or may be occurring.

(D) Notify the department in writing, within thirty calendar days of:

(I) Any change of ownership of the facility;

(II) Any increase in production or feeding that could result in the facility being defined as a concentrated aquatic animal production facility under 40 CFR 122.24; or

(III) Any increase in production or feeding rate of more than ten percent over the production and feeding rates reported in the exemption registration form.

(b) Termination of exemption.

(i) Exemption from the requirement of obtaining a state waste discharge permit under (a) of this subsection is automatically terminated under the following conditions:

(A) The upland fin-fish facility meets the criteria for a concentrated aquatic animal production facility as defined in 40 CFR 122.24 or the department designated it as a significant contributor to pollution in accordance with 40 CFR 122.24.

(B) The wastewater from the upland fin-fish facility is not undergoing all known available and reasonable treatment prior to discharge or the upland fin-fish facility otherwise fails to comply with the requirements of (a)(ii) of this subsection.

(C) Information contained in the exemption registration form is or becomes materially inaccurate.

(D) Receiving waters do not meet state water quality standards due wholly or in part to pollutants from the upland fin-fish facility.

(E) The cumulative effect of multiple dischargers has, will, or is likely to cause adverse effects on the receiving environment.

(ii) Termination of exemption from the requirement of obtaining a state waste discharge permit shall become effective thirty calendar days following receipt of the department's notice of termination.

(c) Failure to obtain a permit or exemption. Any facility falling within subsection (1)(b) of this section that fails to either obtain a permit or achieved the conditions necessary to become exempt within the time frame set out in subsection (2) of this section is in violation of state and/or federal law and will be subject to potential enforcement action.

(4) Prevention, control, and treatment. Each upland fin-fish facility shall provide treatment prior to discharging to waters of the state regardless of receiving water quality. The minimum acceptable technology-based treatment requirements for upland fin-fish facilities required to obtain permits including general NPDES permits are:

(a) For facilities that use a vacuum cleaning system, standpipe bottom-drain system or other method to remove solids from the water, raceways or ponds, with treatment in a separate settling basin or treatment system:

(i) All facilities utilizing off-line settling shall incorporate into the pond or raceway design methods to collect settleable solids. Methods such as screened settling zones in the downstream end at raceways shall be used to collect settleable solids prior to periodic removal to off-line settling basins.

(ii) The settling basin shall have a hydraulic detention time of twenty-four hours or more.

(iii) The settling basin shall be designed to minimize short-circuiting and to provide a minimum total suspended solids average monthly percent removal of 85% and an average monthly settleable solids percent removal of 90%.

(iv) Turbulent flow shall be minimized within the cleaning system to avoid homogenization or solids.

(v) Rearing of fish within the settling basin is not permitted.

(vi) Alternative treatment technologies may be used, subject to written departmental approval in advance, provided equivalent treatment efficiency and reliability can be demonstrated.

(b) For facilities that provide in-line settling for the entire effluent;

(i) The settling basin shall have a minimum hydraulic detention time of sixty minutes.

(ii) The settling basin shall be designed to minimize hydraulic short-circuiting.

(iii) The settling basin shall be designed to provide at least a twenty year sludge decomposition and storage capacity unless provisions are made for periodic sludge removal without interruption in treatment.

(iv) Rearing of fish within the settling basin is prohibited.

(v) Alternative treatment technologies may be used subject to written departmental approval in advance, provided equivalent treatment efficiency and reliability can be demonstrated.

(c) For facilities with rearing ponds only, no other form of effluent treatment shall be required, provided the rearing pond has a minimum hydraulic retention time of two hours or more. Rearing vessels with less than two hours hydraulic retention time may be approved by the department in writing without additional treatment provided the applicant can demonstrate to the department, in advance the ability to continuously comply with effluent limits established in subsection (5)(a) of this section.

(d) Each upland fin-fish facility that begins construction after September 1, 1990, or expands production by fifty percent over the production on the effective date of this rule shall either:

(i) Line all settling basins or otherwise ensure that the static (i.e., without inflow) seepage rate through the settling basin bottom and sides shall not be greater than a water surface drop of 0.10 inch per day; or

(ii) Demonstrate to the department through hydrogeologic investigation and/or ground water monitoring that the operation of the facility will not have an adverse impact upon ground water quality.

(e) Notwithstanding the treatment requirements of this subsection, more stringent or additional conditions



may be required by the department as necessary on a case-by-case basis to mitigate adverse water quality impacts or meet water quality standards, ground water standards, sediment standards or other applicable requirements of federal or state law.

(5) Effluent standards. Wastewater from all upland fin-fish facilities regardless of size shall meet the following effluent discharge standards.

(a) Facility discharges.

(i) The instantaneous maximum total suspended solids concentration in the effluent at the point of discharge to the receiving environment shall not exceed 15 milligrams per liter of effluent.

(ii) The average monthly total suspended solids concentration in the effluent at the point of discharge to the receiving environment shall not exceed 5 milligrams per liter of effluent.

(iii) The average monthly settleable solids concentration in the effluent at the point of discharge to the receiving environment shall not exceed 0.1 milliliter per liter of effluent.

(iv) Effluent limitations shall apply as net values provided the criteria contained in 40 CFR 122.45 (net gross allowance) are met.

(b) Off-line settling basin effluent.

(i) The instantaneous maximum total suspended solids concentration shall not exceed 100 milligrams per liter of effluent.

(ii) The instantaneous maximum settleable solids concentration in off-line settling basin effluent shall not exceed 1.0 milliliter per liter of effluent.

(c) Discharges during rearing pond drawdown for fish release shall meet the following discharge standards. Pond drawdown for purposes other than fish release shall meet the discharger standards in (a) of this subsection.

(i) The instantaneous maximum total suspended solids concentration in the rearing pond effluent shall not exceed 100 milligrams per liter.

(ii) The instantaneous maximum settleable solids concentration in the rearing pond effluent shall not exceed 1.0 milliliter per liter.

(d) Test procedures. All sampling and analytical methods used to determine compliance with standards specified in this subsection shall, unless otherwise approved by the department, conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

(e) Notwithstanding the numerical discharge standards within this subsection, each upland fin-fish facility shall be operated in the most efficient manner possible. Additional effluent limits and/or more stringent effluent limits may be required as necessary on a case-by-case basis to meet water quality standards, ground water quality standards, sediment quality standards, or other applicable requirements of federal or state law.

(6) General requirements. The following practices shall be applicable to all upland fin-fish facilities.

(a) Sand, silt, mud, solids, sludges, filter backwash, debris, or other pollutants deposited or removed in the course of treatment or control of water supply and

wastewaters shall be disposed of in a manner so as to prevent such materials from entering waters of the state.

(b) Discharging untreated cleaning wastes (e.g., obtained from a vacuum or standpipe bottom drain system) to waters of the state is prohibited.

(c) Sweeping or intentionally discharging accumulated solids from raceways or ponds to waters of the state without prior treatment is prohibited.

(d) Practices such as removing dam boards in raceways or ponds, that allow accumulated solids to discharge to waters of the state are prohibited.

(e) The discharge of any drugs or chemicals in toxic amounts or in violation of water quality standards to waters of the state is prohibited.

(f) Only drugs, medications, and disease control chemicals approved for hatchery use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA) shall be used. Their use shall comply with the permitted uses and application practices given on the product labels.

(g) Fish mortalities and kill spawning or processing wastes, shall be disposed of in a manner so as to prevent such materials from entering the waters of the state.

(7) Receiving water quality studies. Receiving water quality studies shall be required as follows for each upland fin-fish facility which begins construction after September 1, 1990, or expands production by fifty percent over the production on the effective date of this rule. Existing facilities may be required to do receiving water studies on a case-by-case basis. Dilution shall be evaluated by the department using total facility effluent at maximum production at the lowest seven-day average receiving stream flow with a 10-year recurrence interval (7Q10).

(a) For facilities with a discharge of one part upland fin-fish facility effluent to ten parts or more of receiving water, receiving water studies are not required unless significant data indicates water quality standards would be violated.

(b) For facilities with an effluent dilution of between one part upland fin-fish facility effluent to three parts receiving water and one part effluent to ten parts receiving water, receiving water studies may be required by the department. The department shall provide the upland fin-fish operator or permit applicant with written documentation on the need for receiving water studies upon request. Factors to be considered by the department in determining the need for and objectives of special receiving water studies may include, but are limited to, the following:

(i) The water quality classification of the receiving water of the state;

(ii) The potential water quality impacts of surrounding land use practices and/or existing and proposed discharges including the proposed upland fin-fish hatching and rearing facility;

(iii) The likelihood that the proposed discharge will have an effect on existing water quality and/or present or future beneficial uses;

(iv) The proximity of the discharge to a quiescent water body such as a lake or a reservoir;

(v) On-site inspection;

(vi) The potential of the discharge to have an adverse impact on receiving water quality such that water quality standards would be violated; and

(vii) Possible beneficial impacts of upland fin-fish discharges on existing water quality such as flow augmentation.

(c) For facilities with an effluent dilution of one part upland fin-fish facility effluent to three parts or less of receiving waters, receiving water quality studies will generally be required for new facilities and may be required on a case-by-case basis for existing facilities.

(d) Receiving water quality studies content and scope shall include, as required by the department an analysis of the proposed facilities discharge and any impacts upon the receiving water of the state, including, but not limited to, the following:

(i) Identification of existing and potential beneficial uses of the receiving water of the state and an evaluation of the impact on those beneficial uses of the proposed discharge;

(ii) Hydraulic impacts;

(iii) The impacts of both nitrogen and phosphorous compounds and the potential for eutrophication of the receiving waters;

(iv) The use of chemicals and medications within the facility, their toxicity, and the impacts on the receiving waters;

(v) The effect of the facilities on receiving water temperature and dissolved oxygen concentrations; and

(vi) The potential for impacting any specified identified water use.

(vii) Possible beneficial impact of upland fin-fish discharges on existing water quality such as flow augmentation.

[Statutory Authority: Chapter 90.48 RCW. 90-14-078 (Order 90-11), § 173-221A-100, filed 7/3/90, effective 8/3/90.]

**WAC 173-221A-150 Enforcement.** This chapter shall be enforced through all legal, equitable, and other methods available to the department, including, but not limited to those described in chapter 90.48 RCW.

[Statutory Authority: Chapter 90.48 RCW. 90-14-078 (Order 90-11), § 173-221A-150, filed 7/3/90, effective 8/3/90.]

**Chapter 173-222 WAC**

**WASTEWATER DISCHARGE PERMIT FEES**

**WAC**

173-222-010	Purpose and authority.
173-222-015	Applicability.
173-222-020	Definitions.
173-222-030	Discharge categories.
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173-222-080	Public notice.
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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. This chapter does not apply to permits issued after June 30, 1988.

[Statutory Authority: Chapter 43.21A RCW. 88-12-035 (Order 88-8), § 173-222-015, filed 5/26/88, effective 7/1/88; 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

Departmental Action	Discharge Categories							
	Domestic				Industrial			
	1A	1B	1C	1D	2A	2B	2C	2D
<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
Administrative Modifications	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 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 173-224 WAC

#### WASTEWATER DISCHARGE PERMIT FEES

##### WAC

173-224-015	Purpose.
173-224-020	Applicability.
173-224-030	Definitions.
173-224-040	Permit fee schedule.
173-224-050	Permit fee payments.
173-224-060	Permits issued by other governmental agencies.
173-224-070	Credits.
173-224-080	Transfer of ownership or control.
173-224-090	Small discharger fee reduction.
173-224-100	Administrative appeals to the department.
173-224-110	Deposits.
173-224-120	Past due payments.

**WAC 173-224-015 Purpose.** The purpose of this chapter is to establish a fee system for state waste discharge and NPDES permits issued by the department pursuant to RCW 90.48.160, 90.48.162, or 90.48.260. Initiative 97 authorizes the department to charge fees to fully recover, but not exceed the costs of the permit program based on expenses incurred in the issuance and administration of state waste discharge and NPDES permits. This regulation is a step towards developing a comprehensive permit program. The department will further document the program needs and costs, and re-examine the fees established within this chapter, and as appropriate, will propose changes to the fee schedule to fully recover the 1992-93 biennium program costs.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-015, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-020 Applicability.** This chapter applies to all persons holding a state waste discharge or NPDES permit issued by the department pursuant to RCW 90.48.160, 90.48.162 or 90.48.260, including persons holding permits that remain in effect under WAC 173-216-040, 173-220-180(5), or RCW 90.48.200.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-020, filed 5/31/89 and 3/13/90, effective 4/13/90.]

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**WAC 173-224-030 Definitions.** (1) "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260. Fees for hazardous waste clean up sites may be adjusted retrospectively based on cost accounting for such sites as provided for under the provisions of Initiative 97.

(2) "Aggregate production" means the mining of sand, gravel, or rock and/or the production of concrete and/or asphalt.

(3) "Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

(4) "Animal unit" means one slaughter or feeder steer, 0.7 mature dairy cow, 25 swine or as more fully defined in Appendix B of 40 CFR 122.

(5) "Annual permit fee" means the fee charged by the department of ecology for expenses associated with activities specified in Initiative 97. This annual fee is based on the state's fiscal year (July 1 - June 30).

(6) "bbls/d" means barrels per day of feedstock for petroleum refineries.

(7) "bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

(8) "Combined food processing waste treatment facility" means a facility which treats wastewater from more than one separately permitted food processor and receives no waste from industrial sources other than food processing and no domestic wastewater.

(9) "Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

(10) "Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

(11) "Concentrated animal feeding operation" means an "animal feed operation" which meets the criteria in Appendix B of 40 CFR 122.23 (b)(3) as presently enacted and any subsequent modifications thereto.

(12) "Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in director contact with the wastewater.

(13) "cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

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

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

(16) "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.

(17) "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.

(18) "EPA" means the United States Environmental Protection Agency.

(19) "Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

(20) "Flavor extraction" means the recovery of flavors or essential oils from vegetable products.

(21) "Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, but exclusive of crop preparing. This category includes but is not limited to fruit and vegetable processing, meat and poultry products processing, dairy products processing, seafood processing, beer and wine production, rendering and animal feed production. Food processing wastewater treatment plants which treat wastes from only one separately permitted food processor shall be treated as one facility for billing purposes.

(22) "GPD" means maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit.

(23) "Gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

(a) Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

(b) Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

(c) Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from gross revenue.

(d) Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

(e) Connection charges.

(f) Revenues from sales of by-products such as sludge, processed wastewater, etc.

(24) "Hazardous waste clean up sites" means hazardous waste sites which have a waste discharge permit but at which the department has not commenced cost recovery under section 4 of Initiative 97.

(25) "Industrial facility" means any facility not included in definition of municipal/domestic facility.

(26) "MGD" means permitted flow expressed in million gallons per day.

(27) "Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

(28) "Municipal/domestic facility" means a publicly-owned facility treating domestic wastewater together with such industrial wastes as may be present, or a privately-owned facility treating solely domestic wastewater.

(29) "Municipality" means a city, town, county, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.

(30) "Noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

(31) "Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(1).

(32) "NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department pursuant to Section 402 of the federal Clean Water Act and RCW 90.48.260.

(33) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.

(34) "Permitted flow" means:

(a) For municipal/domestic facilities, the monthly average flow limitation contained in the permit;

(b) For industrial facilities, the daily maximum flow limitation contained in the permit;

(c) For permits in which a flow limit is not specified, the department shall use the design flow corresponding to (a) or (b) of this subsection.

(35) "Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences

that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.

(36) "Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

(37) "State waste discharge permit" means a permit required under chapter 173-216 WAC.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-030, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-040 Permit fee schedule. (1) Industrial facility categories.**

**(2) Municipal/domestic categories.**

INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE
Aluminum Alloys	\$ 5,000.00
Aluminum and Magnesium Reduction Mills	30,000.00
Aluminum Forming	15,000.00
Aggregate Production	
a. Mineral Mining (Sand, Gravel and Rock)	
1. Mining only	500.00
2. Mining with classification (screening and/or crushing)	1,000.00
3. Mining with classification and washing	1,500.00
b. Concrete and/or Asphalt Production	
1. < 20,000 cu. yds/yr.	300.00
2. 20,000 - < 60,000 cu. yds/yr.	500.00
3. 60,000 - < 100,000 cu. yds/yr.	750.00
4. 100,000 - < 150,000 cu. yds/yr.	1,000.00
5. 150,000 - < 200,000 cu. yds/yr.	1,500.00
6. 200,000 - < 250,000 cu. yds/yr.	2,000.00
7. 250,000 cu. yds/yr. and greater	2,500.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mineral mining and the concrete and/or asphalt production subcategories.	
Coal Mining and Preparation	
a. < 200,000 tons per year	2,000.00
b. 200,000 - < 500,000 tons per year	4,500.00
c. 500,000 - < 1,000,000 tons per year	8,000.00
d. 1,000,000 tons per year and greater	15,000.00
Combined Industrial Waste Treatment	
a. < 10,000 gpd	1,000.00
b. 10,000 - < 50,000 gpd	2,500.00
c. 50,000 - < 100,000 gpd	5,000.00
d. 100,000 - < 500,000 gpd	10,000.00
e. 500,000 gpd and greater	15,000.00
Combined Food Processing Waste Treatment Facilities	5,000.00
Combined Sewer Overflow System	
a. < 50 acres	1,000.00
b. 50 - < 100 acres	2,000.00
c. 100 - < 500 acres	3,000.00
d. 500 acres and greater	4,000.00
Concentrated Animal Feeding Operation	
a. < 100 Animal Units	100.00
b. 100 - < 500 Animal Units	200.00
c. 500 - < 1,000 Animal Units	500.00
d. 1,000 Animal Units and greater	1,000.00
Crop Preparing	
a. 1,000 - < 5,000 bins/yr.	200.00
b. 5,000 - < 10,000 bins/yr.	400.00
c. 10,000 - < 25,000 bins/yr.	800.00

INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE
d. 25,000 - < 50,000 bins/yr.	1,600.00
e. 50,000 - < 100,000 bins/yr.	3,000.00
f. 100,000 - < 150,000 bins/yr.	5,000.00
g. 150,000 bins/yr. and greater	6,000.00
Facilities Not Otherwise Classified	
a. < 1,000 gpd	500.00
b. 1,000 - < 10,000 gpd	1,000.00
c. 10,000 - < 50,000 gpd	2,000.00
d. 50,000 - < 100,000 gpd	4,000.00
e. 100,000 - < 500,000 gpd	8,000.00
f. 500,000 - < 1,000,000 gpd	10,000.00
g. 1,000,000 gpd and greater	15,000.00
Fin Fish Rearing & Hatching	1,500.00
Flavor Extraction	
a. Steam Distillation	250.00
b. Solvent Extraction	1,000.00
Food Processing	
a. < 1,000 gpd	500.00
b. 1,000 - < 10,000 gpd	1,000.00
c. 10,000 - < 50,000 gpd	1,500.00
d. 50,000 - < 100,000 gpd	2,000.00
e. 100,000 - < 500,000 gpd	5,000.00
f. 500,000 - < 1,000,000 gpd	10,000.00
g. 1,000,000 gpd and greater	15,000.00
Fuel and Chemical Storage	
a. < 100,000 bbls	1,000.00
b. 100,000 - < 500,000 bbls	2,500.00
c. 500,000 bbls and greater	5,000.00
Hazardous Waste Clean Up Sites (See definition under WAC 173-224-030(24).)	20,000.00
Inorganic Chemicals Manufacturing	
a. Lime Products	2,500.00
b. Fertilizer	
c. Peroxide	4,000.00
d. Alkaline Earth Salts	5,000.00
e. Metal Salts	7,000.00
f. Acid Manufacturing	10,000.00
g. Chlor-alkali	20,000.00
Iron and Steel	
a. Foundries	5,000.00
b. Mills	10,000.00
Metal Finishing	
a. < 1,000 gpd	600.00
b. 1,000 - < 10,000 gpd	1,000.00
c. 10,000 - < 50,000 gpd	2,500.00
d. 50,000 - < 100,000 gpd	5,000.00
e. 100,000 - < 500,000 gpd	10,000.00
f. 500,000 gpd and greater	15,000.00
Noncontact Cooling Water	
a. < 1,000 gpd	100.00
b. 1,000 - < 10,000 gpd	500.00
c. 10,000 - < 50,000 gpd	1,000.00
d. 50,000 - < 100,000 gpd	2,000.00
e. 100,000 - < 1,000,000 gpd	4,000.00
f. 1,000,000 - < 10,000,000 gpd	6,000.00
g. 10,000,000 gpd and greater	8,000.00
Nonferrous Metals Forming	5,000.00
Ore Mining	
a. Ore mining	1,000.00
b. Ore mining with physical concentration processes	2,000.00
c. Ore mining with physical and chemical concentration processes	8,000.00
Organic Chemicals Manufacturing	
a. Fertilizer	5,000.00
b. Aliphatic	10,000.00
c. Aromatic	15,000.00



INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE
Petroleum Refining	
a. < 10,000 bbls/d	10,000.00
b. 10,000 - < 50,000 bbls/d	20,000.00
c. 50,000 bbls/d and greater	40,000.00
Photofinishers	
a. < 1,000 gpd	400.00
b. 1,000 gpd and greater	1,000.00
Power and/or Steam Plants	
a. Steam Generation - Nonelectric	2,000.00
b. Hydroelectric	2,000.00
c. Nonfossil Fuel	3,000.00
d. Fossil Fuel	8,000.00
Pulp, Paper and Paper Board	
a. Fiber Recyclers	5,000.00
b. Paper Mills	10,000.00
c. Groundwood Pulp Mills	
1. < 300 tons per day	15,000.00
2. 300 tons per day and greater	30,000.00
d. Chemical Pulp Mills w/o Chlorine Bleaching	40,000.00
e. Chemical Pulp Mills w/Chlorine Bleaching	45,000.00
Shipyards	
\$1,000 per crane, travel lift, small boat lift	
1,000 per drydock under 250 ft in length	
1,000 per graving dock	
1,500 per marine way	
1,500 per synchrolift	
2,000 per drydock over 250 ft in length	
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.	
Solid Waste Sites	
a. Nonputrescible	2,000.00
b. < 50 acres	4,000.00
c. 50 - < 100 acres	8,000.00
d. 100 - < 250 acres	10,000.00
e. 250 acres and greater	15,000.00
Storm Water Only	
a. < 50 acres	1,000.00
b. 50 - < 100 acres	2,000.00
c. 100 - < 500 acres	3,000.00
d. 500 acres and greater	4,000.00
Textile Mills	20,000.00
Timber Products	
a. Log Storage	1,000.00
b. Veneer	2,000.00
c. Sawmills	4,000.00
d. Hardwood, Plywood	7,000.00
e. Wood Preserving	10,000.00
Vehicle Maintenance, Warehouse and Freight Transfer	
a. < 0.5 acre	1,000.00
b. 0.5 - < 1.0 acre	2,000.00
c. 1.0 acre and greater	3,000.00
Water Plants	
a. Potable water treatment	1,250.00
b. Irrigation water treatment	750.00

(a) Facilities other than those in the aggregate production, crop preparing, or shipyard categories which operate within several fee categories or subcategories will be charged for that category or subcategory with the highest fee.

(b) Facilities covered by general permits will be charged 70% of the fee category which they would otherwise belong.

(c) Industries with permitted discharges of 800 gpd or less will pay an annual fee of \$150.00.

(d) The annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence which uses nine hundred cubic feet of water per month.

(e) To verify information relevant to the determination of fees, the department may require industrial and commercial permittees to submit a form certifying annual production or unit processes. When required, the form must be completed and returned to the department within thirty days after it is mailed to the permittee by the department.

(f) Fees for crop preparers discharging noncontact cooling water only shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water categories.

(g) Hazardous waste clean up sites for which the department has commenced cost recovery under section 4 of Initiative 97 shall have permit fees deemed to have been charged through the cost recovery action.

(3) The form shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner;

(d) In the case of a sole proprietorship, by the proprietor.

(4) The department may verify the information contained in the form and, if it determines that the permit holder has made false or inaccurate statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

#### MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

(i) If the number of residential equivalents that contribute to the domestic wastewater facility is less than 40,000, the fee is sixty cents times the number of residential equivalents;

(ii) If the number of residential equivalents that contribute to the domestic wastewater facility is 40,000 or greater but less than 150,000, the fee is fifty cents times the number of residential equivalents;

(iii) If the number of residential equivalents that contribute to the domestic wastewater facility is 150,000 or greater but less than 250,000, the fee is forty cents times the number of residential equivalents;

(iv) If the number of residential equivalents that contribute to the domestic wastewater facility is 250,000 or greater but less than 500,000, the fee is thirty-five cents times the number of residential equivalents;

(v) If the number of residential equivalents that contribute to the domestic wastewater facility is 500,000 or greater, the fee is thirty cents times the number of residential equivalents.

(b) The annual permit fee for each permit issued under RCW 90.48.162 or 90.48.260 that is held by a municipality that holds more than one permit for domestic wastewater facilities and which treats each domestic wastewater facility as a separate accounting entity, maintaining separate funds/accounts for each facility, into which revenue received from the users of that facility is deposited and out of which expenditures to pay for the costs of operating, etc., that facility are made, is determined as in (a) of this subsection.

(c) The sum of the annual permit fees for permits held by a municipality that holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260 and which does not treat each domestic wastewater facility as a separate accounting entity, maintaining separate funds/accounts for each facility, into which revenue received from the users of that facility is deposited and out of which expenditures to pay for the costs of operating, etc., that facility are made, is determined as follows:

(i) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is less than 40,000, the fee is sixty cents times the number of residential equivalents;

(ii) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is 40,000 or greater but less than 150,000, the fee is fifty cents times the number of residential equivalents;

(iii) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is 150,000 or greater but less than 250,000, the fee is forty cents times the number of residential equivalents;

(iv) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is 250,000 or greater but less than 500,000, the fee is thirty-five cents times the number of residential equivalents;

(v) If the number of residential equivalents that contribute to the municipality's domestic wastewater system is 500,000 or greater, the fee is thirty cents times the number of residential equivalents.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

<u>Permitted Flows</u>	<u>Annual Permit Fee</u>
.1 MGD and Greater	\$2,500.00
.05 MGD to < .1 MGD	1,000.00
.0008 MGD to < .05 MGD	500.00
< .0008 MGD	150.00

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any such amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities differing single-family residential user charges, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities differing single-family residential user charges, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a charge per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user charge for a single-family residence. If the other municipality does not maintain data on its gross revenue, user charges, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user charge for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user charge for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user charge for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user charge is calculated by multiplying by six the bimonthly user charge for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user charge for a single-family residence varies, depending on age, income, location, etc., then the charge used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user charge for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user charge for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user charges, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(v) If the facility received a permit fee reduction in accordance with WAC 173-223-090(3) for its fiscal year 1989 permit fee, the facility may use the residential equivalent count that was made in determining that fee reduction as the number of residential equivalents for calculating its fiscal year 1990 and 1991 permit fees.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned

domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Fees will be calculated in even-numbered fiscal years.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor;

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(iv) Residential equivalent counts calculated for the purpose of determining fees under chapter 173-223 WAC for the March 1 through June 30, 1989, period will be used to determine permit fees for fiscal years 1990 and 1991.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-040, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-050 Permit fee payments.** (1) Permit fee computation. Computation of permit fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48-.200, computation shall begin on the sixty-first day after the department receives an application. Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, on the date of termination. Computation shall end on the expiration date of a permit only if a permit holder has indicated to the department in writing that the permitted activity has been terminated.

(2) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department thirty days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis. In cases where a new permit is only in effect for a portion of the

fiscal year upon which the annual fee is based, the department shall prorate the fee accordingly. In addition to other circumstances, this applies where the department terminates a permit upon its determination that an industry which discharges to a municipal sewer system is satisfactorily regulated by a local pretreatment program.

(3) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P. O. Box 5128, Lacey, Washington 98503-5128.

(4) In the event a check is returned due to insufficient funds, the permit fee shall be deemed to be unpaid.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-050, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-060 Permits issued by other governmental agencies.** The department shall not charge permit fees for:

(1) Permits issued by a city, town, or municipal corporation under RCW 90.48.165;

(2) Permits issued by the energy facilities site evaluation council under RCW 80.50.071;

(3) Permits administered by the EPA under 33 U.S.C. 1251 et seq.

Nothing herein shall restrict the department from charging fees to recover administrative expenses of permits it issues under RCW 90.48.160 for discharges into municipal sewer systems, nor for charging fees to recover administrative expenses related to monitoring compliance with delegated pretreatment programs.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-060, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-070 Credits.** Any public entity engaging in a comprehensive monitoring program may apply for a credit against its permit fee. The full amount of a permit fee shall not be due until after the department made a determination on any such application for credit. The department may establish a due date in accordance with WAC 173-224-050 for an amount equal to the permit fee assessment minus the requested credit. Any balance of permit fee charges remaining after approval or denial of a credit shall be due thirty days after the department gives notice of such approval or denial. The department may approve applications for credits that meet the following criteria:

(1) Credit shall not be granted to a facility in excess of twenty-five percent of the permit fee assessed over the five-year period of a permit;

(2) The total amount of combined credits granted to all permittees for the five-year period beginning July 1, 1988, shall not exceed fifty thousand dollars. The total amount of credits granted for any one year shall not exceed the balance of the fifty thousand dollar maximum divided by the number of years remaining before July 1,

1993. If more than one permittee applies for credits during any one calendar year, the department shall consider the amount of the credits applied for and the benefits derived from the comprehensive monitoring programs in distributing the credits for that year among the applicants;

(3) Credit shall not be granted for monitoring required by the terms of the applicant's permit; nor for monitoring of effluent or the effects of effluent on the receiving water, sediment, or biota in the vicinity of the discharge; nor for monitoring that is within the scope of monitoring guidelines developed by the department for implementation through permits;

(4) In applying for an NPDES permit credit, the applicant must demonstrate that its comprehensive monitoring produces benefits the general public or public agencies responsible for protection or management of the state's waters or aquatic resources. Such benefits must extend beyond the immediate jurisdiction or responsibility of the applicant;

(5) Requests for credit must be received by the department no later than October 1 during any state fiscal year.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-070, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-080 Transfer of ownership or control.** The department shall charge permit fees from the permit holder on record with the department. In the event that ownership or control of a permitted facility or activity is transferred, it shall not be the responsibility of the department to transfer funds between a new and previous permit holder, and the department shall not refund fee charges prospectively in the event of a transfer. Fees paid by a previous permit holder shall be deemed to satisfy the corresponding fee payment requirements of a new permit holder. Agreements between a new and previous permit holder are not binding on the department.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-080, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-090 Small discharger fee reduction.** A small business required to pay a permit fee under an industrial facility category may receive a reduction of its permit fee.

(1) To qualify for the fee reduction, a business must:

(a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;

(b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);

(c) Have fifty or fewer employees; and

(d) Have annual sales of five hundred thousand dollars or less of the goods or services produced using the processes regulated by the waste discharge permit.

(2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner;

(d) In the case of a sole proprietorship, by the proprietor.

(3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.

(4) The permit fee for small businesses determined to be eligible under subsection (1) of this section shall be reduced to the greater of: (a) Fifty percent of the permit fee; or (b) two hundred fifty dollars.

(5) If due to special economic circumstances a fee reduction allowed under subsection (4) of this section would nevertheless still impose an extreme economic hardship on a small business, the small business may so indicate in its application for fee reduction and request a further fee reduction. The small business must provide sufficient evidence to support its claim of extreme hardship. The factors which the department may consider in determining whether the applicant faces special economic circumstances and in setting the applicant's fee include: The applicant's annual sales, the size of its labor force, the conditions of the market which affect the applicant's ability to pass the cost of the permit fee through to its customers, and its average annual profits. In no case will a permit fee be reduced below one percent of the average annual gross sales of the goods or services produced using the process regulated by the waste discharge permit. The average annual gross sales is calculated using the previous three calendar years' gross sales.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-090, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-100 Administrative appeals to the department.** Any person aggrieved by a determination made under this chapter by the department may file a written appeal to the department no later than the due date for payment of fees. Such appeal shall state the reasons that the aggrieved person believes that the department's determination is contrary to the requirements of Initiative 97, and specific actions that he/she is requesting that are consistent with those requirements. The department shall either issue a revised determination or a statement upholding the original determination. A revised determination shall be consistent with the requirements of Initiative 97.

(1990 Ed.)

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-100, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-110 Deposits.** The department shall deposit permit fee payments in the water quality permit account in the state treasury. Funds collected shall not be available for use by the department until appropriated by the legislature.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-110, filed 5/31/89 and 3/13/90, effective 4/13/90.]

**WAC 173-224-120 Past due payments.** Any person who, by the effective date of this section, has not paid the fees and other amounts due under chapters 173-222 and 173-223 WAC shall continue to be obligated to pay such fees and amounts.

[Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-120, filed 5/31/89 and 3/13/90, effective 4/13/90.]

#### 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

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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

173-230-010	General.
173-230-020	Definitions.
173-230-030	Duties of the board.
173-230-040	Certification required.
173-230-050	Certification prerequisites.
173-230-061	Applications and certification requirements.
173-230-070	Examination.
173-230-080	Certificate term and renewals.
173-230-090	Fees.
173-230-100	Suspension and revocation.
173-230-110	Reciprocity.
173-230-120	Appeals.
173-230-130	Violations.
173-230-140	Classification of wastewater treatment plants.

#### 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 at a level equal to or higher than the classification rating of the treatment plant being operated. Certification under this act is available to all individuals who can meet the minimum qualifications for a given classification. Operating personnel not required to be certified by chapter 70.95B RCW are encouraged to become certified on a voluntary basis.

[Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-010, filed 10/23/87. 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) "Board" means the water and wastewater operators certification board of examiners established by RCW 70.95B.070.

(2) "Certificate" means the certificate of competency issued by the director stating that an individual has met the requirements for a specific classification in the wastewater treatment plant operator's certification program.

(3) "Certificate holder" means the individual to whom a certificate is issued.

(4) "CEU" means continuing education unit which is a nationally recognized unit of measurement similar to college credit. One CEU is awarded for every ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

(5) "College" means credits earned toward a college degree or in course work that is relevant to the operation of a wastewater treatment plant. College shall also mean CEUs. Forty-five CEUs equals forty-five quarter credits equals thirty semester credits.

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

(7) "Director" means the director of the department of ecology or the director's designee.

(8) "GED" means a General Education Development certificate issued by a recognized education institution. A GED is equivalent to a high school diploma.

(9) "Group and class" for the purpose of operator certification and wastewater treatment plant classification shall mean the same.

(10) "OIT" means operator-in-training. This is the entry level certification classification offered by the department.

(11) "Operating experience" means the routine performance of duties, on-site in a wastewater treatment



plant, that affect plant performance and/or effluent quality.

(12) "Operator" means an individual who performs routine duties on-site at a wastewater treatment plant which affect plant performance and/or effluent quality.

(13) "Operator in charge of each shift" means the individual on-site at a wastewater treatment plant whose primary responsibility is to operate the wastewater treatment plant on a regularly run shift. The operator in charge of each shift shall be subordinate to the operator in responsible charge.

(14) "Operator in responsible charge" means the individual who is routinely on-site and in direct charge of the overall operation of a wastewater treatment plant.

(15) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

(16) "Reciprocity" means the exchange of a valid out-of-state wastewater treatment plant operator's certificate achieved by passing a written examination for an equivalent level of certification without further examination.

(17) "Wastewater certification program coordinator" means an employee of the department who is appointed by the director to serve on the board and who administers the wastewater treatment plant operator certification program.

(18) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used to collect and transport wastewater.

(19) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, 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, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

[Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-020, filed 10/23/87. 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 the classification of wastewater treatment plants when a plant handles a unique treatment process or complex waste that is not reflected in the wastewater treatment plant classification system set forth in WAC 173-230-140.

(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 used to measure an operator's qualifications for certification. Recommend to the director the issuance or revocation of certificates.

(4) Encourage operating personnel other than those who are required to be certified in RCW 70.95B.030 to become certified on a voluntary basis.

(5) Maintain records of operator qualifications, certifications, and a register of certified operators.

[Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-030, filed 10/23/87; 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 designated by the owner in responsible charge of the plant holds a valid certificate of at least the same classification as that of the wastewater treatment plant being operated. When a wastewater treatment plant is operated on more than one daily shift, the individual in charge of each regularly run shift at the wastewater treatment plant being operated shall also be certified.

(2) After January 1, 1989, it shall be unlawful to operate a wastewater treatment plant on more than one daily shift as described in subsection (1) of this section unless the operator in charge of each shift, as designated by the owner, is certified at a level not less than one class lower than the class of plant being operated. The operator in charge of each shift shall be subordinate to the operator in responsible charge of the plant who is certified at a level equal to or higher than the classification of the plant being operated.

(3) When a position required to be filled by a certified wastewater treatment plant operator as described herein is vacated due to a scheduled vacation or a short-term illness, these requirements may be waived temporarily at the director's discretion.

[Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-040, filed 10/23/87. 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 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 or she 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 service with that plant.

(c) In appropriate classifications, to persons who fill a vacated position required by RCW 70.95B.020 to be filled by a certified operator. A certificate issued under this subsection shall be known as a "temporary" certificate and shall be valid for a period of not more than twelve months from the date of issue and shall be non-renewable. If a position is vacated by the holder of a temporary certificate issued under this subsection, no additional temporary certificate shall be issued.

[Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-050, filed 10/23/87. 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 wastewater certification program coordinator. The wastewater certification program coordinator shall make application forms available upon request.

(2) Upon receipt of a completed application, the wastewater certification program coordinator shall screen the application against the following criteria to determine eligibility for examination or reciprocal certification.

(3) Certification requirements: Applicants for certification by examination or reciprocity must meet the minimum education and operating experience requirements or equivalents set forth below:

Certification Classification	Education	Operating Experience
OIT	High school diploma	3 months
Group I	High school diploma	1 year
Group II	High school diploma	3 years
Group III	High school diploma plus two years college	4 years

Certification Classification	Education	Operating Experience
Group IV	High school diploma plus four years college	4 years

(a) Applicants for Group I certification may not substitute equivalent work experience or college for any portion of the operating experience requirement.

(b) At least half of the operating experience requirement for Class II, III, or IV certification must be gained on-site, in a wastewater treatment plant with a classification rating not less than one class lower than the class of certification desired.

(c) College claimed by an applicant for certification shall be credited toward the certification requirements only when documented on a transcript or a certificate of completion.

(4) Equivalent education

(a) A GED is equivalent to a high school diploma.

(b) One year of excess operating experience may be substituted for one year of high school or two years of grade school - no limit.

(c) Applicants for Group III and IV certification may substitute one year of excess operating experience for one year of college for up to half of the college requirement.

Note: Operating experience substituted for an education requirement may not also be applied to the operating experience requirement.

(5) Equivalent operating experience

(a) OIT applicants may substitute three CEUs or equivalent for the operating experience requirement provided the CEUs are earned upon completion of coursework in wastewater treatment plant operation.

(b) Applicants for Group II certification may substitute up to one and one-half years of college for one and one-half years of the operating experience requirement.

(c) Applicants for Group III and IV certification may substitute up to two years of excess college for two years of the operating experience requirement.

(d) Applicants may substitute work experience in the fields identified below for up to half of the operating experience requirement for Group II, III, and IV certification at a rate determined by the board:

- Experience as an environmental or operations consultant.
- Experience in an environmental or engineering branch of federal, state, county, or local government.
- Experience as a wastewater collection system operator.
- Experience as a water distribution system operator and/or manager.
- Experience as a wastewater pump station operator.
- Experience as a water treatment plant operator.

The board may also consider work experience in fields such as building and equipment maintenance, boiler operation, machinist, laboratory technician, engineering, welding, or other related fields on a case-by-case basis when presented with a written description of the duties performed on the job by the applicant for certification.

Note: College substituted for an operating experience requirement cannot also be applied to the education requirement.

#### (6) Exemptions

In the event an applicant for Group III or IV certification cannot meet the minimum college education requirements or equivalents set forth in subsections (3), (4), and (5) of this section, the board shall consider the applicants eligibility for certification using the following substitution formula:

- After providing verification of a high school diploma or GED, Group III and IV applicants may substitute three years of excess operating experience in a wastewater treatment plant with a classification rating not less than one classification lower than the level of certification desired, for one year of college - no limit.

(7) If no examination is required, the wastewater certification program coordinator shall present the application to the board for consideration. The board shall make a recommendation to the director regarding the approval or denial of the request for certification.

(8) Group IV applications shall be submitted to the board for approval prior to scheduling for examination.

(9) If an examination is required, the wastewater certification program coordinator shall notify, schedule, and examine all applicants for certification.

[Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-061, filed 10/23/87. 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. These examinations shall be held on the first Monday of February, June, and October each year. In the event the exam date falls on a holiday, the examination shall be rescheduled by the wastewater certification program coordinator.

(3) All examinations shall be graded by the wastewater certification program coordinator and the applicant shall be notified of the score attained and pass or fail. Examinations shall not be returned to the applicant.

(4) An applicant who fails to pass an examination may be reexamined at the next 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). No individual will be allowed to retake the same examination more than twice consecutively. After two consecutive examinations, one examination period must be skipped.

(6) The board shall forward its recommendations for certification of those examined to the director.

[Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-070, filed 10/23/87. 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 or the year designated by the department.

(2) Except as provided in WAC 173-230-050 (2)(c), all certificates shall be renewable upon presentation of evidence that the certificate holder demonstrates continued professional growth in the field. The department shall mail renewal notices to all certificate holders eligible for renewal prior to the date the certificate expires.

(3) In order to demonstrate continued professional growth in the field, each certificate holder must accomplish one of the following activities during a three-year period ending December 31, 1979, and each three-year period thereafter.

(a) Accumulate a minimum of three CEUs or college credits in coursework relevant to the field;

(b) Advance by exam to a higher level of certification in Washington's wastewater treatment plant operator's certification program. Advancement from OIT to Group I certification shall not fulfill this requirement;

(c) Achieve certification by examination in the waterworks certification program administered by the Washington department of social and health services;

(d) Achieve certification by examination in a different classification of the waterworks certification program administered by DSHS as shown below:

- Water Distribution Manager (WDM) to Water Treatment Plant Operator (WTPO)
- WTPO to WDM
- Water Distribution Specialist (WDS) to WDM or WTPO
- Cross Connection Control Specialist (CCS) to WDM or WTPO or WDS;

(e) On or after January 1, 1989, achieve certification by examination or advance by examination to a higher level in Washington's voluntary wastewater collection system operator's certification program administered by the Washington Wastewater Collection System Personnel Association. Advancement from the in-training certification classification to the Level 1 classification shall not fulfill this requirement.

(4) It is the responsibility of each certificate holder to satisfy the continued professional growth requirement on or before December 31 of the last year of the three-year period described in subsection (3) of this section. The department shall mail a written notice to each certificate holder who has not fulfilled the continued professional growth requirement. If this requirement is not satisfied, the certificate shall not be renewable. Failure to renew a certificate for any reason shall be handled as described in WAC 173-230-100.

(5) On and after January 1, 1989, the department may collect renewal fees for a period not to exceed three calendar years. The department shall notify certificate holders who are eligible for renewal as described in subsection (2) of this section the amount of fees owed and the date by which the fees must be paid.

[Statutory Authority: RCW 70.95B.040. 87-22-006 (Order 87-36), § 173-230-080, filed 10/23/87. 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), applications for certification by examination will be accepted for processing only when accompanied by a fee of twenty dollars. Applications for certification by reciprocity will be accepted for processing only when accompanied by a fee of forty 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 twenty dollars.

(3) In the event an application for certification is denied, the department may reimburse up to half the fee amount provided the department receives a written request for reimbursement within thirty days after the letter of denial is mailed.

(4) Applications for certificate renewals will be accepted for processing only when accompanied by a renewal fee of ten dollars for each year of renewal.

(5) All receipts hereunder shall be paid into the state general fund.

[Statutory Authority: RCW 70.95B.040, 87-22-006 (Order 87-36), § 173-230-090, filed 10/23/87; 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 sixty days. If renewal of the certificate is not completed during the suspension period, the director shall mail a written notice of revocation to the certificate holder's employer as last known by the department and to the certificate holder at the address last known by the department. This notice of revocation shall be sent by certified mail. If, during the revocation notice period, the certificate is not renewed, the certificate shall be revoked ten days after such notice is mailed.

(2) Certificates may also 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 subsection (2) of this section 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 an individual's certificate is revoked, the individual shall not be certified again until he or she has applied for certification pursuant to WAC 173-230-061 paid the application fee, and passed the written examination for the classification of certification desired.

(5) If revocation was made pursuant to subsection (2) of this section, the operator shall not be eligible to reapply for a certificate for one year from the date the revocation became final.

[Statutory Authority: RCW 70.95B.040, 87-22-006 (Order 87-36), § 173-230-100, filed 10/23/87. 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 may, with the approval of the board, waive examinations for applicants holding valid wastewater treatment plant operators certificates or licenses issued by other states having equivalent standards as determined by the board.

(1) Applications for reciprocity will be considered for approval only when the department receives written confirmation from the certifying authority of the state or province in which the applicant is certified, that the certificate is currently valid and was earned by passing a written examination. A copy of the exam passed by the applicant must also be released for review by the board.

(2) The board shall review and compare out-of-state examinations with Washington's exams to determine at which level the exam is most equivalent.

(3) Certificates shall be issued to each reciprocity applicant who meets the minimum education and experience requirements set forth in WAC 173-230-061 and who passes a written examination comparable to Washington's exam as determined by the board and approved by the director.

[Statutory Authority: RCW 70.95B.040, 87-22-006 (Order 87-36), § 173-230-110, filed 10/23/87. 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 points for wastewater treatment plants shall 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: 5 mgd and less = 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
$PE = \frac{(\text{Flow, mgd})(\text{BOD, mg/L})(8.34 \text{ lbs/gal})}{0.2 \text{ lbs BOD/person/day}}$	
(4) PRETREATMENT UNITS	
(a) Manually cleaned screens .....	1
(b) Mechanically cleaned screens .....	2
(c) Grit removal .....	3
(d) Preaeration .....	1
(e) Comminutor, barminutors, grind- ers, etc. ....	1
(f) Plant pumping .....	3
(5) PRIMARY TREATMENT UNITS	
(a) Imhoff tanks, spirogesters, Clari- gesters, etc. ....	3
(b) Primary clarifiers .....	5
(c) Primary clarifiers utilizing settling aid chemicals .....	9
(6) SECONDARY TREATMENT UNITS	
(a) Trickling filter (without recircula- tion) .....	5
(b) Trickling filter (with recircula- tion) .....	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 phos- phorus removal .....	5
(d) Activated carbon beds (with car- bon 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 la- goons .....	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. 87-22-006 (Order 87-36), § 173-230-140, filed 10/23/87; 78-11-016 (Order DE 78-16), § 173-230-140, filed 10/11/78; Order 73-30, § 173-230-140, filed 11/9/73.]

### Chapter 173-240 WAC

#### SUBMISSION OF PLANS AND REPORTS FOR CONSTRUCTION OF WASTEWATER FACILITIES

##### WAC

173-240-010	Purpose and scope.
173-240-020	Definitions.

##### DOMESTIC WASTEWATER FACILITIES

173-240-030	Submission of plans and reports.
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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,
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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 seweraged, 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.

Signature or Professional Engineer SEAL
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 173-245 WAC

#### SUBMISSION OF PLANS AND REPORTS FOR CONSTRUCTION AND OPERATION OF COMBINED SEWER OVERFLOW REDUCTION FACILITIES

#### WAC

173-245-010 Purpose and scope.  
173-245-015 General requirements.  
173-245-020 Definitions.

173-245-030 Submission of plans.  
173-245-040 CSO reduction plan.  
173-245-050 Plans and specifications.  
173-245-055 Construction quality assurance plan.  
173-245-060 Operation and maintenance manual.  
173-245-070 Declaration of construction completion.  
173-245-075 Form—Declaration of construction of water pollution control facilities.  
173-245-080 Requirement for certified operator.  
173-245-084 Ownership and operation and maintenance.  
173-245-090 Schedule updates—Monitoring—Reporting.

**WAC 173-245-010 Purpose and scope.** This chapter establishes a procedure and criteria for implementing RCW 90.48.480 which requires "the greatest reasonable reduction of combined sewer overflows at the earliest possible date." It applies to municipalities whose sewer system includes combined sewer overflow (CSO) sites.

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-010, filed 1/27/87.]

**WAC 173-245-015 General requirements.** (1) All CSO sites shall achieve and at least maintain the greatest reasonable reduction, and neither cause violations of applicable water quality standards, nor restrictions to the characteristic uses of the receiving water, nor accumulation of deposits which: (a) Exceed sediment criteria or standards; or (b) have an adverse biological effect.

(2) This chapter shall not negate specific CSO reduction projects, programs, and schedules which the department and a municipality have agreed upon prior to this chapter's effective date. However, the provisions of this chapter shall still apply.

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-015, filed 1/27/87.]

**WAC 173-245-020 Definitions.** As used in this chapter:

(1) "At-site treatment" means treatment and discharge of combined sewage at the CSO site.

(2) "Baseline annual CSO volume and frequency" means the annual CSO volume and frequency which is estimated to occur based upon the existing sewer system and the historical rainfall record.

(3) "Best management practices" means use of those practices which will best reduce the amount of pollution caused by nonpoint sources so that pollutant loadings in combined and storm sewer flows during rainfall events are minimized.

(4) "Combined sewage" means the mixture of sanitary sewage, infiltration, and inflow.

(5) "Combined sewer" means a sewer which has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

(6) "Combined sewer overflow (CSO)" means (a) the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

(7) "CSO reduction plan" means a comprehensive plan for attaining the greatest reasonable reduction of CSO's at the earliest possible date. The requirements for



a CSO reduction plan are as further described in this chapter.

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

(9) "Disinfection" means the selective destruction of disease-causing and bacterial indicator group organisms.

(10) "Domestic wastewater facilities" means any CSO treatment/control facility included under the definition of domestic wastewater facilities as defined in chapter 173-240 WAC.

(11) "In-line storage" means storage of sewage within the sewer pipes through the use of regulators and gates.

(12) "Infiltration" means the addition of ground water into a sewer through joints, the sewer material, cracks, and other defects.

(13) "Inflow" means the addition of rainfall-caused surface water drainage from roof drains, yard drains, basement drains, street catch basins, etc., into a sewer.

(14) "NPDES" means the National Pollutant Discharge Elimination System.

(15) "Off-line storage" means storage of sewage adjacent to the sewer pipe in a tank or other storage device.

(16) "Primary treatment" means any process which removes at least fifty percent of the total suspended solids from the waste stream, and discharges less than 0.3 ml/1/hr. of settleable solids.

(17) "Sanitary sewer" means a sewer which is designed to convey sanitary sewage and infiltration.

(18) "Sanitary sewage" means the mixture of domestic, commercial, and industrial wastewaters.

(19) "Secondary treatment" means any process which achieves the requirements of 40 CFR Part 133 as supplemented by state regulation and guidance.

(20) "Storm sewer" means a sewer which is designed to convey surface water drainage caused by rainfall.

(21) "Storm sewer/sanitary sewer separation" means construction of new storm sewers or new sanitary sewers so that sanitary sewage and surface drainage are conveyed in different sewers.

(22) "The greatest reasonable reduction" means control of each CSO such that an average of one untreated discharge may occur per year.

[Statutory Authority: RCW 90.48.035, 87-04-020 (Order DE 86-34), § 173-245-020, filed 1/27/87.]

**WAC 173-245-030 Submission of plans.** Municipalities shall:

(1) Obtain the approval of the department for CSO reduction plans by January 1, 1988. This deadline may be extended by the department, when that authority is granted.

(2) Submit plans to the department at least sixty days prior to the time approval is desired.

(3) Incorporate CSO reduction plans into their respective general sewer plans and into plans for new or upgraded sewage treatment facilities.

[Statutory Authority: RCW 90.48.035, 87-04-020 (Order DE 86-34), § 173-245-030, filed 1/27/87.]

**WAC 173-245-040 CSO reduction plan.** (1) The CSO reduction plan shall be sufficiently complete so

that plans and specifications can be developed from it for projects which may proceed into design within two years of plan submittal. Sufficient detail of any remaining projects shall be provided such that detailed engineering reports can be prepared in the future.

(2) CSO reduction plans shall include the following information together with any other relevant data as requested by the department.

(a) Documentation of CSO activity. Municipalities shall complete a field assessment and mathematical modeling study to establish each CSO's location, baseline annual frequency, and baseline annual volume; to characterize each discharge; and to estimate historical impact by:

(i) Flow monitoring and sampling CSO's. Monitoring and sampling at one or more CSO sites in a group which are in close proximity to one another shall be sufficient if the municipality can establish a consistent hydraulic and pollutant correlation between/among the group of CSO sites. Sampling may not be required for CSO sites which serve residential basins; and

(ii) Developing a rainfall/stormwater runoff/CSO model to simulate each CSO site's activity; and

(iii) Verifying the model's accuracy with data collected under (a)(i) of this subsection; and

(iv) In circumstances where an historical impact may be discernible, observing and sampling the receiving water sediments adjacent to each CSO site or group of sites to establish the presence and extent of any bottom deposits; and

(v) If the sewer service area upstream of a CSO site includes sanitary sewer sources other than domestic sewage, samples of the sediment deposits shall receive heavy metal analysis and organic pollutant screening. Pending review of results of these analyses, the department may require additional pollutant analyses. If two or more CSO sites serve the same industrial/commercial sources, sediment sampling adjacent to one representative CSO site may suffice.

(b) Analysis of control/treatment alternatives. Treatment/control alternatives, to achieve the greatest reasonable reduction at each CSO site, which shall receive consideration include but are not limited to:

(i) Use of best management practices, sewer use ordinances, pretreatment programs, and sewer maintenance programs to reduce pollutants, reduce infiltration, and delay and reduce inflow; and

(ii) In-line and off-line storage with at least primary treatment and disinfection at the secondary sewage treatment facility which is served by the combined sewer; or

(iii) Increased sewer capacity to the secondary sewage treatment facility which shall provide at least primary treatment and disinfection; or

(iv) At-site treatment equal to at least primary treatment, and adequately offshore submerged discharge. At site treatment may include a disinfection requirement at CSO sites which are near or impact water supply intakes, potentially harvestable shellfish areas, and primary contact recreation areas; or

(v) Storm sewer/sanitary sewer separation.



(c) Analysis of selected treatment/control projects. Municipalities shall do an assessment of the treatment/control project or combination of projects proposed for each CSO site. The assessment shall include:

(i) An estimation of the water quality and sediment impacts of any proposed treated discharge using existing background receiving water quality data, and estimated discharge quality and quantity. The department may require a similar analysis for proposed storm sewer outfalls for basins which drain industrial and/or commercial areas; and

(ii) An estimation of the selected projects' impacts on the quality of effluent from and operation of a municipality's secondary sewage treatment facility. During wet weather flow conditions, a municipality shall maximize the rate and volume of flows transported to its secondary sewage treatment facility for treatment. However, such flows shall not cause the treatment facility to exceed the pollutant concentration limits in its NPDES permit; and

(iii) The estimated construction and operation and maintenance costs of the selected projects; and

(iv) The general locations, descriptions, basic design data, sizing calculations, and schematic drawings of the selected projects and descriptions of operation to demonstrate technical feasibility; and

(v) An evaluation of the practicality and benefits of phased implementation; and

(vi) A statement regarding compliance with the State Environmental Policy Act (SEPA).

(d) Priority ranking. Each municipality shall propose a ranking of its selected treatment/control projects. The rankings shall be developed considering the following criteria:

(i) Highest priority shall be given to reduction of CSO's which discharge near water supply intakes, public primary contact recreation areas, and potentially harvestable shellfish areas;

(ii) A cost-effectiveness analysis of the proposed projects. This can include a determination of the monetary cost per annual mass pollutant reduction, per annual volume reduction, and/or per annual frequency reduction achieved by each project;

(iii) Documented, probable, and potential environmental impacts of the existing CSO discharges.

(e) Municipalities shall propose a schedule for achieving "the greatest reasonable reduction of combined sewer overflows at the earliest possible date." (RCW 90.48.480.) If the agreed upon schedule exceeds five years, municipalities shall propose an initial five-year program of progress towards achieving the greatest reasonable reduction. Factors which municipalities and the department shall use to determine compliance schedules shall include but not be limited to:

(i) Total cost of compliance;

(ii) Economic capability of the municipality;

(iii) Other recent and concurrent expenditures for improving water quality; and

(iv) The severity of existing and potential environmental and beneficial use impacts.

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-040, filed 1/27/87.]

#### WAC 173-245-050 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). (See also, WAC 173-240-070.)

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-050, filed 1/27/87.]

#### WAC 173-245-055 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. (See also, WAC 173-240-075.)

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-055, filed 1/27/87.]

#### WAC 173-245-060 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. (See also, WAC 173-240-080.)

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-060, filed 1/27/87.]

**WAC 173-245-070 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 173-245-075, 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. (See also, WAC 173-240-090.)

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-070, filed 1/27/87.]

**WAC 173-245-075 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

(See also, WAC 173-240-095.)

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-075, filed 1/27/87.]

**WAC 173-245-080 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. (See also, WAC 173-240-100.)

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-080, filed 1/27/87.]

**WAC 173-245-084 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. (See also, WAC 173-240-104.)

[Statutory Authority: RCW 90.48.035. 87-04-020 (Order DE 86-34), § 173-245-084, filed 1/27/87.]

**WAC 173-245-090 Schedule updates--Monitoring--Reporting.** (1) By the anniversary date of its sewage treatment plant NPDES permit, in conjunction with its annual assessment for prevention of facilities overloading where applicable, a municipality shall submit an annual CSO report to the department for review and approval which:

(a) Details the past year's frequency and volume of combined sewage discharged from each CSO site, or group of CSO sites in close proximity. Field monitoring shall be necessary to estimate these parameters. The report shall indicate whether a CSO site or group of sites has increased over the baseline annual condition. If any increase has occurred, the municipality shall propose a project and schedule to reduce that CSO site or group of sites to or below its baseline condition;

(i) When a CSO site has been reduced to an average of one overflow per year through use of storage or separation, the department may consider reducing the monitoring requirement to frequency verification;

(ii) If the selected CSO control project is at-site treatment and discharge, the department may issue a modification to the applicable sewage treatment plant permit or issue a separate NPDES permit for that discharge. The permit or permit modification shall include effluent limits, flow capacity limits, and reporting requirements. The total treated and untreated annual discharge from an at-site treatment plant shall not increase above the baseline annual;

(b) Explains the previous year's CSO reduction accomplishments; and

(c) Lists the projects planned for the next year.

(2) In conjunction with its application for renewal of its applicable NPDES permit, the municipality shall submit an amendment to its CSO reduction plan. The amendment shall include:

(a) An assessment of the effectiveness of the CSO reduction plan to date; and

(b) A reevaluation of the CSO sites' project priority ranking; and

(c) A listing of projects to be accomplished in the next five years based upon priorities and estimated revenues. The department of ecology may incorporate such schedule into an administrative order or the applicable NPDES permit.

[Statutory Authority: RCW 90.48.035, 87-04-020 (Order DE 86-34), § 173-245-090, filed 1/27/87.]

### 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 173-300 WAC

### CERTIFICATION OF OPERATORS OF SOLID WASTE INCINERATOR AND LANDFILL FACILITIES

#### WAC

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**WAC 173-300-010 Authority and purpose.** One of the basic requirements of the act relating to solid waste (chapter 431, Laws of 1989) is to have the owner or operator in responsible charge of a solid waste incinerator or solid waste landfill be certified in the operation and maintenance of the facility. To achieve this, the department shall, to the greatest extent possible, rely on the certification standards and procedures developed by national organizations and the federal government. Certification under this act is available to all individuals who can meet the minimum qualifications for a given type of facility. Operating personnel not required to be certified by chapter 70.95D RCW are encouraged to become certified on a voluntary basis. NOTE: All codes, standards, rules, or regulations cited in this chapter are available for inspection at the Department of Ecology, Mail Stop PV-11, Olympia, WA 98504-8711.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-010, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-020 Definitions.** (1) "Ash" means the residue including any air pollution flue dusts from combustion or incineration of material including solid wastes. NOTE: Please see definition for "special incinerator ash."

(2) "Biomedical waste" means solid waste of the following types:

(a) "Animal waste" which includes waste animal carcasses, body parts, and bedding of animals that were known to have been deliberately infected or inoculated with human pathogenic microorganisms during research.

(b) "Liquid human body fluids" means waste which includes waste liquid emanating or derived from humans including but not limited to human blood and blood products, serum and plasma, sputum, drainage secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid and amniotic fluid that exceeds fifty milliliters per container, storage vessel, or plastic bag and cannot be and has not been directly discarded into a sanitary sewage system.

(c) "Cultures and stocks" means waste which includes waste cultures and stocks of microbiological agents infectious to humans, human serums and discarded live and attenuated vaccines infectious to humans, human blood specimens, and laboratory wastes that are contaminated with these agents or specimens.

(d) "Biosafety level 4 disease waste" which includes wastes contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases which are identified as viruses assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, 2nd Edition, 1988. These viruses include, but are not limited to,

Congo-Crimean hemorrhagic fever, tick-borne encephalitis virus complex (Absettarov, Hanzalova, Hypr, Kumlinge, Kyasanur Forest disease, Omsk hemorrhagic fever, and Russian spring-summer encephalitis), Marburg, Ebola, Junin, Lassa, and Machupo.

(e) "Pathological waste" which includes waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, autopsy, and laboratory procedures. "Pathological waste" does not include teeth or formaldehyde or other preservative agents, human corpses, remains, and anatomical parts that are intended for interment or cremation.

(f) "Sharps waste" which includes waste hypodermic needles, syringes, IV tubing with needles attached, scalpel blades, and lancets that have been used in animal or human patient care or treatment in medical research.

(3) "Biomedical waste treatment" means incineration, steam sterilization, or any method, technique, or process that changes the biological character or composition of biomedical waste to render it noninfectious. Any waste, except sharps, that has been treated shall not be considered biohazardous or biomedical.

(4) "Board" means the board of advisors for solid waste incinerator and landfill certification established by RCW 70.95D.050.

(5) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the operation and maintenance of a specific classification of solid waste incinerator or landfill facility.

(6) "Certificate holder" means the individual to whom a certificate is issued.

(7) "Commercial waste" means non-hazardous solid waste which is generated by the commercial business sector.

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

(9) "Director" means the director of the department of ecology or the director's designee.

(10) "Fee" means only those monies to be paid for examinations, certification, or renewal. NOTE: Fees shall not include the costs of training or other educational opportunities.

(11) "Hog fuel" means woodwaste which is reduced in size to facilitate burning.

(12) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(13) "Incinerator" means an enclosed mechanical combustion device which has as its primary purpose the burning and reduction of the volume of solid waste or solid waste-derived fuel. Crematoria facilities that have combustion devices that burn human corpses, or burn animal bodies exclusively, in a manner that is not a solid waste reduction measure, or burn primarily hog fuel waste are not included in this definition. NOTE: Crematoria facilities that burn any kind of biomedical, treated or untreated medical waste, human or animal, or other solid waste, in their incinerator shall be subject to this rule.



(14) "Incineration facility" means any municipal or private activity that has as part of its operations a solid waste incinerator. It may also include means for storage, preparation, and conveyance of the solid waste fuel, and air pollution control equipment.

(15) "Incinerator operator in responsible charge" means an individual who is the owner or who is designated as the on-site operator in responsible charge of operation and maintenance duties at a solid waste incineration facility.

(16) "Inspector" means any person employed by any public agency that inspects the operation of solid waste incinerators, or the operation of solid waste landfills, to determine the compliance of the facility with state and local laws or rules.

(17) "Institutional waste" means non-hazardous solid waste which is generated by any commercial or non-commercial service establishment.

(18) "Landfill" means an operating disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment.

(19) "Landfill operator in responsible charge" means an individual who is the owner or who is designated as the on-site or on-call operator in responsible charge of operation and maintenance duties at a landfill facility.

(20) "Limited purpose landfill" means a landfill that receives solid waste of a limited type or types of known and consistent composition.

(21) "Monofill" means a disposal facility or part of a facility which is not a land treatment facility, at which only a single, specific substance is deposited in or on.

(22) "Municipal solid waste" means any combination of non-hazardous solid waste generated by residential sources, and any institutional waste, commercial waste, and industrial waste. NOTE: Household hazardous wastes are an excluded waste under WAC 173-303-071 and therefore may be disposed of in a municipal or incinerated landfill or incinerated. Small quantities of hazardous waste may also be landfilled providing the waste complies with WAC 173-303-070 (8)(a) and (b).

(23) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

(24) "Reciprocity" means the automatic recognition of comparable training from another state, the federal government, a local government, or a professional association. NOTE: Correction of deficiencies such as a lack of training in Washington state solid waste law shall be required for certification.

(25) "Reserved" means a section having no requirements and which is set aside for future possible rule-making as a note to the regulated community.

(26) "Solid waste" or "wastes" as defined in RCW 70.95.030 (1989 ed.) 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 recyclable materials. NOTE: Treated biomedical waste or medical waste not defined as biomedical waste shall be considered to be solid waste. Woodwaste is also considered solid waste.

(27) "Special incinerator ash" means ash residues resulting from the operation of incineration or energy recovery facilities managing municipal solid waste from residential, commercial, and industrial establishments, if the ash residues are: (a) Not otherwise regulated as hazardous wastes under chapter 70.105 RCW; and (b) are not regulated as a hazardous waste under the federal Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6901 et seq.

(28) "Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, and the handling and storage of raw materials, trees, and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

NOTE: All applicable terms not defined above shall have the same meaning as those defined in chapter 173-304 WAC.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-020, filed 12/18/90, effective 1/1/91.]

#### WAC 173-300-030 Duties of the board of advisors.

(1) As a standing subcommittee of the state's solid waste advisory committee created under RCW 70.95D.050, the board of advisors shall report to the solid waste advisory committee four times a year or as directed in accordance with RCW 70.95D.040.

(2) The board shall act as an advisory committee to the department and shall assist in the development and review of the rules adopted under this chapter.

(3) The board shall assist in the development and evaluation of the training and testing material required for certification.

(4) On matters of revocation of certification, the board shall hold a hearing and make recommendations to the director.

(5) The board shall encourage operating personnel other than those who are required to be certified in chapter 70.95D RCW to become certified on a voluntary basis.

(6) Members shall receive no compensation for their services but shall be reimbursed for their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-030, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-040 Board of advisors—Staff services and facilities.** The department shall furnish necessary staff services and facilities required by the board of advisors.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-040, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-050 Operator certification required at incineration facilities.** (1) After January 1, 1992, it shall be unlawful to operate a solid waste incineration facility without a certified operator in responsible charge on-site during all hours of operation.

(2) All other operational employees are to be encouraged to become certified on a voluntary basis.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-050, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-060 Operator certification required at landfill facilities.** (1) After January 1, 1992, it shall be unlawful to operate the following types of landfills without an on-site certified landfill operator in responsible charge during all hours of operation when accepting waste, and during the closure phase of the facility. The operator's specific role in the closure phase shall be specified in the closure plan. However, the certified operator may be away from the facility on official business or personal emergencies for periods of one day or less provided they are on-call and available to respond in case of an emergency at the facility.

(a) All municipal waste landfills.

(b) All problem waste landfills. NOTE: Problem waste landfills are presently reserved per WAC 173-304-463.

(c) All special incinerator ash landfills or monofills. NOTE: In a case where a monofill is a separate cell at a municipal waste landfill, the responsible operator in charge of the complete facility may assume responsibility of the operation of the monofills.

(d) All inert waste and demolition waste landfills.

(e) All limited purpose solid waste landfills.

(2) These standards do not apply to:

(a) Dangerous waste landfills;

(b) Drop box facilities;

(c) Interim solid waste handling sites;

(d) Landspreading disposal facilities;

(e) Piles;

(f) Transfer stations;

(g) Waste recycling facilities; and

(h) Composting facilities.

(3) Owners of small landfills with a total capacity at closure of two hundred thousand cubic yards of solid waste or less, may make application to the department to have their facility operated and maintained by a certified operator who is in responsible charge on an on-call basis at all times the landfill is operating, provided that a certified operator visit the site once each working day. The department shall consider all applications on a case-by-case basis. The department shall base its decision on the following requirements:

(a) A physical inspection of the facility by the department to ascertain that the facility is being operated

in a manner that is protective of human health and the environment;

(b) That the facility has an up-to-date approved facility operating plan and is in compliance with all other sections of chapter 173-304 WAC;

(c) That the status of all facility variances, compliance schedules, and related grants are current as required; and

(d) All other applicable laws and regulations are strictly adhered to.

(4) All landfills having on-call designations shall re-apply for the designation every five years from the date of issuance. This designation may be revoked at any time the facility does not meet the minimum requirements.

(5) When a position required to be filled by an on-site certified landfill operator is vacated for a period of not longer than a maximum of thirty calendar days due to an emergency such as a short-term illness, the landfill owner may apply to the department for a variance that allows the facility be operated and maintained by a certified operator on an on-call basis as outlined in this section. These requirements may be waived temporarily at the director's discretion.

(6) All other operational employees are to be encouraged to become certified on a voluntary basis.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-060, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-070 Certification of inspectors.** (1) Any person who is employed by a public agency to inspect the operation of a landfill or incinerator described under this chapter to determine the compliance of the facility with state or local laws or rules shall receive, in addition to the successful completion of the training and examination process as an operator under this chapter, training relevant to the inspection procedure.

(2) Inspectors shall be subject to the same certification fees as a facility operator.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-070, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-080 Applications and certification requirements.** (1) An application for incineration, landfill operator, or inspector certification shall be filed with the department. An application fee shall accompany each application. The department shall make application forms available upon request.

(2) Upon receipt of the completed application and application fee, the department shall determine:

(a) If the applicant has successfully completed the required training and examinations;

(b) The status of a reciprocal certification; and

(c) That the facility at which the applicant is employed is in compliance with local and state laws or rules.

(3) Upon successful determination of all requirements and the payment of the certification fees provided for in WAC 173-300-110 and 173-300-120, the appropriate operator or inspector certificate will be issued.

(4) An owner may apply for a variance for a temporary certificate without an examination to fill a vacated position required by WAC 173-300-050 and 173-300-060 to have a certified operator, or 173-300-070, in the case of a certified inspector. A temporary certificate shall be valid for a period of not more than twelve months from date of issue.

(5) Persons holding a current operators certificate from any national organization, educational institution, the federal government, other states, or a province may be granted an interim certification provided the applicant meets the requirements of WAC 173-300-140.

(a) No interim certification shall be issued or be valid after January 1, 1992.

(b) Interim certification shall not automatically qualify an operator for certification.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-080, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-090 Training and examinations.** (1) The department shall prepare or cause to be prepared educational materials and opportunities to fulfill requirements of WAC 173-300-080(2) to help develop the skills necessary to operate a solid waste incinerator or solid waste landfill according to state and federal laws.

(2) The board of advisors shall assist in the development of written examinations to be used in determining the competency of operators. Incinerator operators shall also be required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is responsible.

(3) Examinations shall be held immediately at the end of all required operator training courses. Additional examinations shall be held at places and times set by the board.

(4) All examinations shall be graded by the department or the department's designee and the applicant shall be notified by mail of the score attained. Examinations shall not be returned to the applicant.

(5) An applicant who fails to pass an examination must be reexamined at the next scheduled examination. An additional application form and examination fee shall be required. No individual will be allowed to retake the same examination.

(6) An applicant who fails to pass a second examination shall be required to repeat the certification training.

(7) The board shall forward the recommendations for certification of those examined to the director.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-090, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-100 Certificate term.** Except as provided for in WAC 173-300-080(4), 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 three years thereafter.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-100, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-110 Renewal of certificate.** (1) Except as provided in WAC 173-300-080(4), all certificates held by incinerator operators, landfill operators, and inspectors shall be renewable upon presentation of evidence that the certificate holder successfully completed a refresher course administered by the department, and successfully attended other professional educational opportunities approved by the department.

(2) The department shall mail renewal notices and refresher course information to all certificate holders eligible for renewal four months prior to the date the certificate expires.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-110, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-120 Fees.** (1) A fee of \$50.00 for each examination administered by the department shall accompany the application for examination.

(2) After an applicant successfully completes the examination and is notified by the department of the results, the applicant shall pay a certification fee of \$200.00 to the department within thirty days of the date of the results notification.

(3) A fee of \$50.00 is required to apply for consideration of certification through reciprocity under WAC 173-300-140. After determining that the reciprocal criteria has been met, the department will notify the applicant:

(a) That the applicant is deficient in a required area(s), and the process to correct the deficiency; or

(b) That the applicant has successfully completed all requirements for certification and that the applicant must pay a certification fee of \$200.00 to the department within thirty days of the date of notification.

(4) A \$200.00 renewal fee must accompany an application for certificate renewal.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-120, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-130 Revocation.** (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for sixty days.

(a) If renewal of the certificate is not completed during the suspension period, the director shall mail a written notice of revocation by certified mail to the certificate holder's employer as last known by the department and to the certificate holder at the address last known by the department.

(b) If, during the revocation notice period, the certificate is not renewed, the certificate shall be revoked ten days after such notice is mailed.

(2) Certificates may also be revoked when a majority of the board so recommends to the director, and the director agrees, upon finding:

(a) Fraud or deceit in obtaining the certificate;

(b) Gross negligence in the operation or inspection of an incineration or landfill facility;

(c) Violation of the requirements of chapter 70.95D RCW, this chapter or of any lawful rule, regulation or order of the department; or if,

(d) The facility operated by the certified employee is operated in violation of local, state, or federal environmental laws.

(3) No revocation shall be made under subsection (2) of this section unless the operator has been notified that revocation is proposed, has been advised of the grounds therefore, and has been given an opportunity to appear before the board and be heard on the matter.

(4) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order of revocation.

(5) Whenever an individual's certificate is revoked, the individual shall not be certified again until:

(a) He or she has repeated all required training for certification or has completed other requirements recommended by the board and approved by the department;

(b) Has applied for certification pursuant to WAC 173-300-090;

(c) Paid the application fees; and

(d) Upon notification, paid the certification fee within thirty days of notification.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-130, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-140 Reciprocity.** The director may, with the approval of the board of advisors, waive examinations for applicants holding valid incinerator or landfill operators certificates, or inspector certificates issued by other states, a province, the federal government, or a professional association having comparable standards as determined by the board.

(1) Applications for reciprocity will be considered when:

(a) The training received by the applicant is comparable to training offered by the state of Washington. A detailed syllabus outlining all relevant training must be released by the appropriate training facility for review and approval by the board. Those applicants with deficiencies shall have the deficiencies resolved before certification is granted, applicants must contact the department within one year of application;

(b) The department receives written confirmation from the certifying authority of the state, province, the federal government, or professional association in which the applicant is certified, that the certificate is currently valid and was earned by passing a written examination. A copy of the exam passed by the applicant must also be released for review by the board; and

(c) The application fee is received.

(2) The board shall review and compare out-of-state examinations with Washington's examinations to determine at which level the examination is most equivalent.

(3) Training in state of Washington solid waste law shall be required for certification.

(4) Incinerator operators shall be required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is currently responsible.

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(5) Certificates shall be issued to each reciprocity applicant who meets the minimum training and examination requirements set forth in WAC 173-300-080. Upon notification by the department that the applicant meets all the criteria, the certification fee is due within thirty days from the date of notification.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-140, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-150 Unlawful acts--Variance from requirements.** After January 1, 1992, it is unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a solid waste incineration or landfill facility unless an operator in responsible charge is duly certified by the director under this chapter or any lawful rule or order of the department. The department shall allow the owner or operator of a landfill or solid waste incineration facility to request a variance from this requirement under emergency conditions. Emergency conditions may include but are not limited to unexpected health related problems that incapacitate the operator or an unexpected termination of employment of the operator. The department may impose such conditions as may be necessary to protect human health and the environment during the term of the variance.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-150, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-160 Penalties.** Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, with the exception of incinerator operators, violating any provision of this chapter, is guilty of a misdemeanor. Incinerator operators who violate any provision of this chapter shall be guilty of a gross misdemeanor. Each day of operation in violation of this chapter shall constitute a separate offense. The prosecuting attorney or the attorney general, as appropriate, shall secure injunctions of continuing violations of any provisions of this chapter.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-160, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-170 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 370-08 WAC.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-170, filed 12/18/90, effective 1/1/91.]

**WAC 173-300-180 Incineration of biomedical or medical waste.** Incineration of biomedical, treated or untreated medical waste shall be conducted under sufficient burning conditions to reduce all combustible material to a form such that no portion of the combustible material is visible in its uncombusted state.

[Statutory Authority: Chapter 70.95D RCW and RCW 70.95.710. 91-01-093, § 173-300-180, filed 12/18/90, effective 1/1/91.]