

Title 173 WAC

ECOLOGY, DEPARTMENT OF

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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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 Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78.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

Chapter 173-30
MINIMUM WATER FLOWS—CEDAR RIVER

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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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 Repealed by 79-10-002 (Order DE 79-9), filed 9/6/79.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

Chapter 173-34

**EXEMPTIONS FROM THE DETAILED STATEMENT
REQUIREMENTS OF THE STATE ENVIRONMENTAL POLICY
ACT**

- 173-34-010 Purpose. [Order 73-15, § 173-34-010, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-020 Definitions. [Order 73-15, § 173-34-020, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-030 Exemptions. [Order 73-15, § 173-34-030, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-040 Exemptions—Nonexempt actions. [Order 73-15, § 173-34-040, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-34-050 Exemptions—Limitation of exemptions. [Order 73-15, § 173-34-050, filed 8/14/73.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Chapter 173-70

WATERCRAFT NOISE PERFORMANCE STANDARDS

- 173-70-010 Introduction. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-010, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-020 Definitions. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-020, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-030 Identification of receiving property environments. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-030, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-040 Standards. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-040, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41),

- filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-050 Exemptions. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-050, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-060 Nuisance regulations not prohibited. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-060, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-070 Future standards. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-070, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-080 Implementation schedules. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-080, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-090 Enforcement. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-090, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-100 Appeals. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-100, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-110 Cooperation with local government. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-110, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- 173-70-120 Effective date. [Statutory Authority: Chapter 70.107 RCW. 79-04-034 (Order DE 78-20), § 173-70-120, filed 3/22/79, effective 5/1/79.] Repealed by 94-12-001 (Order 92-41), filed 5/18/94, effective 6/18/94. Statutory Authority: Chapter 70.107 RCW.
- Chapter 173-95**
USES AND LIMITATIONS OF CENTENNIAL CLEAN WATER FUNDS
- 173-95-010 Purpose and scope. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-010, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-020 Definitions. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-020, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-030 Provision of guidelines. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-030, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-040 Limitations on the use of funds. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-040, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-050 Compliance with applicable laws, regulations and other requirements. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-050, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-060 Indemnification. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-060, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-070 Appropriation of funds by the legislature. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-070, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-080 General provisions. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-080, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-090 Funding processes. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-090, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-100 Marine water facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-100, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-110 Ground water activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-110, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-120 Freshwater lakes and rivers activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-120, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-130 Nonpoint activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-130, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-140 Discretionary activities and facilities funding category. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-140, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-150 Financial hardship eligibility and remedies. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-150, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- 173-95-160 Applicability of centennial clean water regulation and funds. [Statutory Authority: Chapter 70.146 RCW. 88-14-125 (Order 88-70), § 173-95-160, filed 7/6/88.] Repealed by 94-04-030, filed 1/26/94, effective 2/26/94.
- Chapter 173-108**
WITHDRAWAL OF THE WATERS
OF THE LITTLE SPOKANE RIVER WATERSHED
FROM ADDITIONAL APPROPRIATIONS
- 173-108-010 Authority. [Order 73-19, § 173-108-010, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.
- 173-108-020 Purpose. [Order 73-19, § 173-108-020, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.
- 173-108-030 Definitions. [Order 73-19, § 173-108-030, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76. Later promulgation, see chapters 173-500 and 173-555 WAC.
- 173-108-040 Declaration of withdrawal. [Order 73-19, § 173-108-040, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.
- 173-108-050 Existing rights not affected. [Order 73-19, § 173-108-050, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.
- 173-108-060 Existing rights not affected—Exemptions. [Order 73-19, § 173-108-060, filed 9/21/73.] Repealed by Order DE 75-24, filed 1/6/76.
- Chapter 173-128**
ODESSA GROUND WATER MANAGEMENT SUBAREA
- 173-128-010 Background. [Order 72-25, § 173-128-010, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-020.
- 173-128-020 Purpose. [Order 72-25, § 173-128-020, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-030.
- 173-128-030 Authority. [Order 72-25, § 173-128-030, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-010.
- 173-128-040 Subarea definition. [Order 72-25, § 173-128-040, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060,

- 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-040.
- 173-128-050 Subarea map. [Order 72-25, § 173-128-050, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-050.
- Chapter 173-130**
ODESSA GROUND WATER SUBAREA MANAGEMENT POLICY
- 173-130-010 Background. [Order DE 73-32, § 173-130-010, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-020.
- 173-130-020 Authority. [Order DE 73-32, § 173-130-020, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-010.
- 173-130-030 Definitions. [Order DE 73-32, § 173-130-030, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-030.
- 173-130-040 Purpose. [Order DE 73-32, § 173-130-040, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-040.
- 173-130-050 Depth zone designation. [Order DE 73-32, § 173-130-050, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-060 Rate of decline in water level to be controlled. [Order DE 73-32, § 173-130-060, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-060.
- 173-130-070 Maximum lowering of the water table. [Order DE 73-32, § 173-130-070, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-070.
- 173-130-080 Regulation of withdrawal of ground water. [Order DE 75-33, § 173-130-080, filed 1/23/76; Order DE 73-32, § 173-130-080, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-080.
- 173-130-090 Notice of regulation. [Order DE 73-32, § 173-130-090, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-090.
- 173-130-100 No increase in ground water withdrawals during regulation. [Order DE 73-32, § 173-130-100, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-110 Supplemental wells regulated. [Order DE 73-32, § 173-130-110, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-120 Annual volume of water determined. [Order DE 73-32, § 173-130-120, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-130 New ground water withdrawals. [Order DE 73-32, § 173-130-130, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-140 New applications for withdrawal of ground waters. [Order DE 73-32, § 173-130-140, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-100.
- 173-130-150 Time sequence for processing new applications to appropriate ground water. [Order DE 75-33, § 173-130-150, filed 1/23/76; Order DE 73-32, § 173-130-150, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-155 Reworking wells. [Order DE 75-33, § 173-130-155, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-180.
- 173-130-160 Bore hole logs required. [Order DE 75-33, § 173-130-160, filed 1/23/76; Order DE 73-32, § 173-130-160, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-190.
- 173-130-170 Distance of wells from East Low Canal. [Order DE 73-32, § 173-130-170, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-110.
- 173-130-180 Supplemental surface water. [Order DE 73-32, § 173-130-180, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-190 Ground water supervisors. [Order DE 73-32, § 173-130-190, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).
- 173-130-195 Irrigation season. [Order DE 75-33, § 173-130-195, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-130.
- 173-130-200 Review of regulations. [Order DE 75-33, § 173-130-200, filed 1/23/76; Order DE 73-32, § 173-130-200, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-220.
- Chapter 173-134**
THE ESTABLISHMENT OF REGULATIONS
FOR THE ADMINISTRATION OF
THE QUINCY GROUND WATER SUBAREA ESTABLISHED
PURSUANT TO RCW 90.44.130
- 173-134-010 Administration of withdrawal of ground waters in the Quincy subarea. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-010, filed 7/26/79; Order 74-35, § 173-134-010, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-010.
- 173-134-020 Definitions. [Order 74-35, § 173-134-020, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-040.
- 173-134-030 Quincy ground water subarea—Background statement. [Order 74-35, § 173-134-030, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-020.

- 173-134-040 Quincy ground water subarea—Managed and regulated by department of ecology. [Order 74-35, § 173-134-040, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-050.
- 173-134-050 Quincy ground water subarea—Withdrawals of waters of deep management unit—Controlled by prior appropriation provisions. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-050, filed 7/26/79; Order 74-35, § 173-134-050, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-060.
- 173-134-055 Quincy ground water subarea—Public ground water permit amendments. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-055, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-070.
- 173-134-060 Regulation of water of the shallow management unit—Permit requirements. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-060, filed 7/26/79; Order DE 75-4, § 173-134-060, filed 2/21/75; Order 74-35, § 173-134-060, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-080.
- 173-134-070 Responsibility for water management—Designation of critical management areas. [Order 74-35, § 173-134-070, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-090.
- 173-134-080 Establishment of a technical committee of scientific and engineering experts—Purpose. [Order 74-35, § 173-134-080, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-100.
- 173-134-085 Holder request for protection of interest—Department denial—Subject to review before the pollution control hearings board. [Order 74-35, § 173-134-085, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-110.
- 173-134-090 Permits not required—Conditions of exemptions. [Order 74-35, § 173-134-090, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-120.
- 173-134-100 Permits issued or extended—Conditions under which agreements may be entered into. [Order 74-35, § 173-134-100, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-130.
- 173-134-110 Notification requirements. [Order 74-35, § 173-134-110, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-120 Existing laws and rights recognized—Specific jurisdiction. [Order 74-35, § 173-134-120, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-130 Modification of rules when action appears justified. [Order 74-35, § 173-134-130, filed 1/9/75.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-140 Artificially stored ground water permit applications—Lands not covered by declarations. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-140, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see chapter 173-134A WAC.
- 173-134-150 Area described at department Order No. DE 75-54—Public ground water permits. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-150, filed 7/26/79.] Repealed by 80-02-025 (Order DE 79-33), filed 1/9/80. Statutory Authority: RCW 43.21A.080 and 43.27A.090(11).
- 173-134-160 Authorized and unused public ground water in deep management unit—Reservation. [Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW. 79-08-080 (Order DE 79-4), § 173-134-160, filed 7/26/79.] Repealed by 83-12-060 (Order DE 83-10), filed 6/1/83. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. Later promulgation, see WAC 173-134A-160.

**Chapter 173-142
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 173-164**
WATER RATE CHARGES
- 173-164-010 Purpose. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-010, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-164-020 Authority. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-020, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-164-030 Definitions. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-030, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-164-040 Rates of charge. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-040, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-164-050 Determination of rate. [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.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-164-060 Payment schedule. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-060, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-164-070 Measurement of water. [Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-070, filed 7/13/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-164-080 Regulation review. [Statutory Authority: Chapters 43.83B and 43.27A RCW. 88-13-037 (Order 88-11), § 173-164-080, filed 6/9/88.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- Chapter 173-201**
WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF WASHINGTON
- 173-201-010 Introduction. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 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.
- 173-201-025 Definitions. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-030 Water use and quality criteria—General water use and criteria classes. [Order 73-4, § 173-201-030, filed 7/6/73.]
- 173-201-035 Repealed by 78-02-043 (Order DE 77-32), filed 1/17/78. Statutory Authority: RCW 90.48.035.
- 173-201-040 General considerations. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-045 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 General water use and criteria classes. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-057 Toxic substances. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-047, filed 1/6/88.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-059 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.
- 173-201-070 General classifications. [Statutory Authority: RCW 90.48.035 and 90.48.260. 88-02-058 (Order 87-6), § 173-201-070, filed 1/17/78; Order 73-4, § 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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-080 Specific classifications—Freshwater. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-085 Specific classifications—Marine water. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-090 Achievement considerations. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-100 Implementation. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.

- 173-201-110 Surveillance. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 173-201-120 Enforcement. [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.] Repealed by 92-24-037 (Order 92-29), filed 11/25/92, effective 12/26/92. Statutory Authority: Chapter 90.48 RCW.
- 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.

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 173-250

CONSTRUCTION GRANTS PROGRAM—PRIORITY RATING SYSTEM AND PROJECT PRIORITY LIST

- 173-250-010 Purpose and scope. [Statutory Authority: RCW 43.21A.080, 78-09-067 (Order DE 78-11), § 173-250-010, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-250-020 Definitions. [Statutory Authority: RCW 43.21A.080, 78-09-067 (Order DE 78-11), § 173-250-020, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-250-030 Development and approval of the system. [Statutory Authority: RCW 43.21A.080, 78-09-067 (Order DE 78-11), § 173-250-030, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.
- 173-250-040 Development and approval of the state project priority list. [Statutory Authority: RCW 43.21A.080, 78-09-067 (Order DE 78-11), § 173-250-040, filed 8/24/78.] Repealed by 93-14-116 (Order 92-54), filed 7/2/93, effective 8/2/93.

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.
- 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.	173-301-357	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.
173-301-302	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.	173-301-358	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.
173-301-303	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.	173-301-359	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.
173-301-304	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.	173-301-400	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.
173-301-305	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.	173-301-401	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.
173-301-306	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.	173-301-402	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.
173-301-307	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.	173-301-450	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.
173-301-308	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.	173-301-451	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.
173-301-309	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.	173-301-452	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.
173-301-310	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.	173-301-453	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.
173-301-320	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.	173-301-454	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.
173-301-350	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.	173-301-455	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.
173-301-351	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.	173-301-456	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.
173-301-352	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.	173-301-457	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.
173-301-353	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.	173-301-500	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.
173-301-354	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.	173-301-610	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.
173-301-355	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.	173-301-611	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.
173-301-356	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.	173-301-625	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 173-320**BEVERAGE CONTAINERS—DETACHABLE PULL TABS**

- 173-320-010 Authority. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-010, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-320-020 Declaration of purpose. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-020, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-320-030 Applicability. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-030, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-320-040 Definitions. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-040, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-320-050 Prohibition. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-050, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

- 173-320-060 Return requirement. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-060, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-320-070 Complaints. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-070, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-320-080 Enforcement. [Statutory Authority: Chapter 113, Laws of 1982 (chapter 70.132 RCW). 83-12-062 (Order DE 82-39), § 173-320-080, filed 6/1/83.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

Chapter 173-335**VEHICLE TIRE RECYCLING AND REMOVAL GRANT REGULATION**

- 173-335-010 Purpose and authority. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-010, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-335-020 Definitions. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-020, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-335-030 Relation to other legislation and administrative rules. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-030, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-335-040 General. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-040, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.
- 173-335-050 Administration. [Statutory Authority: RCW 70.95.260. 88-17-002 (Order 88-25), § 173-335-050, filed 8/4/88.] Repealed by 94-07-078 (Order 94-02), filed 3/16/94, effective 4/16/94.

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 173-402

CIVIL SANCTIONS UNDER WASHINGTON CLEAN AIR ACT

- 173-402-010 Prior regulations. [Statutory Authority: RCW 70.94.040, 70.94.141 and 70.94.331. 80-08-024 (Order DE 80-23), § 173-402-010, filed 6/24/80.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.
- 173-402-020 Subsequent regulations. [Statutory Authority: RCW 70.94.040, 70.94.141 and 70.94.331. 80-08-024 (Order DE 80-23), § 173-402-020, filed 6/24/80.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

Chapter 173-403

IMPLEMENTATION OF REGULATIONS FOR AIR CONTAMINANT SOURCES

- 173-403-010 Policy and purpose. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-010, filed 4/11/83. Formerly WAC 18-60-010.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-020 Applicability. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-020, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-030 Definitions. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-030, filed 1/3/89. Statutory Authority: Chapter 70.94 RCW. 87-19-074 (Order 87-13), § 173-403-030, filed 9/16/87. Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-030, filed 11/10/86; 85-06-047 (Order 84-49), § 173-403-030, filed 3/6/85. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-030, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-030, filed 4/11/83. Formerly WAC 18-60-020.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-050 New source review (NSR). [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-050, filed 1/3/89. Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-050, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-050, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-050, filed 8/26/83; 83-09-013 (Order DE 83-12), § 173-403-050, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-060 Bubble rules. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-060, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-070 Issuance of emission reduction credits. [Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-070, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-070, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-070, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-075 Use of emission reduction credits. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-075, filed 8/26/83.] Repealed by 91-

- 05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-080 Prevention of significant deterioration (PSD). [Statutory Authority: Chapters 70.94 and 43.21A RCW. 89-02-055 (Order 88-39), § 173-403-080, filed 1/3/89. Statutory Authority: RCW 70.94.331. 85-06-047 (Order 84-49), § 173-403-080, filed 3/6/85. Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-080, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-080, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-090 Retrofit requirements for visibility protection. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-090, filed 8/26/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-100 Compliance schedules. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-100, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-110 Public involvement. [Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-110, filed 11/10/86. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-18-010 (Order DE 83-22), § 173-403-110, filed 8/26/83. 83-09-013 (Order DE 83-12), § 173-403-110, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-120 Variance. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-120, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-130 Requirements for nonattainment areas. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-130, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-140 Use of dispersion techniques. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-140, filed 4/11/83.] Repealed by 86-23-014 (Order 86-30), filed 11/10/86. Statutory Authority: RCW 70.94.331.
- 173-403-141 Creditable stack height and dispersion techniques. [Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-141, filed 11/10/86.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-145 Adjustment for atmospheric conditions. [Statutory Authority: RCW 70.94.331. 86-23-014 (Order 86-30), § 173-403-145, filed 11/10/86.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-150 Maintenance of pay. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-150, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-160 Requirements for boards and director. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-160, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-170 Regulatory actions. [Statutory Authority: RCW 70.94.331, 70.94.141 and 43.21A.060. 84-21-098 (Order 84-27), § 173-403-170, filed 10/19/84. Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-170, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.
- 173-403-180 Criminal penalties. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-180, filed 4/11/83.] Repealed by 91-05-064

(Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

173-403-190 Appeals. [Statutory Authority: Chapters 43.21A and 70.94 RCW. 83-09-013 (Order DE 83-12), § 173-403-190, filed 4/11/83.] Repealed by 91-05-064 (Order 90-06), filed 2/19/91, effective 3/22/91. Statutory Authority: Chapter 70.94 RCW.

Chapter 173-440
SENSITIVE AREAS

(Formerly chapter 18-06 WAC)

173-440-010 Purpose. [Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-440-010, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-010, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

173-440-020 Applicability. [Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-020, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

173-440-030 Definitions. [Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-440-030, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-030, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

173-440-040 Sensitive areas designated. [Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-040, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

173-440-100 Standards. [Statutory Authority: RCW 70.94.331. 90-19-062 (Order 90-10), § 173-440-100, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-100, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

173-440-900 Appendix A—Map. [Statutory Authority: Chapter 70.94 RCW. 87-19-076 (Order 87-15), § 173-440-900, filed 9/16/87.] Repealed by 94-14-067, filed 7/1/94, effective 8/1/94.

Chapter 173-530
WATER RESOURCES PROGRAM
IN THE KICKITAT RIVER BASIN, WRIA-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, WRIA 31 AND PARTS OF WRIAS 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.

Title 173

Title 173 WAC: Ecology, Department of

- 173-800-270 Assumption of lead agency status by another agency with jurisdiction. [Order DE 76-12, § 173-800-270, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-280 Individuals making SEPA-related determinations. [Order DE 76-12, § 173-800-280, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-090.
- 173-800-300 Environmental checklist. [Order DE 76-12, § 173-800-300, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-310 Environmental checklist procedures. [Order DE 76-12, § 173-800-310, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-320 Threshold determination procedures—Initial review of environmental checklist. [Order DE 76-12, § 173-800-320, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-330 Threshold determination procedures—Information in addition to checklist. [Order DE 76-12, § 173-800-330, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-340 Threshold determination procedures—Negative declarations. [Order DE 76-12, § 173-800-340, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Order DE 76-12, § 173-800-345, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-350 Affirmative threshold determination. [Order DE 76-12, § 173-800-350, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-355 Form of declaration of significance/nonsignificance. [Order DE 76-12, § 173-800-355, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-360 Threshold determination criteria—Application of environmental checklist. [Order DE 76-12, § 173-800-360, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-370 Withdrawal of affirmative threshold determination. [Order DE 76-12, § 173-800-370, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-375 Withdrawal of negative threshold determination. [Order DE 76-12, § 173-800-375, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-380 Threshold determination appeal procedures. [Order DE 76-12, § 173-800-380, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-100.
- 173-800-390 Statute of limitation. [Order DE 76-12, § 173-800-390, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-110.
- 173-800-400 Duty to begin preparation of a draft EIS. [Order DE 76-12, § 173-800-400, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-405 Purpose and function of a draft EIS. [Order DE 76-12, § 173-800-405, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-410 Predraft consultation procedures. [Order DE 76-12, § 173-800-410, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-420 Preparation of EIS by persons outside the lead agency. [Order DE 76-12, § 173-800-420, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-425 Organization and style of a draft EIS. [Order DE 76-12, § 173-800-425, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-440 Contents of a draft EIS. [Order DE 76-12, § 173-800-440, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-442 Special considerations regarding contents of an EIS on a nonproject action. [Order DE 76-12, § 173-800-442, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-444 List of elements of the environment. [Order DE 76-12, § 173-800-444, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-450 Public awareness of availability of draft EIS. [Order DE 76-12, § 173-800-450, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-460 Specific agencies to which draft EIS shall be sent. [Order DE 76-12, § 173-800-460, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-465 Agencies possessing environmental expertise. [Order DE 76-12, § 173-800-465, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-470 Cost to the public for reproduction of environmental documents. [Order DE 76-12, § 173-800-470, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-480 Public hearing on a proposal—When required. [Order DE 76-12, § 173-800-480, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-485 Public hearing on environmental impact of the proposal. [Order DE 76-12, § 173-800-485, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-490 Public hearing on the proposal—Use of environmental documents. [Order DE 76-12, § 173-800-490, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-495 Preparation of amended or new draft EIS. [Order DE 76-12, § 173-800-495, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-500 Responsibilities of consulted agencies—Local agencies. [Order DE 76-12, § 173-800-500, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-510 Responsibilities of consulted agencies—State agencies with jurisdiction. [Order DE 76-12, § 173-800-510, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Order DE 76-12, § 173-800-520, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-530 Responsibilities of consulted agencies—When predraft consultation has occurred. [Order DE 76-12, § 173-800-530, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-535 Cost of performance of consulted agency responsibilities. [Order DE 76-12, § 173-800-535, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-540 Limitations on responses to consultation. [Order DE 76-12, § 173-800-540, filed 5/14/76.] Repealed by 78-04-090

- (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-545 Effect of no written comment. [Order DE 76-12, § 173-800-545, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-550 Consulted agency coordination. [Order DE 76-12, § 173-800-550, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order DE 76-12, § 173-800-570, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order DE 76-12, § 173-800-580, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-600 Circulation of the final EIS. [Order DE 76-12, § 173-800-600, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order DE 76-12, § 173-800-650, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Order DE 76-12, § 173-800-652, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-660 Use of previously prepared EIS for a different proposed action. [Order DE 76-12, § 173-800-660, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-690 Use of lead agency's EIS by other acting agencies for the same proposal. [Order DE 76-12, § 173-800-690, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-695 Draft and final supplements to a revised EIS. [Order DE 76-12, § 173-800-695, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-710 EIS combined with existing planning and review processes. [Order DE 76-12, § 173-800-710, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-810 Responsibility of agencies—Amendments to this chapter. [Order DE 76-12, § 173-800-810, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-830 Responsibility of agencies—SEPA public information center. [Order DE 76-12, § 173-800-830, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-840 Application of these guidelines to on-going actions. [Order DE 76-12, § 173-800-840, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120.
- 173-800-910 Severability. [Order DE 76-12, § 173-800-910, filed 5/14/76.] Repealed by 78-04-090 (Order DE 78-5), filed 4/4/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 173-801-130.
- 173-801-030 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 173-801

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),

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) Through September 1993, the headquarters office will continue to be located in Abbott Raphael Hall on the campus of St. Martin's College, Lacey, Washington. After September 1993, the headquarters office will be located at 300 Desmond Drive East, 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
P.O. Box 47600
Olympia, Washington 98504-7600

(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, toxics 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) After September 1993, the satellite program offices will be located in the headquarters office. Until September 1993, the satellite program offices are located as follows:

(a) Air program:

College Street Building
4550 3rd 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

2404 Chandler Ct., Suite 260 S.W.
Olympia, Washington
(Industrial Section)

Tanglewilde Building
7240 Martin Way
Olympia, Washington
(Sediments/Environmental Review Section)

(d) Environmental investigations and lab services program:

Airustrial Building 8
7171 Cleanwater Lane #8
Tumwater, Washington

Mailing address:

P.O. Box 47710
Olympia, WA 98504-7710

(e) Toxics Cleanup Program
Woodland Square
4415 Woodview Drive S.E.
Lacey, Washington

(f) Nuclear and mixed waste program:
99 South Sound Center
Lacey, Washington

7601 W. Clearwater, Suite 102
Kennewick, WA 99336
(Kennewick Hanford Project)

(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:

Module 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):

3190 - 160th Avenue S.E.
Bellevue, WA 98008-5452

(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:
P.O. Box 47775
Olympia, Washington 98504-7775

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

106 South 6th Avenue
Yakima, WA 98902-3387

3601 W. Washington
Yakima, Washington 98903-1164
(Water Resources Program)

(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 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-030, filed 10/7/92, effective 11/7/92. 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), (4), and (5) of this section.

(2) Availability of public records is subject to the exemptions and prohibitions against disclosure contained in RCW 42.17.310, 42.17.130, 42.17.255, 42.17.260, and 90.52.020. In addition, individuals may seek, and ecology may grant, confidentiality of documents from disclosure under RCW 43.21A.160 and 70.105.170.

(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.

(5) Public records of the department are kept by the department or state archives until scheduled for destruction by the records retention schedule pursuant to chapter 40.14 RCW. Public records which are subject to a request for disclosure when scheduled for destruction shall be retained by the department and shall not be erased or destroyed until the request is resolved.

[Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-040, filed 10/7/92, effective 11/7/92. 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 the amount necessary to reimburse the department's cost for copying.

Signature

Number of pages to be copied

Number of copies per page

Charge per copy \$

Special copy work charge \$

Staff time 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 designee needs to contact the person for further description of the material or any other reason.

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

(4) All requests by mail 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, large requests or requests for public records maintained off-site may require more than five business days. Within five business days of receiving a public record request, the department will respond by either:

(a) Providing the record;

(b) Acknowledging that the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or

(c) Denying the public record request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it.

(5) The department may in its discretion fill requests made by telephone or facsimile copy (fax).

[Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-060, filed 10/7/92, effective 11/7/92. 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. The department will charge an amount necessary to reimburse its costs for providing copies of records. This amount shall be determined from time to time by the department, and shall represent the costs of providing copies of public records and for use of the department's copy equipment, including staff time spent copying records, preparing records for copying, and restoring

files. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying and shall be payable at the time copies are furnished. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.

[Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-070, filed 10/7/92, effective 11/7/92. 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 or other filing order, or those records, the loss or destruction of which would constitute excessive interference with the department's essential functions, 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 42.17.250 - 42.17.340 and 1992 c 139, 92-20-116 (Order 92-37), § 173-03-100, filed 10/7/92, effective 11/7/92. 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.

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.

[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.

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

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

(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 reason-

able 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.
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: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 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 80-52), filed 2/2/81. Statutory Authority: RCW 90.58.200 and 90.58.140(3).

WAC 173-14-010 Authority. This regulation is adopted pursuant to RCW 90.58.140(3) and 90.58.200, the Shoreline Management Act of 1971.

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-010, filed 6/14/78; Order DE 75-22, § 173-14-010, filed 10/16/75; Order 71-18, § 173-14-010, filed 12/16/71.]

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

This administrative regulation is drafted to also reflect RCW 90.58.050 which provides that the intent of the Shoreline Management Act is to establish a cooperative program between local government and the state. According to this provision, local government shall have the primary responsibility for initiating and administering the regulatory program of shoreline management, whereas the department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policies and provisions of the Shoreline Management Act.

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-020, filed 6/14/78; Order DE 75-22, § 173-14-020, filed 10/16/75; Order 71-18, § 173-14-020, filed 12/16/71.]

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

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

(2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090 or 90.58.190 prior to issuance of the permit by local government;

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

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

(4) "Conditional use" means a use, 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

- (1) 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.

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

- (a) Site plan: Include on plan:
(1) Site boundary.
(2) Property dimensions in vicinity of project.
(3) Ordinary high-water mark.
(4) Typical cross section or sections showing:
(i) Existing ground elevations.
(ii) Proposed ground elevation.
(iii) Height of existing structures.
(iv) Height of proposed structures.
(5) Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high-water mark, if development involves grading, cutting, filling, or other alteration of land contours.
(6) Show dimensions and locations of existing structures which will be maintained.
(7) Show dimensions and locations of proposed structures.
(8) Identify source, composition, and volume of fill material.
(9) Identify composition and volume of any extracted materials, and identify proposed disposal area.
(10) Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.
(11) If the development proposes septic tanks, does proposed development comply with local health and state regulations?
(12) Shoreline designation according to master program.
(13) Show which areas are shorelines and which are shorelines of state-wide significance.
(b) Vicinity map.

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

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

(3) Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from development site. (i.e., residential to the north, commercial to the south, etc.)

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-110, filed 6/14/78; Order DE 76-17, § 173-14-110, filed 7/27/76; Order DE 75-22, § 173-14-110, filed 10/16/75; Order 71-18, § 173-14-110, filed 12/16/71.]

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

EXEMPTION FROM SHORELINE MANAGEMENT ACT SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT

To:
(name and address of the applicant)

The proposal by (name of applicant) to undertake the 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

Policies of the Shoreline Management Act.

The guidelines of the Department of Ecology where no master program has been finally

approved or adopted by the department.

The master program.

(Date)

(Signature of Authorized Local Governmental Official)

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-14-115, filed 4/15/85. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-115, filed 6/14/78; Order DE 76-17, § 173-14-115, filed 7/27/76; Order DE 75-22, § 173-14-115, filed 10/16/75.]

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

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

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

NOTE - THIS PAGE FOR LOCAL GOVERNMENT USE ONLY

(Consecutive but beginning with No. 1)

Application No.

Administering Agency
(city or county)

Date received

Approved Denied

Date

Type of Action(s)

Substantial Development Permit

Conditional Use Permit

Variance Permit

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

(name of applicant)

(address)

to undertake the following development: (Please be specific)

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

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

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

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

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 departments final decision.

[Statutory Authority: Chapter 90.58 RCW, 86-12-011 (Order 86-06), § 173-14-130, filed 5/23/86. Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200, 85-09-043 (Order DE 85-05), § 173-14-130, filed 4/15/85. Statutory Authority: RCW 90.58.200, 78-07-011 (Order DE 78-7), § 173-14-130, filed 6/14/78; Order DE 76-17, § 173-14-130, filed 7/27/76; Order DE 75-22, § 173-14-130, filed 10/16/75.]

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

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

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of the master program;

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

(c) That the proposed use of the site and design of the project is compatible with other permitted uses within the area;

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

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

(2) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1) above,

that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

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

(4) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

[Statutory Authority: Chapter 90.58 RCW. 86-12-011 (Order 86-06), § 173-14-140, filed 5/23/86. Statutory Authority: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 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: RCW 90.58.200 and 90.58.140(3). 81-04-027 (Order DE 80-52), § 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: RCW 90.58.200 and 98.58.140(3). 81-04-027 (Order DE 80-52), § 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 shoreline 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

173-16-010	Purpose.
173-16-020	Applicability.
173-16-030	Definitions.
173-16-040	The master program.
173-16-050	Natural systems.
173-16-060	The use activities.
173-16-064	Ocean management.
173-16-070	Variations and conditional uses.
173-16-200	Appendix.

WAC 173-16-010 Purpose. This regulation is adopted pursuant to chapter 90.58 RCW, in order to: (1) Serve as standards for implementation of the policy of chapter 90.58 RCW for regulations of uses of the shorelines; and (2) Provide criteria to local governments and the department of ecology in developing master programs.

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

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

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

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

- (1) "Act" means Shoreline Management Act of 1971, chapter 90.58 RCW.
- (2) "Department" means state of Washington, department of ecology.
- (3) "Development" means a use, consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of

the waters overlying lands subject to the act at any state of water level.

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

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

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

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

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

(9) "Master program" means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of the act.

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

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

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

(a) Shorelines of state-wide significance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The act charges the state and local government with not only the responsibility of making reasonable efforts to

inform the people of the state about the shoreline management program, but also actively encourages participation by all persons, private groups, and entities, which have an interest in shoreline management.

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

Though the department recognizes various forms of citizen involvement as viable approaches for involving the public in the master program, the local government will be encouraged to utilize the method as suggested in these guidelines. If a local government does not 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. Nonconsump-

tive 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 activi-

ty, and to provide a basis for the guidelines pertaining to human-use activities contained in WAC 173-16-060.

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

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

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

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

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

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

(b) Rocky beaches. Rocky beaches, composed of cobbles, boulders and/or exposed bedrock are usually steeper

and more stable than sandy shores. Coarse material is very permeable which allows attacking waves to sink into the beach causing the backwash to be reduced correspondingly. On sandy shores a strong backwash distributes sand more evenly, thus creating a flatter slope.

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

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

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

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

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

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

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

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

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

Dunes are a natural levee and a final protection line against the sea. The destructive leveling of, or interference

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

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

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

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

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

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

The high-water table and poor foundation support provided by the organic soils in these areas usually prevent development on them. The extraction of peat from bogs is possible when it is accomplished in such a manner that the

surrounding vegetation and wildlife is left undisturbed and the access roads and shorelines are returned to a natural state upon completion of the operation.

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

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

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

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

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

(8) Rivers, streams and creeks. Generally, rivers, streams and creeks can be defined as surface-water runoff flowing in a natural or modified channel. Runoff results either from excessive precipitation which cannot infiltrate the soil, or from ground water where the water table intersects

the surface of the ground. Drawn by gravity to progressively lower levels and eventually to the sea, the surface runoff organizes into a system of channels which drain a particular geographic area.

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

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

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

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

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

This may cause considerable damage downstream even in areas already given some flood protection. In unprotected flood plains, land-use regulations must be applied to provide an adequate open corridor within which the effects of bank erosion, channel shifts and increased runoff may be contained. Obviously, structures which must be built on a flood plain should be of a design to allow the passage of water and, wherever possible, permanent vegetation should be preserved to prevent erosion, retard runoff, and contribute to the natural beauty of the flood plain.

(10) Puget Sound. Puget Sound is a complex of interconnected inlets, bays and channels with tidal sea water entering from the west and freshwater streams entering at

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

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

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

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

(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 larger 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 173-16-064 Ocean management. (1) Purpose and intent. This section implements the Ocean Resources Management Act, (RCW 43.143.005 through 43.143.030) enacted in 1989 by the Washington state legislature. The law requires the department of ecology to develop guidelines and policies for the management of ocean uses and to serve as the basis for evaluation and modification of local shoreline management master programs of coastal local governments in Jefferson, Clallam, Grays Harbor, and Pacific counties. The guidelines are intended to clarify state shoreline management policy regarding use of coastal resources, address evolving interest in ocean development and prepare state and local agencies for new ocean developments and activities.

(2) Geographical application. The guidelines apply to Washington's coastal waters from Cape Disappointment at the mouth of the Columbia River north one hundred sixty miles to Cape Flattery at the entrance to the Strait of Juan De Fuca including the offshore ocean area, the near shore area under state ownership, shorelines of the state, and their adjacent uplands. Their broadest application would include an area seaward two hundred miles (RCW 43.143.020) and landward to include those uplands immediately adjacent to land under permit jurisdiction for which consistent planning is required under RCW 90.58.340. The guidelines address

uses occurring in Washington's coastal waters, but not impacts generated from activities offshore of Oregon, Alaska, California, or British Columbia or impacts from Washington's offshore on the Strait of Juan de Fuca or other inland marine waters.

(3) Ocean uses defined. Ocean uses are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.

(4) Relationship to existing management programs. These guidelines augment existing requirements of the Shoreline Management Act, chapter 90.58 RCW, and those chapters in Title 173 of the Washington Administrative Code that implement the act. They are not intended to modify current resource allocation procedures or regulations administered by other agencies, such as the Washington department of fisheries management of commercial, recreational, and tribal fisheries. They are not intended to regulate recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources. Every effort will be made to take into account tribal interests and programs in the guidelines and master program amendment processes. After inclusion in the state coastal zone management program, these guidelines and resultant master programs will be used for federal consistency purposes in evaluating federal permits and activities in Washington's coastal waters. Participation in the development of these guidelines and subsequent amendments to master programs will not preclude state and local government from opposing the introduction of new uses, such as oil and gas development.

These and other statutes, documents, and regulations referred to or cited in these rules may be reviewed at the department of ecology, headquarters in Lacey, Washington, for which the mailing address is Mailstop PV-11, Olympia, WA 98504.

(5) Regional approach. The guidelines are intended to foster a regional perspective and consistent approach for the management of ocean uses. While local governments may have need to vary their programs to accommodate local circumstances, local government should attempt and the department will review local programs for compliance with these guidelines and chapter 173-16 WAC: Shoreline Management Act guidelines for development of master programs. It is recognized that further amendments to the master programs may be required to address new information on critical and sensitive habitats and environmental impacts of ocean uses or to address future activities, such as oil development. In addition to the criteria in RCW 43.143.030, these guidelines apply to ocean uses until local master program amendments are adopted. The amended master program shall be the basis for review of an action that is

either located exclusively in, or its environmental impacts confined to, one county. Where a proposal clearly involves more than one local jurisdiction, the guidelines shall be applied and remain in effect in addition to the provisions of the local master programs.

(6) Permit criteria: Local government and the department may permit ocean or coastal uses and activities as a substantial development, variance or conditional use only if the criteria of RCW 43.143.030(2) listed below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

(7) General ocean uses guidelines. The following guidelines apply to all ocean uses, their service, distribution, and supply activities and their associated facilities that require shoreline permits.

(a) Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.

(b) Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts.

(c) When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.

(d) The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.

(e) Chapter 197-11 WAC (SEPA rules) provides guidance in the application of the permit criteria and guidelines of this section. The range of impacts to be considered should be consistent with WAC 197-11-060 (4)(e) and 197-11-792 (2)(c). The determination of significant adverse impacts should be consistent with WAC 197-11-330(3) and 197-11-794. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in

evaluating steps to avoid and minimize adverse impacts.

(f) Impacts on commercial resources, such as the crab fishery, on noncommercial resources, such as environmentally critical and sensitive habitats, and on coastal uses, such as loss of equipment or loss of a fishing season, should be considered in determining compensation to mitigate adverse environmental, social and economic impacts to coastal resources and uses.

(g) Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction and use.

(h) Rehabilitation plans and bonds prepared for ocean uses should address the effects of planned and unanticipated closures, completion of the activity, reasonably anticipated disasters, inflation, new technology, and new information about the environmental impacts to ensure that state of the art technology and methods are used.

(i) Local governments should evaluate their master programs and select the environment(s) for coastal waters that best meets the intent of chapter 173-16 WAC, these guidelines and chapter 90.58 RCW.

(j) Ocean uses and their associated coastal or upland facilities should be located, designed and operated to prevent, avoid, and minimize adverse impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling and estuaries.

(k) Ocean uses should be located to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.

(l) Ocean uses and their associated facilities should be located and designed to avoid and minimize adverse impacts on historic or culturally significant sites in compliance with chapter 27.34 RCW. Permits in general should contain special provisions that require permittees to comply with chapter 27.53 RCW if any archeological sites or archeological objects such as artifacts and shipwrecks are discovered.

(m) Ocean uses and their distribution, service, and supply vessels and aircraft should be located, designed, and operated in a manner that minimizes adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted.

(n) Ocean use service, supply, and distribution vessels and aircraft should be routed to avoid environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected.

(o) In locating and designing associated onshore facilities, special attention should be given to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities adequate protection from explosions, spills, and other disasters.

(p) Ocean uses and their associated facilities should be located and designed to minimize impacts on existing water dependent businesses and existing land transportation routes to the maximum extent feasible.

(q) Onshore facilities associated with ocean uses should be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there.

(r) Attention should be given to the scheduling and method of constructing ocean use facilities and the location of temporary construction facilities to minimize impacts on tourism, recreation, commercial fishing, local communities, and the environment.

(s) Special attention should be given to the effect that ocean use facilities will have on recreational activities and experiences such as public access, aesthetics, and views.

(t) Detrimental effects on air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture should be considered in avoiding and minimizing adverse social and economic impacts.

(u) Special attention should be given to designs and methods that prevent, avoid, and minimize adverse impacts such as noise, light, temperature changes, turbidity, water pollution and contaminated sediments on the marine, estuarine or upland environment. Such attention should be given particularly during critical migration periods and life stages of marine species and critical oceanographic processes.

(v) Preproject environmental baseline inventories and assessments and monitoring of ocean uses should be required when little is known about the effects on marine and estuarine ecosystems, renewable resource uses and coastal communities or the technology involved is likely to change.

(w) Oil and gas, mining, disposal, and energy producing ocean uses should be designed, constructed, and operated in a manner that minimizes environmental impacts on the coastal waters environment, particularly the seabed communities, and minimizes impacts on recreation and existing renewable resource uses such as fishing.

(x) To the extent feasible, the location of oil and gas, and mining facilities should be chosen to avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas.

(y) Discontinuance or shutdown of oil and gas, mining or energy producing ocean uses should be done in a manner that minimizes impacts to renewable resource ocean uses such as fishing, and restores the seabed to a condition similar to its original state to the maximum extent feasible.

(8) Oil and gas uses and activities. Oil and gas uses and activities involve the extraction of oil and gas resources from beneath the ocean.

(a) Whenever feasible oil and gas facilities should be located and designed to permit joint use in order to minimize adverse impacts to coastal resources and uses and the environment.

(b) Special attention should be given to the availability and adequacy of general disaster response capabilities in reviewing ocean locations for oil and gas facilities.

(c) Because environmental damage is a very probable impact of oil and gas uses, the adequacy of plans, equip-

ment, staffing, procedures, and demonstrated financial and performance capabilities for preventing, responding to, and mitigating the effects of accidents and disasters such as oil spills should be major considerations in the review of permits for their location and operation. If a permit is issued, it should ensure that adequate prevention, response, and mitigation can be provided before the use is initiated and throughout the life of the use.

(d) Special attention should be given to the response times for public safety services such as police, fire, emergency medical, and hazardous materials spill response services in providing and reviewing onshore locations for oil and gas facilities.

(e) Oil and gas facilities including pipelines should be located, designed, constructed, and maintained in conformance with applicable requirements but should at a minimum ensure adequate protection from geological hazards such as liquefaction, hazardous slopes, earthquakes, physical oceanographic processes, and natural disasters.

(f) Upland disposal of oil and gas construction and operation materials and waste products such as cuttings and drilling muds should be allowed only in sites that meet applicable requirements.

(9) Ocean mining. Ocean mining includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor.

(a) Seafloor mining should be located and operated to avoid detrimental effects on ground fishing or other renewable resource uses.

(b) Seafloor mining should be located and operated to avoid detrimental effects on beach erosion or accretion processes.

(c) Special attention should be given to habitat recovery rates in the review of permits for seafloor mining.

(10) Energy production. Energy production uses involve the production of energy in a usable form directly in or on the ocean rather than extracting a raw material that is transported elsewhere to produce energy in a readily usable form. Examples of these ocean uses are facilities that use wave action or differences in water temperature to generate electricity.

(a) Energy-producing uses should be located, constructed, and operated in a manner that has no detrimental effects on beach accretion or erosion and wave processes.

(b) An assessment should be made of the effect of energy producing uses on upwelling, and other oceanographic and ecosystem processes.

(c) Associated energy distribution facilities and lines should be located in existing utility rights-of-way and corridors whenever feasible, rather than creating new corridors that would be detrimental to the aesthetic qualities of the shoreline area.

(11) Ocean disposal. Ocean disposal uses involve the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration, incinerator residue, dredged materials, vessels, aircraft, ordnance, platforms, or other man-made structures.

(a) Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment.

(b) Ocean disposal shall be allowed only in sites that have been approved by the Washington department of

ecology, the Washington department of natural resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers as appropriate.

(c) Ocean disposal sites should be located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development. Ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of habitats, but the general intent of the guidelines should still be met.

(12) Transportation. Ocean transportation includes such uses as: Shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports. The following guidelines address transportation activities that originate or conclude in Washington's coastal waters or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington.

(a) An assessment should be made of the impact transportation uses will have on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves and sanctuaries.

(b) When feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk.

(c) Transportation uses should be located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible.

(13) Ocean research. Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development. Since ocean research often involves activities and equipment, such as drilling and vessels, that also occur in exploration and ocean uses or developments, a case by case determination of the applicable regulations may be necessary.

(a) Ocean research should be encouraged to coordinate with other ocean uses occurring in the same area to minimize potential conflicts.

(b) Ocean research meeting the definition of "exploration activity" of WAC 173-15-020 shall comply with the requirements of chapter 173-15 WAC: Permits for oil or natural gas exploration activities conducted from state marine waters.

(c) Ocean research should be located and operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines.

(d) Ocean research should be completed or discontinued in a manner that restores the environment to its original condition to the maximum extent feasible, consistent with the purposes of the research.

(e) Public dissemination of ocean research findings should be encouraged.

(14) Ocean salvage. Ocean salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage which combines aspects of recreation, exploration, research, and mining is an example of such a use.

(a) Nonemergency marine salvage and historic shipwreck salvage activities should be conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing.

(b) Nonemergency marine salvage and historic shipwreck salvage activities should not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.

[Statutory Authority: RCW 90.58.195, 91-10-033 (Order 91-08), § 173-16-064, filed 4/24/91, effective 5/25/91.]

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

WAC

173-18-010	Purpose.
173-18-020	Applicability.
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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

shores 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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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 Finnel 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 15</u> Benge 15 Starbuck 15	From Whitman County line (Sec.24,T16N,R38E) along county line downstream to Franklin County line (Sec.5, T15N,R37E), right shore only. This stream has over 300 sq. miles of drainage area.

- (3) Rock Creek* Revera 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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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).
(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 Rapids</u> 7 1/2 <u>Captain John Rapids</u> 7 1/2 <u>Lewiston Orchards</u> S. 7 1/2 <u>Asotin</u> 7 1/2 <u>Clarkston</u> 7 1/2 <u>Silcott</u> 7 1/2	From Washington - Oregon boundary (Sec.16,T6N,R47E) downstream to Garfield County line (Sec.6,T11N,R45E), left bank only. This stream has both over 300 square miles of drainage area and over 200 cfs MAF at Washington - Oregon boundary.

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

WAC 173-18-070 Benton County. Streams

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

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

WAC 173-18-080 Chelan County. Streams

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

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| (5) Icicle Creek* | <u>Chiwaukum Mts.</u> 15
<u>Leavenworth</u> 15 | From the Wenatchee National Forest boundary (west section line) (Sec.5,T24N,R16E) downstream to mouth at Wenatchee River (Sec.13, T24N,R17E) (excluding federal land). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary. | (14) White River* | <u>Wenatchee Lake*</u> 15 | From Wenatchee National Forest boundary (Sec.18, T28N,R16E) downstream to mouth at Wenatchee Lake (Sec.14,T27N,R16E). Exclude federal land. The 200 cfs MAF point is at gauging station (Sec.5, T27N,R16E). |
| (6) Little Wenatchee River* | <u>Wenatchee Lake*</u> 15 | From confluence with Soda Creek (Sec.10, T27N,R15E) downstream to mouth on Wenatchee Lake (Sec.23,T27N,R16E). Exclude federal lands. The 200 cfs point begins at confluence with Soda Creek. | (15) Railroad Creek | <u>Holden</u> 15
<u>Lucerne</u> 15 | From Wenatchee National Forest boundary (Sec.7, T31N,R17E) downstream, excluding federal lands, to mouth at Lake Chelan (Sec.10, T31N,R18E). |
| (7) Mad River | <u>Tyce Mtn.</u> 7 1/2
<u>Ardenvoir</u> 7 1/2
<u>Chumstick Mtn.</u> 7 1/2 | From the Wenatchee National Forest boundary (Sec.13,T26N,R19E) downstream to mouth at Entiat River (Sec.19, T26N,R20E). Exclude federal lands. | (16) Twenty-five Mile Creek | <u>Stormy Mtn.</u> 7 1/2 | From south section line (Sec.36,T29N,R20E) downstream to mouth at Lake Chelan (Sec.19,T29N,R21E). |
| (8) Mission Creek | <u>Monitor</u> 7 1/2
<u>Cashmere</u> 7 1/2 | From the confluence of Mission Creek and Bear Gulch (Sec.31,T23N,R19E) downstream to mouth at Wenatchee River (Sec.4,T23N,R19E). | (17) Phelps Creek | <u>Holden</u> 15 | From NE1/4 of SW1/4 (Sec.10,T30N,R16E) downstream to mouth Chiwawa River (Sec.27, same township). Exclude federal lands. |
| (9) Napeequa River | <u>Wenatchee Lake</u> 15 | From confluence of Twin Lakes Cr. and Napeequa River (Sec.17,T28N,R16E) downstream to mouth at White River (Sec.18, same township). | (18) White-pine Creek | <u>Wenatchee Lake</u> 15 | From south section line (Sec.11,T26N,R15E) downstream to mouth at Nason Creek (Sec.1, same township). Exclude federal lands. |
| (10) Nason Creek* | <u>Labyrinth Mtn.*</u> 7 1/2
<u>Wenatchee Lake</u> 15
<u>Plain</u> 7 1/2 | From west section line (Sec.5,T26N,R15E) downstream to mouth at Wenatchee River (Sec.28, T27N,R17E). Exclude federal lands. The 200 cfs MAF point is at confluence with Roaring Creek (Sec.11,T26N,R16E). | (19) Chiwaukum Creek | <u>Chiwaukum Mts.</u> 15
<u>Leavenworth</u> 15 | From confluence with South Fork Chiwaukum (Sec.34,T26N,R16E) downstream to mouth at Wenatchee River (Sec.9,T25N,R17E). Exclude federal lands. |
| (11) Peshastin Creek | <u>Liberty</u> 15
<u>Leavenworth</u> 15 | From the Wenatchee National Forest boundary (Sec.25,T23N,R17E) downstream (excluding all federal lands) to mouth at Wenatchee River (Sec.22,T24N,R18E). | (20) Chiwaukum Creek (S. Fork) | <u>Chiwaukum Mts.</u> 15 | From confluence with Painter Creek (Sec.3, T25N,R16E) downstream to mouth at Chiwaukum Creek (Sec.34,T26N,R16E). Exclude federal lands. |
| (12) Stehekin River* | <u>McGregor Mtn.</u> 7 1/2
<u>Stehekin</u> 7 1/2 | From the North Cascades National Park boundary (Sec.11, T33N,R16E) downstream, excluding federal lands, to mouth on Lake Chelan (Sec.36, T33N,R17E). The 200 cfs MAF point begins at National Park boundary. | (21) Eight-mile Creek | <u>Chiwaukum Mts.</u> 15 | From the west section line (Sec.25,T24N,R16E) downstream to Icicle Cr. (Sec.19, T24N,R17E). Exclude federal lands. |
| (13) Wenatchee River* | <u>Plain*</u> 7 1/2
<u>Leavenworth</u> 15
<u>Monitor</u> 7 1/2
<u>Wenatchee</u> 7 1/2
<u>Cashmere</u> 7 1/2 | From the outlet on Wenatchee Lake (Sec.28, T27N,R17E) downstream (excluding all federal lands) to the mouth at the Columbia River (Sec.27, T23N,R20E). The 200 cfs MAF point begins at gauging station (Sec.28,T27N,R17E). | (22) Ingalls Creek | <u>Mount Stuart</u> 15
<u>Liberty</u> 15 | From west section line (Sec.31,T23N,R17E) downstream to mouth at Peshastin Creek (Sec.25,T23N,R17E). Exclude federal lands. |

[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

Stream Name	Quadrangle Name and Size	Legal Description
(1) Big River	<u>Lake Pleasant</u> 15	From the confluence of Big River and unnamed creek (Sec.16,T31N,R14W) downstream to mouth on Lake Ozette (Sec.10,T30N,R15W).
(2) Bear Creek	<u>Forks</u> 15	From the confluence of Bear Creek and unnamed creek (Sec.24,T28N,R13W) downstream to mouth at Bogachiel River (Sec.35,T28N,R13W).

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

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| (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). |
| (30) McDonald Creek | <u>Carlsborg</u> 7 1/2
<u>Dungeness</u> 7 1/2 | From the confluence of McDonald Creek and unnamed creek (Sec.6,T29N,R4W) downstream to mouth at Strait of Juan de Fuca (Sec.5,T30N,R4W). | (42) Shuwah Creek | <u>Lake Pleasant</u> 15 | From the confluence of Shuwah Creek and unnamed creek (NW1/4 SW1/4 of Sec.15, T29N,R13W) downstream to mouth at Soleduck River (Sec.22, same township). |
| (31) Murphy Creek | <u>La Push</u> 15 | From the confluence of Murphy Creek and unnamed creek (Sec.33,T28N,R14W) downstream to mouth at Bogachiel River (Sec.29, same township). | (43) Skunk Creek | <u>Lake Pleasant</u> 15 | From the confluence of Skunk Creek and unnamed creek (Sec.29,T30N,R13W) downstream to mouth at the Dickey River (Sec.31,T39N,R13W). |
| (32) Pilchuck Creek | <u>Ozette Lake</u> 15 | From a point (SW1/4 of NE1/4 Sec.33,T32N,R15W) downstream to mouth at Sooes River (Sec.28, same township). | (44) Snag Creek | <u>Ozette Lake</u> 15 | From the confluence of Snag Creek and unnamed creek (Sec.6,T31N,R14W) downstream to mouth at Sooes River (Sec.30, T32N,R14W). |
| (33) Morse Park | <u>Morse Creek</u> 7 1/2 | From Olympic National Park boundary (Sec.8,T29N,R5W) downstream to mouth at Port Angeles Harbor (Sec.5, T30N,R5W). | (45) Soleduck River* | <u>Pysht</u> 15
<u>Lake Pleasant*</u> 15
<u>Forks</u> 15
<u>La Push</u> 15 | From the Olympic National Forest boundary (Sec.35, T30N,R10W) downstream to mouth at Quillayute River (Sec.20,T28N,R14W). The 1,000 cfs MAF point begins at mouth of Bockman Creek (Sec.1, T29N,R13W). Excludes federal lands. |
| (34) Ponds Creek | <u>Lake Pleasant</u> 15 | From the confluence of Ponds Creek and unnamed creek on the south section line (Sec.34, T31N,R14W) downstream to mouth at Dickey Lake (Sec.9, T30N,R14W). | (46) Sooes River | <u>Ozette Lake</u> 15
<u>Cape Flattery</u> 15 | From the confluence of Snag Creek and Sooes River (Sec.30,T32N,R14W) downstream to Indian Reservation boundary (Sec.16,T32N,R15W). |
| (35) Pysht River | <u>Pysht</u> 15 | From the Olympic National Forest boundary (Sec.34, T31N,R12W) downstream to mouth at Strait of Juan de Fuca near Pysht (Sec.9,T31N,R11W). | (47) Thunder Creek | <u>Lake Pleasant</u> 15 | From the confluence of Thunder Creek and unnamed creek (Sec.11,T29N,R14W) downstream to mouth at East Fork Dickey River (Sec.23, same township). |
| (36) Pysht River (S. Fk.) | <u>Pysht</u> 15 | From the confluence of the South Fork Pysht River and Middle Creek (Sec.28,T31N,R11W) downstream to mouth at Pysht River (Sec.13, T31N,R12W). | (48) Umbrella Creek | <u>Ozette Lake</u> 15 | From the confluence of Umbrella Creek and unnamed creek (Sec.23,T31N,R15W) downstream to mouth at Umbrella Point on Lake Ozette (Sec.4, T30N,R15W). |
| (37) Quillayute River* | <u>La Push*</u> 15 | From confluence of Soleduck and Bogachiel rivers (Sec.20,T28N,R14W) downstream to Olympic National Park boundary (Sec.24,T28N,R15W). The 1,000 cfs MAF point begins at confluence of Soleduck River and Bogachiel River. | (49) West Twin River | <u>Lake Crescent</u> 15 | From the Olympic National Forest boundary (Sec.34, T31N,R10W) downstream to mouth at Strait of Juan de Fuca (Sec.23,T31N,R10W). |
| (38) Salt Creek | <u>Joyce</u> 15 | From the confluence of Salt Creek and unnamed creek (SE1/4, SE1/4 of Sec.34,T31N,R8W) downstream to mouth at Crescent Bay on Strait of Juan de Fuca (Sec.21, same township). | | | |

[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

Stream Name	Quadrangle Name and Size	Legal Description			
(1) Big Tree Creek	<u>Yacolt</u> 15 Yacolt 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).	(11) Fifth Plain Creek	<u>Lackamas</u> 7 1/2	From the confluence of Fifth Plain Creek and Shanghai Creek (Sec.6,T2N,R3E) downstream to mouth at Lackamas Creek (Sec.7, same township).
(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).	(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).
(3) Burnt Bridge Creek	<u>Orchards</u> 7 1/2 Vancouver 7 1/2	From I-205 overcrossing (Sec.16,T2N,R2E) and Burnt Bridge Creek downstream to Vancouver Lake (Sec.9,T2N, R1E).	(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).
(4) Canyon Creek	<u>Lookout Mt.</u> 15 Yacolt 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.	(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).
(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).	(15) Hagan Creek	<u>Camas</u> 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).
(6) Cedar Creek	<u>Amboy</u> 7 1/2 Yacolt 7 1/2 Ariel 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).	(16) King Creek	<u>Yacolt</u> 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).
(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).	(17) Lackamas Creek	<u>Camas</u> 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).
(8) Columbia River (Cont.)*	<u>Bridal Veil</u> 15 Washougal 7 1/2 Camas 7 1/2 Mount Tabor 7 1/2 Portland 7 1/2 Vancouver 7 1/2 Sauvie Island 7 1/2 St. Helens 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.	(18) Lewis River (E. Fk.)*	<u>Lookout Mt.</u> 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.)
(9) Lewis River*	<u>Mt. St. Helens</u> 15 Cougar 15 Yacolt 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 7 1/2 Ridgefield 7 1/2 St. Helens 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.	(19) Little Washougal River	<u>Camas</u> 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).
(10) Copper Creek	<u>Lookout Mtn.</u> 15 Yacolt 15	From the Gifford Pinchot National Forest boundary (Sec.25,T4N,R4E) downstream to mouth at Lewis River East Fork (Sec.24, same township).	(20) Little Washougal River (E. Fk.)	<u>Camas</u> 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).
			(21) Lockwood Creek	<u>Ridgefield</u> 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).
			(22) Mason Creek	<u>Battle Ground</u> 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).

- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).

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

WAC 173-18-110 Columbia County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Pataha Creek (Cont.)	<u>Hay 15</u>	From the Garfield County line (Sec.12,T12N,R39E) downstream to mouth at Tucannon River (Sec.24,T12N,R38E).
(2) Tucannon River*	<u>Pomeroy 30</u> 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).
(3) Touchet River (S. Fk.)	<u>Pomeroy 30</u> Robinette Mtn. 7 1/2 Dayton 7 1/2	From a point of (SE1/4 of NE1/4 of Sec.5,T8N,R39E) downstream to mouth at Touchet River near Dayton (Sec.32,T10N,R39E).
(4) Touchet River (N. Fk.)	<u>Pomeroy 30</u> Eckler Mtn. 7 1/2 Cahill Mtn. 7 1/2 Dayton 7 1/2	From the confluence of the North Fork Touchet River and unnamed creek (Sec.28,T8N,R40E) downstream to Touchet River near Dayton (Sec.32,T10N,R39E) (Note: called North Fork on Quad.) Excluding all federal lands.
(5) Touchet River	<u>Pomeroy 30</u> Walla Walla 30 Dayton 7 1/2 Huntsville 7 1/2	From the confluence of North and South Forks of Touchet River (Sec.32,T10N,R39E) downstream to Walla Walla County line (Sec.7,T9N,R38E).
(6) Robinson Creek	<u>Dayton 7 1/2</u>	From north line (Sec.23,T9N,R39E) downstream to mouth at North Fork Touchet River (Sec.11, same township).

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

WAC 173-18-120 Cowlitz County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Abernathy Creek	<u>Ryderwood 15</u> Clatskanie 15	From the confluence of Abernathy Creek and Ordway Creek (Sec.5,T9N,R4W) downstream to mouth at Columbia River (Sec.10,T8N,R4W).
(2) Alder Creek	<u>Toutle 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).
(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).
(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).

(5) Bear Creek	<u>Cougar</u> 15	From the confluence of Bear Creek and unnamed creek (Sec.9,T8N,R3E) downstream to South Fork Toutle River (Sec.29,T9N,R3E).	(17) Deer Creek	<u>Elk Rock</u> 15	From the confluence of Deer Creek and unnamed creek (Sec.31,T10N,R3E) downstream to mouth at North Fork Toutle River (Sec.36,T10N,R2E).
(6) Bear Creek	<u>Elk Rock</u> 15 <u>Toutle</u> 15	From the intersection of Bear Creek and light duty road (Sec.33,T10N,R3E) downstream to mouth at Hoffstadt Creek (Sec.23,T10N,R2E).	(18) Delameter Creek	<u>Castle Rock</u> 15 <u>Kelso</u> 7 1/2	From the confluence of Delameter Creek and unnamed creek (Sec.24,T9N,R3W) downstream to mouth at Arkansas Creek (Sec.16,T9N,R2W).
(7) Cameron Creek	<u>Clatskanie</u> 15	From the confluence of Cameron Creek and unnamed creek (Sec.28,T9N,R4W) downstream to mouth at Abernathy Creek (Sec.10,T8N,R4W).	(19) Devils Creek	<u>Toutle</u> 15	From the Lewis County line (Sec.2,T10N,R2E) downstream to mouth at the Green River (same section).
(8) Campbell Creek	<u>Ryderwood</u> 15	From an approximate point near the north section line (SW1/4 of NE1/4 of Sec.10,T10N,R3W) downstream to mouth at Stillwater Creek (Sec.3, same township).	(20) Elk Creek	<u>Cougar</u> 15	From the confluence of Elk Creek and unnamed creek (Sec.12,T7N,R2E) downstream to mouth at Kalama River (Sec.24, same township).
(9) Castle Creek	<u>Elk Rock</u> 15	From the confluence of Castle Creek and the South Fork Castle Creek (Sec.14,T9N,R4E) downstream to mouth at North Fork Toutle River (Sec.10, same township).	(21) 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).
(10) Chehalis River (S. Fk.)	<u>Ryderwood</u> 15	From the confluence of South Fork Chehalis River and unnamed creek (Sec.11,T10N,R4W) downstream to the Lewis County line (Sec.2, same township).	(22) Germany Creek	<u>Ryderwood</u> 15 <u>Clatskanie</u> 15	From the confluence of Germany Creek and unnamed creek (Sec.25,T10N,R4W) downstream to mouth at Columbia River (Sec.12,T8N,R4W).
(11) Coal Creek	<u>Clatskanie</u> 15	From the confluence of Coal Creek and unnamed creek (Sec.28,T9N,R3W) downstream to mouth at Coal Creek Slough (Sec.14,T8N,R3W).	(23) Gobar Creek	<u>Pigeon Springs</u> 15	From the confluence of Gobar Creek and unnamed creek (Sec.8,T7N,R2E) downstream to mouth at Kalama River (Sec.36,T7N,R1E).
(12) Cold-water Creek (Cont.)	<u>Spirit Lake</u> 15	From the Gifford Pinchot National Forest boundary (also Skamania County line) (Sec.36,T10N,R4E) downstream to mouth at North Fork Toutle River (Sec.2,T9N,R4E).	(24) Goble Creek	<u>Pigeon Springs</u> 15 <u>Kalama</u> 7 1/2 <u>Mt. Brynion</u> 7 1/2	From the confluence of Goble Creek and unnamed creek (Sec.13,T7N,R1W) downstream to mouth of Coweeman River (Sec.34,T8N,R1W).
(13) Columbia River (Cont.)*	<u>St. Helens</u> 7 1/2 <u>Deer Island</u> 7 1/2 <u>Kalama</u> 7 1/2 <u>Rainier</u> 7 1/2 <u>Clatskanie</u> 15	From the Lewis River at the Clark County line (Sec.10,T4N,R1W) downstream along the Washington-Oregon line to Wahkiakum County line (Sec.20,T8N,R4W). The flow exceeds 1,000 cfs MAF at Cowlitz-Clark County line.	(25) Goble Creek (N. Fk.)	<u>Pigeon Springs</u> 15 <u>Kalama</u> 7 1/2	From the confluence of the North Fork Goble Creek and unnamed creek (Sec.31,T8N,R1E) downstream to mouth at Goble Creek (Sec.2,T7N,R1W).
(14) Cougar Creek	<u>Cougar</u> 15	From the Gifford Pinchot National Forest boundary (Sec.23,T7N,R4E) downstream to mouth at Yale Lake (Sec.27,T7N,R4E).	(26) Green River (Cont.)	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15 <u>Toutle</u> 15	From the Skamania-Cowlitz County line (Sec.1,T10N,R4E) downstream to mouth at North Fork Toutle River (Sec.8,T10N,R2E) excluding those reaches within Lewis County.
(15) Coweeman River	<u>Cougar</u> 15 <u>Pigeon Springs</u> 15 <u>Mt. Brynion</u> 7 1/2 <u>Kelso</u> 7 1/2 <u>Rainier</u> 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.19,T8N,R3E) downstream to mouth at Cowlitz River (Sec.11,T7N,R2W).	(27) Hemlock Creek	<u>Toutle</u> 15	From the confluence of Hemlock Creek and unnamed creek (Sec.18,T9N,R1E) downstream to mouth at Silver Lake (Sec.1,T9N,R1W).
(16) Cowlitz River (Cont.)*	<u>Castle Rock</u> 15 <u>Kelso</u> 7 1/2 <u>Rainier</u> 7 1/2	From Cowlitz-Lewis County line (Sec.4,T10N,R2W) downstream to mouth on Columbia River (Sec.10,T7N,R2W). The flow exceeds 1,000 cfs MAF at Cowlitz-Lewis County line (Sec.3,T10N,R2W).	(28) Hoffstadt	<u>Elk Rock</u> 15 <u>Toutle</u> 15	From the confluence of Hoffstadt Creek and unnamed creek (Sec.24,T10N,R3E) downstream to mouth at North Fork Toutle River (Sec.23,T10N,R2E).
			(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).

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

- (54) Unnamed Tributary to Speelyai Creek Cougar 15 From an approximate point near the east section line (Sec.12,T6N,R3E) downstream to mouth at Speelyai Creek (Sec.7,T6N,R4E).
- (55) Unnamed Tributary to Toutle River (S. Fk.) Cougar 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).
- (56) Wild Horse Creek Pigeon Springs 15 From the confluence of Wild Horse Creek and unnamed creek (Sec.23,T7N,R1E) downstream to mouth at Kalama River (Sec.36,T7N,R1E).
- (57) Wolf Creek Cougar 15 From the confluence of Wolf Creek and unnamed creek (Sec.28,T7N,R3E) downstream to mouth at Kalama River (Sec.21, same township).
- (58) Wyant Creek Toutle 15 From the confluence of Wyant Creek and unnamed creek (Sec.13,T10N,R1E) downstream to mouth at North Fork Toutle River (Sec.20, same township).
- (59) Unnamed Tributary to Toutle River (S. Fk.) Cougar 15 From north end of Goat Marsh (SW1/4, NW1/4 Sec.23, T8N,R4E) downstream to mouth at Toutle River S. Fk. excluding federal lands.
- (60) Fossil Creek Cougar 15 From Gifford Pinchot National Forest boundary (Sec.31,T8N,R4E) downstream to mouth at Kalama River (Sec.6, T7N,R4E).

- (2) Moses Coulee* (Rattlesnake Creek) (Douglas Creek) Palisades* 7 1/2 Appledale 7 1/2 Rock Island 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.
- [Order 73-14, § 173-18-130, filed 8/27/73; Order DE 72-13, § 173-18-130, filed 6/30/72.]

WAC 173-18-140 Ferry County. Streams

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

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

WAC 173-18-130 Douglas County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*	<u>Chief Joseph</u> Dam 7 1/2 <u>Bridgeport</u> 7 1/2 <u>Brewster</u> 7 1/2 <u>Wells</u> Dam 7 1/2 <u>Azwell</u> 7 1/2 <u>Chelan Falls</u> 7 1/2 <u>Wenatchee</u> 7 1/2 <u>Rock Island</u> 7 1/2 <u>Malala</u> 7 1/2 <u>Rock Island</u> Dam 7 1/2 <u>Chelan</u> 7 1/2 <u>Winesap</u> 7 1/2 <u>Entiat</u> 7 1/2 <u>Orondo</u> 7 1/2 <u>Rocky Reach</u> Dam 7 1/2 <u>West Bar</u> 7 1/2	Beginning (Sec.24,T29N, R25E) below Chief Joseph Dam downstream to (Sec.13,T20N,R22E) excluding any federal lands. The flow exceeds 200 cfs MAF at Chief Joseph Dam.

WAC 173-18-150 Franklin County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Columbia River (Cont.)*	<u>Hanford 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) Esquatzel 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) (Esquatzel River gradually sinking into ground). This stream has over 300 sq. miles of drainage area ending at mouth of Old Maid Coulee.
(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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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).
(4) Lower Crab Creek	<u>Corfu 15</u> <u>Smyrna 15</u> <u>Beverly S.E. 7 1/2</u> <u>Beverly 7 1/2</u>	From CNW Refuge Bdy. (Sec.36,T16N,R26E) downstream excluding all federal lands to mouth at Columbia River (Sec.3,T15N, R23E).
(5) Rocky Ford Creek	<u>Grant Orchards 7 1/2</u> <u>Moses Lake N.W. 7 1/2</u>	From the confluence of Rocky Ford Creek and several springs (Sec.16, T21N,R27E) downstream to mouth at Moses Lake (Sec.8, T20N,R27E).
(6) Wilson Creek (Cont.)*	<u>Almira S.W. 7 1/2</u> <u>Hartline S.E. 7 1/2</u> <u>Wilson Creek 15</u>	From Lincoln County line (Sec.1,T24N,R30E) downstream to mouth at Crab Creek (Sec.12,T22N,R29E). This stream has over 300 sq. miles of drainage area.

[Order 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

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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).
(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).
(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).
(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).

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|------------------------------|--|---|-------------------------------------|---|---|
| (5) Black River (Cont.) | <u>Rochester</u> 15 | 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</u> 15 | Beginning at a point where Decker Creek crosses Grays Harbor Co. and Mason Co. line (Sec.24,T20N,R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.25, of same Township). |
| (6) Boone Creek | <u>Moclips</u> 7 1/2 | From an approximate point in the (NW1/4 of NW1/4 of SW1/4 Sec.4,T19N,R12W) downstream to mouth at Pacific Ocean, near Iron Springs (Sec.4,T19N,R12W). | (17) Deep Creek | <u>Humtulpis</u> 15
<u>Copalis</u>
Crossing 7 1/2 | From the confluence of Deep Creek and unnamed creek (Sec.30,T19N,R10W) downstream to mouth at Humtulpis River (Sec.22,T19N,R11W). |
| (7) Canyon River (Cont.) | <u>Mt. Tebo</u> 15
<u>Wynoochee Valley</u> 15
<u>Grisdale</u> 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) Delezene Creek | <u>Malone</u> 15 | From the confluence of the Delezene 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</u> 15 | From an approximate point on the west line of (NE1/4 Sec.12,T19N,R8W) downstream to mouth at Wynoochee River (Sec.14,T19N,R8W). | (19) Donkey Creek | <u>Quinault Lake</u> 15 | From the intersection of Olympic National Forest boundary and Donkey Creek (Sec.3, T21N,R9W) downstream to mouth at West Fork Humtulpis River (Sec.16,T21N,R9W). |
| (9) Cedar Creek | <u>Copalis Beach</u> 7 1/2 | From the confluence of Cedar Creek and unnamed creek (Sec.23,T19N,R12W), downstream to mouth at Copalis River (Sec.22,T19N, R12W). | (20) Elkhorn Creek | <u>Montesano</u> 15 | From the confluence of Elk Horn Creek and unnamed creek (Sec.10,T15N,R8W) downstream to Pacific Co. line (same section). |
| (10) Cedar Creek | <u>Rochester</u> 15 | From the Thurston County line (Sec.2,T16N,R4W) downstream to mouth at Chehalis River (Sec.10,T16N,R5W). | (21) Elk River (E. Br.) | <u>Western</u> 7 1/2 | From the confluence of Elk River East Branch and unnamed creek (Sec.5,T15N,R10W) downstream to mouth at Elk River (same section). |
| (11) Charley Creek | <u>Aberdeen</u> 7 1/2 | From a point between confluence of one unnamed creek and Charley Creek and confluence of another unnamed creek and Charley Creek (Sec.27,T17N,R9W) downstream to mouth at south channel of Grays Harbor (Sec.18, T17N,R9W). | (22) Elk River | <u>Western</u> 7 1/2
<u>Grayland</u> 7 1/2 | From the confluence of Elk River and East Branch Elk River (Sec.5,T15N,R10W) to mouth on South Bay (Sec.26, T16N,R11W). |
| (12) Chehalis River (Cont.)* | <u>Rochester</u> 15
<u>Malone</u> 15
<u>Montesano</u> 15
<u>Aberdeen</u> 7 1/2 | From the Thurston Co. line (Sec.10,T15N,R4W) downstream on the southerly shore only (north shore on Indian Reservation). Both shores beginning (Sec.25, T16N,R5W) downstream to mouth at Grays Harbor (Sec.9, T17N,R9W). The flow exceeds 1,000 cfs MAF at Thurston-Grays Harbor County line. | (23) Garrard Creek | <u>Malone</u> 15 | From the confluence of the Garrard Creek and the Kellogg Creek (Sec.8,T15N, R5W) downstream to mouth at the Chehalis River (Sec.1,T15N, R5W). |
| (13) Clo-quallum Creek | <u>Elma</u> 15
<u>Malone</u> 15 | From the Mason Co. line (Sec.1,T18N,R6W) downstream to mouth at Chehalis River (Sec.2,T17N, R6W). | (24) Garrard Creek (S. Fk.) (Cont.) | <u>Malone</u> 15 | From the Lewis County line SE corner (Sec.9,T15N, R5W) downstream to mouth at the Garrard Creek (Sec.10, T15N,R5W). |
| (14) Connor Creek | <u>Copalis Beach</u> 7 1/2 | From the confluence of Cranberry Creek (Sec.10,T18N, R12W) downstream to mouth at Pacific Ocean (Sec.33,T19N, R12W). | (25) Hoquiam River | <u>Humtulpis</u> 15
<u>Hoquiam</u> 7 1/2 | From confluence of West and Middle Forks of Hoquiam River (Sec.22,T18N,R10W) downstream to mouth in Grays Harbor in Hoquiam (Sec.12, T17N,R10W). |
| (15) Copalis River | <u>Quinault Lake</u> 15
<u>Macafee Hill</u> 15
<u>Carlisle</u> 7 1/2
<u>Moclips</u> 7 1/2
<u>Copalis Beach</u> 7 1/2 | From the intersection of Copalis River and unimproved road (Sec.30, T21N,R10W) downstream to mouth at Pacific Ocean (Sec.21,T19N,R12W). | (26) Hoquiam River (E. Fk.) | <u>Humtulpis</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). |
| | | | (27) Hoquiam River (M. Fk.) | <u>Humtulpis</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). |

(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).	(39) Lower Salmon Creek	<u>Montesano</u> 15 <u>Aberdeen</u> S.E. 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).
(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.	(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).
(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).	(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).
(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).	(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).
(32) Independence Creek (Cont.)	<u>Rochester</u> 15	From Lewis Co. line (Sec. 10, T15N,R4W) downstream to mouth on Chehalis River (same section).	(43) Newkah Creek	<u>Aberdeen</u> 7 1/2	From a point approximately 200' west of confluence of Newkah 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).
(33) Joe Creek	<u>Carlisle</u> 7 1/2 <u>Moclips</u> 7 1/2	From the confluence of Joe Creek and unnamed creek (Sec.18,T20N,R11W) downstream to mouth at Pacific Beach (Sec.20,T20N,R12W).	(44) North River* (Cont.)	<u>Montesano</u> 15 <u>Aberdeen</u> 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).
(34) Johns River (S. Fk.)	<u>Western</u> 7 1/2	From the confluence of South Fork Johns River and Hall Creek (Sec.22,T16N,R10W) downstream to mouth at North Fork Johns River (same section).	(45) Pioneer Creek	<u>Malone</u> 15	From the confluence of Pioneer Creek and unnamed creek (Sec.25,T16N,R7W) downstream to mouth at the North River (Sec.4,T15N,R7W).
(35) Johns River (N. Fk.)	<u>Hoquiam</u> 7 1/2	From the confluence of North Fork Johns River and unnamed creek (Sec.15, T16N,R10W) downstream to mouth at Johns River (Sec.22, T16N,R10W).	(46) Porter Creek	<u>Rochester</u> 15 <u>Malone</u> 15	From the confluence of the North Fork Porter Creek and the South Fork Porter Creek (Sec.1,T17N,R5W) downstream to mouth at Chehalis River (Sec.28,T17N,R5W).
(36) Little River	<u>Grisdale</u> 15	From an approximate point in (SW1/4 of NE1/4 of SE1/4 Sec.22,T21N,R7W) downstream to mouth at West Fork Satsop River (Sec.27,T21N,R7W).	(47) Porter Creek (N. Fk.)	<u>Rochester</u> 15	From an approximate point near the SW corner of (SE1/4 on NW1/4 of NW1/4 of Sec.3, T17N,R4W) downstream to mouth at Porter Creek (Sec.1, T17N,R5W).
(37) Little Hoquiam River	<u>Hoquiam</u> 7 1/2	From the confluence of Little Hoquiam River and the North Fork Little Hoquiam River (Sec.3,T17N,R10W) downstream to mouth at Hoquiam River (Sec.2,T17N,R10W).	(48) Porter Creek (S. Fk.)	<u>Rochester</u> 15	From the confluence of Hell Creek and the S. Fork Porter Creek (Sec.7,T17N,R4W) downstream to mouth at Porter Creek (Sec.1,T17N,R5W).
(38) Little North River	<u>Montesano</u> 15	From an approximate point near the center of (NW1/4 of SW1/4 of NW1/4 (Sec.1, T16N,R8W) downstream to mouth at North River (Sec.8, T16N,R8W).			

(49) Porter Creek (W. Fk.)	<u>Rochester</u> 15	From the confluence of the West Fork Porter Creek and Bozy Creek (Sec.31,T18N,R4W) downstream to mouth at Porter Creek (Sec.11,T17N,R5W).	(60) Stevens Creek	<u>Quinalt Lake</u> 15	From the confluence of Stevens Creek and unnamed creek (Sec.12,T21N,R10W) downstream to mouth at Humptulips River (Sec.12,T20N,R11W).
(50) Rainie Creek (Rt. Fk.)	<u>Malone</u> 15	From an approximate point near the center of the (SW1/4 of the NE1/4 Sec.3, T15N,R6W) downstream to Pacific County line (Sec.9, T15N,R6W).	(61) Sylvia Creek	<u>Montesano</u> 15	From the confluence of Sylvia Creek and unnamed creek (Sec.1,T17N,R8W) downstream to mouth at Wynoochee River (Sec.7,T17N,R7W).
(51) Raney Creek	<u>Humptulips</u> 15	From confluence of Raney Creek and unnamed creek (SE1/4 NE1/4 Sec.22,T20N,R9W) downstream to mouth at West Fork Wishkah River (Sec.26,T20N,R9W).	(62) Unnamed Tributary to Humptulips River	<u>Humptulips</u> 15	From the confluence of two unnamed creeks (Sec. 14, T20N,R10W) downstream to mouth at Humptulips River (Sec.9,T20N,R10W).
(52) Rock Creek	<u>Malone</u> 15	From the confluence of Rock Creek and unnamed creek (Sec.11,T16N,R6W) downstream to mouth at Chehalis River (Sec.15,T16N,R5W).	(63) Vance Creek	<u>Malone</u> 15	From the intersection of Vance Creek and light duty road (Sec.3,T17N,R6W) downstream to mouth at Chehalis River (Sec.6,T17N,R6W).
(53) Salmon Creek	<u>Montesano</u> 15	From the confluence of Salmon Creek and unnamed creek (Sec.13,T16N,R8W) downstream to mouth at North River (Sec.9,T16N,R8W).	(64) Vesta Creek (E. Fk.)	<u>Malone</u> 15 <u>Montesano</u> 15	From the confluence of the East Fork Vesta Creek and unnamed creek (Sec.13,T16N,R7W) downstream to mouth at Vesta Creek (Sec.14,T16N,R7W).
(54) Sand Creek	<u>Malone</u> 15	From an approximate point near the center of (SE1/4 of NE1/4 Sec.5,T17N,R5W) downstream to mouth at Mox Chehalis Creek (same section).	(65) Vesta Creek	<u>Montesano</u> 15	From confluence of East and West Forks of Vesta Creek (Sec.14,T16N,R7W) downstream to mouth on North River (Sec.32,T16N,R7W).
(55) Satsop River*	<u>Wynoochee Valley</u> * 15 <u>Elma</u> 15 <u>Malone</u> 15	From the confluence of East and West Forks of Satsop River (Sec.23,T18N,R7W) downstream to mouth at Chehalis River (Sec.7,T17N,R6W). The flow is more than 1,000 cfs MAF at mouth of East Fork Satsop River (Sec.23, T18N,R7W).	(66) Vesta Creek (W. Fk.)	<u>Montesano</u> 15	From the confluence of Vesta Creek West Fork and unnamed creek from the east (Sec.3,T16N,R7W) downstream to mouth at Vesta Creek (Sec.14,T16N,R7W).
(56) Satsop River (E. Fk.)* (Cont.)	<u>Elma</u> * 15 <u>Wynoochee Valley</u> 15	From Mason Co. and Grays Harbor Co. line (Sec.6,T18N,R6W) downstream to mouth at Satsop River (Sec.23,T18N,R7W). The 1,000 cfs MAF point begins at mouth of Middle Fork Satsop River, (Sec.3, T19W,R6W).	(67) Wedekind Creek	<u>Wynoochee Valley</u> 15	From the confluence of Wedekind Creek and unnamed creek (Sec.19,T18N,R8W) downstream to mouth at Wynoochee River (Sec.28, T18N,R8W).
(57) Satsop River (M. Fk.) (Cont.)	<u>Mt. Tebo</u> 15 <u>Wynoochee Valley</u> 15 <u>Elma</u> 15	From Mason Co. and Grays Harbor Co. line (Sec.1, T20N,R7W) downstream to Grays Harbor Co. and Mason Co. line (Sec.36,T19N,R7W).	(68) Wildcat Creek	<u>Elma</u> 15	From the confluence of East and West Forks of Wildcat Creek (Sec.16,T18N,R5W) downstream to mouth at Cloquallum Creek (Sec.30, T18N,R5W).
(58) Satsop River (W. Fk.)	<u>Grisdale</u> 15 <u>Wynoochee Valley</u> 15	From the Olympic National Forest boundary (Sec.10, T21N,R7W) downstream to mouth at confluence of West Fork Satsop River and East Fork Satsop River (Sec.23, T18N,R7W).	(69) Wildcat Creek (W. Fk.)	<u>Elma</u> 15	From the confluence of West Fork Wildcat Creek and unnamed creek (Sec.16, T18N,R5W) downstream to confluence with East Fork Wildcat Creek (same section).
(59) Schafer Creek	<u>Wynoochee Valley</u> 15	From an approximate point on the west line of (SE1/4 of SE1/4 Sec.1,T20N,R8W) downstream to mouth at the Wynoochee River (Sec.25, T20N,R8W).	(70) Wildcat Creek (E. Fk.)	<u>Elma</u> 15	From the confluence of East Fork Wildcat Creek and unnamed creek (Sec.15, T18N,R5W) downstream to confluence of East Fork Wildcat Creek and West Fork Wildcat Creek (Sec.16,T18N,R5W).
			(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).

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| (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). | (2) Bogachiel 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. |
| (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). | (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). |
| (74) Wishkah River | <u>Grisdale</u> 15
<u>Wynoochee Valley</u> 15
<u>Humptulips</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). | (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. |
| (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). | (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). |
| (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). | (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 Quinalt Indian Reservation (Sec.29, T24N,R12W). The 1,000 cfs MAF point begins at mouth of Miller Creek (Sec.27,T25N, R12W). |
| (77) Johns River | <u>Western</u> 7 1/2
<u>Hoquiam</u> 7 1/2 | From confluence of North Fork and South Fork Johns River (Sec.22,T16N, R10W) downstream to its mouth at Grays Harbor (Sec.36, T17N,R11W). | (7) 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). |
| (78) Quinalt River* (Cont.) | <u>Kloochman Rock</u> 15
<u>Quinalt Lk.</u> | From Jefferson/Grays Harbor County line (Sec.1, T23W,R9W) downstream to mouth at Quinalt Lake (Sec.16,T23W,R9W). Exclude federal lands. The flow is over 1,000 cfs MAF at Jefferson/Grays Harbor County line. | (8) Duckabush River | <u>Brinnon</u> 7 1/2 | From the Olympic National Forest boundary between (Sec.17 & 18,T25N,R2W) downstream to mouth at Hood Canal (Sec.21,T25N,R2W). |
| | | | (9) Fulton Creek | <u>Brinnon</u> 7 1/2
<u>Holly</u> 7 1/2 | From the confluence of Fulton Creek and the South Fork of Fulton Creek (Sec.30,T25N, R2W) downstream to mouth at Hood Canal (Sec.31,T25N,R2W). |
| | | | (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). |
| | | | (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. |
| | | | (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). |

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

WAC 173-18-190 Island County. Streams

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

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

WAC 173-18-200 Jefferson County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Big Quilcene River	<u>Mt. Walker</u> 7 1/2 <u>Quilcene</u> 7 1/2	From the Olympic National Forest boundary (Sec.27, T27N,R2W) downstream to mouth at Quilcene Bay (Sec.19, T27N,R1W).

(12) Hoh River (S. Fk.)	<u>Mt. Tom</u> 15	From the Olympic National Park boundary (Sec.2,T26N, R10W) downstream to the Olympic National Forest boundary (Sec.29,T27N,R10W).
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<p>(13) Hurst Creek</p>	<p><u>Destruction Island 15</u></p>	<p>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).</p>	<p>(25) Shale Creek</p>	<p><u>Salmon River 15 Destruction Island 15</u></p>	<p>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).</p>															
<p>(14) Kalaloch Creek</p>	<p><u>Destruction Island 15</u></p>	<p>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).</p>	<p>(26) Snahapish River</p>	<p><u>Salmon River 15</u></p>	<p>From the intersection of Snahapish River and unimproved road (Sec.21,T26N, R11W) downstream to mouth at Clearwater River (Sec.19,T25N, R11W).</p>															
<p>(15) Little Quilcene River</p>	<p><u>Mt. Walker 7 1/2 Quilcene 7 1/2</u></p>	<p>From the Olympic National Forest boundary (Sec.33, T28N,R2W) downstream to mouth at Quilcene Bay (Sec.18, T27N,R1W).</p>	<p>(27) Snow Creek</p>	<p><u>Uncas 7 1/2</u></p>	<p>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).</p>															
<p>(16) Maple Creek</p>	<p><u>Spruce Mt. 15</u></p>	<p>From the confluence of Maple Creek and Dry Creek (Sec.3,T26N,R11W) downstream to Hoh River (Sec.35, T27N, R11W).</p>	<p>(28) Solleks River</p>	<p><u>Kloochman Rock 15 Salmon River 15</u></p>	<p>From the confluence of Solleks River and unnamed creek (Sec.2,T25N,R10W) downstream to mouth at Clearwater River (Sec.10,T25N,R11W).</p>															
<p>(17) Matheny Creek</p>	<p><u>Salmon River 15</u></p>	<p>From the Olympic National Forest boundary (Sec.24,T24N, R11W) downstream to the Olympic National Park boundary (Sec.22,T24N,R11W).</p>	<p>(29) Stequaleho Creek</p>	<p><u>Salmon River 15</u></p>	<p>From the confluence of the Stequaleho Creek and unnamed creek (Sec.19,T25N, R10W) downstream to mouth at Clearwater River (Sec.16,T25N, R11W).</p>															
<p>(18) Miller Creek</p>	<p><u>Destruction Island 15 Salmon River 15</u></p>	<p>From the confluence of Miller Creek and unnamed creek (Sec.17, T25N, R12W) downstream to mouth at Clearwater River (Sec.27, T25N, R12W).</p>	<p>(30) Winfield Creek</p>	<p><u>Spruce Mt. 15</u></p>	<p>From the confluence of Winfield Creek and unnamed creek (Sec.1,T26N,R12W) downstream to mouth at the Hoh River (Sec.27,T27N,R12W).</p>															
<p>(19) Miller Creek (E. Fk.)</p>	<p><u>Salmon River 15</u></p>	<p>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).</p>	<p>(31) Quinault River*</p>	<p><u>Mt. Christie* 15 Kloochman Rock 15</u></p>	<p>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).</p>															
<p>(20) Minter Creek</p>	<p><u>Forks 15</u></p>	<p>From the intersection of the north line of (Sec.30,T27N, R13W) and Minter Creek, downstream to Goodman Creek (Sec.24,T27N,R14W).</p>	<p>[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.]</p>																	
<p>(21) Mosquito Creek</p>	<p><u>Forks 15</u></p>	<p>From the intersection of north line of (Sec.5,T26N,R13W) and Mosquito Creek, downstream to Olympic National Park boundary (Sec.36,T27N,R14W).</p>	<p>WAC 173-18-210 King County. Streams</p>																	
<p>(22) Nolan Creek</p>	<p><u>Destruction Island 15 Forks 15</u></p>	<p>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).</p>	<table border="0"> <thead> <tr> <th style="text-align: left;"><u>Stream Name</u></th> <th style="text-align: left;"><u>Quadrangle Name and Size</u></th> <th style="text-align: left;"><u>Legal Description</u></th> </tr> </thead> <tbody> <tr> <td>(1) Bear Creek</td> <td><u>Eagle Gorge 7 1/2</u></td> <td>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).</td> </tr> <tr> <td>(2) Bear Creek</td> <td><u>Everett 15 Bothell 7 1/2</u></td> <td>From the intersection of Bear Creek and the east section line (Sec.9,T26N,R5E) downstream to mouth at Sammamish River (same section).</td> </tr> <tr> <td>(3) Bear</td> <td><u>Redmond 7 1/2</u></td> <td>From the confluence with Seidel Creek (Sec.20,T26N,R6E) downstream to mouth (Sec.6,T25N, R6E).</td> </tr> <tr> <td>(4) Beckler River (Cont.)</td> <td><u>Skykomish 7 1/2</u></td> <td>From the Snohomish County line (Sec.5,T26N,R12E) downstream to Skykomish River (South Fork) (Sec.25,T26N, R11E).</td> </tr> </tbody> </table>	<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).	(2) Bear Creek	<u>Everett 15 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).	(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).	(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).		
<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).																		
(2) Bear Creek	<u>Everett 15 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).																		
(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).																		
(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).																		
<p>(23) Owl Creek</p>	<p><u>Spruce Mt. 15</u></p>	<p>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).</p>																		
<p>(24) Salmon River</p>	<p><u>Salmon River 15</u></p>	<p>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).</p>																		

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

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

- (53) Snoqualmie River* Snoqualmie* 7 1/2
Fall City 7 1/2
Carnation 7 1/2
Redmond 7 1/2
Monroe 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.
- (54) Snoqualmie River (M. Fk.)* Mount Si* 15
Bandera 15
North Bend 7 1/2
Snoqualmie 7 1/2
- From Snoqualmie National Forest boundary (Sec.26, T24N,R10E) downstream to confluence with South Fork of Snoqualmie River Sec.33, T24N,R8E), excluding all federal lands. The 1,000 cfs MAF point begins at Snoqualmie National Forest boundary.
- (55) Snoqualmie River (N. Fk.) Mount Si 15
Snoqualmie 7 1/2
North Bend 7 1/2
- From the Snoqualmie National Forest boundary (Sec.12,T25N,R9E) downstream to mouth at Snoqualmie River (Main Fork) (Sec.34,T24N,R8E).
- (56) Snoqualmie River (S. Fk.) Bandera 15
North Bend 7 1/2
Snoqualmie 7 1/2
- From the Snoqualmie National Forest boundary (Sec.33,T23N,R11E) downstream to confluence with Snoqualmie River (Main Fork) (Sec.33,T24N,R8E) excluding all federal lands.
- (57) Spring Brook Creek Renton 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).
- (58) Sunday Creek Lester 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.
- (59) Sunday Creek Mount Si 15
- From the Snoqualmie National Forest boundary (Sec.13,T25N,R9E) downstream to mouth at the North Fork Snoqualmie River (Sec.15, same township).
- (60) Swamp Creek (Cont.) Bothell 7 1/2
- From Snohomish County line (Sec.2,T26N,R4E) downstream to mouth at Sammamish River (Sec.12, same township).
- (61) Taylor Creek Eagle Gorge 7 1/2
North Bend 7 1/2
- From confluence of Middle Fork and South Fork Taylor Creek (Sec.32,T22N,R8E) downstream to mouth at Cedar River (Sec.13,T22N,R7E).
- (62) Ten Creek Snoqualmie 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).
- (63) Tokul Creek Lake Joy 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).
- (64) Tolt River Lake Joy 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).
- (65) Tolt River (N. Fk.) Mount Si 15
Lake Joy 7 1/2
- From confluence with Titicaed Creek (Sec.12, T26N,R9E) downstream to mouth at Tolt River (Sec.31, T26N,R8E).
- (66) Tolt River (S. Fk.) Mount Si 15
Lake Joy 7 1/2
- From the Snoqualmie National Forest boundary (Sec.31,T26N,R10E) downstream to mouth at Tolt River (Sec.31, T26N,R8E).
- (67) Tye River Scenic 7 1/2
Skykomish 7 1/2
- From the Snoqualmie National Forest boundary (Sec.26,T26N,R12E) downstream to mouth at Skykomish River (Sec.31, same township) excluding all federal lands.
- (68) Unnamed Tributary to Index Creek Index 15
- From the Snoqualmie National Forest boundary (Sec.10,T26N,R10E) downstream to mouth at Index Creek (same section).
- (69) Unnamed Tributary to Snoqualmie River (N. Fk.) Mount Si 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).
- (70) Unnamed Tributary to Tolt River (S. Fk.) Mount Si 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).
- (71) White River* Greenwater* 15
Enumclaw 15
Enumclaw 7 1/2
Buckley 7 1/2
Sumner 7 1/2
Auburn 7 1/2
- From confluence of White River and Greenwater River (Sec.4,T19N,R9E) downstream following King-Pierce County line to Pierce County line (Sec.36, T21N,R4E) excluding Indian Reservation lands. The 1,000 cfs MAF point begins at mouth of Greenwater River.
- (72) Issaquah Creek (E. Fk.) Issaquah 7 1/2
- From railroad bridge (SE1/4 Sec.27,T24N,R6E) downstream to mouth at Issaquah Creek (Sec.28, same township).
- (73) Cedar River (N. Fk.) Snoqualmie Pass 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.
- (74) Cedar River (S. Fk.) Snoqualmie Pass 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.

- (75) Rex River Bandera 15 From Snoqualmie National Forest south boundary (Sec.11, T21N,R9E). downstream to mouth at Chester Morse Lake (Sec.19,T22N,R9E).
- (76) Taylor Creek (M. Fk.) Eagle Gorge 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).
- (77) Taylor Creek (N. Fk.) Eagle Gorge 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).

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

WAC 173-18-220 Kitsap County. Streams

- | <u>Stream Name</u> | <u>Quadrangle Name and Size</u> | <u>Legal Description</u> |
|----------------------|---|--|
| (1) Big Beef Creek | <u>Wildcat Lake 7 1/2</u>
<u>Seabeck 7 1/2</u> | From the confluence of Big Beef Creek and unnamed creek (Sec.34,T25N,R1W) downstream to mouth at Big Beef Harbor (Sec.15, same township). |
| (2) Black Jack Creek | <u>Bremerton West 7 1/2</u> | From the confluence of Black Jack Creek and unnamed creek (Sec.11,T23N, R1E) downstream to mouth at Sinclair Inlet (Sec.25,T24N,R1E). |
| (3) Burley Creek | <u>Burley 7 1/2</u> | From the confluence of Burley Creek and unnamed creek (Sec.12,T22N,R1E) downstream to mouth at Burley Lagoon (same section). |
| (4) Chico Creek | <u>Bremerton West 7 1/2</u> | From the confluence of Chico Creek and Dickerson Creek (Sec.8,T24N,R1E) downstream to mouth in Chico Bay on Dyes Inlet (Sec.5, same township). |
| (5) Curley Creek | <u>Bremerton East 7 1/2</u> | From an approximate point (NE1/4 of NE1/4 of Sec.8,T23N, R2E) downstream to mouth at Yukon Harbor (Sec.33,T24N, R2E). |
| (6) Tahuya River | <u>Wildcat Lake 7 1/2</u> | From the confluence of the Tahuya River and unnamed creek (Sec.25,T24N,R2W) downstream to Mason County line (Sec.1,T23N,R2W). |
| (7) Union River | <u>Wildcat Lake 7 1/2</u>
<u>Belfair 7 1/2</u> | From the confluence of Union River and East Fork Union River (Sec.10,T23N,R1W) downstream to Mason Co. line (Sec.9,T23N,R1W). |

[Order 73-14, § 173-18-220, filed 8/27/73; Order DE 72-13, § 173-18-220, filed 6/30/72.]

WAC 173-18-230 Kittitas County. Streams

- | <u>Stream Name</u> | <u>Quadrangle Name and Size</u> | <u>Legal Description</u> |
|-----------------------------------|---|---|
| (1) Big Creek | <u>Easton 15</u> | From the Wenatchee National Forest boundary (Sec.35,T20N, R13E) downstream (excluding federal lands) to mouth at Yakima River (Sec.21,T20N, R14E). |
| (2) Cabin Creek | <u>Lester 15</u>
<u>Easton 15</u> | From Wenatchee National Forest boundary (Sec.19,T20N, R13E) downstream to mouth on Yakima River (Sec.9,T20N, R13E). |
| (3) Cle Elum River* | <u>Kachess Lake* 15</u>
<u>Easton 15</u>
<u>Cle Elum 15</u> | From the Wenatchee National Forest boundary crossing Cle Elum Lake (Sec.33, 34 & 35,T21N,R14E) downstream to mouth at Yakima River (Sec.32,T20N,R15E). The stream flow exceeds 200 cfs MAF at Wenatchee National Forest boundary. |
| (5) Columbia River (Cont.)* | <u>Rock Island Dam* 7 1/2</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>Evergreen 7 1/2</u>
<u>Vantage 7 1/2</u>
<u>Beverly 7 1/2</u>
<u>Priest Rapids 7 1/2</u> | From the Chelan Co. line on the Columbia River (Sec.5,T20N,R22E) downstream along the Douglas and Kittitas Co. line to Yakima Co. (Sec.32,T15N,R23E). The stream flow exceeds 200 cfs MAF at Chelan Co. line. |
| (6) Kachess River* | <u>Kachess Lake* 15</u> | From the Wenatchee National Forest (Sec.3,T20N, R13E) downstream through Lake Easton State Park and to mouth at Yakima River (same section). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary. |
| (7) Little Creek | <u>Easton 15</u> | From the Wenatchee National Forest boundary (Sec.33,T20N,R14E) (excluding all federal lands) downstream to mouth at Yakima River (Sec.22, T20N,R14E). |
| (8) Log Creek | <u>Lester 15</u> | From confluence of Log Creek and unnamed creek (NW1/4, SW1/4 Sec.31,T20N, R13E) downstream to mouth on Cabin Creek (Sec.19,T20N, R13E). |
| (9) Manastash Creek | <u>Yakima (AMS) Ellensburg 15</u>
<u>Ellensburg S. 7 1/2</u> | From confluence of North and South Forks Manastash Creek (Sec.17,T17N,R17E) downstream to mouth on Yakima River (Sec.4,T17N,R18E). |
| (10) Manastash Creek (South Fork) | <u>Cle Elum 15</u>
<u>Ellensburg 15</u>
<u>Manastash Lake 7 1/2</u> | From the Wenatchee National Forest boundary (Sec.31,T18N,R16E) downstream to mouth at Manastash Creek (Sec.17, T17N, R17E). |

- (11) Swauk Creek 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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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.
- (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).

WAC 173-18-240 Klickitat County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(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).
(12) Snyder Canyon Creek	<u>Klickitat</u> 15	From an approximate point (NW1/4 of NE1/4 Sec.16,T4N, R13E) downstream to mouth at Klickitat River (Sec.23,T4N, R13E).

[Order DE 77-15, § 173-18-230, filed 9/1/77; Order DE 76-14, § 173-18-230, filed 5/3/76; Order 73-14, § 173-18-230, filed 8/27/73; Order DE 72-13, § 173-18-230, filed 6/30/72.]

- (13) Swale Creek Wishram 15
The Dalles 15
Klickitat 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* Steamboat Mt. 30
Willard* 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* Steamboat Mt. 30
Willard* 15
Husum 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.
- (8) Chehalis River (E. Fk.) Skamokawa 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).
- (9) Chehalis River (W. Fk.) Skamokawa 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).
- (10) Chehalis River (S. Fk.) (Cont.) Ryderwood 15
Adna 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).
- (11) Cinnabar Creek Onalaska 15 Beginning at (NW1/4 of SW1/4 Sec.13,T13N,R2E) downstream to mouth at Tilton River (Sec.26, T13N,R2E).

[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 15</u> Mineral 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 15</u> Castle Rock 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 15</u>	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 30</u> Packwood 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 30</u> Mineral 15 Randle 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 15</u>	From confluence of Cedar Creek and unnamed Creek (Sec.11,T11N,R1E) downstream to Salmon Creek (Sec.36,T11N,R1W).
(7) Chehalis River*	<u>Skamokawa 15</u> 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).
(13) Coal Creek	<u>Mt. Rainier 30</u> Packwood 15	Beginning at Gifford Pinchot National Forest boundary at east section line (Sec.1,T13N,R9E) downstream to mouth at Cowlitz River (same section).
(14) Connelly Creek	<u>Morton 15</u>	Beginning at confluence with Heller Creek (Sec.23,T13N,R4E) downstream to mouth at Tilton River (Sec.35, of same township).
(15) Cowlitz River*	<u>Mt. Rainier 30</u> Randle 15 Mineral 15 Spirit Lake 15 Packwood* 15 Greenhorn Butte 7 1/2 Elk Rock 15 Morton 15 Onalaska 15 Toutle 15 Castle Rock 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.
(16) Crim Creek	<u>Pe Ell 15</u>	From confluence of Crim Creek and unnamed creek (Sec.19, T12N,R5W) downstream to mouth at Chehalis River (Sec.10, same township).
(17) Davis Creek	<u>Mt. Rainier 30</u>	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).
(18) Deep Creek	<u>Adna 15</u>	From confluence of Deep Creek and Tapp Creek (Sec.24,T14N,R4W) downstream to mouth at Bunker Creek (Sec.6,T13N,R3W).

- | | | | | | |
|--|--------------------------------------|---|---------------------------------|---|---|
| (19) De-
schutes
River | <u>Morton</u> 15
Ohop Valley 15 | From confluence of West Fork and Deschutes River (Sec.1, T14N,R3E) downstream to Lewis Co. and Thurston Co. line (Sec.24,T15N,R3E). | (31) Hanaford
Creek | <u>Onalaska</u> 15
Tenino SW 7 1/2
Centralia 15
Bucoda 7 1/2 | Beginning at (NE1/4 of NW1/4 Sec.5,T14N,R1E) downstream to mouth at Skookumchuck River (Sec.33,T15N,R2W). |
| (20) Devils
Creek | <u>Elk Rock</u> 15
Toutle 15 | Starting at (NW1/4 of NW1/4 Sec.31,T11N,R3E) downstream to Lewis Co. and Cowlitz Co. line at SW corner (Sec.36,T11N,R2E). | (32) Hanlan
Creek | <u>Ryderwood</u> 15 | From confluence of Hanlan Creek and unnamed creek (Sec.34,T11N,R4W) downstream to mouth at Chehalis River (Sec.35, of same township). |
| (21) Dillen-
baugh
Creek | <u>Centralia</u> 15 | From confluence of Dillenbaugh Creek and Berwick Creek (Sec.9,T13N,R2W) downstream to mouth at Chehalis River (Sec.31,T14N,R2W). | (33) Inde-
pendence
Creek | <u>Rochester</u> 15 | From confluence of Independence Creek and unnamed creek (Sec.29,T15N,R4W) downstream to Grays Harbor Co. line (Sec.15,T15N,R4W). |
| (22) East
Creek | <u>Mineral</u> 15
Kapowsin 15 | Beginning at approximately the 1/4 corner on west section line (Sec.6,T14N,R5E) the Snoqualmie National Forest boundary, downstream to mouth at Alder Reservoir (Sec.29, T15N,R5E). | (34) Johnson
Creek | <u>Mt. Rainier</u> 30
Packwood 15 | Beginning where Johnson Creek crosses Gifford Pinchot National Forest boundary (Sec.32,T13N,R9E) downstream to mouth at Cowlitz River (same section). |
| (23) Eight
Creek
(Cont.) | <u>Pe Ell</u> 15 | Beginning at a point on Pacific Co. and Lewis Co. line (Sec.7,T13N,R5W) downstream to mouth at Elk Creek (Sec.8,T13N,R5W). | (35) Jones
Creek | <u>Pe Ell</u> 15 | From confluence of Jones Creek and Katula Creek (Sec.23, T13N,R5W) downstream to mouth at Chehalis River (same section). |
| (24) Elk
Creek
(Cont.) | <u>Pe Ell</u> 15 | Beginning at a point on Lewis Co. and Pacific Co. line SW corner (Sec.6,T13N,R5W) downstream to mouth at Chehalis River (Sec.3 of same township). | (36) Kearney
Creek | <u>Onalaska</u> 15 | From confluence of Kearney Creek and Door Creek (Sec.18, T13N,R2E) downstream to mouth at Newaukum River South Fork (Sec.13,T13N,R1E). |
| (25) Elk
Creek | <u>Elk Rock</u> 15 | From confluence of Elk Creek and unnamed creek (Sec.27, T11N,R4E) downstream to mouth at Green River (Sec.32, T11N,R4E). | (37) King
Creek | <u>Centralia</u> 15
Castle Rock 15 | From confluence of King Creek and unnamed creek (Sec.29,T12N,R2W) downstream to mouth at Olequa Creek (Sec.28, same township). |
| (26) Gallup
Creek | <u>Mineral</u> 15 | From confluence of Gallup Creek and unnamed creek (Sec.1, T13N,R5E) downstream to mouth at Mineral Creek (Sec.25, T14N,R5E). | (38) Kiona
Creek | <u>Mineral</u> 15
Randle 15 | Beginning at Gifford Pinchot National Forest boundary (Sec.4,T12N,R6E) downstream to mouth at Cowlitz River (Sec.20, T12N,R7E). |
| (27) Garrard
Creek
(South
Fork) | <u>Malone</u> 15 | From confluence of Garrard Creek South Fork and unnamed creek (Sec.16, T15N,R5W) downstream to Grays Harbor Co. line (Sec.9, same township). | (39) Klic-
kitat
Creek | <u>Onalaska</u> 15 | From confluence of Klickitat Creek and unnamed creek (Sec.14,T12N,R2E) downstream to mouth at Mayfield Lake (Sec.10, same township). |
| (28) Green
River
(Cont.) | <u>Spirit Lake</u> 15
Elk Rock 15 | From south line (Sec.33, T11N,R4E) Lewis-Skamania County line downstream to Lewis-Skamania County line (Sec.31, same township) downstream to Lewis-Cowlitz County line (Sec.31,T11N,R4E). | (40) Lacamas
Creek | <u>Centralia</u> 15
Castle Rock 15 | From confluence of Lacamas Creek and Baker Creek (Sec.15, T12N,R1W) downstream to mouth at Cowlitz River (Sec.27, T11N,R2W). |
| (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). | (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). |
| (30) Hall
Creek | <u>Mt. Rainier</u> 30
Packwood 15 | From the North Sec. line (Sec.27,T13N,R9E) downstream to mouth at Cowlitz River (Sec.33, same township) (exclude all federal land). | (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). |
| | | | (43) Lake
Creek | <u>Mt. Rainier</u> 30
Packwood 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). |

(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).	(56) Nisqually River*	<u>Randle</u> 15 <u>Kapowsin*</u> 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).
(45) Lincoln Creek	<u>Adna</u> 15 Rochester 15	From confluence of North Fork, South Fork of Lincoln Creek and Lincoln Creek (Sec.5, T14N, R4W) downstream to mouth at Chehalis River (Sec.35, T15N, R3W).	(57) Olequa Creek	<u>Centralia</u> 15 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).
(46) Lincoln Creek (N. Fork)	<u>Adna</u> 15	Beginning at the (NW1/4 of NE1/4 Sec.6, T14N, R4W) downstream to mouth Lincoln Creek (Sec.5, same township).	(58) Quartz Creek	<u>Spirit Lake</u> 15	From the National Forest boundary (Sec.10, T11N, R6E) downstream to mouth on Cispus River (same section).
(47) Lincoln Creek (S. Fork)	<u>Adna</u> 15	From confluence of Lincoln Creek South Fork and Wildcat Creek (Sec.7, T14N, R4W) downstream to mouth at Lincoln Creek (Sec.5, same township).	(59) Rainy Creek	<u>Mineral</u> 15 <u>Spirit Lake</u> 15	From confluence of Rainy Creek and unnamed creek (Sec.8, T12N, R6E) downstream to mouth at Davisson Lake (Sec.27, T12N, R5E).
(48) Lost Creek	<u>Adna</u> 15	From confluence of Lost Creek and unnamed creek north section line (Sec.10, T12N, R4W) downstream to mouth at Stillman Creek (Sec.2 of same township).	(60) Rock Creek	<u>Pe Ell</u> 15	Beginning at a point approximately at the 1/4 corner (Sec.1, T12N, R6W) on Pacific Co. and Lewis Co. line downstream to mouth at Chehalis River (Sec.33, T13N, R5W).
(49) Lucas Creek	<u>Onalaska</u> 15 <u>Centralia</u> 15	From confluence of Lucas Creek and unnamed creek (Sec.5, T13N, R1E) downstream to mouth at Newaukum River North Fork (Sec.2, T13N, R1W).	(61) Roger Creek	<u>Skamokawa</u> 15 <u>Pe Ell</u> 15	From confluence of Little Roger Creek, Big Roger Creek and Roger Creek (Sec.27, T12N, R5W) downstream to mouth at Chehalis River (Sec.22, T12N, R5W).
(50) Mill Creek	<u>Onalaska</u> 15	Beginning at the (NW1/4 of SW1/4 Sec.28, T13N, R2E) downstream to mouth at Cowlitz River (Sec.23, T12N, R1E).	(62) Roundtop Creek	<u>Mineral</u> 15	From confluence of Roundtop Creek and unnamed creek (Sec.20, T14N, R5E) downstream to mouth at Mineral Creek (Sec.3, same township).
(51) Mineral Creek	<u>Mineral</u> 15	From confluence of Mineral Creek and unnamed creek (Sec.9, T13N, R6E) downstream to mouth at Nisqually River (Sec.26, T15N, R5E).	(63) Salmon Creek	<u>Toutle</u> 15 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).
(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).	(64) Salzer Creek	<u>Centralia</u> 15	From the confluence of Salzer Creek and unnamed creek (Sec.23, T14N, R2W) downstream to Chehalis River (Sec.18, T14N, R2W).
(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).	(65) Shelton Creek	<u>Morton</u> 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).
(54) Newaukum River (N. Fk.)	<u>Onalaska</u> 15	From confluence of Newaukum River North Fork and unnamed creek (Sec.13, T14N, R1E) downstream to mouth at Newaukum River (Sec.18, T13N, R1W).	(66) Siler Creek	<u>Mt. Rainier</u> 30 <u>Randle</u> 15	From confluence of Siler Creek and unnamed creek (Sec.27, T12N, R7E) downstream to mouth at Cowlitz River (Sec.20, same township) exclude federal land.
(55) Newaukum River (S. Fk.)	<u>Onalaska</u> 15	Beginning at the (NE1/4 of SE1/4 Sec.27, T14N, R2E) downstream to mouth at Newaukum River (Sec.19, T13N, R1W) downstream through Newaukum River to mouth at Chehalis River (Sec.31, T14N, R2W).			

(67) Silver Creek	<u>Randle</u> 15	From confluence of Silver Creek and Lynx Creek (Sec.22,T13N,R7E) downstream to Cowlitz River (Sec.15,T12N,R7E). Exclude federal lands.	(79) Tilton River (N. Fk.)	<u>Morton</u> 15	From north section line Forest boundary (Sec.3, T13N,R3E) downstream to mouth at Tilton River (Sec.30, T13N,R4E). Exclude federal lands.
(68) Skate Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	From the Gifford Pinchot National Forest boundary at SE corner (Sec.8,T13N,R9E) downstream to mouth at Cowlitz River (Sec.21, same township).	(80) Tilton River (S. Fk.)	<u>Mineral</u> 15	Beginning in (NE1/4 of NE1/4 Sec.32,T13N,R5E) downstream to confluence point with East Fork Tilton River, on downstream to mouth at Tilton River (Sec.25,T13N,R4E).
(69) Skookumchuck River	<u>Morton</u> 15 <u>Onalaska</u> 15 Lake Lawrence 7 1/2 Tenino SW 7 1/2 <u>Centralia</u> 15	From confluence of Bigwater Creek and Skookumchuck River (Sec.7,T14N,R3E) downstream excluding federal lands to Lewis Co. and Thurston Co. thence downstream (Sec.28, T15N,R2W) to mouth (Sec.7, T14N,R2W).	(81) Tilton River (W. Fk.)	<u>Mineral</u> 15	From confluence of Trout Creek and Tilton River (W. Fk.) (Sec.2,T13N,R4E) downstream to mouth at Tilton River (Sec.19, T13N,R5E).
(70) Smith Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	From the Gifford Pinchot National Forest boundary (Sec.5, T12N,R9E) downstream to Cowlitz River (Sec.32,T13N,R9E).	(82) Unnamed Trib. to Newaukum River (S. Fk.)	<u>Onalaska</u> 15	From confluence of unnamed creek and unnamed creek (Sec.27,T14N,R2E) downstream to mouth at Newaukum River South Fork (same section).
(71) South Hanaford Creek	<u>Centralia</u> 15 <u>Tenino S.W.</u> 7 1/2	Beginning at the (NE1/4 of NE1/4 Sec.12,T14N,R2W) downstream to mouth at Hanaford Creek (Sec.26,T15N,R2W).	(83) Unnamed Trib. to Stillman Creek	<u>Ryderwood</u> 15	From confluence of unnamed creek and unnamed creek (Sec.9,T11N,R4W) downstream to mouth at Stillman Creek (Sec.34,T12N,R4W).
(72) Stearns Creek	<u>Centralia</u> 15 <u>Adna</u> 15	From confluence of Stearns Creek and unnamed creek (Sec.32,T13N,R2W) downstream to mouth at Chehalis River (Sec.2,T13N,R3W).	(84) Willamee Creek	<u>Mt. Rainier</u> 30 <u>Packwood</u> 15	From Gifford Pinchot National Forest boundary (Sec.31,T13N,R9E) downstream to Cowlitz River (Sec.6,T12N,R9E).
(73) Stillman Creek	<u>Ryderwood</u> 15 <u>Adna</u> 15	From confluence of Stillman Creek and unnamed creek (Sec.14,T11N,R4W) downstream to mouth at Chehalis River South Fork (Sec.2,T12N,R4W).	(85) Winston Creek	<u>Elk Rock</u> 15 <u>Onalaska</u> 15 <u>Toutle</u> 15	From confluence of Winston Creek and Thurston Creek (Sec.11,T11N,R3E) downstream to mouth at Mayfield Lake (Sec.20,T12N,R2E).
(74) Stillwater Creek (Cont.)	<u>Ryderwood</u> 15 <u>Castle Rock</u> 15	From Lewis Co. and Cowlitz Co. line south section line (Sec.34,T11N,R3W) downstream to mouth at Olequa Creek (Sec.32,T11N,R2W).	(86) Winston Creek (S. Fk.)	<u>Elk Rock</u> 15	From confluence of Winston Creek South Fork and unnamed creek (Sec.9,T11N,R3E) downstream to mouth at Winston Creek (Sec.36,T12N,R2E).
(75) Stowe Creek	<u>Pe Ell</u> 15	From confluence of Stowe Creek and Sand Creek (Sec.35, T13N,R5W) downstream to mouth at Chehalis River (Sec.34, same township).	(87) Little Nisqually River	<u>Morton</u> 15	From confluence of Hiawatha Creek and Little Nisqually River (Sec.9, T14N,R4E) downstream to Lewis-Thurston County line (Sec.28, T15N,R4E). Exclude federal lands.
(76) Thrash Creek	<u>Skamokawa</u> 15	Beginning at (SE1/4 of NE1/4 Sec.31,T12N,R5W) downstream to mouth at Chehalis River (Sec.33, same township).	[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.]		
(77) Tilton River	<u>Mineral</u> 15 <u>Onalaska</u> 15 <u>Morton</u> 15	Beginning at the closest point on Tilton River to center of (Sec.5,T13N,R5E) downstream to mouth at Mayfield Lake (Sec.26,T13N,R2E).	WAC 173-18-260 Lincoln County. Streams		
(78) Tilton River (E. Fk.)	<u>Mineral</u> 15	From confluence of Tilton River East Fork and unnamed creek (NW1/4 Sec.19, T13N,R6E) downstream to mouth at Tilton River South Fork, on downstream to Tilton River (Sec.25,T13N,R4E).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
			(1) Columbia River (Cont.)*		All of Columbia River within Lincoln County (Franklin D. Roosevelt Lake) is under federal jurisdiction. The stream flow is over 200 cfs MAF.
			(2) Crab Creek*	<u>Sprague Lake</u> <u>NE 7 1/2</u> <u>Sprague Lake 7 1/2</u> <u>Sprague Lake</u> <u>SW 7 1/2</u> <u>Harrington</u>	From the confluence of Rock Creek and Crab Creek (Sec.18, T22N,R38E) downstream through Sylvan Lake to Grant County line (Sec.18,T22N,R31E). This stream has over

	SE 7 1/2 <u>Lamona WA</u> 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	over 300 sq. miles of drainage area down to mouth (right bank only) at unnamed tributary (Sec.34,T22N,R37E).	(6) Cranberry Creek	<u>Potlatch</u> 15	Beginning at NE point of Cranberry Lake (Sec.28, T21N,R3W) downstream to mouth at Oakland Bay (Sec.35 of same township).
(3) Negro Creek	<u>Sprague</u> 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).	(7) Decker Creek	<u>Elma</u> 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).
(4) Spokane River*	<u>Wellpinit*</u> 15 <u>Turtle Lake</u> 15 <u>Lincoln</u> 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.	(8) Deer Creek	<u>Mason Lake</u> 7 1/2 <u>Potlatch</u> 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).
(5) Wilson Creek*	<u>Almira*</u> 7 1/2 <u>Almira SW</u> 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.	(9) Dewatto River	<u>Holly</u> 7 1/2 <u>Lake Wooten</u> 7 1/2 <u>Potlatch</u> 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).
			(10) Dry Bed Creek	<u>Mt. Tebo</u> 15 <u>Elma</u> 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).
			(11) Dry Creek	<u>Mt. Tebo</u> 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).
			(12) Dry Run Creek	<u>Elma</u> 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).

[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	<u>Mt. Tebo</u> 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.	(13) Golsborough Creek (S. Fork)	<u>Elma</u> 15 <u>Shelton</u> 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).
(2) Bingham Creek	<u>Mt. Tebo</u> 15 <u>Elma</u> 15	Beginning at (SW1/4 of NE1/4 Sec.31,T21N,R5W) downstream to mouth at East Fork Satsop River (Sec.11,T19N, R6W).	(14) Gosnell Creek	<u>Shelton</u> 15 <u>Olympia</u> 15 <u>Squaxin Island</u> 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).
(3) Canyon River	<u>Mt. Tebo</u> 15 <u>Grisdale</u> 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).	(15) Hamma Hamma River	<u>The Brothers</u> 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).
(4) Cloquallum Creek	<u>Elma</u> 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).	(16) Jefferson Creek	<u>The Brothers</u> 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).
(5) Coulter Creek	<u>Belfair</u> 7 1/2	From the confluence of Coulter Creek and unnamed creek (Sec.9,T22N,R1W) downstream to mouth of North Bay (same section).			

(17) Johns Creek	<u>Potlatch 15</u> <u>Shelton 15</u>	Beginning where Johns Creek crosses light-duty road (Sec.30, T21N,R3W) downstream to mouth at Oakland Bay (Sec.3, T20N,R3W).	(28) Skokomish River (S. Fork)	<u>Mt. Tebo 15</u> <u>Potlatch 15</u>	From the Olympic National Forest boundary (Sec.15,T22N,R5W) downstream to confluence with North Fork Skokomish River (Sec.18,T21N,R4W). Exclude federal lands.
(18) Kennedy Creek (Cont.)	<u>Shelton 15</u>	From the Thurston County line (Sec.31,T19N,R3W) downstream to mouth at Oyster Bay (Sec.32,T19N,R3W).	(29) Skookum Creek	<u>Shelton 15</u>	From confluence of Skookum Creek and unnamed creek (Sec.27,T19N,R4W) downstream to mouth at Skookum Inlet in Puget Sound (Sec.17,T19N,R3W).
(19) Lilliwaup Creek	<u>Potlatch 15</u>	Beginning in the Lilliwaup Swamp (Sec.11,T23N,R4W) downstream to mouth at Lilliwaup Bay in Hood Canal at (Sec.30,T23N,R3W).	(30) Tahuya River (Cont.)	<u>Wildcat Lake 7 1/2</u> <u>Holly 7 1/2</u> <u>Lake Wooten 7 1/2</u> <u>Potlatch 15</u>	From the Kitsap Co. line (Sec.36,T24N,R2W) downstream to mouth at Hood Canal near Tahuya (Sec.27,T22N,R3W).
(20) McTaggart Creek	<u>Potlatch 15</u>	From confluence of McTaggart Creek and Frigid Creek at (Sec.30,T22N,R4W) downstream to Skokomish River North Fork (same section).	(31) Union River (Cont.)	<u>Belfair 7 1/2</u>	From the Kitsap Co. line (Sec.10,T23N,R1W) downstream to mouth of Lynch Cove near Belfair (Sec.31,T23N,R1W).
(21) Mission Creek	<u>Lake Wooten 7 1/2</u> <u>Belfair 7 1/2</u>	From confluence of Mission Creek and unnamed creek (Sec.24,T23N,R2W) downstream to mouth at Hood Canal (Sec.1, T22N,R2W).	(32) Unnamed Creek	<u>Mt. Tebo 15</u> <u>Elma 15</u>	Beginning where logging railroad crosses unnamed creek (Sec.4,T20N,R5W) downstream to mouth at Nahwatzel Lake (Sec.5, same township).
(22) Rendsland Creek	<u>Potlatch 15</u>	Beginning where Rendsland Creek crosses the north section line of (NW1/4 of SE1/4 Sec.17,T22N,R3W) downstream to mouth at Hood Canal (Sec.19 same township).	(33) Vance Creek	<u>Mt. Tebo 15</u>	From the Olympic National Forest boundary NW corner of (Sec.4,T21N,R5W) downstream to mouth on Skokomish River (Sec.18,T21N,R4W).
(23) Satsop River (E. Fork)	<u>Elma 15</u>	From the confluence of Satsop River East Fork, Phillips Creek and Stillwater Creek (Sec.22,T20N,R5W) downstream to Mason Co., Grays Harbor Co. line (Sec.31,T19N,R6W).	(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).
(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.	(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).
(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).	[Order 73-14, § 173-18-270, filed 8/27/73; Order DE 72-13, § 173-18-270, filed 6/30/72.]		
(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.	WAC 173-18-280 Okanogan County. Streams		
(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).	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
			(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).
			(2) Bonaparte Creek	<u>Tonasket 15</u>	From the confluence of Bonaparte Creek and Bannon Creek (Sec.32,T37N,R28E) downstream to mouth on Okanogan River near Tonasket (Sec.16,T37N,R27E).

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| (3) | Chewack*
River | <u>Doe Mt.*</u> 15
Winthrop 7 1/2 | From the Okanogan National Forest boundary (Sec.2,T35N,R21E) downstream to mouth at Methow River (Sec.2,T34N,R21E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary. | (12) | Sin-
lahekin
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). |
| (4) | Columbia
River
(Cont.)* | <u>Grand Coulee
Dam</u> 15
Bridgeport 15
Brewster 15
Wells Dam 7 1/2
Azwel 7 1/2 | From the intersection of the Okanogan County line and the Colville Indian Reservation boundary (Sec.18,T30N,R25E) downstream right bank only to Chelan County line (Sec.31,T29N,R24E). The flow exceeds 200 cfs MAF at the Colville Indian Reservation boundary. | (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). |
| (5) | Early
Winters
Creek | <u>Mazama</u> 15 | From the Okanogan National Forest boundary line (Sec.23,T29N,R19E) downstream to mouth at Methow River (Sec.27, same township). | (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. |
| (6) | Gold
Creek | <u>Concrete AMS
Methow</u> 7 1/2 | From the confluence of Gold Creek and South Fork Gold Creek (Sec.17,T31N,R22E) downstream to mouth at Methow River (Sec.16, same township). | (15) | Twisp
River* | <u>Concrete AMS
Winthrop*</u> 7 1/2
Twisp West 7 1/2
Twisp East 7 1/2 | From the Okanogan National Forest boundary (Sec.10,T33N,R21E) downstream to mouth at Methow River (Sec.8,T33N,R22E). The flow exceeds 200 cfs MAF at Okanogan N.F. boundary. |
| (7) | Methow
River* | <u>Mazama</u> 15*
Brewster 15
Doe Mtn. 15
Thompson Ridge 15
7 1/2
Winthrop 7 1/2
Blue Buck
Mtn. 7 1/2
Twisp East 7 1/2
Methow 7 1/2
Cooper Mtn. 7 1/2 | From the Okanogan National Forest boundary (Sec.6,T36N,R19E) downstream to mouth at the Columbia River (Sec.36,T30N,R23E) excluding all federal lands. The stream flow is 200 cfs MAF at confluence of Methow River and Lost River (Sec.5,T37N,R19E). | (16) | Wolf
Creek | <u>Concrete AMS
Thompson Ridge</u>
7 1/2
Winthrop 7 1/2 | From the Okanogan National Forest boundary (Sec.6,T34N,R21E) downstream to mouth at Methow River (Sec.32,T35N,R21E). |

[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, 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 Upper Naselle River 7 1/2	From the confluence of Alder Creek and unnamed creek (NW 1/4 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 Bay Center 7 1/2	Beginning at a point (SW 1/4 of NW 1/4 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).

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(6) Canon River	<u>South Bend 15</u> <u>North Nemah 7 1/2</u> <u>Nemah 7 1/2</u>	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).	(18) Ellis Creek	<u>Grays River 15</u> <u>Raymond 15</u>	Beginning at a point (SW1/4 of NE1/4 Sec.28,T12N,R7W) downstream to mouth at Fork Creek (Sec.16, same township).
(7) Canyon Creek	<u>South Bend 15</u> <u>North Nemah 7 1/2</u>	From the confluence of Canyon Creek and unnamed creek (Sec.29,T13N,R9W) downstream to mouth at Canon River (Sec.32, same township).	(19) Fairchild Creek	<u>Raymond 15</u>	From mouth of North Fork Fairchild Creek (Sec.24, T14N,R8W) downstream to mouth at Ward Creek (Sec.14, same township).
(8) Cedar River	<u>Western 7 1/2</u> <u>Bay Center 7 1/2</u>	From confluence of North Fork Cedar River and Cedar River (Sec.25,T15N,R11W) downstream to mouth at Willapa Bay (Sec.6,T14N,R10W).	(20) Fairchild Creek (North Fork)	<u>Raymond 15</u>	From confluence of Fairchild Creek N.Fk. and unnamed creek (Sec.8,T14N,R7W) downstream to mouth at Fairchild Creek (Sec.24,T14N,R8W).
(9) Cedar River (N. Fork)	<u>Grayland 7 1/2</u> <u>Western 7 1/2</u>	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).	(21) Ellsworth Creek	<u>Long Island 7 1/2</u>	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).
(10) Chinook River	<u>Chinook 7 1/2</u>	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).	(22) Fall River	<u>Pe Ell 15</u> <u>Raymond 15</u> <u>Montesano 15</u>	From confluence of Fall River and unnamed creek (Sec.2, T14N,R6W) downstream to mouth at (Sec.24,T15N,R7W).
(11) Clearwater Creek	<u>South Bend 15</u> <u>South Bend 7 1/2</u> <u>Aberdeen S.E. 7 1/2</u>	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).	(23) Falls Creek	<u>Pe Ell 15</u> <u>Raymond 15</u>	From confluence of Falls Creek and unnamed creek (Sec.24, T12N,R7W) downstream to mouth at Willapa River (Sec.11, same township).
(12) Columbia River (Cont.)*	<u>Grays River 15</u> <u>Roseburg 7 1/2</u> <u>Knappton 7 1/2</u> <u>Astoria 7 1/2</u> <u>Warrenton 7 1/2</u> <u>Chinook 7 1/2</u> <u>Cape Disappointment 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 Wahkaikum Co. line.	(24) Fern Creek	<u>Pe Ell 15</u> <u>Raymond 15</u>	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 7 1/2</u>	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 7 1/2</u>	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 15</u>	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 15</u>	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 15</u>	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 15</u>	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 15</u>	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 15</u>	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 15</u> <u>Aberdeen SE 7 1/2</u>	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 15</u>	From confluence of Hull Creek and unnamed tributary (Sec.30, T11N,R7W) downstream to Wahkiakum County line (Sec.32, same township).
			(30) Half Moon Creek	<u>Raymond 15</u>	Beginning at a point (SW1/4 of SE1/4 Sec.26, T13N,R7W) downstream to mouth at Willapa River (Sec.4, T12N,R7W).

(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).	(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).
(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).	(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).
(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).	(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).
(34) Middle Nemah River	<u>Oman Ranch</u> 7 1/2 <u>Long Island</u> 7 1/2 Nemah 7 1/2	From confluence of Middle Nemah River and unnamed creek (SW1/4,NE1/4 Sec.9,T11N, R9W) downstream to mouth at South Nemah River (Sec.27, T12N,R10W).	(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).
(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).	(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).
(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).	(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).
(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 <u>Montesano</u> 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 Raymond 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).
			(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).

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| (54) Swern Creek | <u>Pe Ell</u> 15 | Beginning at a point (SW1/4 of NE1/4 Sec.26,T14N,R6W) downstream to mouth at Elk Creek (Sec.34, same township). | (66) Willapa River (S. Fork) | <u>South Bend</u> 15
North Nemah 7 1/2 | From an approximate point (NW1/4 Sec.2,T12N,R9W) downstream to mouth at Willapa River (Sec.24,T14N,R9W). |
| (55) Trap Creek | <u>Raymond</u> 15 | From confluence of Trap Creek and unnamed creek (Sec.9, T12N,R8W) downstream to Willapa River (Sec.1, same township). | (67) Williams Creek | <u>South Bend</u> 15
Nemah 7 1/2
North Nemah 7 1/2 | From an approximate point (SW1/4 of Sec.15, T12N,R9W) downstream to mouth at North Nemah River (Sec.14,T12N,R10W). |
| (56) Unnamed Tributary to Canon River | <u>South Bend</u> 15
North Nemah 7 1/2 | From a point (NW1/4 of NW1/4 Sec.33,T13N,R9W) downstream to mouth at Canon River (Sec.32, same township). | (68) Wilson Creek | <u>Raymond</u> 15 | From the east section line (Sec.27,T14N,R7W) downstream to mouth at Ward Creek (Sec.22,T14N,R8W). |
| (57) Unnamed Tributary to Grays River | <u>Skamokawa</u> 15 | From confluence of the unnamed tributary and unnamed creek (Sec.32, T12N,R6W) downstream to mouth at Grays River (Sec.5, T11N,R6W). | (69) Wilson Creek (North Fork) | <u>Raymond</u> 15 | From confluence of Wilson Creek North Fork and unnamed creek (Sec.20,T14N,R7W) downstream to mouth at Wilson Creek (Sec.30, same township). |
- [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.]

WAC 173-18-300 Pend Oreille County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Calispell Creek	<u>Newport</u> 30 Cusick 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).
(2) Calispell Creek (N.Frk.)	<u>Newport</u> 30 Sacheen Lake 7 1/2 Cusick 7 1/2	From the north section line (Sec.28,T32N,R43E) downstream thru Power Lake to mouth on Calispell Creek (Sec.34, same township).
(3) Le Clerc Creek	<u>Metaline</u> 30 Ruby 7 1/2	From the confluence of West Branch of Le Clerc Creek and the East Branch of Le Clerc Creek (Sec.17,T35N,R44E) downstream to mouth at Pend Oreille River (Sec.20, same township).
(4) Le Clerc Creek (W.Branch)	<u>Metaline</u> 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.6,T35N,R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(5) Le Clerc Creek (E.Branch)	<u>Metaline</u> 30 Ruby 7 1/2	From the Kaniksu National Forest boundary (Sec.5,T35N,R44E) downstream to mouth at Le Clerc Creek (Sec.17, same township).
(6) Pend Oreille River*	<u>Newport</u> 30 Newport, Wash.—Idaho* 7 1/2 Diamond Lake 7 1/2 Skookum Creek 7 1/2 Cusick 7 1/2 Metaline 7 1/2 Metaline Falls 7 1/2 Jared 7 1/2 Ruby 7 1/2 Scotchman Lake 7 1/2 Ione 7 1/2	From the Washington-Idaho border (Sec.7,T31N,R46E) downstream (excluding all federal lands) to United States-Canadian border (Sec.3,T40N,R43E). The flow exceeds 200 cfs MAF at Washington-Idaho border and has 300 square miles of drainage area.

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|-------------------------------------|--|---|--------------------------|--|---|
| (7) Little Spokane River | <u>Newport</u> 7 1/2
Diamond Lake 7 1/2
Camden 7 1/2 | From an approximate point (NE1/4 of SW1/4 of NW1/4 of NW1/4 of Sec.34,T31N,R45E) downstream thru Chain Lake and to the Spokane County line (Sec.34,T30N,R44E). | (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). |
| (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. | (7) Clover Creek | <u>Tacoma South</u> 15
Spanaway 7 1/2
Tacoma South 7 1/2
Steilacoom 7 1/2
Frederickson 7 1/2 | From the intersection of Clover Creek and railroad (Sec.25,T19N,R3E) downstream to Steilacoom Lake (Sec.3,T19N,R2E). Delete federal lands. |
| (9) Skookum Creek | <u>Newport</u> 30
Skookum Creek 7 1/2 | From the confluence of Skookum Creek and N. Fork Skookum Creek (Sec.34,T33N,R44E) downstream to mouth at Pend Oreille River (Sec.4,T32N,R44E). | (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). |
| (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. | (9) Gale Creek | <u>Enumclaw</u> 15
Wilkeson 7 1/2 | From an approximate point near the center of the (NE1/4 of SW1/4 of NE1/4 of NW1/4 of Sec.13,T18N,R6E) downstream to mouth at Wilkeson Creek (Sec.34,T19N,R6E). |
| (11) Tacoma Creek | <u>Newport</u> 30
Jared 7 1/2 | From an approximate point (NW1/4 of NW1/4 of Sec.27, T34N,R43E) downstream (excluding all federal lands) to mouth at Pend Oreille River (Sec.30,T34N,R44E). | (10) Greenwater River | <u>Lester</u> 15
Greenwater 15 | From the Snoqualmie National Forest boundary (Sec.31,T19N,R11E) downstream on the left shore only to the mouth at White River (Sec.4, T19N,R9E). Exclude federal lands. |
| | | | (11) Little Mashel River | <u>Kapowsin</u> 15
Eatonville 7 1/2 | From the confluence of the Little Mashel River and unnamed creek (Sec. 30, T16N,R5E) downstream to Mashel River (Sec.22, T16N,R4E). |

[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

- | <u>Stream Name</u> | <u>Quadrangle Name and Size</u> | <u>Legal Description</u> |
|---------------------|--|---|
| (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). |
| (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). |
| (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>Summer</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). |
| (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). |
| (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). |
| (12) Lynch Creek | <u>Kapowsin</u> 15
Tanwax Lake 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). |
| (13) Mashel River | <u>Kapowsin</u> 15
Eatonville 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). |
| (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). |
| (15) Minter Creek | <u>Burley</u> 7 1/2
Fox Island 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). |
| (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). |
| (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 Kapowsin 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).
- (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).
- (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).
- (21) Ohop Creek Tanwax Lake 7 1/2
Eatonville 7 1/2 From the 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).
- *Note: (Exclude area from La Grande Dam downstream to power house due to use of aqueduct.)
- (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).
- (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).
- (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).
- (25) Sequatchew 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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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).
- (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

Stream Name	Quadrangle Name and Size	Legal Description
(1) Alder Creek	<u>Hamilton</u> 15	From confluence of Alder Creek and unnamed creek (Sec.6, T35N,R7E) downstream to mouth at Skagit River (Sec.18, same township).
(2) Baker River*	<u>Lake Shannon</u> * 15	Beginning at Mt. Baker National Forest boundary in Lake Shannon (Sec.1,T36N,R8E) down through Lake Shannon and Baker Dam to mouth at Skagit River (Sec.11,T35N,R8E). The 1,000 cfs MAF begins at Mt. Baker National Forest boundary.
(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 Suiattle 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).

(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).
(23) Joe Leary Creek	<u>Samish Lake</u> 15 <u>Bow</u> 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).

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| (24) Jones Creek | <u>Wickersham</u> 15 | From an approximate point (SE1/4 of SE1/4 of NE1/4 Sec.32,T36N,R6E) downstream to mouth at Skagit River (Sec.17, T35N,R6E). | (37) Rocky Creek | <u>Marblemount</u> 15 | Beginning at Mt. Baker National Forest boundary (Sec.22,T35N,R10E) downstream to mouth at Skagit River (same section). |
| (25) Jordan Creek | <u>Illabot Peaks</u> 7 1/2 | Beginning at Mt. Baker National Forest boundary (Sec.33,T35N,R11E) downstream to mouth at Cascade Bay River (Sec.18, same township). | (38) Samish River (Cont.) | <u>Wickersham</u> 15 | From Whatcom County line (Sec.6,T36N,R5E) downstream to mouth at Samish Bay (Sec.5,T35N,R3E). |
| (26) Lake Creek | <u>Clear Lake</u> 15
<u>Mt. Vernon</u> 7 1/2 | From confluence of Lake Creek and unnamed creek (Sec.17,T33N,R5E) downstream through Big Lake and Nookachamps Creek to the mouth at Nookachamps Creek in Skagit River (Sec.4,T34N,R4E). | (39) Sauk River (Cont.)* | <u>Darrington*</u> 7 1/2
<u>Rockport</u> 7 1/2 | From Snohomish County line (Sec.32,T33N,R10E) downstream to mouth at Skagit River (Sec.35,T35N,R9E). The flow exceeds 1,000 cfs MAF at Snohomish County line. |
| (27) Lake Creek | <u>Clear Lake</u> 15 | From outlet of Lake Cavanaugh (Sec.22,T33N,R6E) downstream to mouth at Pilchuck Creek (Sec.17, same township). | (40) Silver Creek | <u>Samish Lake</u> 15
<u>Alger</u> 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). |
| (28) Little Deer Creek | <u>Oso</u> 15 | From Mt. Baker National Forest boundary (Sec.35, T34N,R7E) downstream to mouth at Deer Creek (same section). | (41) Skagit River* | <u>Marblemount*</u> 15
<u>Lake Shannon</u> 15
<u>Hamilton</u> 15
<u>Wickersham</u> 15
<u>Clear Lake</u> 15
<u>Illabot Peaks</u> 7 1/2
<u>Rockport</u> 7 1/2
<u>Finney Peak</u> 7 1/2
<u>Mount Vernon</u> 7 1/2
<u>Utsalady</u> 7 1/2
<u>Conway</u> 7 1/2 | Beginning at Mt. Baker National Forest boundary (Sec.1,T36N,R11E) downstream splitting into the North Fork and the South Fork, on down to mouth at Skagit Bay (Sec.7,T33N,R2E) and (Sec.36,T33N,R3E). The 1,000 cfs MAF point begins at Mt. Baker N.F. boundary. |
| (29) Mill Creek | <u>Hamilton</u> 15 | 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). | (42) Stillaguamish River (N. Fork) | <u>Fortson</u> 7 1/2 | From Mt. Baker National Forest boundary (Sec.27, T33N,R9E) downstream to Skagit County and Snohomish County line (Sec.34, same township). |
| (30) Nookachamps Creek (E.Fk.) | <u>Clear Lake</u> 15
<u>Mt. Vernon</u> 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). | (43) Suitttle River* (Cont.) | <u>Prairie Mt.*</u> 7 1/2
<u>Darrington</u> 7 1/2 | From Skagit-Snohomish County line (Sec.32,T33N, R11E) downstream to mouth at Sauk River (Sec.20,T33N,R10E). This river has over 1,000 cfs MAF at Skagit-Snohomish County line. |
| (31) Nooksack River (S. Fk.) | <u>Hamilton</u> 15
<u>Wickersham</u> 15 | Beginning at Mt. Baker National Forest boundary (Sec.10,T36N,R7E) downstream to Skagit County line (Sec.2, T36N,R5E). | (44) Tenas Creek | <u>Prairie Mt.</u> 7 1/2 | From Mt. Baker National Forest boundary (Sec.19,T33N, R11E) downstream to mouth at Suitttle River (Sec.30, same township). |
| (32) O'Toole Creek | <u>Oso</u> 15 | Beginning at Mt. Baker National Forest boundary (Sec.28,T35N,R7E) downstream to mouth at Skagit River (Sec.21, same township). | (45) Thunder Creek | <u>Lake Shannon</u> 15 | Beginning at Mt. Baker National Forest boundary (Sec.17,T36N,R9E) downstream to mouth at Lake Shannon (Sec.24,T36N,R8E). |
| (33) Pilchuck Creek | <u>Clear Lake</u> 15 | From confluence of Pilchuck Creek and unnamed creek (Sec.10,T33N,R6E) downstream to Skagit County and Snohomish County line (Sec.33, T33N,R5E). | (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). |
| (34) Presentin Creek | <u>Oso</u> 15
<u>Hamilton</u> 15 | Beginning at Mt. Baker National Forest boundary (Sec.36,T35N,R7E) downstream to mouth at Skagit River (Sec.13, same township). | (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). |
| (35) Rocky Creek | <u>Clear Lake</u> 15 | From confluence of Rocky Creek and unnamed creek (Sec.17,T34N,R6E) downstream to mouth at Day Creek (Sec.10, same township). | | | |
| (36) Rocky Creek | <u>Lake Shannon</u> 15 | From Whatcom County line (Sec.1,T36N,R8E) downstream to Skagit County line (same section). | | | |

(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).	(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).
(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).	(9) Green-leaf 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).
(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).	(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).
(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.	(11) Hamilton Creek	<u>Bridal Veil</u> 15	From the confluence of Hamilton Creek and unnamed creek (Sec.36,T3N,R6E) downstream to Columbia River (Sec.30,T2N,R7E).
(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.	(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).
[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.]			(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.

WAC 173-18-340 Skamania County. Streams

Stream Name	Quadrangle Name and Size	Legal Description			
(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).	(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).
(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).	(15) Little Wind River	<u>Wind River</u> 15 <u>Bonneville Dam</u> 15	From the Gifford Pinchot National Forest boundary (Sec.14,T3N,R8E) downstream to mouth at Wind River (Sec.22, same township).
(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).	(16) Lookout Creek	<u>Lookout Mt.</u> 15	From an approximate point (NW1/4 of Sec.6,T3N,R6E) downstream to mouth at Washougal River (Sec.1,T3N,R5E).
(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.	(17) Muddy River	<u>Mt. St. Helens</u> 15	From the west section line (Sec.16,T8N,R6E) downstream to mouth at Lewis River (Sec.24,T7N,R6E). Exclude federal lands.
(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).	(18) North Fork Toutle River	<u>Spirit Lake</u> 15	From Spirit Lake (Sec.15,T9N,R5E) downstream to Skamania County line (Sec.18, same township), excluding all federal lands.
(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).	(19) North Siouxon Creek	<u>Mt. St. Helens</u> 15 <u>Lookout Mt.</u> 15	From the Gifford Pinchot National Forest boundary (Sec.16,T6N,R5E) downstream to the Clark County line (Sec.30, same township).
(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).			

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|---------------------------------------|---|--|---|--|---|
| (20) Ole Creek | <u>Mt. St. Helens</u> 15 | From the confluence of Ole Creek and an unnamed creek (Sec.31,T7N,R5E) downstream to Lewis River (same section). | (33) West Fork Swift Creek | <u>Mt. St. Helens</u> 15 | Beginning in (SE1/4 of NW1/4 of SW1/4 of Sec.4,T7N,R5E) downstream to Swift Creek (Sec.16, same township). |
| (21) Panther Creek | <u>Wind River</u> 15 | Beginning in (NW1/4 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</u> 15
<u>Hood River</u> 15 | 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</u> 15 | From the confluence of Prospector Creek and Deer Creek (Sec.18,T3N,R6E) downstream to mouth at Washougal River (Sec.13,T3N,R5E). | (35) Wildboy Creek | <u>Bridal Veil</u> 15 | 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</u> 15 | From south section line of (Sec.12,T6N,R5E) downstream to Swift Reservoir (Sec.6,T6N,R6E). | (36) Wind River* | <u>Wind River</u> * 15
<u>Bonneville Dam</u> 15 | 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.</u> 15
<u>Wind River</u> 15
<u>Bonneville Dam</u> 15 | From west section line (Sec.2,T3N,R6E) downstream to Columbia River (Sec.1,T2N,R7E). | (37) Woodward Creek | <u>Bridal Veil</u> 15 | From the confluence of Woodward Creek and unnamed creek (Sec.27,T2N,R6E) downstream to mouth at Columbia River (Sec.36, same township). |
| (25) Siouxcron Creek | <u>Lookout Mt.</u> 15 | From the Gifford Pinchot National Forest boundary (Sec.31,T6N,R5E) downstream to Clark County line (same section) excluding federal lands. | (38) Unnamed Tributary to Swift Reservoir | <u>Mt. St. Helens</u> 15 | 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</u> 15 | From the Gifford Pinchot National Forest boundary (Sec.22,T3N,R7E) downstream to mouth at Rock Creek (Sec.27, same township). | (39) Green River | <u>Spirit Lake</u> 15 | 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. |
| (27) Stebbins Creek | <u>Bridal Veil</u> 15 | From the confluence of Stebbins Creek and unnamed creek (Sec.28,T3N,R6E) downstream to mouth at Washougal River (Sec.6,T2N,R6E). | (40) Drift Creek | <u>Mt. St. Helens</u> 15 | From south section line (Sec.8,T6N,R6E) downstream to Swift Reservoir (Sec.5, same township). Exclude federal lands. |
| (28) Swift Creek | <u>Mt. St. Helens</u> 15 | From the Gifford Pinchot National Forest boundary (Sec.4, T7N,R5E) downstream to mouth at Swift Reservoir (Sec.16, same township) except those reaches within the National Forest. | (41) Cold-water Creek | <u>Spirit Lake</u> 15 | From east section line (Sec.29,T10N,R5E) downstream to Cowlitz-Skamania County line (Sec.31, same township). Exclude federal lands. |
| (29) Trout Creek | <u>Wind River</u> 15 | Beginning in (SE1/4 of SE1/4 of NE1/4 of Sec.27,T4N,R7E) downstream to mouth at Wind River (Sec.26, same township). | (42) Miners Creek | <u>Spirit Lake</u> 15 | From confluence of Miners Creek and unnamed creek (SE1/4 Sec.8,T10N,R5E) downstream to Lewis-Skamania County line same section. |
| (30) Unnamed Tributary to Swift Creek | <u>Mt. St. Helens</u> 15 | From the Gifford Pinchot National Forest boundary (Sec.10,T7N,R5E) downstream to mouth at Swift Creek (Sec.9, same township). | (43) Smith Creek | <u>Mt. St. Helens</u> 15 | From east section line of (Sec.30,T9N,R6E) downstream to mouth at Muddy River. (Sec.15,T8N,R6E) Exclude federal lands. |
| (31) Washougal River | <u>Lookout Mt.</u> 15 | From Gifford Pinchot National Forest boundary (Sec.1,T3N,R5E) downstream to mouth at Clark County line (Sec.31,T2N,R5E). | (44) Cold Creek | <u>Wind River</u> 15 | From NW1/4 of NE 1/4 (Sec.16,T4N,R7E) downstream to mouth at Wind River (Sec.9, same township). |
| (32) Washougal River (W. Fork) | <u>Bridal Veil</u> 15 | From an approximate point (NW1/4 of SW1/4 of Sec.29,T3N,R5E) downstream to mouth at Washougal River (Sec.32,T2N,R5E). | | | |

(45) Moss Creek Willard 15 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.

[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

Stream Name	Quadrangle Name and Size	Legal Description
(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).
(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).
(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.
(4) Boulder River	<u>Granite Falls 15</u> <u>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.
(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).
(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).
(7) Dan Creek	<u>Darrington 7 1/2</u>	From Mt. Baker National Forest boundary (Sec.8,T32N,R10E) downstream to mouth at Sauk River (same section).
(8) Deer Creek (Cont.)	<u>Oso 15</u>	From the Skagit County line (Sec.5,T32N,R7E) downstream to mouth at Stillaguamish River North Fork (Sec.17,T32N,R7E).
(9) Dubuque Creek	<u>Everett 15</u> <u>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).

(10) Elk Creek Index 15 Beginning at Snoqualmie National Forest boundary (Sec.3, T28N,R10E) downstream, to mouth at Sultan River (Sec.30, T29N,R10E), excluding Snoqualmie National Forest land.

(11) Elwell Creek Sultan 7 1/2 From confluence of Elwell Creek and Youngs Creek (Sec.24,T27N,R7E) downstream to mouth at Skykomish River (Sec.12, same township).

(12) French Creek Everett 15
Snohomish 7 1/2 From confluence of French Creek and unnamed creek (Sec.27,T28N,R6E) downstream to mouth at Snohomish River (Sec.30, same township).

(13) French Creek Oso 15 From Mt. Baker National Forest boundary (Sec.16,T32N,R8E) downstream to mouth at Stillaguamish River (Sec.10, same township) excluding Mt. Baker National Forest land.

(14) Jim Creek Granite Falls 15
Arlington East 7 1/2 From U.S. Naval Reservation boundary (Sec.31,T32N,R7E) downstream to mouth at Stillaguamish River South Fork (Sec.7,T31N,R6E).

(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.

(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).

(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).

(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).

(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).

(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).

(21) Olney Creek Index 15 From Snoqualmie National Forest boundary (Sec.6,T28N,R9E) downstream to mouth at Wallace River (Sec.36,T28N,R8E).

(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).

- (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).
- (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 Ebbe Slough of Possession Sound (Sec.31,T30N,R5E) excluding federal lands.
- (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).
- (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.
- (29) Skykomish 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.
- (30) Skykomish 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)
- (31) Skykomish 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.
- (32) Snohomish 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.
- (33) Snoqualmie 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.
- (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).
- (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).
- (36) Stillaguamish River* Arlington 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.
- (37) Stillaguamish River (N.F.) (Cont.)* Fortson 7 1/2
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).
- (38) Stillaguamish River (South Fork)* Silverton 15
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.
- (39) Stony Creek Silverton 15
- From an approximate point (NE1/4 of NW1/4 Sec.18,T29N,R10E) downstream to mouth at Williamson Creek (Sec.12,T29N,R9E) excluding all federal land.
- (40) Sultan River Monte Cristo 7 1/2
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.
- (41) Sultan River (N. Fork of South Fork) Index 15
- From confluence of Sultan River North Fork of South Fork and unnamed creek (Sec.7,T28N,R10E) downstream to mouth at Sultan River (Sec.28,T29N,R9E) excluding all federal land.
- (42) Swamp Creek Edmonds 15
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).

- (43) Unnamed Tributary to French Creek Everett 15
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).
- (44) Wallace River Index 15
Sultan 7 1/2 From the Snoqualmie National Forest boundary (Sec.25,T28N,R9E) downstream to mouth at Skykomish River (Sec.4,T27N,R8E).
- (45) Wallace River (N.Fk.) Index 15 From confluence of North Fork Wallace River and unnamed creek (Sec.28,T28N,R9E) downstream to mouth at Wallace River (Sec.33, same township).
- (46) Williamson Creek Silverton 15
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.
- (47) Woods Creek Monroe 15
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).
- (48) Woods Creek (W. Fk.) Monroe 15
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).
- (49) Worthy Creek Granite Falls 15 From confluence of Worthy Creek and unnamed creek (Sec.26,T30N,R7E) downstream to mouth at Pilchuck River (Sec.2,T29N,R7E).
- (50) Youngs Creek Monroe 15
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).
- (51) Suiattle River* Huckleberry Mtn.* 7 1/2
Prairie Mtn. 7 1/2 From the east section (Sec.20,T32N,R12E) downstream to Skagit-Snohomish County line (Sec.5,T32N,R11E). Exclude federal lands. The flow is 1000 cfs MAF at east section line (Sec.20,T32N,R12E).
- (52) Beckler River Evergreen Mtn. 7 1/2 From the west section line (Sec.8,T27N,R12E) downstream to Snohomish-King County line (Sec.32,T27N,R12E). Exclude federal lands.
- (53) Rapid River Captain Point 7 1/2
Evergreen Mtn. 7 1/2 From east section line (Sec.13,T27N,R12E) downstream to Beckler River (Sec.29,T27N,R12E). Exclude federal lands.

[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.]

WAC 173-18-360 Spokane County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(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).
(3) Hangman Creek (Cont.)* or Latah Creek	<u>Fairfield 15</u> <u>Spangle* 15</u> <u>Spokane SE 7 1/2</u> <u>Spokane SW 7 1/2</u> <u>Spokane NW 7 1/2</u>	From the Whitman-Spokane County line (Sec.32,T21N,R45E) downstream to mouth on Spokane River (Sec.14, T25N,R42E). This stream has 300 square miles of drainage area ending at unnamed tributary (Sec.13,T23N,R43E) upstream from Rock Creek.
(4) Little Spokane River (Cont.)*	<u>Camden 7 1/2</u> <u>Elk 7 1/2</u> <u>Deer Park* 15</u> <u>Clayton 15</u>	From the Pend Oreille County line (Sec.3,T29N,R44E) downstream (excluding all federal lands) to mouth at the Spokane River and Stevens County line (Sec.32, T27N,R42E). This stream has a 300 square mile drainage area ending at mouth of Deer Creek (Sec.34,T28N,R43E).
(5) Little Spokane River (West Branch)	<u>Newport 30</u> <u>Fan Lake 7 1/2</u> <u>Elk 7 1/2</u> <u>Deer Park 15</u>	From the Pend Oreille County line (Sec.5, T29N,R43E) downstream through Eloika Lake to mouth at Little Spokane River (Sec.26, same township).
(6) Pine Creek (Cont.)	<u>Spangle 15</u>	From Whitman County line (Sec.34,T21N,R43E) downstream back to Whitman County line (Sec.31, same township).
(7) Rock Creek	<u>Fairfield 15</u> <u>Spangle 15</u> <u>Spokane SE 7 1/2</u>	From the confluence of Rock Creek and Rose Creek (Sec.34,T23N,R45E) downstream to mouth at Latah Creek (Sec.11, T23N,R43E).
(8) Spokane River*	<u>Green Acres* 15</u> <u>Spokane NE 7 1/2</u> <u>Spokane NW 7 1/2</u> <u>Airway Heights 7 1/2</u> <u>Clayton 15</u> <u>Wellpinit 15</u>	From the Washington-Idaho border (Sec.6,T25N,R46E) downstream to the Spokane-Stevens County line, along said county line to the Lincoln County line (Sec.19,T27N,R40E) excluding all federal lands. The flow is 200 cfs MAF and has 300 square miles of drainage area at Washington-Idaho border.

[Order DE 76-14, § 173-18-360, 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>
(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).
(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).
(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).
(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 Addy Mt. 7 1/2 Arden 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).
(5) Columbia River*	Boundary* 7 1/2 Northport 7 1/2 Onion Creek 7 1/2 China Bend 7 1/2 Bossburg 7 1/2 Marcus 7 1/2 Kettle Falls 7 1/2 Bangs Mountain 7 1/2 Inchelium 15 Hunters 15 Wilmont Creek 15	From the United States-Canadian boundary (Sec.2,T40N,R41E) downstream to Spokane Indian Reservation boundary (Sec.23, T29N,R35E). This river has over 200 cfs MAF at U.S.-Canadian border.
(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.
(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).

(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 Columbia River (Sec.31, T36N,R39E).
(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.
(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.
(12) Deep Creek (South Fork)	Spirit 7 1/2 Aladdin 7 1/2	From the confluence of Rocky Creek and South Fork Deep Creek in (Sec.8,T37N,R41E) downstream to confluence North Fork Deep Creek and Deep Creek in (Sec.5, T38N,R41E).
(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).
(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).

[Order DE 76-14, § 173-18-370, filed 5/3/76; Order 73-14, § 173-18-370, filed 8/27/73; Order DE 72-13, § 173-18-370, filed 6/30/72.]

WAC 173-18-380 Thurston County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Beaver Creek	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Beaver Creek and unnamed creek (Sec.11,T16N,R2W) downstream to mouth at Black River (Sec.2,T16N,R3W).
(2) Black River	Tenino 15 Maytown 7 1/2 Rochester 15	From the confluence of Dempsey Creek and the Black River (Sec.13,T17N,R3W) downstream to Grays Harbor County line (Sec.26,T16N,R4W).

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| (3) | Black Lake Drainage Ditch | <u>Tumwater</u> 7 1/2 | From outlet of Black Lake (Sec.32,T18N,R2W) downstream to confluence with Percival Creek (Sec.21, T18N,R2W). | (14) | Percival Creek | <u>Tumwater</u> 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). |
| (4) | Cedar Creek | <u>Rochester</u> 15 | From the confluence of Cedar Cr. and Sherman Creek (Sec.2, T16N,R4W) downstream to Grays Harbor County line (same section). | (15) | Scatter Creek | <u>Tenino</u> 15
<u>Bucoda</u> 7 1/2
<u>Tenino S.W.</u> 7 1/2
<u>Rochester</u> 15 | From confluence of Scatter Creek and unnamed creek (Sec.20, T16N,R1W) downstream to mouth at Chehalis River (Sec.7, T15N,R3W). |
| (5) | Chehalis River (Cont.)* | <u>Rochester</u> 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. | (16) | Sherman Creek | <u>Rochester</u> 15 | From the confluence of Sherman Creek and Monroe Creek (Sec.25,T17N,R4W) downstream to mouth on Cedar Cr. (Sec.2,T16N,R4W). |
| (6) | Deschutes River (Cont.) | <u>Ohop Valley</u> 15
<u>Bald Hill</u> 7 1/2
<u>Lake Lawrence</u> 7 1/2
<u>Vail</u> 7 1/2
<u>Weir Prairie</u> 7 1/2
<u>East Olympia</u> 7 1/2
<u>Tumwater</u> 7 1/2
<u>Maytown</u> 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. | (17) | Skookumchuck River (Cont.) | <u>Yelm</u> 15
<u>Tenino</u> 15 | From the Lewis County line (Sec.20,T15N,R2E) downstream back to the Lewis County line (Sec.21,T15N, R2W). |
| (7) | Kennedy Creek | <u>Shelton</u> 15 | From the confluence of Kennedy Creek and unnamed creek (Sec.14,T18N,R4W) downstream to the Mason County line (Sec.6,T18N,R3W). | (18) | Thompson Creek | <u>Yelm</u> 15
<u>Weir Prairie</u> 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). |
| (8) | Little Nisqually River (Cont.) | <u>Ohop Valley</u> 15
<u>Eatonville</u> 7 1/2 | From the Lewis-Thurston County line (Sec.21,T15N,R4E) downstream to Alder Lake (Sec.16, same township). | (19) | Waddell Creek | <u>Rochester</u> 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). |
| (9) | McAllister Creek | <u>Anderson Island</u> 15
<u>Nisqually</u> 7 1/2 | From the McAllister Springs (Sec.19,T18N,R1E) downstream to mouth at Nisqually Head (Sec.31,T19N, R1E). | (20) | Woodland Creek | <u>Lacey</u> 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). |
| (10) | McLane Creek | <u>Tumwater</u> 7 1/2 | From an approximate point (SW1/4 of NE1/4 of Sec.25, T18N,R3W) downstream to mouth at Eld Inlet (Sec.19,T18N, R2W). | (21) | Yelm Creek | <u>Yelm</u> 15
<u>McKenna</u> 7 1/2
<u>Weir Prairie</u> 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). |
| (11) | Mima Creek | <u>Rochester</u> 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). | [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.] | | | |
| (12) | Mitchell Creek | <u>Ohop Valley</u> 15
<u>Bald Hill</u> 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). | WAC 173-18-390 Wahkiakum County. Streams | | | |
| (13) | Nisqually River (Cont.)* | <u>Kapowsin</u> 15
<u>Ohop Valley</u> 15
<u>Yelm</u> 7 1/2
<u>Anderson Island</u> 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. | (1) | Alger Creek | <u>Skamokawa</u> 15 | From the intersection of State Sign Route 4 and Alger Creek (Sec.15,T9N,R6W) downstream to mouth at Brooks Slough (same section). |
| | | | | (2) | Beaver Creek | <u>Cathlamet</u> 15 | From the confluence of Beaver Cr. and unnamed creek (Sec.33,T9N,R5W) downstream to mouth at Elochoman River (Sec.32, same township). |
| | | | | (3) | Columbia River (Cont.)* | <u>Clatskanie</u> 15
<u>Cathlamet</u> 15
<u>Skamokawa</u> 15
<u>Grays River</u> 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. |

WAC 173-18-390 Wahkiakum County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(1) Alger Creek	<u>Skamokawa</u> 15	From the intersection of State Sign Route 4 and Alger Creek (Sec.15,T9N,R6W) downstream to mouth at Brooks Slough (same section).
(2) Beaver Creek	<u>Cathlamet</u> 15	From the confluence of Beaver Cr. and unnamed creek (Sec.33,T9N,R5W) downstream to mouth at Elochoman River (Sec.32, same township).
(3) Columbia River (Cont.)*	<u>Clatskanie</u> 15 <u>Cathlamet</u> 15 <u>Skamokawa</u> 15 <u>Grays River</u> 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.

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| (4) Crooked Creek | <u>Grays River</u> 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). | (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). |
| (5) Deep River | <u>Grays River</u> 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). | (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). |
| (6) Elochoman River | <u>Skamokawa</u> 15
<u>Cathlamet</u> 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). | (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). |
| (7) Elochoman River (East Fk.) (Cont.) | <u>Ryderwood</u> 15 | From the Cowlitz Co. line (Sec.7,T10N,R4W) downstream to Elochoman River (Sec.13,T10N,R5W). | (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). |
| (8) Elochoman River (North Fk.) | <u>Skamokawa</u> 15
<u>Ryderwood</u> 15 | From the confluence of North Fk. Elochoman R. and unnamed creek (Sec. 12,T10N,R5W) downstream to mouth at Elochoman River (Sec.26,T10N,R5W). | (21) Otter Creek | <u>Ryderwood</u> 15 | From the confluence of Otter Cr. and unnamed creek near the north section line (Sec.7,T10N, R4W) downstream to the East Fk. Elochoman R. (same section). |
| (9) Elochoman River (West Fk.) | <u>Skamokawa</u> 15 | From the confluence of West Fork Elochoman R. and unnamed creek (Sec. 21,T10N,R5W) downstream to mouth at Elochoman River (Sec.26, same township). | (22) Salmon Creek (Cont.) | <u>Grays River</u> 15 | From the Pacific County line (Sec.5,T10N,R8W) downstream to Pacific County line (Sec.7, same township). |
| (10) Falk Creek | <u>Skamokawa</u> 15 | From an approximate point (NW1/4 of NE1/4 of SW1/4 of Sec.33,T10N,R6W) downstream to mouth at Skamokawa Creek (Sec.5,T9N,R6W). | (23) Skamokawa Creek | <u>Skamokawa</u> 15 | From the confluence of McDonald Creek and Standard Creek (Sec.28,T10N, R6W) downstream to mouth at Columbia River (Sec.17,T9N, R6W). |
| (11) Fossil Creek | <u>Grays River</u> 15 | From the confluence of Fossil Cr. and an unnamed cr. (Sec.10,T10N,R7W) downstream to mouth at Grays River (Sec.9, same township). | (24) Skamokawa Creek (Left Fk.) | <u>Skamokawa</u> 15 | From the confluence of the Left Fork Skamokawa Cr. and unnamed creek (Sec.19,T10N,R6W) downstream to mouth at Skamokawa Creek (Sec.29, same township). |
| (12) Grays River (Cont.) | <u>Grays River</u> 15 | From the Pacific Co. line (Sec.2,T10N,R7W) downstream to mouth at Grays Bay (Sec.32,T10N,R8W). | (25) Skamokawa Creek (West Fk.) | <u>Skamokawa</u> 15 | From the confluence of West Fork Skamokawa Creek and Kelly Creek (Sec.31, T10N,R6W) downstream to Skamokawa Creek (Sec.8,T9N, R6W). |
| (13) Grays River (S.Fork) | <u>Skamokawa</u> 15 | From an approximate point (SW1/4 of NE1/4 of Sec.1, T10N,R6W) downstream to Pacific County line (Sec.5, same township). | (26) West Valley Creek | <u>Skamokawa</u> 15 | From an approximate point (NE1/4 of Sec.1,T9N,R7W) downstream to mouth at the West Fork Skamokawa Cr. (Sec.6,T9N,R6W). |
| (14) Grays River (W.Fk.) (Cont.) | <u>Grays River</u> 15 | From the Pacific County line (NW1/4 of NW1/4 Sec.4, T10N,R7W) downstream to mouth at Grays River (Sec.9, same township). | (27) Wilson Creek | <u>Skamokawa</u> 15 | From the confluence of Wilson Cr. and unnamed creek (SW1/4 of NE1/4 of Sec.5, T9N,R5W) downstream to mouth at Skamokawa Creek (Sec.5,T9N, R6W). |
| (15) Hull Creek (Cont.) | <u>Grays River</u> 15 | From Pacific County line (Sec.5,T10N,R7W) downstream to mouth at Grays R. (Sec.13,T10N,R8W). | | | |
| (16) Jim Crow Creek | <u>Grays River</u> 15 | From the confluence of Jim Crow Creek and unnamed creek (Sec.4,T9N,R7W) downstream to mouth at Columbia River (Sec.16, same township). | | | |

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-052 (Order DE 80-20), § 173-18-390, filed 6/30/80; Order DE 76-14, § 173-18-390, filed 5/3/76; Order 73-14, § 173-18-390, filed 8/27/73; Order DE 72-13, § 173-18-390, filed 6/30/72.]

WAC 173-18-400 Walla Walla County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>				
(1) Columbia River (Cont.)*		Columbia River within Walla Walla County is under federal jurisdiction. This river has over 200 cfs MAF at Franklin County line.	(4)	Boulder Creek	Van Zandt 15	From confluence of Boulder Creek and unnamed creek (Sec.22,T40N,R6E) downstream to mouth at Nooksack River (Sec.28, same township).
(2) Dry Cr.	Walla Walla 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).	(5)	Breckenridge Creek	Lynden 15 Sumas 7 1/2	From approximate point (SE1/4 of NW1/4 Sec.26,T40N,R4E) downstream to mouth Sumas River (Sec.29, same township).
(3) Mill Cr.	Walla Walla 30 Koskooskie 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).	(6)	California Creek	Blaine 15 Blaine 7 1/2	From confluence of California Creek and unnamed creek (Sec.27,T40N, R1E) downstream to mouth at Drayton Harbor (Sec.18, 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.	(7)	Canyon Creek	Mt. Baker 15	From Mt. Baker National Forest boundary (Sec.25,T40N, R6E) downstream to mouth at Nooksack River North Fork (Sec.35, same township).
(5) Touchet River (Cont.)*	Walla Walla 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).	(8)	Canyon Creek	Van Zandt 15	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).
(6) Walla Walla River*	Walla Walla 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.	(9)	Clearwater Creek	Mt. Baker 15 Van Zandt 15	Beginning at Mt. Baker National Forest boundary (Sec.11,T38N,R6E) downstream to mouth at Nooksack River M. Fk. (Sec.21, same township).
			(10)	Coal Creek	Van Zandt 15	From an approximate point (SW1/4 of SE1/4 Sec.4,T39N, R5E) downstream to mouth at Nooksack River (Sec.10, same township).
			(11)	Dakota Creek	Blaine 15 Blaine 7 1/2	From confluence of Dakota Creek and North Fork Dakota Creek (Sec.14,T40N,R1E) downstream to mouth at Drayton Harbor (Sec.7, same township).
			(12)	Fishtrap Creek	Lynden 15 Lynden 7 1/2 Bertrand 7 1/2	From the British Columbia-Washington state border (Sec.34,T41N,R3E) downstream to mouth at Nooksack River (Sec.35,T40N, R2E).

[Order DE 76-14, § 173-18-400, filed 5/3/76; Order 73-14, § 173-18-400, filed 8/27/73; Order DE 72-13, § 173-18-400, filed 6/30/72.]

WAC 173-18-410 Whatcom County. Streams

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>				
(1) Anderson Creek	Lynden 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).	(13)	Friday Creek	Samish Lake 15 Lake Whatcom 7 1/2	From the outflow of Samish Lake on southern tip (Sec.36, T37N,R3E) downstream to Skagit County line (same section).
(2) Austin Creek	Samish Lake 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).	(14)	Galbraith Creek	Wickersham 15 Van Zandt 15	From confluence of Galbraith Creek and unnamed creek (Sec.33,T38N, R6E) downstream to mouth at Nooksack River (Sec.27, same township).
(3) Bertrand Creek	Blaine 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).	(15)	Hayden Creek	Hamilton 15 Wickersham 15	From confluence of Hayden Creek and unnamed creek (Sec.26,T37N,R6E) downstream to mouth at Skookum Creek (Sec.22 same township).
			(16)	Howard Creek	Hamilton 15	From confluence of Howard Creek and unnamed creek (Sec.35,T37N,R6E) downstream to Skagit County line (Sec.36, same township).

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| (17) Hutchinson Creek | <u>Wickersham</u> 15 | From confluence of Hutchinson Creek and unnamed creek (Sec.1,T37N,R5E) downstream to mouth at Nooksack River South Fork (Sec.9, 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). |
| (18) Johnson Creek (in flood plain) | <u>Lynden</u> 15
<u>Sumas</u> 7 1/2
<u>Van Zandt</u> 15 | 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). | (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). |
| (19) Kendall Creek | <u>Van Zandt</u> 15 | Beginning where medium duty highway crosses Kendall Creek (Sec.27,T40N,R5E) downstream to mouth at Nooksack River (Sec.3,T39N,R5E). | (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). |
| (20) Maple Creek | <u>Van Zandt</u> 15 | Beginning where unimproved dirt road crosses Maple Creek (Sec.18,T40N,R6E) downstream to mouth at Nooksack River (Sec.31, same township). | (32) Skookum Creek | <u>Wickersham</u> 15 | From confluence of Hayden Creek and Fish Creek (Sec.22,T37N,R6E) downstream to mouth at Nooksack River South Fork (Sec.27,T37N,R5E). |
| (21) Nooksack River* | <u>Mt. Baker</u> * 15
<u>Lawrence</u> 7 1/2
<u>Sumas</u> 7 1/2
<u>Lynden</u> 7 1/2
<u>Bertrand</u> 7 1/2
<u>Ferndale</u> 7 1/2
<u>Van Zandt</u> 15 | Beginning at east section line (Sec.5,T39N,R7E) south bank only, both sides starting at east section line (Sec.1,T39N,R6E), downstream to mouth at Bellingham Bay (Sec.19,T38N,R2E). Exclude federal lands. The 1,000 cfs MAF point begins at confluence with Glacier Creek. | (33) Smith Creek (in flood plain) | <u>Lynden</u> 15
<u>Lawrence</u> 7 1/2 | From confluence of Smith Creek and unnamed creek (Sec.26,T39N,R4E) downstream to mouth at Nooksack River (Sec.21, same township). |
| (22) Nooksack River (M.Fk.) | <u>Mt. Baker</u> 15
<u>Van Zandt</u> 15 | From Mt. Baker National Forest boundary (Sec.25,T38N,R6E) downstream to mouth at Nooksack River (Sec.27,T39N,R5E). | (34) Squilicum Creek | <u>Lynden</u> 15
<u>Bellingham N.</u> 7 1/2
<u>Ferndale</u> 7 1/2 | Beginning where unimproved dirt road crosses Squilicum Creek (Sec.9,T38N,R3E) downstream to mouth at Bellingham Bay (Sec.24,T38N,R2E). |
| (23) Nooksack River (N.Fk.) | <u>Mt. Baker</u> 15 | From Mt. Baker National Forest boundary (Sec.5,T39N,R7E) downstream to where the medium-duty road crosses Nooksack River (Sec.2,T39N,R6E). | (35) Sumas River | <u>Lynden</u> 15
<u>Van Zandt</u> 15
<u>Sumas</u> 7 1/2 | From confluence of Sumas River and Dale Creek (Sec.4,T39N,R4E) downstream to British Columbia-Washington state boundary (Sec.36,T41N,R4E). |
| (24) Nooksack River (S.Fk.) (Cont.)* | <u>Wickersham</u> * 15
<u>Van Zandt</u> 15 | From Skagit County line (Sec.35,T37N,R5E) downstream to mouth at Nooksack River (Sec.6,T38N,R5E). The 1,000 cfs MAF point begins at mouth of Hutchinson Creek (Sec.9,T37N,R5E). | (36) Tenmile Creek | <u>Lynden</u> 15
<u>Bellingham North</u> 7 1/2
<u>Ferndale</u> 7 1/2
<u>Lynden</u> 7 1/2 | From east section line (Sec.17,T39N,R3E) downstream through Barrett Lake to mouth at Nooksack River (Sec.20,T39N,R2E). |
| (25) Orsino Creek | <u>Wickersham</u> 15 | From an approximate point (SE1/4 of NW1/4 Sec.9,T37N,R6E) downstream to mouth at Skookum Creek (Sec.16, same township). | (37) Terrell Creek | <u>Blaine</u> 7 1/2
<u>Birch Point</u> 7 1/2 | Beginning at (NE1/4 of SE1/4 of NE1/4 Sec.2,T39N,R1W) downstream to mouth at Birch Bay (Sec.30,T40N,R1E). |
| (26) Porter Creek | <u>Van Zandt</u> 15 | From confluence of Porter Creek and unnamed creek (Sec.12,T38N,R5E) downstream to mouth at Nooksack River M. Fork (Sec.11, same township). | (38) Unnamed tributary flowing to Canada | <u>Mt. Baker</u> 15
<u>Van Zandt</u> 15 | From an approximate point (between NW1/4 and NE1/2 Sec.2,T40N,R6E) to downstream to British Columbia-Washington state boundary (Sec.34,T41N,R6E). |
| (27) Racehorse Creek | <u>Van Zandt</u> 15 | Beginning at north section line (SW1/4 of NE1/4 of Sec.21,T39N,R6E) downstream to mouth at Nooksack River (Sec.10,T39N,R5E). | (39) Warm Creek | <u>Mt. Baker</u> 15 | From Mt. Baker National Forest boundary (Sec.24,T38N,R6E) downstream to mouth at Nooksack River M. Fk. (Sec.25, same township). |
| (28) Rocky Creek | <u>Mt. Baker</u> 15 | From Mt. Baker National Forest boundary (Sec.35,T39N,R6E) downstream to mouth at Clearwater Creek (Sec.2,T38N,R6E). | (40) West Cornell Creek | <u>Mt. Baker</u> 15 | From confluence of unnamed creek and West Cornell Creek (Sec.13,T39N,R6E) downstream to mouth at Nooksack River North Fork (Sec.1, same township). |
| | | | (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). |

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| (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). | (5) Rock Creek* | <u>Pine City</u> 7 1/2
<u>Rock Lake</u> 7 1/2
<u>Ewan</u> 7 1/2
<u>Texas Lake</u> 7 1/2
<u>Revere</u> 7 1/2
<u>La Crosse</u> 15 | From the confluence of Rock Creek and Pine Creek (Sec.15,T20N,R41E) downstream through Rock Lake to mouth at Palouse River (Sec.5,T16N,R39E) excluding those reaches in Adams County. Over 300 sq. miles drainage area at confluence of Rock Creek and Pine Creek. |
| (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). | (6) Snake River* | <u>Clarkston</u> * 15
<u>Colton</u> 7 1/2
<u>Bishop</u> 7 1/2
<u>Kirby</u> 7 1/2
<u>Almota</u> 7 1/2
<u>Penawawa</u> 15
<u>Hay</u> 15
<u>Starbuck</u> 15 | From the Washington-Idaho boundary (Sec.16,T36N,R46E) downstream along the Whitman-Asotin County line and Garfield-Whitman County line and Columbia-Whitman County line to the Franklin County line (Sec.30,T13N,R37E). All of river under federal jurisdiction. This stream has over 200 cfs MAF flow at Washington-Idaho border. |
| (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). | (7) Union Flat Creek* | <u>Ewartsville</u> 7 1/2
<u>Colfax South</u> 7 1/2
<u>Wilcox</u> 7 1/2
<u>Endicott</u> 15
<u>La Crosse</u> * 15 | From the confluence of Wilbur Creek and Union Flat Creek (Sec.6,T14N,R44E) downstream to mouth at Palouse River (Sec.35,T16N,R38E). This stream has over 300 sq. miles of drainage area ending at mouth of left bank unnamed tributary (Sec.31,T16N,R39E). |
| (45) Chuckanut Creek | <u>Bellingham S.</u> 7 1/2 | From confluence of unnamed creek and Chuckanut Creek (NW1/4 of SW1/4 Sec.17,T37N,R3E) downstream to mouth at Chuckanut Bay (Sec.13,T37N,R2E). | | | |
| (46) Smith Creek | <u>Lake Whatcom</u> 7 1/2 | From confluence of unnamed creek and Smith Creek (SE1/4 of SW1/4,Sec.33,T38N,R4E) downstream to mouth on Lake Whatcom (Sec.5,T37N,R4E). | | | |

[Order DE 76-14, § 173-18-410, filed 5/3/76; Order 73-14, § 173-18-410, filed 8/27/73; Order DE 72-13, § 173-18-410, filed 6/30/72.]

WAC 173-18-420 Whitman County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Hangman Creek (Latah Creek)	<u>Tekoa</u> 7 1/2 <u>Oaksdale</u> 7 1/2 <u>Fairfield</u> 15	From the Washington-Idaho boundary (Sec.29,T20N,R46E) downstream to Whitman-Spokane County line (Sec.4,T29N,R45E).
(2) Palouse River (S. Fork)	<u>Pullman</u> 7 1/2 <u>Albion</u> 7 1/2 <u>Colfax South</u> 7 1/2 <u>Colfax North</u> 7 1/2	From the confluence of the South Fork of the Palouse River and unnamed creek (Sec.16,T14N,R45E) downstream to mouth at Palouse River (Sec.11,T16N,R43E) in Colfax.
(3) Palouse River*	<u>Palouse</u> 7 1/2 <u>Elberton</u> 7 1/2 <u>Colfax</u> 7 1/2 <u>Diamond</u> 7 1/2 <u>Endicott</u> 15 <u>La Crosse</u> 15 <u>Benge</u> 15 <u>Starbuck</u> 15	From the Washington-Idaho boundary (Sec.5,T16N,R46E) downstream to Adams County line (Sec.24,T16N,R38E) along Adams and Franklin County lines to mouth at Snake River (Sec.19,T13N,R37E). The flow is 200 cfs MAF at Washington-Idaho boundary.
(4) Pine Creek*	<u>Rosalia</u> 7 1/2 <u>Spangle</u> 15 <u>Malden</u> * 7 1/2 <u>Pine City</u> 7 1/2	From the confluence of Pine Creek and unnamed creek (NW1/4 of Sec.16, T20N,R44E) downstream to mouth at Rock Creek (Sec.15, T20N,R41E), excluding that stretch within Spokane County. This stream has over 300 sq. miles of drainage area ending at mouth of Cache Creek (Sec.23, T20N,R42E).

[Order DE 76-14, § 173-18-420, filed 5/3/76; Order 73-14, § 173-18-420, filed 8/27/73; Order DE 72-13, § 173-18-420, filed 6/30/72.]

WAC 173-18-430 Yakima County. Streams

Stream Name	Quadrangle Name and Size	Legal Description
(1) Ahtanum Creek	<u>Tampico</u> 7 1/2 <u>Wiley City</u> 7 1/2 <u>Yakima West</u> 7 1/2 <u>Yakima East</u> 7 1/2	From confluence of North and South Forks of Ahtanum Creek (Sec.17,T12N,R16E) downstream to mouth at Yakima River (Sec.17,T12N,R19E) excluding those reaches within Yakima Indian Reservation.
(2) Ahtanum Creek (N.Fk.)	<u>Foundation Ridge</u> 7 1/2 <u>Pine Mtn.</u> 7 1/2 <u>Tampico</u> 7 1/2	From confluence of Ahtanum Creek North Fork and Ahtanum Creek Middle Fork (Sec.24,T12N,R14E) downstream to mouth at Ahtanum Creek South Fork (Sec.17,T12N,R16E).
(3) Ahtanum Creek (S.Fk.)	<u>Pine Mtn.</u> 7 1/2 <u>Tampico</u> 7 1/2	From confluence of unnamed creek and Ahtanum Creek South Fork (Sec.24,T12N,R15E) downstream to mouth at Ahtanum Creek (left bank only).
(4) Columbia River*	<u>Priest Rapids</u> 15	From the Yakima Firing Center boundary (Sec.3,T13N,R23E) downstream along the Grant-Yakima County line to Benton County line (Sec.12, T13N,R23E). The flow exceeds 200 cfs MAF at Yakima Firing Center boundary.

- (5) Cowiche Creek (S. Fork) 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).
- (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.
- (9) Rattlesnake 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.
- (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).
- (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.
- (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.

[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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173-19-2907	Winlock, city of.	173-19-4002	Medical Lake, town of.
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173-19-310	Mason County.	173-19-4006	Waverly, town of.
173-19-3101	Shelton, city of.	173-19-410	Stevens County.
173-19-320	Okanogan County.	173-19-4101	Chewelah, city of.
173-19-3201	Brewster, town of.	173-19-4102	Northport, town of.
173-19-3202	Conconully, town of.	173-19-420	Thurston County.
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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.
173-19-3210	Winthrop, town of.	173-19-4301	Cathlamet, town of.
173-19-330	Pacific County.	173-19-440	Walla Walla County.
173-19-3301	Ilwaco, town of.	173-19-4401	Waitsburg, town of.
173-19-3302	Long Beach, town of.	173-19-4402	Walla Walla, city of.
173-19-3303	Raymond, city of.	173-19-450	Whatcom County.

173-19-4501	Bellingham, city of.
173-19-4502	Blaine, city of.
173-19-4503	Everson, city of.
173-19-4504	Ferndale, city of.
173-19-4505	Lynden, city of.
173-19-4506	Nooksack, city of.
173-19-4507	Sumas, city of.
173-19-460	Whitman County.
173-19-4601	Albion, town of.
173-19-4602	Colfax, city of.
173-19-4603	Malden, town of.
173-19-4604	Palouse, city of.
173-19-4605	Pullman, city of.
173-19-4606	Rosalia, town of.
173-19-4607	Tekoa, city of.
173-19-470	Yakima County.
173-19-4701	Grandview, city of.
173-19-4702	Granger, town of.
173-19-4703	Naches, town of.
173-19-4704	Selah, city of.
173-19-4705	Union Gap, city of.
173-19-4706	Yakima, city of.
173-19-4707	Zillah, city of.

Reviser's note: Shoreline master programs for various areas of the state were filed by Order DE 77-16, filed September 9, 1977, and Order DE 77-28, filed October 24, 1977, and have been omitted from publication by the authority of RCW 34.05.210. 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.

(1995 Ed.)

(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. Revision approved August 1, 1994.

[Statutory Authority: RCW 90.58.200. 94-16-085 (Order 94-05), § 173-19-100, filed 8/1/94, effective 9/1/94. 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. Revision approved May 3, 1994.

[Statutory Authority: RCW 90.58.200. 94-10-081 (Order 94-04), § 173-19-120, filed 5/4/94, effective 6/4/94. 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. Revision approved June 16, 1992.

[Statutory Authority: RCW 90.58.200. 92-13-081 (Order 92-13), § 173-19-130, filed 6/16/92, effective 7/17/92; 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. Revision approved December 15, 1992.

[Statutory Authority: RCW 90.58.200. 93-01-108 (Order 92-45), § 173-19-140, filed 12/18/92, effective 1/18/93. 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. Revision approved December 15, 1992.

[Statutory Authority: RCW 90.58.200. 93-01-109 (Order 92-46), § 173-19-1404, filed 12/18/92, effective 1/18/93. 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.

(1995 Ed.)

[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. Revision approved January 21, 1992.

[Statutory Authority: RCW 90.58.200. 92-03-132 (Order 91-50), § 173-19-1701, filed 1/21/92, effective 2/21/92. 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 DE 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. Revision approved September 3, 1991.

[Statutory Authority: RCW 90.58.200. 91-18-081 (Order 91-31), § 173-19-220, filed 9/4/91, effective 10/5/91; 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 August 16, 1993.

[Statutory Authority: RCW 90.58.200. 93-17-063 (Order 93-12), § 173-19-2205, filed 8/17/93, effective 9/17/93. 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. Revision approved June 4, 1991.

[Statutory Authority: RCW 90.58.200. 91-12-053 (Order 91-05), § 173-19-2207, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2207, 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. Revision approved January 23, 1991. Revision approved April 21, 1992.

[Statutory Authority: RCW 90.58.200. 92-09-135 (Order 92-10), § 173-19-230, filed 4/21/92, effective 5/22/92; 91-03-145 (Order 90-43), § 173-19-230, filed 1/23/91, effective 2/23/91. 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.

(1995 Ed.)

[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. Revision approved August 16, 1993.

[Statutory Authority: RCW 90.58.200. 93-17-062 (Order 93-13), § 173-19-240, filed 8/17/93, effective 9/17/93. 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. Approved for adoption March 23, 1993. Revision approved August 16, 1993. Revision approved March 7, 1994.

[Statutory Authority: RCW 90.58.200. 94-07-013 (Order 93-38), § 173-19-2401, filed 3/7/94, effective 4/7/94; 93-17-062 (Order 93-13), § 173-19-2401, filed 8/17/93, effective 9/17/93; 93-07-116 (Order 92-60), § 173-19-2401, filed 3/24/93, effective 4/24/93. 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. Revision approved January 22, 1991.

[Statutory Authority: RCW 90.58.200. 91-03-149 (Order 90-52), § 173-19-250, filed 1/23/91, effective 2/23/91. 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. Revision approved June 16, 1992.

[Statutory Authority: RCW 90.58.200. 92-13-080 (Order 92-14), § 173-19-2503, filed 6/16/92, effective 7/17/92. 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. Revision approved June 16, 1992.

[Statutory Authority: RCW 90.58.200. 92-13-082 (Order 92-16), § 173-19-2511, filed 6/16/92, effective 7/17/92. 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. Revision approved May 18, 1992.

[Statutory Authority: RCW 90.58.200. 92-11-044 (Order 92-01), § 173-19-2515, filed 5/19/92, effective 6/19/92. 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.]

WAC 173-19-2516 Normandy Park, city of. City of Normandy Park master program approved April 5, 1974. Revision approved December 17, 1991.

[Statutory Authority: RCW 90.58.200. 92-01-096 (Order 91-42), § 173-19-2516, filed 12/17/91, effective 1/17/92. 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. Revision approved November 4, 1994.

[Statutory Authority: Chapter 90.58 RCW. 94-23-013 (Order 94-27), § 173-19-2520, filed 11/4/94, effective 12/5/94. 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. Revision approved September 16, 1992. Revision approved February 2, 1993. Revision approved May 18, 1993. Revision approved October 20, 1994.

[Statutory Authority: Chapter 90.58 RCW. 94-22-017 (Order 94-24), § 173-19-2521, filed 10/21/94, effective 11/21/94. Statutory Authority: RCW 90.58.200. 93-12-011, § 173-19-2521, filed 5/20/93, effective 6/20/93; 93-04-106 (Order 92-48), § 173-19-2521, filed 2/3/93, effective 3/6/93; 92-19-090 (Order 92-15), § 173-19-2521, filed 9/16/92, effective 10/17/92; 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. Revision approved August 18, 1992.

[Statutory Authority: RCW 90.58.200. 92-17-073 (Order 92-22), § 173-19-2523, filed 8/19/92, effective 9/19/92. 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. Revision approved February 5, 1992.

[Statutory Authority: RCW 90.58.200. 92-04-081 (Order 91-51), § 173-19-2601, filed 2/5/92, effective 3/7/92. 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. Revision approved June 16, 1992. Revision approved May 3, 1994.

[Statutory Authority: RCW 90.58.200. 94-10-082 (Order 94-08), § 173-19-2602, filed 5/4/94, effective 6/4/94; 92-13-084 (Order 92-02), § 173-19-2602, filed 6/16/92, effective 7/17/92. 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. Revision approved October 28, 1991.

[Statutory Authority: RCW 90.58.200. 91-22-021 (Order 91-39), § 173-19-280, filed 10/29/91, effective 11/29/91; 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. Revision approved November 2, 1993.

[Statutory Authority: RCW 90.58.200. 93-22-064 and 93-22-098 (Orders 93-17 and 93-17A), § 173-19-3201, filed 10/29/93 and 11/3/93, effective 11/29/93 and 12/4/93. 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. Revision approved January 22, 1991.

[Statutory Authority: RCW 90.58.200. 91-03-147 (Order 90-50), § 173-19-3203, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3203, 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. Revision approved October 28, 1991.

[Statutory Authority: RCW 90.58.200. 91-22-023 (Order 91-41), § 173-19-3204, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3204, 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. Revision approved January 22, 1991.

[Statutory Authority: RCW 90.58.200. 91-03-146 (Order 90-49), § 173-19-3205, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3205, 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. Revision approved December 17, 1991.

[Statutory Authority: RCW 90.58.200. 92-01-097 (Order 91-49), § 173-19-3206, filed 12/17/91, effective 1/17/92. 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. Revision approved January 22, 1991.

[Statutory Authority: RCW 90.58.200. 91-03-148 (Order 90-51), § 173-19-3208, filed 1/23/91, effective 2/23/91. 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. Revision approved February 5, 1991.

[Statutory Authority: RCW 90.58.200. 91-04-070 (Order 90-47), § 173-19-3209, filed 2/5/91, effective 3/8/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3209, 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. Revision approved February 5, 1991.

[Statutory Authority: RCW 90.58.200. 91-04-071 (Order 90-48), § 173-19-3210, filed 2/5/91, effective 3/8/91. 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. Revision approved June 7, 1994.

[Statutory Authority: RCW 90.58.200. 94-13-046 (Order 94-09), § 173-19-3303, filed 6/7/94, effective 7/8/94. 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. Revision approved June 4, 1991. Revision approved January 5, 1993.

[Statutory Authority: RCW 90.58.200. 93-02-048 (Order 92-49), § 173-19-350, filed 1/5/93, effective 2/5/93; 91-12-052 (Order 91-04), § 173-19-350, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-350, 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. Revision approved March 24, 1993.

[Statutory Authority: RCW 90.58.200. 93-08-026 (Order 92-50), § 173-19-3503, filed 3/30/93, effective 4/30/93; 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, city of. City of Gig Harbor master program approved September 10, 1975. Revision approved December 10, 1980. Revision approved June 28, 1994.

[Statutory Authority: RCW 90.58.200. 94-14-029 (Order 94-14), § 173-19-3506, filed 6/28/94, effective 7/29/94. 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. Revision approved December 15, 1992.

[Statutory Authority: RCW 90.58.200. 93-01-110 (Order 92-44), § 173-19-3514, filed 12/18/92, effective 1/18/93; 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. Revision approved February 5, 1991. Revision approved June 4, 1991. Revision approved August 18, 1992. Revision approved October 20, 1992. Revision approved June 28, 1994.

[Statutory Authority: RCW 90.58.200. 94-14-030 (Order 94-16), § 173-19-360, filed 6/28/94, effective 7/29/94; 93-01-138 (Order 92-40), § 173-19-360, filed 12/22/92, effective 1/22/93; 92-17-074 (Order 92-31), § 173-19-360, filed 8/19/92, effective 9/19/92; 91-12-054 (Order 91-18), § 173-19-360, filed 6/5/91, effective 7/6/91; 91-04-072 (Order 90-59), § 173-19-360, filed 2/5/91, effective 3/8/91; 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.]

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 February 11, 1987. Revision approved March 7, 1989. Revision approved July 5, 1989. Revision approved January 18, 1994.

[Statutory Authority: RCW 90.58.200 and Shoreline Management Act of 1971. 94-03-095 (Order 93-28), § 173-19-390, filed 1/19/94, effective 2/19/94. 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.]

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. Revision approved June 1, 1993.

[Statutory Authority: RCW 90.58.200. 93-13-020 (Order 93-01), § 173-19-3903, filed 6/9/93, effective 7/10/93. 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.

(1995 Ed.)

[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. Revision approved July 16, 1993.

[Statutory Authority: RCW 90.58.200. 93-16-013 (Order 93-07), § 173-19-3911, filed 7/22/93, effective 8/22/93. 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. Revision approved October 28, 1991.

[Statutory Authority: RCW 90.58.200. 91-22-022 (Order 91-40), § 173-19-420, filed 10/29/91, effective 11/29/91; 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. Revision approved June 1, 1993. Revision approved June 7, 1994.

[Statutory Authority: RCW 90.58.200. 94-13-047 (Order 94-10), § 173-19-4203, filed 6/7/94, effective 7/8/94; 93-12-107, § 173-19-4203, filed 6/2/93, effective 7/3/93; 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. Revision approved April 17, 1991. Revision approved April 21, 1991. Revision approved November 2, 1993. Revision approved May 3, 1994.

[Statutory Authority: RCW 90.58.200. 94-10-080 (Order 94-01), § 173-19-4205, filed 5/4/94, effective 6/4/94; 93-22-063 and 93-22-099 (Orders 93-21 and 93-21A), § 173-19-4205, filed 10/29/93 and 11/3/93, effective 11/29/93 and 12/4/93; 92-09-134 (Order 92-03), § 173-19-4205, filed 4/21/92, effective 5/22/92; 91-09-055 (Order 91-10), § 173-19-4205, filed 4/16/91, effective 5/17/91; 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. Revision approved August 4, 1992.

[Statutory Authority: RCW 90.58.200. 92-16-095 (Order 92-17), § 173-19-430, filed 8/5/92, effective 9/5/92. 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 8/12/75; Order DE 74-23, § 173-19-430, filed 12/30/74.]

WAC 173-19-4301 Cathlamet, town of. Town of Cathlamet master program approved June 17, 1975.

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4301, filed 1/30/80.]

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

[Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-440, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-440, filed 8/2/79; Order DE 77-16, § 173-19-440, filed 9/9/77; Order DE 75-21, § 173-19-440, filed 8/12/75; Order 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. Revision approved January 28, 1993.

[Statutory Authority: RCW 90.58.200. 93-04-063 (Order 92-48), § 173-19-450, filed 1/28/93, effective 2/28/93; 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

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- 173-20-720 Lakes coming under purview of chapter 90.58 RCW—
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- 173-20-750 Lakes coming under purview of chapter 90.58 RCW—
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- 173-20-760 Lakes coming under purview of chapter 90.58 RCW—
Whatcom County lakes.
- 173-20-770 Lakes coming under purview of chapter 90.58 RCW—
Whatcom County lakes of state-wide significance.
- 173-20-780 Lakes coming under purview of chapter 90.58 RCW—
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- 173-20-790 Lakes coming under purview of chapter 90.58 RCW—
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- 173-20-810 Lakes coming under purview of chapter 90.58 RCW—
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- 173-20-820 Private lands within the confines of federal lands.

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.	
			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.	
			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.	
			14680.0 Total	
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Chelan Co. 1735.0 Douglas Co.	
			3470.0 Total	R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0 Chelan Co. 4930.0 Douglas Co.	
			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
(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	PSR
(2) T1N-R3E	2-F/L	Round Lk.	32.4	PSR
(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

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(16) T30N-R30E	7-J/K	Black Lk.	36.2	R
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[Order DE 77-17, § 173-20-200, filed 9/1/77; Order DE 76-16, § 173-20-200, filed 5/3/76; Order DE 72-14, § 173-20-200, filed 6/30/72.]

WAC 173-20-210 Lakes coming under purview of chapter 90.58 RCW—Douglas County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T16N-R23E	16/17	Wanapum Dam Res.	1184.0 Douglas Co. 440.0 Chelan Co. 6748.0 Grant Co. 6308.0 Kittitas Co.	
			14680.0 Total	
(2) T21N-R22E	5-H/J	Rock Island Pool	1735.0 Douglas Co. 1735.0 Chelan Co.	
			3470.0 Total	R,P
(3) T24N-R20E	35	Entiat Lk.	4930.0 Douglas Co. 4930.0 Chelan Co.	
			9860.0 Total	R,P
(4) T28N-R24E	6 & 7	Wells Reservoir	4850.0 Douglas Co. 4753.0 Okanogan Co. 97.0 Chelan Co.	
			9700.0 Total	P,R
(5) T29N-R25E	24-S1/2	Rufus Wood Lk.	3900.0 Douglas Co.	P,R
(6) T28N-R29E	22&29	Banks Lk.	24,600.0 Grant Co. 300.0 Douglas Co.	
			24,900.0 Total	

[Order DE 76-16, § 173-20-210, filed 5/3/76; Order DE 73-13, § 173-20-210, filed 8/27/73; Order DE 72-14, § 173-20-210, filed 6/30/72.]

WAC 173-20-220 Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T37N-R32E	27-SW1/4	Mud Lk.	23.0	R
(2) T37N-R33E	32-N1/2	San Poil Lk.	27.7	R,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	Scootney Lk.	217.0	R
(15) T14N-R29E	14-E1/2	Unnamed Lk.	50.0	R
(16) T14N-R29E	23-B	Unnamed Lk.	24.0	R

(17)	T14N-R29E	25-D	Unnamed Lk.	49.6	R
(18)	T14N-R29E	26	Unnamed Lk.	130.0	R
(19)	T14N-R29E	36-S1/2	Unnamed Lk.	20.0	R
(20)	T14N-R30E	14-B	Unnamed Lk.	25.8	R
(21)	T14N-R30E	27-J	Scootney Reservoir	685.0	R,I
(22)	T14N-R30E	27-R	Unnamed Lk.	23.0	R
(23)	T14N-R30E	33-SW1/4	Unnamed Lks.	30.0	R
(24)	T14N-R34E	36-N	Washtucna Lk.	43.4	R

[Order DE 73-13, § 173-20-240, filed 8/27/73; Order DE 72-14, § 173-20-240, filed 6/30/72.]

WAC 173-20-250 Lakes coming under purview of chapter 90.58 RCW—Franklin County lakes of state-wide significance. None.

[Order DE 72-14, § 173-20-250, filed 6/30/72.]

WAC 173-20-260 Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes. None.

[Order DE 73-13, § 173-20-260, filed 8/27/73; Order DE 72-14, § 173-20-260, filed 6/30/72.]

WAC 173-20-270 Lakes coming under purview of chapter 90.58 RCW—Garfield County lakes of state-wide significance. None.

[Order DE 72-14, § 173-20-270, filed 6/30/72.]

WAC 173-20-280 Lakes coming under purview of chapter 90.58 RCW—Grant County lakes.

Location	Section	Name	Area (Acres)	Use	
(1)	T17N-R26E	8	Frenchman Hills Lk.	800.0	R
(2)	T17N-R26E	5-SW1/4	Sand Lk.	28.4	R
(3)	T18N-R26E	25	Winchester Wasteway Extension	400.0	R
(4)	T17N-R28E	27-NE1/4	Goose Lk.	112.0	R
(5)	T17N-R28E	34-J	Lower Goose Lk.	50.0	R
(6)	T17N-R29E	10-B	Warden Lk.	186.0	R
(7)	T17N-R29E	15-SW1/4	South Warden Lk.	24.0	R
(8)	T17N-R29E	17-P/Q	Susan Lk.	20.0	R
(9)	T17N-R29E	18-P	Soda Lk.	155.0	R,I
(10)	T17N-R29E	22-SW1/4	Virgin Lk.	20.0	R
(11)	T17N-R29E	27-D/E	North Windmill Lk.	22.3	R
(12)	T17N-R29E	28-L/P	Heart Lk.	25.8	R
(13)	T17N-R29E	28-Q	Windmill Lk.	33.8	R
(14)	T17N-R29E	32-B	Long Lk.	74.8	R,I
(15)	T17N-R29E	33-N1/2	Canal Lk.	76.1	R
(16)	T18N-R26E	15-SE1/4	Beda Lk.	34.0	R
(17)	T18N-R25E	30-E1/2	Unnamed Lk.	60.0	R
(18)	T19N-R23E	9	Ancient Lk.	250.0	R
(19)	T19N-R23E	10-R	Stan Coffin Lk.	40.9	R
(20)	T19N-R23E	13	Flat Lk.	98.2	R
(21)	T19N-R23E	15-NE1/4	Quincy Lk.	42.6	R
(22)	T19N-R23E	15-L	Burke Lk.	73.3	R
(23)	T19N-R23E	16	Dusty Lk.	30.0	R
(24)	T19N-R23E	22-C	Evergreen Res.	235.0	R,I
(25)	T19N-R25E	25-SE1/4	Winchester Wasteway Reservoir	660.0	R,I
(26)	T20N-R23E	30-SW1/4	Crater Lk.	25.0	R
(27)	T20N-R23E	9-A/H	Babcock Ridge Lk.	20.0	R,I
(28)	T20N-R28E	10-L	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
(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.

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.	
(2)	T16N-R23E	16/17	Wanapum Dam Res.	7700.0 Total 6748.0 Grant Co. 6308.0 Kittitas Co. 1184.0 Douglas Co. 440.0 Chelan Co.	P,R
(3)	T17N-R28E	11	Potholes Res.	14680.0 Total 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.	24600.0 300.0 Douglas Co.	R
			24900.0 Total		

[Order DE 73-13, § 173-20-290, filed 8/27/73; Order DE 72-14, § 173-20-290, filed 6/30/72.]

WAC 173-20-300 Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes.

Location	Section	Name	Area (Acres)	Use	
(1)	T17N-R5W	17-S1/2	Unnamed	23.0	R
(2)	T17N-R9W	1-SE1/4	Aberdeen Lk.(Res.)	64.0	PS,R
(3)	T17N-R10W	13	Unnamed	76.0	PS
(4)	T17N-R12W	14	Duck Lk.	197.0	R
(5)	T18N-R7W	31-R	Sylvia Lk. (Res.)	31.0	R
(6)	T19N-R10W	30-H	Failor Lk. (Res.)	60.0	R
(7)	T21N-R10W	22-J/R	Unnamed	20.0	R

[Order DE 72-14, § 173-20-300, filed 6/30/72.]

WAC 173-20-310 Lakes coming under purview of chapter 90.58 RCW—Grays Harbor County lakes of state-wide significance. None.

[Order DE 72-14, § 173-20-310, filed 6/30/72.]

WAC 173-20-320 Lakes coming under purview of chapter 90.58 RCW—Island County lakes.

Location	Section	Name	Area (Acres)	Use	
(1)	T29N-R2E	24-N1/2	Unnamed Lk.	26.8	R
(2)	T29N-R3E	6-D	Goss Lk.	55.1	R
(3)	T29N-R3E	7-A	Lone Lk.	92.1	R
(4)	T29N-R3E	26	Deer Lk.	82.1	R
(5)	T31N-R1E	6-S1/2	Unnamed Lk.	25.0	R
(6)	T31N-R1E	22	Crockett Lake	500.0	R

(7) T32N-R3E	30-N	Kristoferson Lk.	25.0	D,R
(8) T33N-R2E	18-N1/2	Unnamed Lk.	50.0	R
(9) T34N-R1E	35-NW1/4	Cranberry Lk.	128.1	R

[Order DE 76-16, § 173-20-320, filed 5/3/76; Order 73-13, § 173-20-320, filed 9/12/73 and Order DE 73-13, filed 8/27/73; Order DE 72-14, § 173-20-320, filed 6/30/72.]

WAC 173-20-330 Lakes coming under purview of chapter 90.58 RCW—Island County lakes of state-wide significance. None.

[Order DE 72-14, § 173-20-330, filed 6/30/72.]

WAC 173-20-340 Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T27N-R1W	1-A/H	Wahl Lk.	22.0	R
(2) T28N-R1W	6-K/L	Peterson Lk.	22.7	R
(3) T28N-R1W	18-N1/2	Tarboo Lk.	21.6	R
(4) T28N-R1W	26-K	Sandy Shore Lk.	36.2	R
(5) T28N-R2W	12-NW1/4	Crocker Lk.	65.3	R
(6) T28N-R2W	26-J	Leland Lk.	99.3	R
(7) T28N-R2W	33-A/B	Lords Lk. (Res.)	56.0	PS,R
(8) T29N-R1W	9-E1/2	Anderson Lk.	58.7	R
(9) T29N-R1W	28-L/P	Gibbs Lk.	36.8	R
(10) T30N-R1W	11-D/E	Kah Tai Lagoon	62.0	R
(11) T30N-R1W	16-H/J	Unnamed Lk.	21.6	R

[Order DE 72-14, § 173-20-340, filed 6/30/72.]

WAC 173-20-350 Lakes coming under purview of chapter 90.58 RCW—Jefferson County lakes of state-wide significance. None.

[Order DE 72-14, § 173-20-350, filed 6/30/72.]

WAC 173-20-360 Lakes coming under purview of chapter 90.58 RCW—King County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R6E	2-A	Bass Lk.	24.0	R
(2) T20N-R7E	28-N/P	White River Mill Pond	23.0	PS
(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
		Lower	31.8	R
		Snow Lk.	159.5	R
(44) T23N-R11E	19	Iceberg Lk.	21.1	R
(45) T23N-R12E	11-N1/2	Phantom Lk.	63.2	R
(46) T24N-R5E	2-SE1/4	Pine Lk.	88.3	R
(47) T24N-R6E	9-N1/2	Beaver Lk. No. 2	61.9	R
(48) T24N-R6E	11-B	Intermittent Lk.	49.0	R
(49) T24N-R7E	10-E1/2	Alice Lk.	32.6	R
(50) T24N-R7E	27-J/R	Boyle Lk.	24.0	R
(51) T24N-R8E	2-D/E	Klaus Lk.	62.0	R
(52) T24N-R8E	11-M	Snoqualmie Mill Pond	66.0	PS,R
(53) T24N-R8E	29-SW1/4	Hancock Lk.	236.2	R
(54) T24N-R9E	8-R	S.M.C. Lk.	40.7	R
(55) T24N-R9E	22-SW1/4	Moolock Lk.	45.4	R
(56) T24N-R9E	22-B/G	Marten Lk.	40.4	R
(57) T24N-R10E	2-E	Green Lk.	255.3	R
(58) T25N-R4E	5-M/N	Portage Bay	148.0	R
(59) T25N-R4E	17-K	Union Lk.	598.0	R
(60) T25N-R4E	19-C	Loop Lk.	35.7	R
(61) T25N-R7E	13-B/G	Arnes Lk.	79.9	R
(62) T25N-R7E	19-N1/2	Langlois Lk.	40.0	R
(63) T25N-R7E	22-E1/2	Black Lk.	25.7	R
(64) T25N-R8E	13-P	Bridges Lk.	34.0	R
(65) T25N-R8E	35-M	Lock Katrine (Lk.)	51.2	R
(66) T25N-R9E	24-E/M	Lock Katrine (Lk.)	24.4	R
(67) T25N-R9E	25-L/M	Upper	361.0	R
(68) T25N-R9E	32-Q	Calligan Lk.	121.4	R
(69) T25N-R9E	35-N1/2	Phillippa Lk.	63.1	R
(70) T26N-R6E	7-P	Cottage Lk.	43.8	R
(71) T26N-R7E	3-M	Margaret Lk.(Res.)	105.1	R
(72) T26N-R7E	35-NE1/4	Joy Lk.	22.9	R
(73) T26N-R8E	25-F/G	Lynch Lk.	850.0	PS
(74) T26N-R9E	32-E/M	Tolt Res.	—	PS

[Order DE 76-16, § 173-20-360, filed 5/3/76; Order DE 73-13, § 173-20-360, filed 8/27/73; Order DE 72-14, § 173-20-360, filed 6/30/72.]

WAC 173-20-370 Lakes coming under purview of chapter 90.58 RCW—King County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T19N-R7E	17-NE1/4	Mud Mtn. Res.	600.0 King Co. 600.0 Pierce Co.	PS,R
			1200.0 Total	
(2) T22N-R8E	12-NE1/4	Chester Morse Lk. Res.	1682.0	PS,P
(3) T25N-R4E	16-Q	Washington Lk.	22138.0	R
(4) T25N-R5E	13-K	Sammamish Lk.	4897.3	R

[Order DE 72-14, § 173-20-370, filed 6/30/72.]

WAC 173-20-380 Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T22N-R1W	2-E1/2	Wye Lk.	37.9	R
(2) T22N-R1W	2-E1/2	Carney Lake	18.7 Kitsap Co. 20.5 Pierce Co.	R
			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.	R
			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.	—	R

(10)	T22N-R1E	10-K/L	Horseshoe Lk.	40.3	R
(11)	T23N-R2E	8-E	Long Lk.	314.0	R
(12)	T25N-R1E	3-S1/2	Island Lk.	42.7	R
(13)	T27N-R2E	21-M	Miller Lk.	25.7	R
(14)	T24N-R1W	5	William Symington		
(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.	220.3	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,P
(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	Woolley 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
(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
(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	Lilliwaup Swamp	225.0 R
(33)	T23N-R4W	12-G/H	Melbourne Lk.	34.1 R
(34)	T23N-R4W	22-NE1/4	Price Lk.	61.8 R
(35)	T24N-R1W	31	Panther Lk.	30.0 Mason Co. 74.1 Kitsap Co.

104.1 Total R

[Order DE 72-14, § 173-20-480, filed 6/30/72.]

WAC 173-20-490 Lakes coming under purview of chapter 90.58 RCW—Mason County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1)	T22N-R4W	5-L	Cushman Lk. (Res.)	4003.0 P,R

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[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
(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	Muskrat 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.

9700.0 Total P,R

(3)	T39N-R25E	13-H	Palmer Lk.	2063.0 R,I
(4)	T40N-R27E	22-M	Osoyoos Lk.	2036.0 Okanogan Co. 3693.9 British Col.

5729.0 Total R

[Order DE 76-16, § 173-20-510, filed 5/3/76; Order DE 72-14, § 173-20-510, filed 6/30/72.]

WAC 173-20-520 Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T10N-R11W	4-SW1/4	Breaker Lk.	20.3	R
(2) T10N-R11W	33-A	Black Lk.	30.0	PS
(3) T11N-R11W	9-K	Loomis Lk.	150.7	R
(4) T11N-R11W	21-E1/2	Island Lk.	55.8	R
(5) T12N-R11W	9-K/Q	Skating Lk.	66.0	R
(6) T12N-R11W	16-JR	Espy Lk.	20.0	R

[Order DE 72-14, § 173-20-520, filed 6/30/72.]

WAC 173-20-530 Lakes coming under purview of chapter 90.58 RCW—Pacific County lakes of state-wide significance. None.

[Order DE 72-14, § 173-20-530, filed 6/30/72.]

WAC 173-20-540 Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T30N-R43E	5-K/L	Lost Lk.	22.1	R
(2) T30N-R43E	8-N	Horseshoe Lk.	128.0	R
(3) T30N-R43E	9-A	Trout Lk.	94.8	R
(4) T30N-R43E	32-L	Fan Lk.	72.9	R
(5) T30N-R44E	3-SE1/4	Diamond Lk.	754.5	R
(6) T30N-R44E	35-N1/2	Chain Lk.	77.6	R
(7) T30N-R46E	30-M/N	Trask Pond	50.3	R
(8) T31N-R43E	35-B	Sacheen Lk.	282.2	R
(9) T31N-R44E	10-SE1/4	Kent Meadows Lk.	134.3	R
(10) T31N-R45E	23-S1/2	Unnamed Lk.	37.9	R
(11) T32N-R43E	27-P	Power Lk.	54.8	R,P
(12) T32N-R44E	31-G	Davis Lk.	145.9	R
(13) T32N-R45E	23-Q	Marshall Lk.	188.7	R,D
(14) T32N-R46E	31	Shearer Lk.	48.7	R
(15) T33N-R43E	12-13/14	Unnamed Slough	64.8	R
(16) T34N-R44E	36-NE1/4	North Skookum Lk.	38.5	R
(17) T33N-R44E	2-A	Kings Lk.	53.2	R
(18) T34N-R43E	3-C/F	Parker Lk.	22.1	R
(19) T36N-R42E	3-L/M	Leo Lk.	39.3	R
(20) T36N-R43E	12-NW1/4	Scotchman Lk.	34.1	R
(21) T36N-R43E	23-NE1/4	Yocum Lk.	41.7	R
(22) T37N-R42E	35-N	Nile Lk.	22.8	R
(23) T37N-R42E	36-K/Q	Browns Lk.	20.2	R
(24) T37N-R43E	6-E1/2	Ione Mill Pond	37.2	R,PS
(25) T39N-R43E	25-A	Sullivan Res.	62.8	R,PS
(26) T40N-R43E	34-Q	Ledbetter Lk.	22.7	R
(27) T32N-R45E	4	Bead Lk.	719.8	R

[Order DE 76-16, § 173-20-540, filed 5/3/76; Order DE 72-14, § 173-20-540, filed 6/30/72.]

WAC 173-20-550 Lakes coming under purview of chapter 90.58 RCW—Pend Oreille County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T32N-R43E	12-F	Calispell Lk.	1031.0	R
(2) T39N-R44E	31	Sullivan Lk.	1400.0	R,P
(3) T40N-R43E	10-NE1/4	Boundary Res.	1600.0	R,P

[Statutory Authority: RCW 90.58.030, 90.58.120 and 90.58.200. 85-09-043 (Order DE 85-05), § 173-20-550, filed 4/15/85; Order DE 76-16, § 173-20-550, filed 5/3/76; Order DE 72-14, § 173-20-550, filed 6/30/72.]

WAC 173-20-560 Lakes coming under purview of chapter 90.58 RCW—Pierce County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T20N-R1W	1-M	Bay Lk.	129.6	R

(2) T22N-R1W	14-A	Carney Lk.	20.5 Pierce Co. 18.7 Kitsap Co.
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(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.		
(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
(33) T22N-R1E	19	Stansberry Lk.		
(34) T22N-R1E	30-31	Manmade Lk.		
(35) T19N-R7E	17-NE1/4	Mud Mt. Res.	600.00	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.	
			2931.2 Total	P,R
(2) T19N-R2E	20	American Lk.	1125.1	R
(3) T20N-R5E	8-E	Tapps Lk. (Res.)	2296.0	P,R

[Order DE 72-14, § 173-20-570, filed 6/30/72.]

WAC 173-20-580 Lakes coming under purview of chapter 90.58 RCW—San Juan County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T35N-R1W	4-G	Spencer Lk.	64.0	R
(2) T35N-R2W	23-A	Hummel Lk.	36.1	R
(3) T35N-R3W	17-Q/R	Zylstra Lk.		
(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.]

[Order DE 73-13, § 173-20-630, filed 8/27/73; Order DE 72-14, § 173-20-630, filed 6/30/72.]

WAC 173-20-600 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	R

[Statutory Authority: RCW 90.58.120 and 90.58.200. 80-08-053 (Order DE 80-21), § 173-20-600, filed 6/30/80; Order DE 72-14, § 173-20-600, filed 6/30/72.]

WAC 173-20-610 Lakes coming under purview of chapter 90.58 RCW—Skagit County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T35N-R8E	2-M	Shannon Lk. (Res.)	2148.0	P,R

[Order DE 72-14, § 173-20-610, filed 6/30/72.]

WAC 173-20-620 Lakes coming under purview of chapter 90.58 RCW—Skamania County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T1N-R6E	4-N1/2	Franz Lk.	99.0	R
(2) T2N-R6E	34-H/J	Unnamed Lk.	20.0	R
(3) T2N-R7E	1-NW1/4	Stevenson Lk.	84.0	PS,R
(4) T2N-R7E	11-E/F	Ashes Lk.	51.2	PS,R
(5) T2N-R7E	14-D/E	Wauana 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	
			20200.0 Total	P,R
(2) T7N-R5E	28-F/L	Swift Res.	4588.8	P,R
(3) T9N-R5E	15-A	Spirit Lk.	1262.0	R

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
(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	
			195.6 Total	R
(2) T21N-R39E	25-Q	Downs Lk.	394.6 Spokane Co. 28.8 Lincoln Co.	
			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.	
				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
(37)	T29N-R42E	34-K/Q	Dragon 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.	
				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	Waits 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.		
(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.	
				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/I	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/I	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 25-NW1/4	Mill Creek Res.	52.0	PS,R
(3) T8N-R31E	20-NW1/4	"J" Line Pond	30.0	R
(4) T8N-R31E	21-NW1/4	Casey Pond	60.0	R
(5) T8N-R31E	29-H/J	Curlew Pond	35.0	R

[Order DE 72-14, § 173-20-740, filed 6/30/72.]

WAC 173-20-750 Lakes coming under purview of chapter 90.58 RCW—Walla Walla County lakes of state-wide significance. None.

[Order DE 72-14, § 173-20-750, filed 6/30/72.]

WAC 173-20-760 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T37N-R3E	8-N	Padden Lk. (Res.)	152.0	PS,R
(2) T37N-R3E	36-R	Samish Lk.	814.0	R
(3) T37N-R4E	8-F/L	Louise Lk.	22.4	R
(4) T37N-R4E	32-SW1/4	Cain Lk.	72.2	R
(5) T38N-R3E	11-N/P	Toad Lk.	29.7	R
(6) T38N-R4E	7-E/F	Squalicum Lk.	33.0	R
(7) T39N-R1E	16	Terrell Lk. (Res.)	438.0	R
(8) T39N-R2E	21-S1/2	Barrett Lk.	40.0	R
(9) T39N-R2E	32-A/B	Tennant Lk.	43.0	R
(10) T39N-R3E	6-NW1/4	Wiser Lk.	123.0	R
(11) T39N-R3E	13-L/P	Fazon Lk.	32.0	R
(12) T39N-R6E	30-R	Canyon Lk.	45.0	R
(13) T40N-R6E	7-R	Silver Lk.	172.8	R
(14) T41N-R4E	31-W1/2	Judson Lk.	112.0	R
(15) T41N-R1E	34-N1/2	Beaver Lk.	21.0	R

[Order DE 76-16, § 173-20-760, filed 5/3/76; Order DE 72-14, § 173-20-760, filed 6/30/72.]

WAC 173-20-770 Lakes coming under purview of chapter 90.58 RCW—Whatcom County lakes of state-wide significance.

Location	Section	Name	Area (Acres)	Use
(1) T38N-R3E	28-A	Whatcom Lk. (Res.)	5003.0	PS,R
(2) T37N-R9E	31	Baker Lk. (Res.)	3616.0	PS,R

[Order DE 76-16, § 173-20-770, filed 5/3/76; Order DE 72-14, § 173-20-770, filed 6/30/72.]

WAC 173-20-780 Lakes coming under purview of chapter 90.58 RCW—Whitman County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T18N-R39E	26-A/B	Texas Lk.	23.8	R
(2) T18N-R40E	17-A/B	Intermittant Lk.	24.8	R
(3) T19N-R40E	1-SE1/4	Miller Lk. (Alkali)	25.2	R
(4) T19N-R40E	13-SE1/4	Lavista Lk.	20.7	R
(5) T19N-R40E	23-NW1/4	Unnamed Lk.	32.4	R

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(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	Whitman Co.
			284.3	Spokane Co.

(14) T18N-R40E	3-B/C	Duck Lk.	366.1	Total
			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
(7) T14N-R19E	31-L/P	Unnamed Lk.	22.3	R
(8) T15N-R17E	2-N	Wenas Lk. (Res.)	61.4	R,I
(9) T13N-R18E	11-S1/2, S1/2	Unnamed Lake	21.4	R
(10) T13N-R18E	11 S1/2 SE1/4	Unnamed Lake	21.3	R

[Order DE 76-16, § 173-20-800, filed 5/3/76; Order DE 72-14, § 173-20-800, filed 6/30/72.]

WAC 173-20-810 Lakes coming under purview of chapter 90.58 RCW—Yakima County lakes of state-wide significance.

Location	Section	Name	Area (Areas)	Use
(1) T13N-R23E	2/3	Priest Rapids Dam (Res.)	1080.0 Yakima Co. 4540.0 Grant Co. 2080.0 Kittitas Co.	
			7700.0	Total
				P,R

[Order DE 72-14, § 173-20-810, filed 6/30/72.]

WAC 173-20-820 Private lands within the confines of federal lands. In addition to the delimitations contained herein, lakes or portions thereof which are located on nonfederal lands within the exterior boundaries of federal lands, which lakes fall within the definitions of lakes and lakes of state-wide significance, as stated in WAC 173-20-030, shall be likewise subject to the jurisdiction of chapter 90.58 RCW.

[Order DE 72-14, § 173-20-820, filed 6/30/72.]

Chapter 173-22 WAC

ADOPTION OF DESIGNATIONS OF WETLANDS
ASSOCIATED WITH SHORELINES OF THE STATE

WAC

173-22-010	Purpose.
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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.
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173-22-0604	Asotin County.
173-22-0606	Benton County.
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173-22-0626	Grant County.
173-22-0628	Grays Harbor County.
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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.
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 is to be used in conjunction with Administrative Order 73-11, filed 7/20/73. Sections within this chapter 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 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 protec-

ted 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 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.

[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 produc-

ing 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 reason-

able 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.]

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, reasonable 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 complaint 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 regula-

tions 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

WAC

173-28-010	Authority.
173-28-020	Findings.
173-28-030	Conclusion.
173-28-040	Composition of Lake Washington region.
173-28-050	Geographical extent of region.
173-28-060	Duties of the local governmental units comprising the region.
173-28-070	Review of master programs by the department of ecology.
173-28-080	Fund availability.

WAC 173-28-010 Authority. This permanent regulation is adopted pursuant to chapter 34.04 RCW and sections 11(1) and 20 of chapter 286, Laws of 1971 ex. sess. and RCW 90.58.110(1) and 90.58.200.

[Order 73-8, § 173-28-010, filed 6/19/73.]

WAC 173-28-020 Findings. In accord with section 11(1) of chapter 286, Laws of 1971 ex. sess. and RCW 90.58.110(1), the director of the department of ecology finds the following:

- (a) That the shorelines and wetlands of Lake Washington constitute some of the most valuable natural resources of the state;
- (b) That said shorelines and wetlands constitute shorelines of state-wide significance;
- (c) That due to its proximity to the population center of the state, Lake Washington is subject to considerable pressures from both the public and private sectors for further development; and
- (d) That eleven local governmental entities share local jurisdiction over the shorelines and wetlands of Lake Washington.

[Order 73-8, § 173-28-020, filed 6/19/73.]

WAC 173-28-030 Conclusion. Having made the findings contained in WAC 173-28-020 of this regulation, the director, for the purpose of this permanent regulation, hereby designates Lake Washington as a region to assure a uniformity of policy in the preparation of master programs for Lake Washington.

[Order 73-8, § 173-28-030, filed 6/19/73.]

WAC 173-28-040 Composition of Lake Washington region. The Lake Washington region shall be composed of each of the following local governments having jurisdiction over the shorelines and wetlands of Lake Washington:

- (a) Beaux Arts Village
- (b) Bellevue
- (c) Hunts Point
- (d) King County
- (e) Kirkland
- (f) Lake Forest Park
- (g) Medina
- (h) Mercer Island
- (i) Renton
- (j) Seattle
- (k) Yarrow Point

[Order 73-8, § 173-28-040, filed 6/19/73.]

WAC 173-28-050 Geographical extent of region. The Lake Washington region shall be comprised of all shorelines and wetlands as defined in RCW 90.58.030 (2)(d) which comprise Lake Washington, and, in addition, all wetlands designated by the department of ecology pursuant to chapters 173-18, 173-20, and 173-22 WAC, associated with Lake Washington.

[Order 73-8, § 173-28-050, filed 6/19/73.]

WAC 173-28-060 Duties of the local governmental units comprising the region. Pursuant to RCW 90.58.110 it shall be the duty of each local governmental unit comprising the Lake Washington region to:

- (1) Develop cooperatively with all other local governmental units in the region consistent policies to be utilized by local governments for developments on the shorelines and wetlands of Lake Washington, which policies, after adoption by the region, shall be incorporated into the master programs of the local governmental units comprising the region;
- (2) Develop thereafter and submit to the department of ecology a separate master program pursuant to the policies established in conformity with section (1) above, for the shorelines and wetlands of Lake Washington falling within said local governmental unit;
- (3) Obtain full citizen input consistent with the final guidelines approved pursuant to the Shoreline Management Act, which input shall address Lake Washington as a region. Consistent with their authority under any and all applicable laws, they should form a technical committee to act as staff for the region; and
- (4) Appoint one or more members from the citizen advisory committee of the local governmental unit to serve on the regional citizen committee.

[Order 73-8, § 173-28-060, filed 6/19/73.]

WAC 173-28-070 Review of master programs by the department of ecology. The department of ecology shall review as one master program all the policies and master programs submitted for Lake Washington by the governmental units comprising the region in the manner prescribed for review of master programs by RCW 90.58.090.

[Order 73-8, § 173-28-070, filed 6/19/73.]

WAC 173-28-080 Fund availability. Recognizing that the regional planning provided for by this regulation may require funds over and above those needed for local shoreline planning efforts, the department will, to the extent funds are available for this purpose, make funds available to the region, pursuant to an agreement to be prepared in conformity with chapter 39.34 RCW.

[Order 73-8, § 173-28-080, filed 6/19/73.]

Chapter 173-32 WAC

ALLOCATION OF FINANCIAL AID TO COUNTIES AND CITIES TO ASSIST IN COMPREHENSIVE PLANNING FOR SOLID WASTE MANAGEMENT

WAC

- 173-32-010 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 173-40 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, algacide, and slimecide compounds
- Phenols and polychlorinated biphenyls, compounds
- Selenium, elemental and compounds of
- Silver, soluble salts of
- Zinc, soluble salts of

[Order 72-26, § 173-40-040, filed 11/27/72.]

WAC 173-40-050 Annual reports. Upon notification by the director of the department of ecology, commercial operations including industrial operations which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state, shall file annually, during the month of January, reports, on forms provided by the department. The information required shall pertain to those materials set forth in WAC 173-40-040 above, which are in excess of the corresponding materials occurring in the intake source used by the operation. The information shall also include

volumes of process and cooling water to be discharged into the water, air or into any sewer system. The information given is to be an estimate of the amount(s) of such materials to be discharged in the calendar year in which the report is being filed. The reports shall be postmarked no later than January 31 and be sent to:

Director
Department of Ecology
Olympia, Washington 98504
ATTN: POLLUTION DISCLOSURE

[Order 72-26, § 173-40-050, filed 11/27/72.]

Chapter 173-44 WAC FEES—RADIOACTIVE WASTE MANAGEMENT FACILITIES

WAC

173-44-010	Purpose and scope.
173-44-020	Authority.
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173-44-040	Perpetual care and maintenance fee.
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173-44-060	PCM fee—Disposition.
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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.

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(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

173-50-010	Purpose.
173-50-020	Scope.
173-50-030	Objectives.
173-50-040	Definitions.
173-50-050	Responsibilities.
173-50-060	Requirements for accreditation and registration.
173-50-070	Performance audit.
173-50-080	System audit.
173-50-090	Evaluation and issuance of certificate.
173-50-100	Interim accreditation.
173-50-110	Provisional accreditation.
173-50-120	Accreditation and registration categories.
173-50-130	Requirements for maintaining accreditation and registration status.
173-50-140	Denying accreditation and registration status.
173-50-150	Revoking accreditation and registration status.
173-50-160	Reciprocity.
173-50-170	Third-party accreditation.
173-50-180	Exemptions.
173-50-190	Fee structure.
173-50-200	Appeals.
173-50-210	Enforcement.
173-50-220	Assistance to laboratories.

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 and methods 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, radiochemical, 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, P.O. Box 47600, Olympia, WA 98504-7600.

[Statutory Authority: RCW 43.21A.230. 93-20-011 (Order 92-53), § 173-50-040, filed 9/22/93, effective 10/23/93; 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; preparing a quality assurance manual; system (on-site) audits; performance audits; accreditation of out-of-state laboratories; determination and payment of fees; issuance, denial, suspension, 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. 93-20-011 (Order 92-53), § 173-50-050, filed 9/22/93, effective 10/23/93; 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 assur-

ance section. Registration status shall not be denied or revoked solely 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, 93-20-011 (Order 92-53), § 173-50-070, filed 9/22/93, effective 10/23/93; 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.

(e) Data management. The system audit shall include a review of applicable procedures for checking documentation of raw data, calculations, transcription and computer data entry, reports of analytical results, and other activities necessary to assure accurate management of laboratory data.

(2) Recommended practices. Those elements of labora-

tory 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, 93-20-011 (Order 92-53), § 173-50-080, filed 9/22/93, effective 10/23/93; 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 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. 93-20-011 (Order 92-53), § 173-50-090, filed 9/22/93, effective 10/23/93; 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 in a timely manner, an interim accreditation may be granted. The accreditation shall be based on submission of an application and fees by the laboratory, successful completion of a performance audit where appropriate, and department approval of the laboratory's quality assurance manual.

[Statutory Authority: RCW 43.21A.230. 93-20-011 (Order 92-53), § 173-50-100, filed 9/22/93, effective 10/23/93; 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), Radioactivity, Microbiology, and Bioassay/Toxicity. 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. 93-20-011 (Order 92-53), § 173-50-120, filed 9/22/93, effective 10/23/93; 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. Exceptions to the one year accreditation may be made for documented cause. In such cases, accreditation may be granted for a period up to two years. Renewal shall require submission of an application and appropriate fees, an update of the laboratory's quality assurance manual, and successful completion of performance audit requirements. System audits shall be required for renewal of accreditation at periods not to exceed three years from the previous system audit. For documented cause, system audits can be extended up to four years from the previous 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. 93-20-011 (Order 92-53), § 173-50-130, filed 9/22/93, effective 10/23/93; 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 analy-

tical 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 established to cover costs of administering the accreditation program. The fee per parameter and maximum fee per category are identified in Table 1. Laboratory directors may request addition of parameters within given categories.

TABLE 1 - FEE SCHEDULE

CATEGORY	PARAMETER	MAX FEE PER	
		FEE/PARAMETER	CATEGORY
Chemistry I (General)	Calcium	\$55	\$1000
	Chloride		
	Fluoride		
	Magnesium		
	pH		
	Potassium		
	Sodium		
	Specific Conductance		
	Sulfate		
	Total Alkalinity		
	Total Dissolved Solids (TDS)		
	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)			

Category	Parameter	Fee	Fee	Parameter	Fee	Fee		
Chemistry II (Trace Metals)	Total Organic Carbon (TOC)			Radioactivity	Gross Alpha	\$125	\$1200	
	Acidity				Gross Beta			
	Anionic Surfactants (LAS)				Cesium 134			
	Bromide				Cesium 137			
	Color				Cobalt 60			
	Cyanide (total)				Radium 226			
	Dissolved Oxygen (DO)				Radium 228			
	Nonfilterable Residue/ Total Suspended Solids (TSS)				Tritium			
	Total Solids				Total Uranium			
	Volatile Solids				Iodine 131			
	Oil/grease				Strontium 89			
	Phenolics (total)				Strontium 90			
	Salinity				Microbiology	Coliform (fecal)	\$205	\$600
	Silica					Coliform (total)		
	Sulfide					Enterococci/Fecal Streptococci		
	Sulfite					E. coli		
	Total Organic Halides				Bioassay/Toxicity	Fish	\$200	\$1250
	Total Petroleum Hydrocarbons					Rat		
	Total Residual Chlorine					Amphipod		
	Turbidity					Bivalve Larvae		
	Aluminum	\$55	\$850			Chromosomal abnormality		
	Antimony					Microtox		
	Arsenic					Daphnid		
	Barium					Echinoderm		
	Beryllium					Mysid		
	Cadmium					Algae		
	Chromium				Sediment	Antimony	\$100	\$500
	Chromium (hexavalent)					Arsenic		
	Cobalt					Cadmium		
	Copper					Copper		
	Iron					Lead		
	Lead					Mercury		
	Manganese					Nickel		
	Mercury					Silver		
Molybdenum					Zinc			
Nickel					Polycyclic Aromatic Hydrocarbons			
Selenium					Extractable Base/Neutral and Acid (semivolatile) Organics			
Silver								
Strontium								
Thallium								
Tin								
Titanium								
Vanadium								
Zinc								
Organics I (GC, HPLC methods)	Acrolein/Acrylonitrile	\$100	\$850					
	Phenols							
	Purgeable (volatile) Halocarbons							
	Purgeable (volatile) Aromatics							
	Benzidines							
	Phthalate Esters							
	Nitrosamines							
	Organochlorine Pesticides							
	Polychlorinated Biphenyls (PCBs)							
	Nitroaromatics/Isophorone							
	Polycyclic Aromatic Hydrocarbons							
	Haloethers							
	Chlorinated Hydrocarbons							
	Organophosphorus Pesticides							
	Chlorinated Herbicides							
	Gasoline							
	Diesel Fuel							
Organics II (GC/MS Methods)	Purgeable (volatile) Organics	\$300	\$900					
	Extractable Base/Neutral and Acid (Semivolatile) Organics							
	Dioxin (2,3,7,8-Tetrachlorodibenzo-p-dioxin)							

(2) Out-of-state laboratories shall coordinate directly with the quality assurance section to determine the anticipated cost of completing the accreditation process. Reimbursement of the cost of travel and per diem shall be 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 recognition of third-party accreditation (WAC 173-50-170) shall be three hundred dollars. The fee for recognition of a laboratory under a reciprocity agreement (WAC 173-50-160) shall be three hundred dollars, or as specified in the reciprocity agreement, but not less than three hundred 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 six hundred dollars.

(7) If a laboratory withdraws from the accreditation process after the application has been processed, but before accreditation or registration is granted, the fee will be nonrefundable up to an amount of two hundred dollars as reimbursement for costs of processing the application.

(8) Dollar amounts listed in subsections (1), (4), (6), and (7) of this section may be adjusted every two years based on inflation as indicated by the implicit price deflator for state and local government services as published by the economic and revenue forecast council. Dollar amounts listed in subsections (1), (4), (6), and (7) of this section may be decreased at any time the department determines they are higher than needed to meet program requirements. The department shall notify affected parties of any fee adjustment at least thirty days prior to making any fee adjustment.

[Statutory Authority: RCW 43.21A.230. 93-20-011 (Order 92-53), § 173-50-190, filed 9/22/93, effective 10/23/93; 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 within thirty days of notification of final action in accordance with chapter 43.21B RCW.

[Statutory Authority: RCW 43.21A.230. 93-20-011 (Order 92-53), § 173-50-200, filed 9/22/93, effective 10/23/93; 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	Reserved.

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, motor racing vehicles, construction, float planes, railroads, and aircraft engine testing. Vessels, as defined in RCW 88.12.010 (21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-58 WAC.

(3) Personnel. For the purposes of enforcement, the measurements shall be conducted only by persons qualified by training in the use of sound measuring equipment and proper site selection.

(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. 94-12-001 (Order 92-41), § 173-58-010, filed 5/18/94, effective 6/18/94; 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 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.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-58-020, filed 5/18/94, effective 6/18/94; 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 de-

signed for use on any internal combustion engine. Calibration accuracy for both types of tachometers shall be at least ± 3 percent of full scale reading. All tachometers shall be calibrated at least once a year in accordance with the manufacturer's calibration procedures.

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

(5) Anemometer. An anemometer shall be used periodically during measurements to test the wind speed.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-030, filed 3/22/79.]

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

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

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

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

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

(3) Background sound level. Sound level measurements shall not be made when the difference between the background sound level and the level of the measured sound source is less than 10 dBA, unless, the measurement personnel are technically qualified to logarithmically subtract the background level from the measured source's sound level.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-040, filed 3/22/79.]

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

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

(3) Microphone orientation. The microphone shall be oriented with respect to the sound source as described in the manufacturer's instruction manual.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-050, filed 3/22/79.]

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

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

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

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

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

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

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

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

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

(a) The absence of a muffler;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) At least two measurements shall be made, and the reported sound level shall be the average of the two highest readings which are within one dBA of each other.

[Statutory Authority: Chapter 70.107 RCW. 79-04-033 (Order DE 78-19), § 173-58-080, filed 3/22/79.]

WAC 173-58-090 Reserved.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-58-090, filed 5/18/94, effective 6/18/94; 79-04-033 (Order DE 78-19), § 173-58-090, filed 3/22/79.]

Chapter 173-60 WAC

MAXIMUM ENVIRONMENTAL NOISE LEVELS

WAC

173-60-010	Authority and purpose.
173-60-020	Definitions.
173-60-030	Identification of environments.
173-60-040	Maximum permissible environmental noise levels.
173-60-050	Exemptions.
173-60-060	Nuisance regulations not prohibited.
173-60-070	Future regulations.
173-60-080	Variances and implementation schedules.
173-60-090	Enforcement policy.
173-60-100	Appeals.
173-60-110	Cooperation with local government.
173-60-120	Effective date.

WAC 173-60-010 Authority and purpose. These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and thereby to provide use standards relating to the reception of noise within such environments. Vessels, as defined in RCW 88.12.010(21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-60 WAC.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-010, filed 5/18/94, effective 6/18/94; 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.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-020, filed 5/18/94, effective 6/18/94; 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 stationing 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 the discharge of firearms in the course of hunting.

(k) Sounds caused by natural phenomena and unamplified human voices.

(l) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(m) 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 avail-

able 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. 94-12-001 (Order 92-41), § 173-60-050, filed 5/18/94, effective 6/18/94; 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 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.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-070, filed 5/18/94, effective 6/18/94; 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 op-

portunity 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	86 Reserved	90 Reserved	86 Reserved

(2) Every motor vehicle operated upon the public highways shall at all times be equipped with an exhaust system and a muffler in good working order and constant operation to prevent excessive or unusual noise.

(3) No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency braking to avoid imminent danger shall be exempt from this provision.

(4) No person shall operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds the maximum permissible sound levels of Table II for the category and year of vehicle, as measured at a distance of twenty inches (0.5 meter) from the exhaust outlet under procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

(5) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the noise levels in Table III at a distance of 50 feet (15.2 meters) under acceleration test procedures established by the state commission on equipment in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

Table II
IN-USE MOTOR VEHICLE EXHAUST SYSTEM NOISE PERFORMANCE STANDARDS
Measured @ 20 inches (0.5 meter)

Vehicle Category (type)	Model Year	Maximum Sound Level, dBA
Motorcycles	before 1986 1986 and after	99 (reserved)
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	before 1986 1986 and after	95 (reserved)

Table III
MAXIMUM SOUND LEVELS FOR NEW MOTOR VEHICLES
Measured @ 50 feet (15.2 meters)

Vehicle Category (type)	Date of Manufacture	Maximum Sound Level, dBA
Any motor vehicle over 10,000 pounds (4536 kg) GVWR excluding buses	before January 1, 1978	86
	after January 1, 1978	83
	after January 1, 1982	80
All buses over 10,000 pounds (4536 kg) GVWR	after January 1, 1980	85
	after January 1, 1983	83
	after January 1, 1986	80
Motorcycles	after January 1, 1976	83
	after January 1, 1986	80
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	after January 1, 1976	80

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-030, filed 9/30/80; Order DE 77-2, § 173-62-030, filed 6/1/77; Order DE 75-17, § 173-62-030, filed 8/11/75; Order DE 74-33, § 173-62-030, filed 1/30/75, effective 7/1/75.]

WAC 173-62-040 Exemptions. The provisions of this chapter shall not apply to noise caused by auxiliary equipment on motor vehicles used for highway maintenance, nor to noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or of individuals of the community, or to restore property to a safe condition following a public calamity.

[Order DE 75-17, § 173-62-040, filed 8/11/75; Order DE 74-33, § 173-62-040, filed 1/30/75, effective 7/1/75.]

WAC 173-62-050 Implementation schedules. (1) **Conditions of issuance.** The department may approve and issue to any person, an implementation schedule for meeting any particular requirement of this chapter, if it finds that immediate compliance with such requirement cannot be achieved because of conditions beyond the control of such person or because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors or because of the nonavailability of feasible technology or control methods.

(2) **Requesting procedure.** Implementation schedules shall be issued only upon application in writing to the department. Such application shall state in a concise manner the facts to show cause why such schedule should be approved. Any aggrieved person may appeal the department's decision on an application to the pollution control hearings board pursuant to chapter 43.21B RCW.

[Order DE 74-33, § 173-62-050, filed 1/30/75, effective 7/1/75.]

WAC 173-62-060 Enforcement. (1) Measurements shall be made with a sound level meter meeting Type 1, S1A, 2 or S2A requirements as specified in the American National Standards Specifications for Sound Level Meters S1.4-1971 as required under measurement procedures estab-

lished in chapter 204-56 WAC, "procedures for measuring motor vehicle sound levels."

(2) Violation of any in-use motor vehicle noise standard set forth in this chapter shall be a traffic infraction, enforced by such authorities and in such manner as violations of chapter 46.37 RCW.

(3) Law enforcement personnel selected to measure vehicle sound levels shall have received training in the techniques of sound measurement and the operation of sound measuring instruments.

(4) Any enforcement officer who by use of the initial inspection procedures of chapter 204-56 WAC suspects that a motor vehicle may be in violation of the standards of this chapter may require the operator to have the vehicle presented for sound level measurement. Measurements of a motor vehicle may be performed at off-road sites to determine compliance with the in-use standards.

(5) Any operator who fails to comply with the directive to present the vehicle to a sound level measurement test shall be in violation of this chapter.

(6) Any seller, importer, or manufacturer who sells or offers for sale a motor vehicle which violates the standards in WAC 173-62-030 shall be subject to a civil penalty not to exceed one hundred dollars as established in RCW 70.107.050. Every motor vehicle sold or offered for sale shall constitute a separate violation.

[Statutory Authority: Chapter 70.107 RCW. 80-14-041 (Order DE 80-29), § 173-62-060, filed 9/30/80; Order DE 74-33, § 173-62-060, filed 1/30/75, effective 7/1/75.]

WAC 173-62-070 Effective date. This chapter shall become effective July 1, 1975.

[Order DE 74-33, § 173-62-070, filed 1/30/75, effective 7/1/75.]

Chapter 173-80 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 bio-conversion, 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

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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 173-98 WAC

USES AND LIMITATIONS OF THE WATER POLLUTION CONTROL REVOLVING FUND

WAC

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173-98-090	Project priority list and intended use plan process.
173-98-100	State environmental review process.
173-98-110	Repayments of loans.
173-98-120	General provisions.

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 agricultur-

al 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.]

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 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 Intergovernmental 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. Intergovernmental agreements shall further the purposes of this chapter, and shall serve to establish a framework for intergovernmental 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

WAC 173-124-040 Subarea definition. "Quincy ground water subarea" shall mean those lands lying within the Columbia Basin described as follows:

WAC

173-124-010	Background.
173-124-020	Purpose.
173-124-030	Authority.
173-124-040	Subarea definition.
173-124-050	Subarea zone definition.
173-124-060	Subarea map.
173-124-070	Subarea, zone, and unit distinctions.
173-124-080	Regulation review.

Township (North)	Range (East)	Sections
17	23	1 thru 4, 11 and 12
17	24	1 thru 16
17	25	1 thru 18 and 24
17	26	1 thru 24
17	27	1 thru 24
17	28	1 thru 20
17	29	1 thru 12 and 14 thru 18
17	30	*1 thru 8, 12, and that part of 9, 10, 11, 13 and 14 lying to the right of the center line of the east low canal
17	31	*7 and that part of 5, 6, 8, 17 and 18 lying to the right of the center line of the east low canal
18	22	1, 12, and 13
18	23	1 thru 36
18	24	1 thru 36
18	25	1 thru 36
18	26	1 thru 36
18	27	1 thru 36
18	28	1 thru 36
18	29	1 thru 36
18	30	*3 thru 10, 15 thru 24, 26 thru 36 and that part of 2, 11, 13, 14 and 25 lying to the right of the center line of the east low canal
18	31	*That part of 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
19	23	1 thru 5 and 8 thru 17, 20 thru 29 and 31 thru 36
19	24	1 thru 36
19	25	1 thru 36
19	26	1 thru 36
19	27	1 thru 36
19	28	1 thru 36
19	29	*5 thru 8, 17 thru 21, 28 thru 33, and that part of 4, 9, 15, 16, 22, 23, 27, 34, 35 and 36 lying to the right of the center line of the east low canal
19	30	*That part of 28 and 31 thru 35 lying to the right of the center line of the east low canal
20	23	1 thru 5 and 8 thru 17, 20 thru 29 and 32 thru 36
20	24	1 thru 36
20	25	1 thru 36
20	26	1 thru 36
20	27	1 thru 36
20	28	1 thru 36
20	29	*19, 20, 29 thru 32, and that part of 6, 7, 16, 17, 18, 21, 28, and 33 lying to the right of the center line of the east low canal
21	23	25 thru 28 and 32 thru 36
21	24	25 thru 36
21	25	24 thru 36
21	26	1 thru 4, 9 thru 16 and 19 thru 36
21	27	1 thru 36
21	28	*5 thru 9, 13 thru 36 and that part of 3, 4, 9, 10, 11 and 12 lying to the right of the center line of the east low canal
21	29	*That part of 7, 8, 17, 18, 19, 30, and 31 lying to the right of the center line of the east low canal
22	26	2, 10 thru 16, 21 thru 28 and 33 thru 36
22	27	1 thru 4 and 7 thru 36

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.]

22 28 *1 thru 11, 31 and that part of 18, 19, 29,
30, 32, and 33 lying to the right of the
center line of the east low canal
23 27 34 thru 36
23 28 31 thru 36

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

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

WAC 173-124-050 Subarea zone definition. (1)
"Quincy unconsolidated zone" shall mean those rock units in

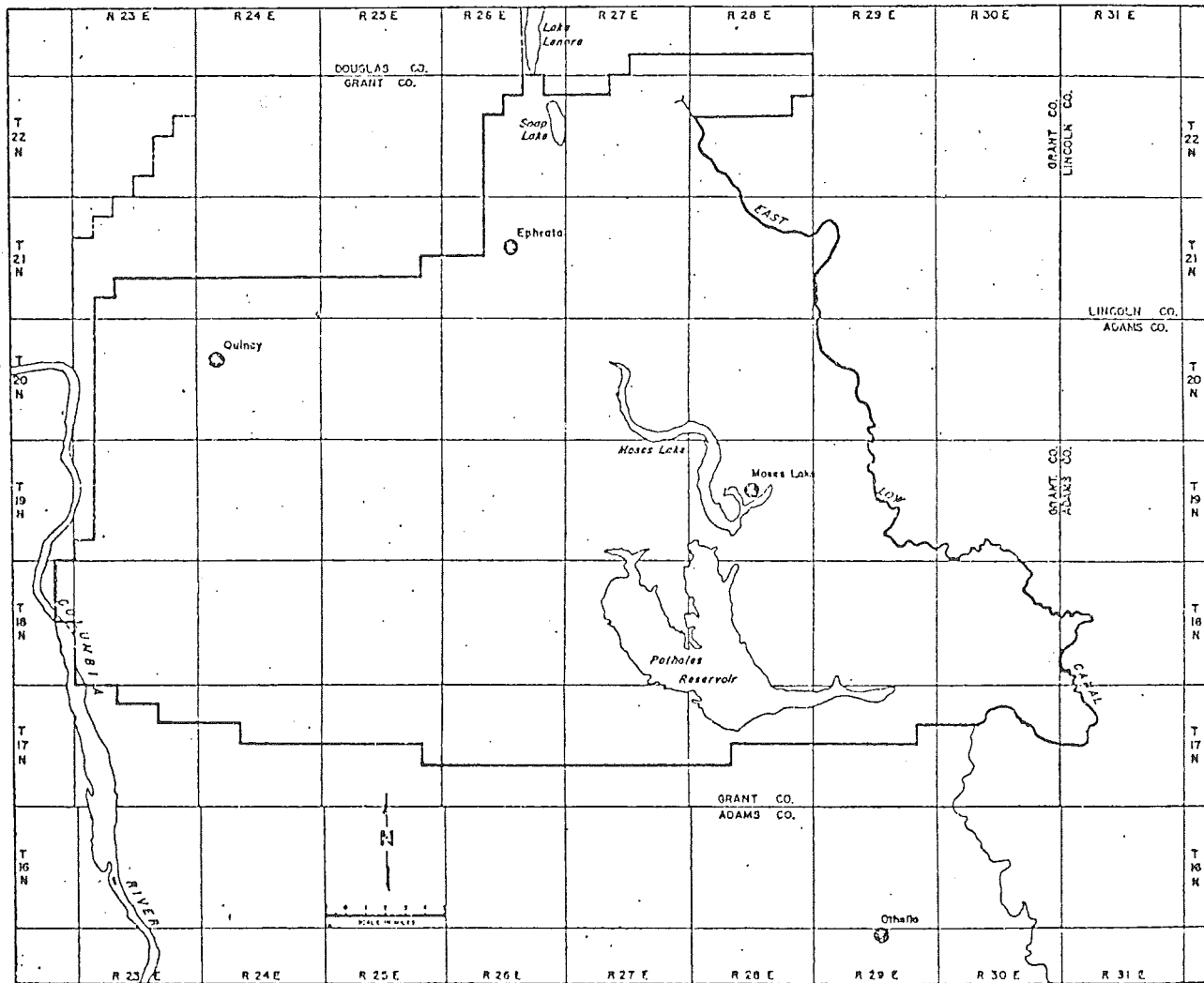
the Quincy ground water subarea lying between ground surface and the top of the uppermost basalt flow.

(2) "Quincy basalt zone" shall mean those rock units in the Quincy ground water subarea consisting of basalt flows of tertiary age.

[Order 72-24, § 173-124-050, filed 1/15/73.]

WAC 173-124-060 Subarea map. "Quincy ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

QUINCY GROUND WATER SUBAREA



[Order 72-24, § 173-124-060, filed 1/15/73.]

WAC 173-124-070 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:

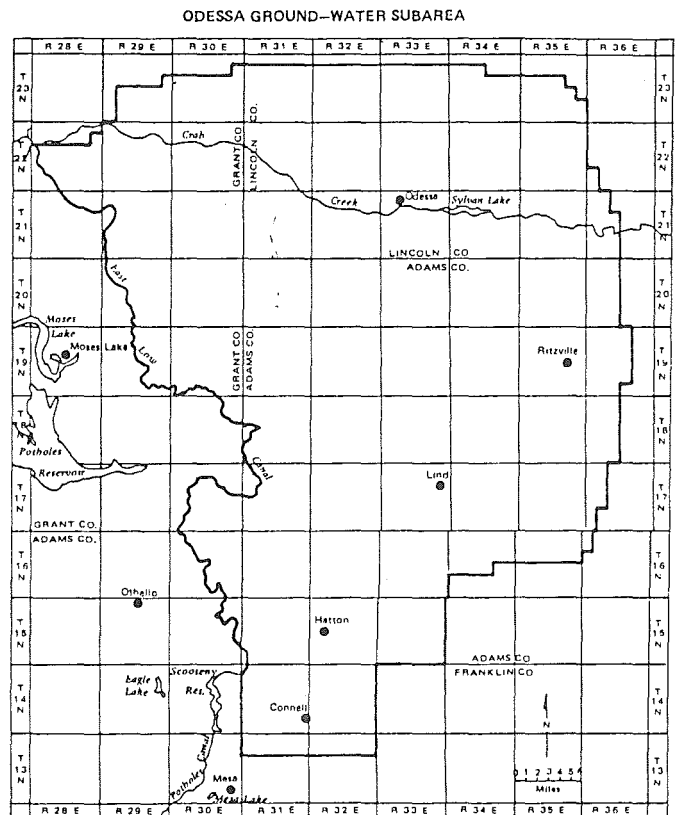
Township (North)	Range (East)	Sections
13	31	1 thru 12
13	32	1 thru 12
14	31	*1 thru 6, 8 thru 17, 19 thru 36, and that part of 7 and 18 lying to the left of the center line of the East Low Canal
14	32	*1 thru 36
15	30	*1, and that part of 2, 11, 12 lying to the left of the center line of the East Low 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
6	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	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
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	22	29	1 thru 36
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	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
18	32	1 thru 36	22	35	1 thru 36
18	33	1 thru 36	22	36	30 and 31
18	34	1 thru 36	23	29	13, 20 thru 29, and 32 thru 36
18	35	1 thru 36	23	30	12 thru 36
18	36	4 thru 9, 16 thru 21, and 28 thru 33	23	31	7 thru 36
			23	32	7 thru 36
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	23	33	7 thru 36
			23	34	7 thru 9 and 13 thru 36
			23	35	15 thru 23 and 25 thru 36
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			

*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 informa-

tion 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.

<u>Twp N</u>	<u>Rge E</u>	<u>Section</u>
17	30	15, 16, 23, 24 and all those portions of 9 through 11, 13 and 14 lying southerly of the East Low Canal.
	31	3, 4, 9 through 11, 14 through 16, 19 through 23, and those portions of 5, 6, 8, and 17 lying easterly of the East Low Canal.
18	30	1, 12, and all those portions of 2, 11, 13 and 14 lying easterly of East Low Canal.
	31	4 through 10, 15, 16, 21, 22, 27 through 29, 32 through 34, and all those portions of 17 through 20, 30 and 31 lying northerly and easterly of the East Low Canal.
19	29	1 through 3, 10 through 14, 24 through 26, and all those portions of 4, 9, 15, 16, 22, 23, 27, and 34 through 36 lying easterly and northerly of the East Low Canal.
	30	19 through 23, 25 through 27, 29, 30, 36, and all those portions of 28, 31 through 35 lying northerly and easterly of the East Low Canal.
	31	30 and 31
20	29	27, 35, and all those portions of 21, 28, 33 and 34 lying easterly of the East Low Canal.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-120, filed 8/4/82.]

WAC 173-130A-130 Irrigation season. The irrigation season for withdrawal of ground water in the Odessa ground water subarea shall be from February 1 to November 30, each year. However, the department recognizes that conditions will vary from year to year, making application of water to the land necessary during December and/or January in some years. Permission to withdraw ground water during December and January may be granted by the department upon showing of a need by individual permit or certificate holders and if not inconsistent with the regulatory program of this chapter.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-130, filed 8/4/82. Formerly WAC 173-130-195.]

WAC 173-130A-140 Airlines. An airline and pressure gauge shall be installed and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the department.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-140, filed 8/4/82.]

WAC 173-130A-150 Water duty. The duty of water issued in permits for agricultural irrigation shall be not more than 2.5 acre feet per acre per calendar year.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-150, filed 8/4/82.]

WAC 173-130A-160 Development schedule. All new permits issued will require beginning of construction of the authorized well(s) within two years after permit issuance. Beginning of construction means that the well drilling has been started and is being actively pursued toward completion. No extensions of time will be granted to this schedule. Violation of this requirement will result in cancellation of the related permits.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-160, filed 8/4/82.]

WAC 173-130A-170 Casing and sealing. In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only be used if approved in writing by the department prior to well completion.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-170, filed 8/4/82.]

WAC 173-130A-180 Reworking wells. Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not be limited to, reaming to enlarge well diameter or deepening.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-180, filed 8/4/82. Formerly WAC 173-130-155.]

WAC 173-130A-190 Bore hole information. It shall be the responsibility of the owner of all new or reworked wells drilled in the Odessa ground water subarea to provide

the department of ecology with such logs as the department may reasonably require.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-190, filed 8/4/82. Formerly WAC 173-130-160.]

WAC 173-130A-200 Acreage expansion program.
(1) Water right certificate holders who wish to expand their authorized irrigated acreage while not increasing actual historic withdrawal rates in gallons per minute or acre feet per year, within the maximum limits of their water right, may submit a request in writing to the department at least four months prior to initiation of irrigation. Such request shall include documentation substantiating actual quantities applied to a beneficial use within authorized acreage for a minimum of the three previous consecutive irrigation seasons. This documentation shall consist of accurate flow meter readings, electrical consumption which has been converted to actual acre footage withdrawn, or any other data acceptable to the department.

(2) The acreage expansion, if authorized, will allow the certificate holder to apply the average of the quantity of water beneficially used during the past three consecutive years to more land.

(3) Where the acreage expansion program is continuous from year to year, the initial documentation of beneficial use of water shall apply to each subsequent year.

(4) New wells will not be permitted to be drilled as part of this program. Every well authorized for use under this program must be equipped with an accurately operating flow meter before acreage expansion can be implemented.

(5) By December 31 of each year, the water user shall submit in writing to the department a statement of the total water used, in acre feet, under the acreage expansion program for the completed irrigation season.

(6) The acreage expansion program will be administered as a temporary change through an annual letter of authorization. No permanent amendment or change in any water right certificate shall be issued as part of this program.

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.]

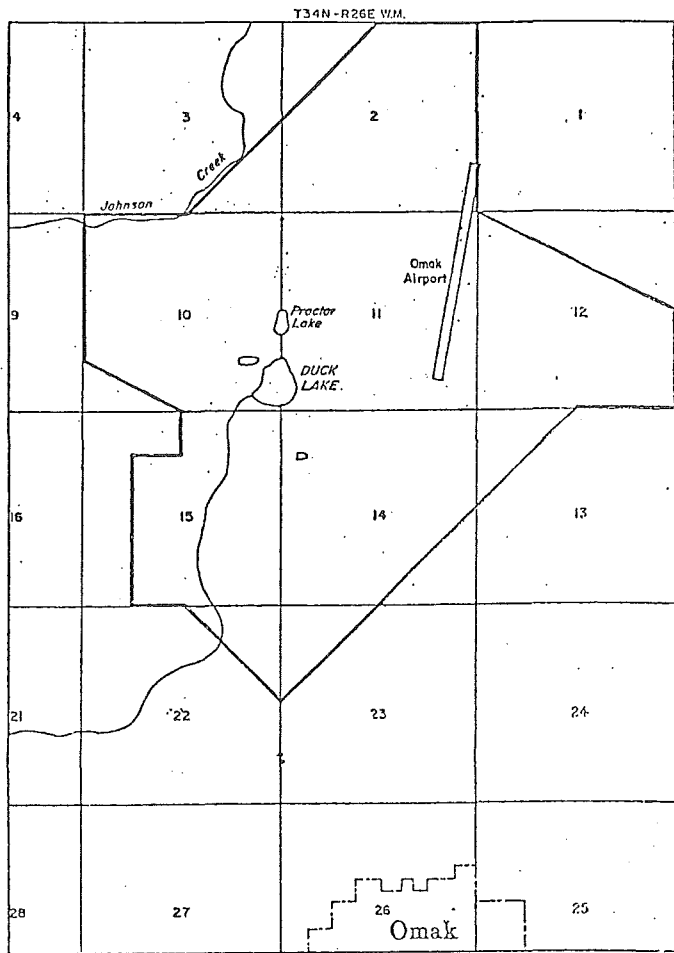
WAC 173-132-040 Subarea definition. "Duck Lake ground water subarea" shall mean those lands lying within Okanogan County described as follows:

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 comingles with naturally occurring public ground waters.

The general pattern of flow of ground water in the shallow management unit is toward Potholes Reservoir, a facility of the Columbia Basin project.

By order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975, declarations of artificially stored waters of the United States Bureau of Reclamation were accepted for the Quincy subarea and zones. There are no other accepted declarations relating to the Quincy subarea and zones.

Based on the best information available to the department in 1983, all waters naturally supplied to the Quincy Basin ground water system have been allocated to permits or certificates under state law. Of the aggregate thus allocated, it appears that because of nonuse, small additional amounts of such water can be appropriated without overdraft.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW. 83-12-060 (Order DE 83-10), § 173-134A-020, filed 6/1/83. Formerly WAC 173-134-030.]

WAC 173-134A-030 Purpose. The purpose of this chapter is to set forth rules of the department of ecology for the administration of all ground waters within the Quincy ground water subarea, including among others, commingled public ground waters and artificially stored ground waters. This chapter replaces chapter 173-134 WAC. The rules established herein set forth the regulatory and management program for these waters and all such waters shall be author-

ized 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 mod-

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

(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 Pot-holes 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.

(2) Prior to issuance of a permit to withdraw artificially stored ground water, the department shall consult with the holder of a declaration accepted by the department pursuant to RCW 90.44.130.

[Order 74-36, § 173-136-040, filed 1/9/75.]

WAC 173-136-050 Public notice of application and public hearings—When required. (1) Public notices of applications filed with the department shall be required by the department only when it appears to the department that the public interest will be served. When a notice is required the applicant shall be responsible for its publication in a form, manner, and frequency as determined by the department unless otherwise specified.

(2) Public hearings on such applications shall be required by the department only when it appears to the department that the public interest will be served.

[Order 74-36, § 173-136-050, filed 1/9/75.]

WAC 173-136-060 Permits—Priorities and conditions of right of withdrawal. Every permit issued pursuant to this chapter shall be:

(1) Conditioned to insure the protection of public interest and values and of the rights of withdrawal and use established in public waters and artificially stored ground waters both prior and subsequent to the issuance of such a permit.

(2) Conditioned to comply with the provisions of the chapter of the Washington Administrative Code containing the water management and regulation regulations for the specific ground water area, subarea, or zone to which the application relates.

(3) Conditioned to provide for inspection, monitoring, entry, and reporting of data by or to the department and the holder of an accepted declaration as required by the department.

(4) Conditioned to provide that a permit shall be subject to termination or modification for failure to comply with any agreement, approved by the department, between the permittee and the holder of a declaration accepted by the department of ecology pursuant to RCW 90.44.130.

(5) Subject to termination or modification, through issuance of supplemental orders of the department, for good cause, including but not limited to:

(a) Violation of a permit condition;

(b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;

(c) The receipt of new facts or information dictate the same.

[Order 74-36, § 173-136-060, filed 1/9/75.]

WAC 173-136-070 Permits do not establish or embody water rights. Permits issued pursuant to this

chapter do not establish or embody water rights as provided in RCW 90.44.050 and 90.44.060.

[Order 74-36, § 173-136-070, filed 1/9/75.]

WAC 173-136-080 Permits shall be transmitted to the holder of a declaration. A copy of each permit issued by the department under this chapter shall be transmitted, at the time of issuance, to the holder of a declaration accepted by the department pursuant to RCW 90.44.130 pertaining to artificially stored ground water.

[Order 74-36, § 173-136-080, filed 1/9/75.]

WAC 173-136-090 Failure to obtain permit—Unlawful. Failure to comply with the provisions of this chapter, including failure to obtain a permit as required herein and violation of a condition of such a permit, shall constitute a basis for the imposition of civil and criminal sanctions contained in applicable state statutes.

[Order 74-36, § 173-136-090, filed 1/9/75.]

WAC 173-136-095 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.
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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 non-emergency 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.]

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 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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173-158-030	Definitions.
173-158-040	Regulatory area.
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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

PART ONE—GENERAL REQUIREMENTS

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PART TWO—WATER SUPPLY WELLS

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173-160-285	Special sealing standards for artesian wells.
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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.
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PART THREE—RESOURCE PROTECTION WELLS

173-160-500	Design and construction—General.
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173-160-520	Design and construction—Casing.
173-160-530	Design and construction—Cleaning.
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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 non-flowing 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 1×10^{-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.

As provided in WAC 173-548-050, no wells shall be constructed for any purposes in subbasins closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval has been obtained from the department prior to beginning well construction.

[Statutory Authority: Chapters 34.05, 90.54, 18.104, 90.03 and 90.44 RCW. 91-23-093 (Order 91-27), § 173-160-040, filed 11/19/91, effective 12/20/91. 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 tremmying 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 ce-

ment 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 75	100	4	6 ID
75 to 150	175	5	8 ID
150 to 300	350	6	10 ID
300 to 500	700	8	12 ID
500 to 800	1000	10	14 OD
800 to 1200	1800	12	16 OD
1200 to 2000	3000	14	20 OD
2000 to 3000	3800	16	24 OD
3000 to 6000	6000	20	30 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 consolidat-

ed 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.

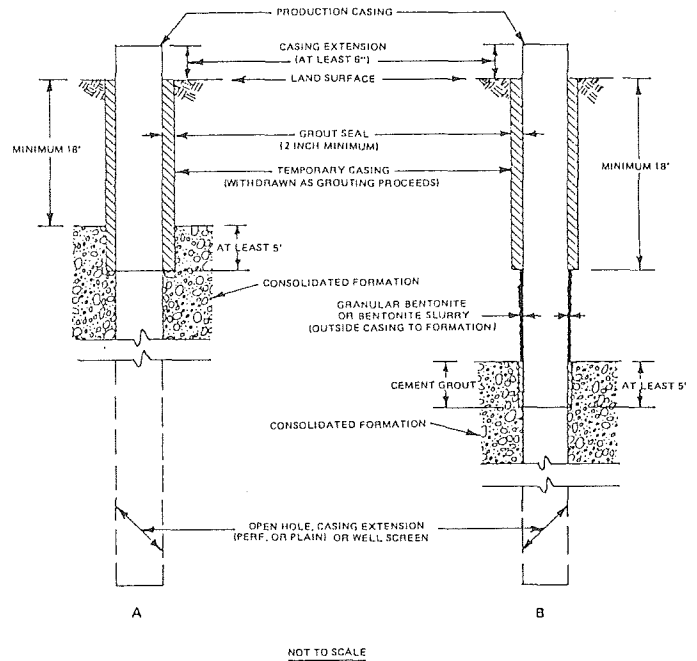


FIGURE 1. SEALING OF CONSOLIDATED FORMATIONS

[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.

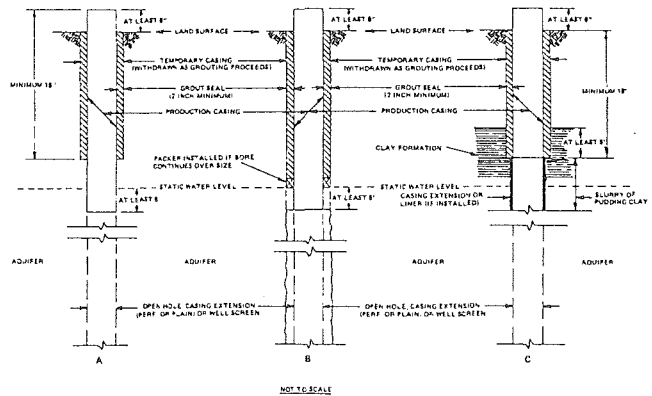


FIGURE 2. SEALING OF UNCONSOLIDATED FORMATIONS

[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 above land surface, with a minimum of six inches of casing projecting above the floor; where the site is subject to flooding, the pumphouse floor must be at least two feet above the estimated water level of a one hundred-year frequency flood. Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by watertight piping to a point at least one foot above the pumphouse floor or cover installed above ground surface. The terminals of these facilities shall be shielded or sealed to prevent entrance of foreign matter or pollutants. A pitless adaptor, or similar device is permitted on domestic wells if made with approved fittings or accepted welding procedures. The connection *must be above static water level*. The pump location must not be subject to flooding.

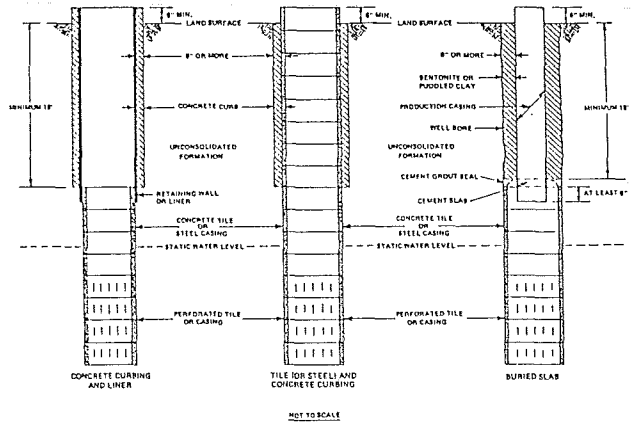


FIGURE 4. SEALING OF DUG WELLS

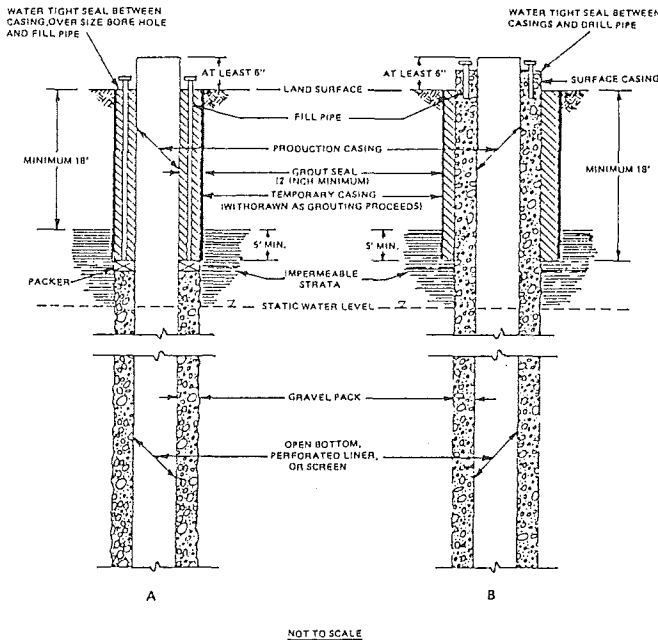


FIGURE 3. SEALING OF GRAVEL-PACKED WELLS

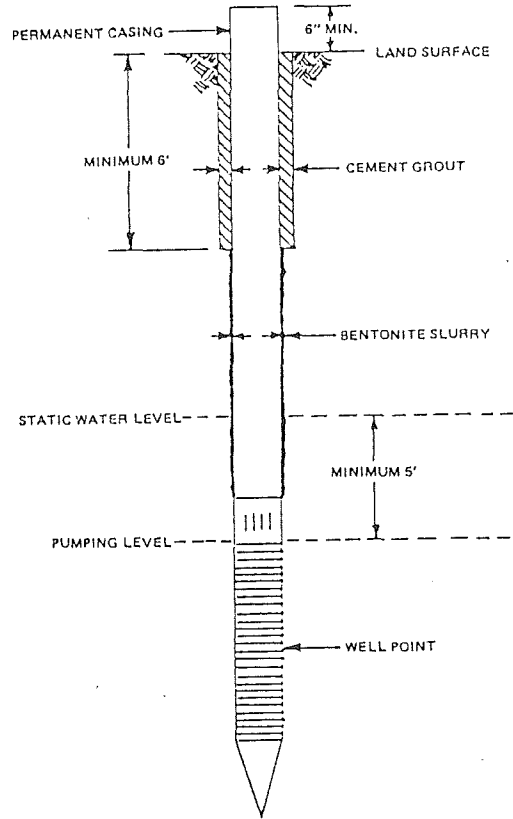


FIGURE 5. SEALING OF DRIVEN AND JETTED WELLS

[Statutory Authority: Chapter 18.104 RCW. 88-08-070 (Order 88-58), § 173-160-335, filed 4/6/88.]

WAC 173-160-345 Testing of well. (1) Well authorized by appropriation permit. Before being put to use, each well shall be pump tested for yield and drawdown and reports submitted as required in chapter 90.44 RCW. The well shall be test pumped at rates equal to or greater than are expected from the well during its normal usage. For public water supply wells, the test pump shall be operated continuously for a minimum of four hours, or longer if required by the department of social and health services. The yield and drawdown shall be determined following at least two hours of stabilized water level observation. Periodic water level observation should be made during drawdown and subsequent recovery periods. Periods of observation shall be more frequent during the onset of drawdown and may decrease in frequency as drawdown or recovery proceeds toward stabilization. A bailer test is not an acceptable substitute for testing wells under permit.

(2) Wells not requiring appropriation permit. Testing of a well not requiring an appropriation permit shall be conducted for a period of at least one hour either by bailer, air lift, or with a pump.

(3) Test data must be reported to the department in the water well report.

[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.

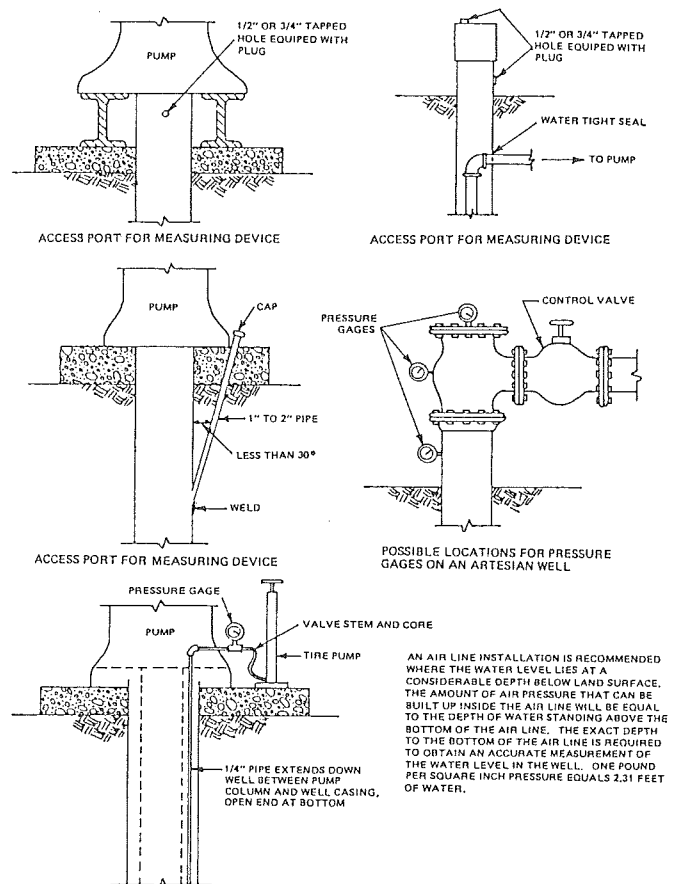


FIGURE 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIRLINES FOR MEASURING WATER LEVELS IN WELLS

[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.

(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.

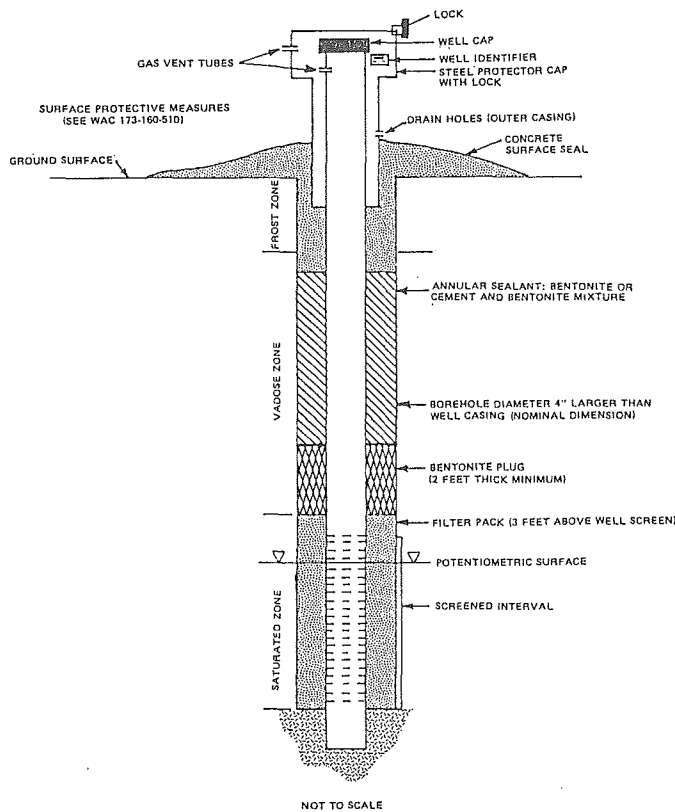


FIGURE 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION

[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 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

- 173-162-010 Purpose.
- 173-162-020 General.
- 173-162-030 Definitions.
- 173-162-040 Compliance—Requirement for licensing.
- 173-162-050 Exemptions.
- 173-162-060 License required—Qualifications for licensing.
- 173-162-070 Applications and fees.
- 173-162-080 Examinations—Time and place.
- 173-162-090 Examinations—Notification of examinations.
- 173-162-100 Examinations—Type of examinations.
- 173-162-120 Examinations—Notification of examination results.
- 173-162-130 Licenses—General.
- 173-162-140 Licenses—Unconditional license.
- 173-162-170 Retaking examination.
- 173-162-190 Well contractors—Responsibilities.
- 173-162-200 Enforcement.
- 173-162-210 Appeals.
- 173-162-220 Regulation review.

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.

[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.]

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 173-166 WAC EMERGENCY DROUGHT RELIEF

WAC

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173-166-140 Regulation review.

WAC 173-166-010 Purpose. The legislature in 1989 gave permanent drought relief authority to the department of ecology and enabled ecology to issue orders declaring drought emergencies. Chapter 171, Laws of 1989 amends chapter 43.83B RCW (Water supply facilities).

(1) Chapter 171, Laws of 1989 authorizes the Washington state department of ecology (ecology) to assist in alleviating future drought conditions throughout the state, and sets forth the criteria and procedures for implementing the 1989 drought relief legislation.

(2) Ecology has authority under chapter 171, Laws of 1989 to:

(a) Issue emergency permits to withdraw public waters as an alternate source of water supply.

(b) Approve water right transfers between willing parties.

(c) Provide funding assistance for eligible drought projects and measures.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-010, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-010, filed 3/10/78.]

WAC 173-166-020 Authority. This regulation is promulgated by the department of ecology under authorities and procedures provided in chapter 171, Laws of 1989 after notification as provided in chapter 34.05 RCW.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-020, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-020, filed 3/10/78.]

WAC 173-166-030 Definitions. As used in this chapter:

(1) "Ecology" is the department of ecology.

(2) "Drought conditions" are water supply conditions where a geographical area or a significant part of a geographical area is receiving, or is projected to receive, less than seventy-five percent of normal water supply as the result of natural conditions and the deficiency causes, or is expected to cause, undue hardship to water users within that area.

(3) "Essential minimum" for the fisheries resource is:

(a) That amount of water or flow rate established as a regulation adopted by ecology pursuant to RCW 90.22.020 or 90.54.050;

(b) That amount of water or flow placed as a proviso on a water right permit or certificate; or

(c) That amount of water or flow established on an interim basis to assure the maintenance of fisheries requirements. Such a determination will be made by ecology, in consultation with, among others, the departments of fisheries and wildlife, any concerned federal agencies and affected Indian tribes.

(4) "Executive water emergency committee (EWEC)" is a committee, chaired by the governor's office, including members of state, local, and federal agencies which reviews water supply information provided by the water supply availability committee and determines potential effects of water shortages upon the state of Washington. Affected Indian tribes will be invited to participate.

(5) "Geographical area" is an area within the state of Washington which can be described either by natural or political boundaries and which can be specifically identified in an order declaring a drought emergency. Examples of specific geographical areas include, but are not limited to:

(a) The state of Washington.

(b) Counties.

(c) Water resource inventory areas (WRIAs) as defined in chapter 173-500 WAC.

(d) Individual watersheds which constitute only a portion of a WRIA but whose boundaries can be topographically described.

(e) Ground water management areas and subareas as defined in chapter 173-100 WAC.

(f) Designated sole source aquifers.

(g) Combinations of the above areas.

(6) "Normal water supply" is:

(a) For the purpose of the determination of drought conditions, the average amount of water available to a geographical area on an annual basis, based upon evaluation of precipitation, streamflow, snowpack and other hydrological and meteorological factors.

(b) For the purpose of eligibility for drought assistance:

(i) That amount of water put to beneficial use during the irrigation season for the irrigation of one or more crops, using reasonably efficient practices, including reasonable conveyance losses, under a valid water right permit or certificate, or a supported registered water right claim; or

(ii) That amount or flow of water required for normal operations of fish hatchery or fish passage facilities. Such facilities, where required by law, must be operating under a valid water right permit or certificate, or under a supported registered water right claim; or

(iii) The median amount or flow of water that is historically required to provide normal instream habitat conditions for the existing fishery population.

(7) "Previously established activities" include:

(a) The irrigation of a specified number of acres, using reasonably efficient practices, under a valid water right permit or certificate, or a supported registered water right claim.

(b) Those fish-management activities presently employed to maintain the fisheries resource. The resource itself must neither be restored nor enhanced by drought relief actions available under the provisions of this chapter.

(c) The delivery of water by public and private entities through existing supply systems to present populations, areas, and/or facilities for purposes that are nonagricultural and nonfishery related.

(8) "Reasonably efficient practices" are those practices including, but not limited to, methods of conveyance, use, and disposal of water which are reasonable and appropriate under the circumstances to bring about water use efficiency as determined by an area-specific application of criteria identified by ecology, which may include, among others:

(a) Customary practices in the area;

(b) Reasonableness of any facilities at the time of installation;

(c) Cost of improvements and impacts of the costs of upgrading facilities on the continued use of water by an appropriator;

(d) Changes in water use practices and technology; and
(e) Impact of alternative water use practices on other water uses and the environment.

(9) "Supported registered water right claim" is a registered water right claim which includes sufficient evidence to satisfy ecology that a valid water right would be confirmed should the claim be adjudicated. Applications made for emergency drought permits, water transfers, or funding assistance under this chapter must incorporate, either by reference or inclusion, necessary information to enable ecology to make an informed determination with respect to the claim. Such information may include, but is not limited to:

(a) Documentation of continuous historical exercise of the claimed right;

(b) Historical maps depicting the historical means of irrigation and the areas covered by the claimed right;

(c) Legal documentation, including any previous court or administrative board decisions, which addresses the historical nature and extent of the claimed right;

(d) "Old-timer" testimony which addresses the historical nature and extent of the claimed right.

(10) "Water supply availability committee (WSAC)" is a committee, with a core membership consisting of ecology, the National Weather Service, the Soil Conservation Service, the U.S. Geological Survey, the U.S. Bureau of Reclamation, and other federal agencies involved in water supply forecasting, which reviews pertinent hydrological and meteorological information and assesses water supply conditions for the state of Washington.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-030, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-030, filed 3/10/78.]

WAC 173-166-040 General eligibility rule. (1)

Applications for emergency drought permits, water transfers, or funding assistance made under this chapter will be processed only for previously established activities in a geographical area or part of a geographical area declared to be suffering from drought conditions. Where required by law, such activities must be conducted under a valid water right permit, certificate, or supported registered water right claim.

(2) Applications will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply for the previously established activity and experiencing undue hardship as a result.

(3) All permits and approvals issued under this chapter will be subject to existing rights.

(4) Water obtained through the issuance of temporary permits, water right transfers, and/or funding assistance for projects or measures must be put to beneficial use in lieu of water which is unavailable because of drought conditions.

(5) All permits and approvals issued under this chapter will be of a temporary nature and will contain an expiration date.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-040, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-040, filed 3/10/78.]

WAC 173-166-050 Forecast of drought conditions.

(1) Whenever it appears to the department of ecology that

drought conditions as defined in WAC 173-166-030(2) either exist or are forecast to occur, ecology will consult with the state's water supply availability committee or its successor. Other appropriate sources of water supply information, such as the Columbia River water management group and the U.S. Army Corps of Engineers, may be consulted by the WSAC as needed.

(2) Should the water supply availability committee determine that a geographical area or a part of a geographical area is receiving, or is likely to receive, seventy-five percent or less of its normal water supply, it will advise the executive water emergency committee and the Indian tribes within the area of that fact. The executive water emergency committee will then make a determination as to whether or not undue hardships will occur as a result of the shortage.

(3) Should the executive water emergency committee determine that an area will suffer undue hardship as a result of a reduced water supply, it will submit a recommendation to that effect to the governor for written approval. Affected Indian tribes will be notified at the time such a recommendation is submitted.

(4) Upon securing the written approval of the governor, ecology will then issue an order declaring a geographical area or a significant part of a geographical area to be suffering from drought conditions and publish that order in a newspaper of general circulation in the area affected by the order.

(5) The determination of drought conditions will be based upon the updated seasonal forecast as applied to the water supply conditions within the designated geographical area or part of a designated geographical area.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-050, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-050, filed 3/10/78.]

WAC 173-166-060 Orders declaring drought conditions. (1) If the department of ecology determines that a geographical area or part of a geographical area is suffering from drought conditions, it may, upon the advice of the water supply availability committee, with the concurrence of the executive water emergency committee, and the written approval of the governor, issue an order to that effect.

(2) The order declaring drought conditions for a geographical area or part of a geographical area must contain the following elements:

(a) A description of the geographical area or part of a geographical area which is being so designated.

(b) The facts leading to the issuance of the order.

(c) The statutory authority upon which the order is being issued.

(d) The commencement date and termination date of the order. The termination date may be no later than one calendar year from the date the order is issued.

(e) Brief descriptions of the actions which are possible under the order.

(f) Provisions for the termination of withdrawals if essential minimum flows are jeopardized.

(3) Ecology must publish the order declaring a geographical area or a part of a geographical area to be suffering from drought conditions in a newspaper of general circulation in the area affected by the order.

(4) Persons may file written protest as to the contents of the order with ecology. Ecology will have fifteen calendar days from the date of receipt of the protest in which to make a determination as to its validity, using the procedure specified in WAC 173-166-050.

(5) A person who believes that an area should be declared to be suffering from drought conditions may petition ecology for such a declaration. Upon the receipt of such a petition, ecology will have fifteen calendar days from the date of receipt of the petition in which to make a determination as to its validity, using the procedure specified in WAC 173-166-050, and provide a decision to the applicant. The petition should contain the following information:

(a) A description of the geographical area or part of a geographical area which is being requested for designation.

(b) The nature of the relief sought in requesting such a designation.

(c) The facts upon which the petition is based.

(6) Orders declaring areas to be suffering from drought conditions may, with the written approval of the governor, be amended one or more times to change the termination date, provided that the termination date of the order, as amended, is no more than two calendar years from the date the order is first issued.

(7) Orders declaring areas to be suffering from drought conditions may be issued for different areas of the state and sequentially for the same area if drought conditions persist.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-060, filed 1/17/91, effective 2/17/91. Statutory Authority: 1977 c 339 § 75. 78-04-019 (Order 78-3), § 173-166-060, filed 3/10/78.]

WAC 173-166-070 Emergency drought permits. Ecology may allow water users to obtain water from alternate sources during drought conditions. To accomplish this, ecology may issue emergency drought permits authorizing withdrawals of ground water and surface water, including dead storage in reservoirs. Permits will be processed under the following criteria:

(1) Applicants must be conducting a previously established activity within a geographical area or part of a geographical area declared to be suffering from drought conditions.

(2) An application will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity and experiencing, or is expected to experience, undue hardship as a result.

(3) Ecology, plus all state and local agencies with authority to issue permits or other authorizations in connection with emergency actions authorized under the provisions of this chapter, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant. Agencies with authority to review applications for emergency drought permits, such as under RCW 75.20.050, and affected Indian tribes will have fifteen calendar days from the date ecology receives the application in which to provide ecology with an opinion as to any effects of the proposed withdrawal.

(4) Waters authorized to be withdrawn must be used in relation to a previously established activity as defined in this

chapter. The permit must not cover irrigation of new lands, restoration or enhancement of the fisheries resource, or a water supply in addition to the normal amount used in the past by individuals, private entities, or public bodies.

(5) Waters to be withdrawn must constitute an alternate (supplemental) water supply to the user's normal source of water.

(6) The withdrawal must not reduce flows or levels below essential minimums necessary to assure the maintenance of fisheries requirements and to protect federal and state interests including, but not limited to, power generation, navigation, water quality, and existing water rights.

(7) Emergency drought permits issued under this chapter will be temporary in nature and must expire no later than the expiration date of the order declaring the area in which the permitted activity is authorized to be suffering from drought conditions.

(8) Priority will be given to domestic and irrigation uses of water for any emergency withdrawals authorized under this chapter.

(9) Emergency drought permits issued under this chapter must contain provisions for termination should the withdrawal reduce flows or levels below essential minimums as defined in this chapter.

(10) To expedite the issuance of emergency drought permits, ecology is authorized to process the applications and issue the permits without compliance with requirements for:

(a) Notice of newspaper publication.

(b) The State Environmental Policy Act.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-070, filed 1/17/91, effective 2/17/91. Statutory Authority: Chapters 43.83B and 43.27A RCW. 88-13-037 (Order 88-11), § 173-166-070, filed 6/9/88.]

WAC 173-166-080 Temporary transfers of water rights. (1) Ecology may approve emergency water right changes in order to effect a transfer of water between willing parties. Water right changes can include purpose of use, place of use, and point of diversion.

(2) Examples of possible water right transfers include, but are not limited to, the following situations:

(a) A water right holder may choose to reduce irrigated acreage and transfer the unused water to another water right holder whose normal water supply is decreased by drought conditions. The acreage irrigated with transferred water on the second parcel may not exceed the acreage reduction on the first parcel.

(b) A water right holder may transfer a water right from an out-of-stream use to an instream use.

(c) Municipalities or other public bodies may transfer water between one another.

(3) Requests for water right transfers will be processed under the following criteria:

(a) Applicants must be conducting a previously established activity within a geographical area or part of a geographical area declared to be suffering from drought conditions.

(b) An application for a water right transfer will be processed if the recipient water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the

previously established activity and experiencing, or is expected to experience, undue hardship as a result.

(c) All approvals by ecology for water right transfers under this chapter will be temporary in nature and will be for the purpose of alleviating drought conditions. These approvals must terminate no later than the expiration date of the order which declares the area to be suffering from drought conditions.

(d) Water right transfers between willing parties may be approved when an emergency exists only if such a transfer will not affect existing rights whatsoever, or reduce flows or levels below essential minimums, or adversely affect federal and state interests including, but not limited to, power generation, navigation, and water quality.

(e) Water rights may be transferred within areas declared to be suffering from drought conditions. Water rights may also be transferred from outside an area declared to be suffering from drought conditions into an area declared to be suffering from drought conditions, provided such a transfer of water is physically possible and is consistent with the provisions of RCW 90.03.380, 90.03.390, and 90.44.100. Water rights will not be transferred from within an area declared to be suffering from drought conditions to outside that area.

(f) To expedite water transfers during drought conditions, ecology can approve temporary changes in water rights without compliance with requirements for:

(i) Notice of newspaper publication.

(ii) The State Environmental Policy Act.

(g) In those cases where temporary water transfers require court approval while general adjudication proceedings are ongoing, ecology will assist the court in coordination, maintaining communications, and providing technical assistance when requested.

(h) The temporary changing of a water right under this chapter will not be admissible as evidence in either supporting or contesting the validity of water claims in a general adjudication of water rights in the state of Washington.

(i) Ecology, plus all state and local agencies with authority to issue permits or other authorizations in connection with emergency actions authorized under the provisions of this chapter, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant. Agencies with authority to review applications for temporary water right transfers, such as under RCW 75.20.050, and affected Indian tribes will have fifteen calendar days from the date ecology receives the application in which to provide ecology with an opinion as to any effects of the proposed transfer.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-080, filed 1/17/91, effective 2/17/91.]

WAC 173-166-090 Funding assistance—General criteria. Ecology may provide funding assistance to public bodies for projects and measures designed to alleviate drought conditions relating to agricultural and fisheries survival. Funding is available from emergency agricultural water supply funds under RCW 43.83B.300. Funding assistance will be based upon the total funds available at the beginning of the current biennium. General criteria under which funds will be provided:

(1) Public bodies eligible to receive emergency funds are defined in RCW 43.83B.050 as ". . . the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, 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."

(2) The public body applying for emergency funds must be conducting the previously established activity for which they seek funding assistance within an area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(3) The public body applying for emergency funds must be receiving, or be projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity for which they seek funding assistance and experiencing, or be expected to experience, undue hardship as a result.

(4) Funding assistance will be for planning, acquisition, construction, rehabilitation, and improvement of water supply facilities and for other appropriate measures to assure the survival of irrigated agriculture and the state's fisheries resource.

(5) Funding assistance will be available only for projects or measures undertaken in response to drought conditions which are beyond the normal scope of operations of the public body applying for emergency funds.

(6) No more than ten percent of total available funds will be allocated for nonagricultural drought relief purposes, including the preservation of the state's fisheries during a given biennium.

(7) Funding assistance may be in the form of a loan or a grant or a combination loan and grant.

(8) Loans, grants, or combination loans and grants may be used as matching funds in cases where federal, local, or other funds are also available.

(9) Emergency loans may be approved with a payback period not to exceed fifteen years, with the interest rate to be equal to the final discount rate established for one year U.S. Treasury Bills at the first auction following the beginning of the state fiscal year in which the loan is approved.

(10) Ecology, plus all state and local agencies that are affected by the proposed project or measure, in keeping with the emergency nature of these provisions, will process the respective application(s) and provide a decision(s) to the applicant in an expeditious manner.

(11) To expedite the implementation of drought relief projects and measures, ecology can approve funding assistance without compliance with requirements for:

- (a) Notice of publication.
- (b) The State Environmental Policy Act.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-090, filed 1/17/91, effective 2/17/91.]

WAC 173-166-100 Funding assistance—Agricultural criteria. (1) Funding assistance to alleviate drought conditions in irrigated agriculture will be provided under the following formula:

(a) No single entity will receive more than ten percent of the total funds available for drought relief.

(b) A loan may be made for up to ninety percent of total eligible project costs.

(c) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(d) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is within a geographical area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(e) The grant or grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(f) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (e) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(g) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(2) Eligibility conditions for each proposed agricultural project or measure are:

(a) The proposed project or measure must be within an area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(b) The public body applying for emergency funds must be receiving, or be projected to receive, less than seventy-five percent of normal water supply and experiencing, or be expected to experience, undue hardship as a result for the previously established activity for which they seek funding assistance.

(c) The proposed project or measure must be for a beneficial use involving a previously established activity or purpose.

(d) The proposed project or measure must assist in alleviating a water shortage.

(e) The public body receiving the loan must satisfy ecology as to its ability to repay the loan and complete the project or measure.

(f) Water derived from the project or measure must be put to beneficial use as a substitute for water not available because of a drought.

(g) Water derived from the project or measure must not be used to irrigate new lands.

(h) The proposed project or measure must not adversely affect existing rights, including both instream and out-of-stream rights.

(i) All required permits and approvals for the proposed project or measure must be obtained by the applicant prior to a loan or grant agreement being signed.

(3) Eligible projects that may be funded for drought relief of irrigated agriculture include, but are not limited to:

(a) Pumps and accessories.

(b) Discharge lines.

- (c) Pipelines.
- (d) Canals and laterals with control structures.
- (e) Liners for leaky pipes and canals.
- (f) Diversion structures.
- (g) Reregulating reservoirs.
- (h) Measuring devices.
- (i) Wells with pumps and accessories.

(4) Eligible measures that may be funded include the means for implementing water conservation procedures, acquiring alternate water sources, or transferring water rights, provided that the proposed measure represents an additional cost to the applicant as the result of drought conditions, and not as a substitute for normal water supply costs.

(a) Types of eligible measures for implementing water conservation procedures include, but are not limited to:

(i) Irrigation scheduling programs and activities, including the necessary personnel to accomplish such activities.

(ii) Education programs.

(b) Types of eligible measures for acquiring alternate water sources or transferring water rights include, but are not limited to:

(i) Water leasing fees.

(ii) Repair costs.

(iii) Power costs.

(5) Priority will be given to those proposed agricultural projects and measures which:

(a) Need additional water supplies. Need will be measured by:

(i) The short-term and long-term effects that the water shortage would have on the applicant's crops in the absence of drought relief;

(ii) The capability and reliability of the proposed project or measure to provide an emergency water supply to the applicant;

(iii) The percent of water shortage expected for each applicant.

(b) Are the most effective in achieving long-term reductions (conservation) in water requirements and/or more efficient use of available supplies.

(c) Present no, or minimal, overall environmental impacts, including any detrimental effects to wetlands. Any such impacts should be identified to the best extent possible by the applicant at the time of application.

(6) Preference will be given to those public bodies implementing water conservation plans, water system efficiency improvements, and other drought contingency actions in addition to the funding assistance applied for under this chapter.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-100, filed 1/17/91, effective 2/17/91.]

WAC 173-166-110 Funding assistance—Fisheries criteria. (1) Ecology may provide funding assistance to alleviate drought conditions affecting the state's fisheries resource provided that no other capital budget funds are available for these purposes at the date of application, as verified by the office of financial management. Funding assistance will be based upon the following formula:

(a) A loan may be made for up to ninety percent of total eligible project costs.

(b) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(c) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is within a geographical area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(d) The grant or the grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(e) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (d) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(f) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(g) No more than ten percent of total funds available at the beginning of the current biennium will be allocated for nonagricultural drought relief purposes, including the preservation of the state's fisheries, during that biennium.

(2) Eligibility conditions for each proposed fisheries project are:

(a) The project lies within a geographic area declared to be suffering from drought conditions.

(b) The proposed project must assist in alleviating the water shortage.

(c) Water from the proposed project must be put to beneficial use as a substitute for water not available because of the drought.

(d) Water derived from projects that are provided funding assistance must not be used to restore or enhance the fisheries resource.

(3) Eligible projects that may be funded for the protection of fish culture at hatcheries from drought conditions include, but are not limited to:

(a) Purchase and installation of water-reuse pumps.

(b) Modifying hatchery outlet structures.

(c) Modifying stream channels adjacent to a hatchery to assure passage to the holding pond.

(d) Provision and maintenance of oxygen levels in off-site holding ponds by purchase and installation of bottle gas (using air stones), or oxygen generation systems, or mechanical aeration.

(4) Eligible projects that may be funded to protect instream fish habitat from drought conditions include, but are not limited to:

(a) Augmentation of instream flows through transfers of diversionary surface and ground water rights.

(b) Augmentation of instream flows through temporary withdrawals of ground waters.

(c) Stream channel modification such as trenching, sandbagging, or berming to protect spawning gravels.

(5) Eligible projects that may be funded to optimize fish survival during drought conditions include, but are not limited to:

(a) Capture and relocation of stranded fish.

(b) Stream channel modification such as trenching, sandbagging, or berming to provide migratory channels for fish passage.

(6) The departments of fisheries and wildlife, plus any potentially affected Indian tribes, will be consulted to verify eligibility, needs, and nature of all proposed fisheries projects and measures.

(7) Preference will be given to those public bodies implementing water conservation plans, water system efficiency improvements, and other drought contingency actions in addition to the funding assistance applied for under this chapter.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-110, filed 1/17/91, effective 2/17/91.]

WAC 173-166-120 Requests for drought relief—Contacts—Applications. (1) Information regarding implementation of this chapter, and applications for emergency drought permits, water right transfers, and/or funding assistance can be obtained from the ecology headquarters office, water resources program, or from any of the four ecology regional offices. Ecology regional offices are located in Redmond, Spokane, Tumwater, and Yakima.

(2) Copies of statutes and regulations cited in this chapter may be obtained from the ecology headquarters office in Olympia.

(3) Ecology actions pertaining to the determination of which areas are suffering from drought conditions, the issuance of orders declaring areas to be suffering from drought conditions, plus any actions concerning protests of such declarations or petitions for consideration for such a designation will be conducted by the ecology headquarters office, water resources program.

(4) Ecology actions pertaining to emergency drought permits and water right transfers will be conducted by the appropriate ecology regional office.

(5) The ecology headquarters office, water resources program, will administer funding assistance and manage the drought relief program in accordance with the provisions of this chapter.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-120, filed 1/17/91, effective 2/17/91.]

WAC 173-166-130 Appeals. All final written decisions of the department of ecology made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with the provisions of chapter 43.21B RCW.

[Statutory Authority: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-130, filed 1/17/91, effective 2/17/91.]

WAC 173-166-140 Regulation review. The department of ecology will 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: RCW 43.83B.420. 91-03-081 (Order 90-53), § 173-166-140, filed 1/17/91, effective 2/17/91.]

Chapter 173-170 WAC

AGRICULTURAL WATER SUPPLY FACILITIES

WAC

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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 noncommercial 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-feet 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 compre-

hensive 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 173-175 WAC
DAM SAFETY**

WAC

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- 173-175-100 Construction permit.
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- 173-175-350 Authority for construction permit fees.
- 173-175-360 Construction permit fees for new project construction.
- 173-175-370 Construction permit fees for modifications of existing dams.
- 173-175-380 Maintenance.
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- 173-175-500 Operation and maintenance.
- 173-175-510 Inspection.
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- 173-175-600 Right of entry.
- 173-175-610 Emergencies.
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FERC LICENSED PROJECTS AND FERC EXEMPTED PROJECTS**

- 173-175-700 Applicability to projects licensed or exempted by the Federal Energy Regulatory Commission (FERC).
- 173-175-710 Coordination between the department and the Federal Energy Regulatory Commission (FERC).
- 173-175-720 Construction or modification of FERC licensed projects and FERC exempted projects.
- 173-175-730 Construction permit fee for FERC licensed projects and FERC exempted projects.
- 173-175-740 Construction inspection of FERC licensed projects and FERC exempted projects.
- 173-175-750 Construction records reporting for FERC licensed projects and FERC exempted projects.
- 173-175-760 Exceptions to construction permit for FERC licensed projects and FERC exempted projects.
- 173-175-770 Operation of FERC licensed projects and FERC exempted projects.
- 173-175-780 Periodic inspection of FERC licensed projects and FERC exempted projects.
- 173-175-790 Emergency action plans for FERC licensed projects and FERC exempted projects.
- 173-175-800 Right of entry at FERC licensed projects and FERC exempted projects.
- 173-175-810 Enforcement at FERC licensed projects and FERC exempted projects.
- 173-175-820 Appeals for FERC licensed projects and FERC exempted projects.

**PART ONE
GENERAL**

WAC 173-175-010 Purpose and authority. These regulations provide for the comprehensive regulation and supervision of dams in order to reasonably secure safety to life and property pursuant to chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW. The purposes of these regulations are to:

- (1) Designate the types of dams to which these regulations are applicable;
- (2) Provide for the design, construction, operation, maintenance, and supervision of dams in a manner consistent with accepted engineering practice;
- (3) Establish and administer a program for permitting of construction work for new dams and for modifications of existing dams;

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 173-175 WAC
DAM SAFETY**

WAC

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- 173-175-350 Authority for construction permit fees.
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- 173-175-510 Inspection.
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- 173-175-790 Emergency action plans for FERC licensed projects and FERC exempted projects.
- 173-175-800 Right of entry at FERC licensed projects and FERC exempted projects.
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**PART ONE
GENERAL**

WAC 173-175-010 Purpose and authority. These regulations provide for the comprehensive regulation and supervision of dams in order to reasonably secure safety to life and property pursuant to chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW. The purposes of these regulations are to:

- (1) Designate the types of dams to which these regulations are applicable;
- (2) Provide for the design, construction, operation, maintenance, and supervision of dams in a manner consistent with accepted engineering practice;
- (3) Establish and administer a program for permitting of construction work for new dams and for modifications of existing dams;

(4) Establish a fee schedule based on dam size that will reflect the actual cost to the department of engineering review of plans and specifications and for construction inspections;

(5) Establish the requirements and owner responsibilities for developing and executing plans for operation and maintenance, owner inspection and emergency actions; and

(6) Encourage owners to establish a program for the periodic inspection of their projects.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-010, filed 6/1/92, effective 7/2/92.]

WAC 173-175-020 Applicability. (1) These regulations are applicable to dams which can impound a volume of ten acre-feet or more of water as measured at the dam crest elevation. The ten acre-feet threshold applies to dams which can impound water on either an intermittent or permanent basis. Only water that can be stored above natural ground level and which could be released by a failure of the dam is considered in assessing the storage volume.

The ten acre-feet threshold applies to any dam which can impound water of any quality, or which contains any substance in combination with sufficient water to exist in a liquid or slurry state at the time of initial containment.

(2) For a dam whose dam height is six feet or less and which meets the conditions of subsection (1) of this section, the department may elect to exempt the dam from these regulations.

The decision by the department to exempt a dam will be made on a case-by-case basis for those dams whose failure is not judged to pose a risk to life and minimal property damage would be expected (downstream hazard class 3).

(3) These regulations do not apply to dams that are, or will be, owned, by an agency of the federal government which has oversight on operation and maintenance and has its own dam safety program for periodic inspection of completed projects. The department will continue to be the state repository for pertinent plans, reports, and other documents related to the safety of federally owned dams.

(4) These regulations do not apply to transportation facilities such as roads, highways, or rail lines which cross watercourses and exist solely for transportation purposes and which are regulated by other governmental agencies.

Those transportation facilities which cross watercourses and which have been, or will be, modified with the intention of impounding water on an intermittent or permanent basis and which meet the conditions of subsection (1) of this section shall be subject to these regulations.

(5) These regulations do not apply to dikes or levees constructed adjacent to or along a watercourse for protection from natural flooding or for purposes of floodplain management.

(6) These regulations do not apply to concrete or steel water storage tanks.

(7) Applicability of these regulations to FERC licensed projects and to FERC exempted projects is described in Part Six of this chapter.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-020, filed 12/16/92, effective 1/16/93; 92-12-055 (Order 91-17), § 173-175-020, filed 6/1/92, effective 7/2/92.]

WAC 173-175-030 Definitions. As used in this chapter:

"Acceptance" means acceptance by the department that the proposed plan(s) will satisfactorily address issues associated with proper operation, maintenance, inspection, or emergency action.

"Approval" means approval by the department that the proposed design, and plans and specifications conform to accepted engineering practice and department guidelines.

"Appurtenant works" means such structures as outlet works and associated gates and valves; water conveyance structures such as spillways, channels, fish ladders, tunnels, pipelines, or penstocks; powerhouse sections; and navigation locks, either in the dam or adjacent thereto.

"Authorization" means written acknowledgement from the department to proceed with proposed actions.

"Construction change order" means a revision to the department approved plans and specifications that is initiated during construction.

"Construction permit" means the permit which authorizes construction and that the project's plans and specifications and construction inspection plan have been reviewed and approved by the department.

"Construction permit process" means the sequence of activities specified in WAC 173-175-110 inclusive, beginning with the application for construction permit and ending with the submission of a report summarizing construction records.

"Crest length" means the total horizontal distance measured along the axis of the dam, at the elevation of the top of the dam, between abutments or ends of the dam. Where applicable, this includes the spillway, powerhouse sections, and navigation locks, where they form a continuous part of the impounding structure.

"Critical project element" means an element of a project whose failure could result in the uncontrolled release of the reservoir.

"Dam" means any artificial barrier and/or any controlling works, together with appurtenant works that can or does impound or divert water.

"Dam abutment" means that contact location at either end and beneath the flanks of a dam where the artificial barrier joins or faces against the natural earth or rock foundation material upon which the dam is constructed.

"Dam height" means the vertical distance from the natural bed of the stream or watercourse at the downstream toe of the impounding barrier to the maximum storage elevation. If the dam is not across a stream or watercourse, the height is measured from the lowest elevation of the outside limit of the impounding barrier to the maximum storage elevation.

"Department" means the department of ecology.

"Design step level" means an integer value between one and ten used to designate increasingly stringent design loadings and conditions for design of critical project elements.

"Downstream hazard classification" means a rating to describe the potential for loss of human life and/or property damage if the dam were to fail and release the reservoir onto downstream areas. Downstream hazard classifications of 3, 2 and 1C, 1B, 1A correspond to low, significant, and high downstream hazard classes respectively.

"Emergency condition" means a situation where life and property are at imminent risk and actions are needed within minutes or hours to initiate corrective actions and/or warn the public.

"Enlargement" means any modification of a project that will result in an increase in normal pool height and/or dam height.

"Exigency condition" means a situation where the dam is significantly underdesigned according to generally accepted engineering standards or is in a deteriorated condition and life and property are clearly at risk. Although present conditions do not pose an imminent threat, if adverse conditions were to occur, the situation could quickly become an emergency.

"FERC exempted project" means a project that is classified as exempt by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"FERC licensed project" means a project whose operation is licensed by the Federal Energy Regulatory Commission (FERC) under provisions of the Federal Power Act.

"Freeboard" means the vertical distance between the dam crest elevation and some reservoir level of interest.

"Hydrograph" means a graphical representation of discharge, stage, or other hydraulic property with respect to time for a particular location on a watercourse.

"Impounding barrier" means the structural element of the dam that has the primary purpose of impounding or diverting water. It may be constructed of natural and/or man-made materials.

"Incident" means the occurrence of any dam-related event where problems or conditions arise which may have posed a threat to the safety or integrity of the project or which may have posed a threat of loss of life or which resulted in loss of life.

"Inflow design flood (IDF)" means the reservoir inflow flood hydrograph used for sizing the spillways and for determining freeboard. It represents the largest flood that a given project is designed to safely accommodate.

"Maintenance" means those tasks generally accepted as routine in keeping the project and appurtenant works in a serviceable condition.

"Maximum storage elevation" means the maximum attainable water surface elevation of the reservoir pool that could occur during extreme operating conditions. This elevation normally corresponds to the crest elevation of the dam.

"Miscellaneous construction elements" means a variety of construction elements or activities such as, but not limited to: Reservoir linings; parapet walls or low berms for wave containment; minor reconstruction of isolated portions of the impounding barrier; internal drainage improvements; and erosion protection.

"Modification" means any structural alteration of a dam, its reservoir, spillway(s), outlet(s), or other appurtenant works that could significantly influence or affect the project safety.

"Normal pool height" means the vertical distance between the lowest point of the upstream toe of the impounding barrier and the normal storage elevation.

"Normal storage elevation" means the maximum elevation to which the reservoir may rise under normal operating

conditions. Where the principal spillway is ungated, the normal storage elevation is usually established by the elevation of the spillway crest.

"100-year floodplain" means the area inundated during the passage of a flood with a peak discharge having a one percent chance of being equalled or exceeded in any given year at a specified location on a watercourse.

"Outlet" means a conduit and/or channel structure for the controlled release of the contents normally impounded by a dam and reservoir.

"Owner" means the person holding lawful title to the dam or any person who owns or proposes to construct a dam.

"Periodic inspection" means a detailed inspection of the dam and appurtenant works conducted on regular intervals and includes, as necessary, associated engineering analyses to confirm the continued safe operation of the project.

"Person" means any individual, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Plans and specifications" means the detailed engineering drawings and specifications used to describe the layout, materials, construction methods, etc., for assembling a project or project element. These do not include shop drawings or other drawings prepared by the construction contractor for temporary construction support systems.

"Population at risk" means the number of people who may be present in areas downstream of a dam and could be in danger in the event of a dam failure.

"Project" means a dam and its reservoir either proposed or existing.

"Project engineer" means a professional engineer licensed in Washington, having direct supervision, as defined in WAC 196-24-095, in managing the engineering aspects of the project as representative of the owner.

"Reservoir" means any basin that contains or will contain the water impounded by a dam.

"Reservoir routing" means the procedures used to determine the attenuating effect of reservoir storage on a flood as it passes through a reservoir.

"Rule curve" means the rules and procedures used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

"Significant enlargement" means any modification of an existing dam that results in the dam height or normal pool height being increased by an amount greater than 5.0 feet, and which also represents a ten percent or greater increase in dam height or normal pool height over that which existed prior to the modification.

"Spillway" means a channel structure and/or conduit for the safe release of water or floodwater.

"Stop work order" means an administrative order issued to temporarily halt construction work until a problem can be resolved.

"Substantially complete" means that a plan, action, or project element requires only minor additions to be complete, and in its present state will perform the necessary functions for its intended use.

"Surficial inspection" means a visual inspection conducted to identify obvious defects or changed conditions.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-030, filed 12/16/92, effective 1/16/93; 92-12-055 (Order 91-17), § 173-175-030, filed 6/1/92, effective 7/2/92.]

WAC 173-175-040 Activities that require department review, approval, acceptance, authorization, or notification. (1) Activities related to the safety of dams that require review and approval by the department as detailed in this chapter include:

- (a) Construction of a new dam;
- (b) Modification of an existing dam;
- (c) Removal or abandonment of an existing dam;
- (d) Construction change orders for project elements that could have an effect on public safety.

(2) Activities related to the safety of dams that require review and acceptance by the department as detailed in this chapter include:

- (a) Adoption of an operation and maintenance (O&M) plan;

- (b) Adoption of an emergency action plan (EAP);
- (c) Changes to existing operation and maintenance procedures or to an emergency action plan that could have an effect on public safety.

(3) Activities related to the safety of dams that require authorization from the department before proposed actions can proceed include:

- (a) Startup of construction: For a new dam; modifications to an existing dam; or removal or abandonment of an existing dam.

(b) Initial controlled filling of a reservoir following new dam construction and implementation of procedures for normal reservoir operation.

(c) Resumption of normal reservoir operation following dam modifications or emergency action.

(4) Activities related to the safety of dams that require a notification to the department as detailed in this chapter include:

- (a) Change of dam ownership;
- (b) Advance notice of the startup of dam construction;
- (c) Declaration by the project engineer of project completion in accordance with the department approved plans and specifications and construction change orders;
- (d) Advance notice of periodic inspection; and
- (e) The occurrence of an incident at the dam.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-040, filed 6/1/92, effective 7/2/92.]

WAC 173-175-050 Provision of guidelines. The department will develop and maintain *Dam Safety Guidelines* to aid dam owners and project engineers in complying with the department requirements in developing, producing, or conducting:

- (1) Engineering design reports;
- (2) Plans and specifications;
- (3) Construction inspection plans;
- (4) Operation and maintenance plans;
- (5) Periodic inspections; and
- (6) Emergency action plans.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-050, filed 6/1/92, effective 7/2/92.]

WAC 173-175-060 Change of ownership. When a change of ownership of a dam occurs, the new owner shall notify the department within ninety days following the transaction and provide:

(1) The mailing address and telephone number where the owner can be contacted.

(2) The name(s) and telephone number(s) of the individual(s) who will be responsible for operation and maintenance of the dam.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-060, filed 6/1/92, effective 7/2/92.]

WAC 173-175-070 Effective date. The effective date of Parts One through Five of this chapter shall be July 1, 1992. The effective date of Part Six of this chapter shall be January 15, 1993.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-070, filed 12/16/92, effective 1/16/93; 92-12-055 (Order 91-17), § 173-175-070, filed 6/1/92, effective 7/2/92.]

PART TWO CONSTRUCTION PERMIT PROCESS

WAC 173-175-100 Construction permit. (1) Any person intending to construct or modify any dam shall, before beginning said construction or modification, submit plans and specifications and a construction inspection plan for review and approval by the department.

(2) The approval of these documents will be indicated by the department's plan approval stamp on the cover sheet of the plans signed by the department's professional engineer who had primary responsibility for the engineering review.

(3) The return of the construction plans to the owner will be accompanied by a construction permit which authorizes construction and which must be prominently displayed at the construction site.

(4) A copy of the department approved plans and specifications shall be maintained at the construction site.

(5) Construction work shall not proceed until the plans, specifications, and construction inspection plan have been approved by the department.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-100, filed 6/1/92, effective 7/2/92.]

WAC 173-175-110 Sequence of permitting actions. The sequence of tasks to be completed by the owner or the project engineer, and the actions taken by the department in permitting dam construction are outlined below. A more complete description of the required tasks, reports, and plans are described in later sections, and additional guidance in meeting department requirements is contained in the department documents titled *Dam Safety Guidelines*. The following outline is listed to give an overview of the normal sequence of actions for construction of a new dam. Subsections (9), (10), and (11) of this section will not be required for modification of an existing dam where the department has previously accepted the project's operation and maintenance plan and emergency action plan.

(1) Submission of application for construction permit, including initial nonrefundable fee payment.

(2) Submission of engineering design report(s).

- (3) Submission of plans and specifications.
- (4) Payment of construction permit fee.
- (5) Submission of construction inspection plan.
- (6) Resolution of any outstanding engineering issues.
- (7) Department approves plans and specifications and issues construction permit.
- (8) Construction or modification of dam.
- (9) Submission of operation and maintenance (O&M) plan.
- (10) Submission of emergency action plan (EAP).
- (11) Department accepts O&M plan and EAP.
- (12) Declaration by project engineer that project was constructed or modified in accordance with approved plans and specifications and construction change orders.
- (13) Department concurs with project engineer that project was constructed or modified in accordance with approved plans and specifications and construction change orders.
- (14) Department authorizes filling of reservoir at new dam or resumption of normal operations at existing dam.
- (15) Submission of a report summarizing the construction records.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-110, filed 6/1/92, effective 7/2/92.]

WAC 173-175-120 Application for construction permit. (1) The department shall supply an application form to be used to initiate the process for obtaining the construction permit.

(2) The application form shall be submitted to the department at the time that the first substantive engineering information becomes available about the proposed project.

(3) An initial, nonrefundable payment which may represent all or a portion of the construction permit fee, shall be included along with the application form. The amount of the initial construction permit fee payment is defined in WAC 173-175-390.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-120, filed 6/1/92, effective 7/2/92.]

WAC 173-175-130 Engineering design reports. (1) Engineering design reports summarizing the various engineering investigations and pertinent project information are an important element of the project design documents. All pertinent engineering design reports that have been prepared during project formulation shall be submitted for review. The engineering design report(s) must bear the seal and signature of the project engineer.

(2) The engineering design reports shall be sufficiently complete so as to support the development of plans and specifications without substantial change or additional information.

(3) The engineering design report(s) shall be comprehensive in description of the various engineering investigations.

(a) For new project construction, the engineering design report(s) shall include, as a minimum, the items listed in subsection (4) of this section:

(b) For modifications of existing dams, the engineering design report(s) shall include, as a minimum, those items listed in subsection (4) of this section which represent

changed conditions from original construction or which address items that have not been previously addressed in prior reports that were submitted to the department.

(4) Contents of engineering design report(s):

(a) A description of the basic purposes of the project, normal operational characteristics and any unique or important design considerations associated with the site or project configuration.

(b) A description of the site geology, seismicity and geotechnical considerations including: A presentation of the findings from subsurface explorations based on test pits and/or boring logs; field tests; laboratory testing and classification of samples; and an identification of the seismotectonic provinces that could generate earthquakes large enough to significantly affect the project site.

(c) A description of the climatic and hydrologic characteristics of the site and tributary watershed including the computation of the inflow design flood and, where applicable, a listing of the input and output data for the computer model used to determine the inflow design flood.

(d) A listing of all sources of inflow to the reservoir.

(e) The size classification of the proposed project as defined by Table 1.

TABLE 1. DAM SIZE CLASSIFICATION

SIZE CLASSIFICATION	DAM HEIGHT
Small Dam	Less than 15 feet
Intermediate Dam	15 feet or greater but less than 50 feet
Large Dam	50 feet or greater

(f) The reservoir operation classification of the proposed project as defined by Table 2.

TABLE 2. RESERVOIR OPERATION CLASSIFICATION

RESERVOIR OPERATION CLASSIFICATION	DETERMINING FACTOR
Permanent Pool or Seasonal Pool Operation	Steady state seepage or saturated flow conditions occur in impounding barrier and foundation at or near normal pool conditions.
Intermittent Operation	Duration of normal high pool condition is insufficient for steady state seepage or saturated flow conditions to develop in impounding barrier and foundation.

(g) An assessment of the consequences of dam failure on downstream areas, including:

(i) An estimation of the magnitude of the dam break flood hydrographs resulting from hypothetical dam failures occurring with the reservoir at normal storage elevation and maximum storage elevation;

(ii) A general description of the areas downstream of the dam that could be affected by floodwater from a dam failure;

(iii) If there is the potential for loss of life, an inundation map delineating the maximum areal extent of flooding that could be produced by a dam failure. Inundation mapping should extend to a point downstream where the inunda-

tion from the dam failure is within the 100-year floodplain for the affected watercourse;

(iv) The downstream hazard classification as defined by Table 3, which reflects the current conditions of development

in downstream areas. The most serious potential consequences of failure of those listed in columns 3A, 3B, and 3C shall be used to establish the appropriate downstream hazard classification.

TABLE 3. DOWNSTREAM HAZARD CLASSIFICATION

DOWNSTREAM HAZARD POTENTIAL	DOWNSTREAM HAZARD CLASSIFICATION	COLUMN 3A POPULATION AT RISK	COLUMN 3B ECONOMIC LOSS GENERIC DESCRIPTIONS	COLUMN 3C ENVIRONMENTAL DAMAGES
Low	3	0	Minimal. No inhabited structures. Limited agriculture development.	No deleterious materials in reservoir contents
Significant	2	1 to 6	Appreciable. 1 or 2 inhabited structures. Notable agriculture or work sites. Secondary highway and/or rail lines.	Limited water quality degradation from reservoir contents and only short term consequences.
High	1C	7 to 30	Major. 3 to 10 inhabited structures. Low density suburban area with some industry and work sites. Primary highways and rail lines.	Severe water quality degradation potential from reservoir contents and long term effects on aquatic and human life.
High	1B	31-300	Extreme. 11 to 100 inhabited structures. Medium density suburban or urban area with associated industry, property and transportation features.	
High	1A	More than 300	Extreme. More than 100 inhabited structures. Highly developed, densely populated suburban or urban area with associated industry, property, transportation and community life line features.	

(h) Engineering calculations and data supporting the detailed design of project elements. This would include, as a minimum:

(i) The design step levels used in design of the various critical project elements, based on guidance contained in the department's *Dam Safety Guidelines*;

(ii) Stability analyses corroborating the design of the proposed embankment/barrier section under static and seismic loadings and rapid drawdown conditions;

(iii) Calculations for the design of any hydraulic structures, which are subject to high lateral earth pressures, relatively large seismic loads and/or uplift pressures;

(iv) Computations for sizing the principal and emergency spillway, including, where applicable, reservoir routing computations defining the reservoir inflow and outflow design flood hydrographs.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-130, filed 6/1/92, effective 7/2/92.]

WAC 173-175-140 Plans and specifications. (1) Two copies of the plans and specifications, bearing the seal and signature of the project engineer, shall be submitted to the department for engineering review. Upon approval, one copy will be retained by the department and the other copy will be returned to the owner or the project engineer.

(2) For large or complex projects, one copy of the preliminary or intermediate level plans, in addition to the final plans, shall be submitted to the department for review.

(3) To be approved, the plans and specifications must contain sufficient detail to describe the proposed construction work.

(a) The following items, as a minimum, shall be included as part of the construction plans:

(i) Project location and vicinity maps;
 (ii) Site map of dam, reservoir area, and appurtenances;
 (iii) Sectional view along longitudinal axis of dam and foundation;

(iv) Cross-sectional view of dam at location of maximum height;

(v) Cross-sectional views and profiles of spillway(s), outlet facilities, and other appurtenances;

(vi) Steel reinforcement placement and bar sizing for concrete construction must be shown in at least one section or profile; and

(vii) The plan for diversion and control of water during construction.

(b) The following items, as a minimum, shall be included as part of the construction specifications:

(i) Type, class, or description of all materials to be used;
 (ii) The requirements for fill placement, moisture conditioning, and minimum level of compaction of all earthen zones;

(iii) The requirements, procedures, and minimum standards for concrete construction and/or structural details.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-140, filed 6/1/92, effective 7/2/92.]

WAC 173-175-150 Construction permit fee. There is a fee for the review of plans and specifications and for construction inspections conducted by the department. The amount of the fee and owner requirements for fee payment are contained in WAC 173-175-350 through 173-175-400.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-150, filed 6/1/92, effective 7/2/92.]

WAC 173-175-160 Review standards. The department will review engineering design reports, plans, and specifications and the construction inspection plan to ascertain that the proposed project will be designed and constructed in a manner which will reasonably secure safety to life and property.

(1) The department's review is intended to address issues of safety directly related to the structural stability and integrity of the completed project. The review is not intended to extend to more general issues of safety not directly related to the structural stability and integrity of the project which are the purview of other governmental agencies such as the Washington department of labor and industries (L&I), which administers the Washington Industrial Safety and Health Act (WISHA).

(2) In addition to the above, the department will review documents submitted pursuant to this chapter to ascertain that they conform to accepted engineering and construction practice and are in conformance with guidance contained in the department's *Dam Safety Guidelines*.

(3) Those elements of a document(s) which are found not to be in conformance with the above will be identified to the owner or the project engineer and changes may be required as appropriate to conform to accepted engineering practice.

(4) Where differences of opinion arise on the suitability of certain engineering or construction practices and cannot be readily resolved, the burden of proof will rest on the owner and the project engineer to demonstrate the suitability of the proposed plan or action.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-160, filed 6/1/92, effective 7/2/92.]

WAC 173-175-170 Construction inspection plan.

(1) A detailed plan shall be submitted to the department describing how adequate and competent construction inspection will be provided.

(2) The construction inspection plan shall be prepared by a professional engineer and shall bear his/her seal and signature.

(3) The construction inspection plan shall include, as a minimum:

(a) A listing of construction activities related to critical project elements and planned inspection effort including staffing levels, responsibilities, frequency, and duration of site visits;

(b) A description of the quality assurance testing program which describes the type of test, general frequency, acceptable results, handling of deficient materials, and the individual(s) responsible for overseeing the testing;

(c) Description of construction management organization, lines of communication, and responsibilities;

(d) Description of the change order process including who is responsible for coordinating the change order review process with the department;

(e) Description of the technical records handling and the content and frequency of construction progress reports.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-170, filed 6/1/92, effective 7/2/92.]

WAC 173-175-180 Issuance of construction permit.

(1) After the department has determined that the plans and specifications and construction inspection plan conform to accepted engineering practice, these documents will be approved and a construction permit will be issued which authorizes construction to commence.

Construction shall not commence until the construction permit has been issued by the department.

Preliminary work such as mobilization of equipment, stripping and grubbing and other site access and preparation work is allowed prior to receipt of the construction permit, provided no permanent features of the dam are initiated.

(2) Receipt of the construction permit does not relieve the owner of the responsibility to secure all other applicable permits and approvals before proceeding with construction work.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-180, filed 6/1/92, effective 7/2/92.]

WAC 173-175-190 Construction change orders. (1) All dam projects subject to the provisions of this regulation shall be constructed in accordance with the plans and specifications approved by the department. Any proposed changes to the department-approved plans which could have an effect on structural integrity or safe operations of the project must first be presented to the department for a determination if an approval is required.

(2) If the department determines that the proposed construction change order represents a significant modification of the approved plans or specifications that could have an effect on structural integrity or safe operations of the project, then approval of the change order will be required.

The department will review the construction change order and provide a response to the project engineer in a timely manner consistent with the complexity and safety concerns of the situation.

(3) If department approval of the proposed construction change order is required, no action can be taken by the owner to make the construction change until approval is given by the department.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-190, filed 6/1/92, effective 7/2/92.]

WAC 173-175-200 Department role in construction inspection. (1) It will be the department's role during construction to confirm that the project engineer, as representative for the owner, is properly implementing the department approved construction inspection plan.

(2) The department will periodically observe the construction work to independently confirm that conditions assumed in the design stage are valid for field conditions and that construction is proceeding in accordance with the approved plans and specifications.

(3) Changes may be required by the department to be made to the approved plans and specifications to reasonably secure safety to life and property. Reasons for changes may include, but are not limited to the following:

- (a) To address unanticipated field conditions;
- (b) To correct omissions or errors in the approved plans and specifications;
- (c) To correct situations where the construction work clearly is not being performed in a workmanlike manner and does not, in the opinion of the department, meet the performance intent of the specifications.

(4) Where deemed necessary by the department, a stop work order may be issued to temporarily halt construction until a problem can be resolved.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-200, filed 6/1/92, effective 7/2/92.]

WAC 173-175-210 Operation and maintenance plan. (1) An operation and maintenance (O&M) plan shall be developed and submitted to the department for review and acceptance. The O&M plan shall outline and summarize how the project is to be operated and how the basic elements

of monitoring, inspection and maintenance, as listed in WAC 173-175-500(1), are to be accomplished.

The department may issue an acceptance after determining the O&M plan is substantially complete.

(2) Owners are responsible for incorporating the details of the O&M plan into an O&M manual suitable for use by dam operators. Requirements associated with O&M manuals are listed in WAC 173-175-500.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-210, filed 6/1/92, effective 7/2/92.]

WAC 173-175-220 Emergency action plan. In those cases where a failure of the dam could pose a risk to life based on the current level of development in downstream areas (downstream hazard classes 1A, 1B, 1C, and 2, WAC 173-175-130), an emergency action plan (EAP) shall be developed and submitted to the department for review and acceptance. The purpose of the plan is to establish procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating and initiating notification or warning to individuals who may be at risk in downstream/upstream areas. Requirements associated with EAP's are listed in WAC 173-175-520.

The department may issue an acceptance after determining the EAP is substantially complete.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-220, filed 6/1/92, effective 7/2/92.]

WAC 173-175-230 Declaration of construction completion. Within thirty days following substantial completion of construction or modification of a dam, the project engineer shall submit to the department:

A declaration stating the project was constructed in accordance with the department approved plans and specifications and construction change orders.

The department will provide a declaration form which may be used or altered, as appropriate, by the project engineer.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-230, filed 6/1/92, effective 7/2/92.]

WAC 173-175-240 Authorization to commence or resume project operation. (1) Upon receipt of the project engineer's declaration of construction completion, the department will authorize the owner or the project engineer, as appropriate, to commence or resume normal project operation, provided that:

(a) The department concurs with the project engineer that the project was constructed in accordance with the approved plans and specifications and construction change orders;

(b) The proposed O&M plan is acceptable to the department;

(c) The proposed emergency action plan, if required (see WAC 173-175-220), is acceptable to the department.

(2) If the above conditions are not met, the owner shall not commence or resume normal operation of the project until all outstanding issues or problems are resolved. When outstanding issues or problems are not resolved in a timely manner, the department may:

- (a) Order the outlet works to remain fully open and not allow filling of the reservoir;
- (b) Restrict reservoir water levels or reservoir operation;
- (c) Order the breaching of the impounding barrier;
- (d) Take other measures as appropriate to reasonably secure safety to life and property.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-240, filed 6/1/92, effective 7/2/92.]

WAC 173-175-250 Construction records summary.

Within one hundred twenty days following completion of construction or modification of a dam, the project engineer, as representative of the owner, shall submit a report to the department on construction activities which includes:

- (1) A summary of results from field testing of materials used in construction. The summary shall identify both representative values and the range of test values;
- (2) A discussion of any notable items encountered during construction;
- (3) One complete set of drawings describing the as-built condition of the dam.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-250, filed 6/1/92, effective 7/2/92.]

WAC 173-175-260 Exceptions to construction permit process. If the department determines that emergency or exigency conditions exist at a dam and that it is in the best interests of public safety to expedite the construction or modification of a dam, the department may elect to temporarily suspend the normal construction permit process. To allow this exception, the department will issue a written conditional construction permit, which:

- (1) May initially be oral;
- (2) Will specify the construction activities to be allowed;
- (3) May be terminated at a time deemed appropriate by the department;
- (4) Shall incorporate, to the extent possible, and not inconsistent with the situation, all applicable requirements of this chapter.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-260, filed 6/1/92, effective 7/2/92.]

WAC 173-175-270 Department review response time. In reviewing the various documents required in the construction permit process, the department shall respond in a timely manner to the owner or project engineer with written review comments, approval, or acceptance as appropriate.

If the department response is anticipated to occur sixty days or more beyond the date of receipt of the document(s), the department shall notify the owner and/or project engineer in writing and advise them of the expected response date.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-270, filed 6/1/92, effective 7/2/92.]

PART THREE CONSTRUCTION PERMIT FEES

WAC 173-175-350 Authority for construction permit fees. It is required by RCW 90.03.470(9) that fees be collected by the department for the examination of plans and specifications. The fee shall be a minimum of ten dollars or the actual cost. In addition, the department is required by RCW 43.21A.064(2) to inspect the construction of all dams. It is required by RCW 90.03.470(8) that fees be collected for the actual cost to the department for inspection including the expense incident thereto.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-350, filed 6/1/92, effective 7/2/92.]

WAC 173-175-360 Construction permit fees for new project construction. Fees for the review of plans and specifications and for construction inspection for new project construction shall be the amounts shown in Table 4 as determined by the nearest values of dam height and crest length, in feet, which correspond to the project's planned dam height and crest length.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-360, filed 6/1/92, effective 7/2/92.]

WAC 173-175-370 Construction permit fees for modifications of existing dams. (1) Fees for the review of plans and specifications and for construction inspections for project modifications involving significant enlargements shall be the greater of five hundred dollars or the amount determined by those applicable percentages shown in Table 5A of the fees in Table 4. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

TABLE 4. CONSTRUCTION PERMIT FEES - NEW PROJECT CONSTRUCTION

DAM HEIGHT (FEET)	DAM CREST LENGTH (FEET)															
	50	100	150	200	250	300	350	400	500	600	700	800	1000	1500	2000	4000
400	15810	17640	18320	18730	19060	19320	19540	19730	20000	20000	20000	20000	20000	20000	20000	20000
300	13680	16220	17320	17890	18240	18500	18720	18920	19240	19500	19720	19920	20000	20000	20000	20000
250	12150	15100	16370	17190	17620	17980	18210	18400	18720	18990	19210	19400	19720	20000	20000	20000
200	10100	13260	15000	15890	16610	17130	17420	17690	18090	18350	18570	18770	19090	19670	20000	20000
180	8930	12370	14090	15250	15940	16530	17030	17280	17720	18060	18280	18470	18790	19380	19790	20000
160	7730	11390	13140	14340	15230	15790	16280	16720	17200	17620	17930	18140	18460	19050	19460	20000
150	7150	10840	12590	13800	14770	15400	15880	16310	17030	17380	17680	17950	18280	18870	19280	20000
140	6570	10080	12000	13250	14180	14990	15460	15880	16600	17120	17420	17680	18090	18670	19090	20000
130	6010	9260	11400	12620	13570	14340	15020	15430	16130	16720	17140	17400	17830	18460	18880	19880
120	5450	8400	10670	11950	12930	13680	14340	14930	15630	16210	16720	17090	17530	18240	18650	19650
110	4900	7560	9740	11250	12180	12990	13620	14180	15120	15680	16170	16600	17200	18000	18410	19410
100	4370	6740	8680	10300	11400	12170	12850	13410	14350	15110	15580	16000	16730	17630	18140	19140
95	4110	6330	8160	9760	11010	11740	12410	13010	13920	14720	15280	15690	16400	17430	18000	19000
90	3850	5930	7640	9140	10410	11320	11950	12530	13490	14260	14940	15360	16060	17230	17790	18320
85	3590	5530	7130	8530	9800	10820	11490	12050	13040	13780	14450	15030	15710	17020	17320	17320
80	3340	5140	6630	7930	9120	10160	11020	11560	12510	13300	13940	14520	15350	16320	16320	16320
75	3090	4760	6130	7340	8440	9460	10320	11060	11970	12780	13420	13980	14960	15320	15320	15320
70	2840	4380	5640	6750	7770	8700	9580	10320	11420	12190	12870	13430	14320	14320	14320	14320
65	2600	4010	5160	6180	7100	7960	8770	9530	10780	11580	12240	12830	13320	13320	13320	13320
60	2360	3640	4690	5610	6450	7230	7970	8660	9930	10950	11590	12150	12320	12320	12320	12320
55	2130	3280	4230	5060	5820	6520	7180	7800	8970	10010	10880	11320	11320	11320	11320	11320
50	1900	2930	3770	4520	5190	5820	6410	6960	8010	8970	9860	10320	10320	10320	10320	10320
46	1720	2650	3420	4090	4700	5270	5800	6310	7250	8120	8950	9520	9520	9520	9520	9520
42	1540	2380	3070	3670	4220	4730	5210	5660	6510	7290	8030	8720	8720	8720	8720	8720
38	1370	2110	2720	3260	3750	4200	4630	5030	5780	6480	7130	7760	7920	7920	7920	7920
34	1200	1860	2390	2860	3290	3690	4060	4410	5070	5680	6260	6800	7120	7120	7120	7120
30	1040	1600	2060	2470	2840	3180	3500	3810	4380	4910	5400	5870	6320	6320	6320	6320
28	960	1480	1900	2280	2620	2940	3230	3510	4040	4530	4980	5420	5920	5920	5920	5920
26	880	1360	1750	2090	2400	2690	2960	3220	3700	4150	4570	4970	5520	5520	5520	5520
24	820	1230	1590	1900	2190	2450	2700	2940	3380	3780	4170	4530	5120	5120	5120	5120
22	770	1120	1440	1720	1980	2220	2440	2660	3050	3420	3770	4090	4710	4720	4720	4720
20	710	1000	1290	1540	1770	1990	2190	2380	2730	3070	3370	3670	4220	4320	4320	4320
18	660	890	1140	1370	1570	1760	1940	2110	2420	2720	2990	3250	3740	3920	3920	3920
16	610	800	1000	1200	1370	1540	1700	1840	2120	2370	2620	2840	3270	3520	3520	3520
15	590	770	930	1110	1280	1430	1580	1710	1970	2210	2430	2640	3040	3320	3320	3320
14	570	730	860	1030	1180	1320	1460	1580	1820	2040	2250	2440	2810	3120	3120	3120
13	550	690	810	950	1090	1220	1340	1460	1680	1880	2070	2250	2580	2920	2920	2920
12	540	650	770	870	1000	1110	1230	1330	1530	1720	1890	2060	2360	2720	2720	2720
11	530	620	720	810	910	1010	1110	1210	1390	1560	1720	1870	2150	2520	2520	2520
10	520	590	670	760	830	910	1000	1090	1250	1400	1550	1680	1930	2320	2320	2320
9	510	560	630	700	770	830	900	970	1120	1250	1380	1500	1720	2120	2120	2120
8	500	540	590	640	710	760	810	860	980	1100	1210	1320	1510	1920	1920	1920
7	500	520	550	600	640	690	740	780	850	950	1050	1140	1310	1690	1720	1720
6	500	510	530	560	590	630	660	700	770	820	890	970	1110	1430	1520	1520
5	500	500	510	530	550	570	600	620	680	730	780	820	920	1180	1320	1320

(2) Fees for the review of plans and specifications and for construction inspection for project modifications not involving significant enlargements shall be the greater of five hundred dollars or the amount determined by those applicable percentages shown in Table 5B of the fees in Table 4. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

(3) Fees for the review of plans and specifications and for construction inspection for the removal or partial removal of a dam with safety deficiencies for the purpose of eliminating a public safety hazard shall be the minimum fee of ten dollars.

(4) Fees for the review of plans and specifications and for construction inspection for the planned abandonment and reclamation of dams and reservoir areas used in mining operations shall be the minimum fee of five hundred dollars.

TABLE 5. FEES FOR MODIFICATIONS OF DAMS
MODIFICATION FEE AS PERCENTAGE OF FEE FOR NEW DAM CONSTRUCTION

FEATURES MODIFIED	TABLE 5A	TABLE 5B
	MODIFICATIONS INVOLVING SIGNIFICANT ENLARGEMENTS	MODIFICATIONS NOT INVOLVING SIGNIFICANT ENLARGEMENTS
Spillway(s)	35%	25%
Impounding Barrier	35%	25%
Appurtenant Works and Miscellaneous Construction Elements	10%	10%

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-370, filed 6/1/92, effective 7/2/92.]

WAC 173-175-380 Maintenance. It will not be necessary to submit plans and specifications for review for routine maintenance, normal replacement, or repair of items to keep them in a serviceable condition, seasonal removal, or replacement of stoplogs, or other similar minor operational activities.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-380, filed 6/1/92, effective 7/2/92.]

WAC 173-175-390 Payment of construction permit fees. (1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360 and 173-175-370 and information contained in the construction plans.

(a) An initial payment, which may represent all or a portion of the construction permit fee shall be paid in conjunction with the submittal of the construction permit application described in WAC 173-175-120. The amount of the initial payment shall be:

(i) Ten dollars for the removal of a dam with safety deficiencies as described in WAC 173-175-370(3); or

(ii) Five hundred dollars for construction of a new dam or modification of an existing dam or project.

(b) The balance of the fee amount (less the initial payment above) is to be paid following notification by the department of the balance due.

(c) Fees for FERC licensed projects and FERC exempt projects are to be paid following notification by the department of the total amount due.

(d) All fees collected are nonrefundable.

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-01-090 (Order 92-35), § 173-175-390, filed 12/16/92, effective 1/16/93; 92-12-055 (Order 91-17), § 173-175-390, filed 6/1/92, effective 7/2/92.]

WAC 173-175-400 Cost of expert opinion. In resolving differences of opinion on engineering issues between the department and project engineer or owner, it may be necessary for the department to employ an expert in dam design, analysis or construction.

(1) The expert who is chosen, the assigned tasks, and the estimated cost for the expert's services shall be determined by negotiation between the owner and the department.

(2) The cost associated with employing the expert shall be paid by the owner of the proposed or existing project.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-400, filed 6/1/92, effective 7/2/92.]

PART FOUR PROJECT OPERATION

WAC 173-175-500 Operation and maintenance. (1) The owner shall develop and maintain a current operation and maintenance (O&M) manual.

The manual shall describe procedures for operation of the project under normal and extreme reservoir inflow conditions and provide technical guidance and procedures for monitoring, inspection, and long-term maintenance. Information on the development of the O&M manual is contained in the department's *Dam Safety Guidelines*. The O&M manual shall include, as a minimum, the following items:

(a) Identification of the individual(s) responsible for implementing the plan;

(b) A project data sheet describing the pertinent features of the dam and reservoir, including the spillway(s), outlet works, and appurtenant structures and their locations at the dam site;

(c) The rules and procedures (rule curve) used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions;

(d) A description of each hydraulic element used to regulate or release water, including information on proper operation and scheduled maintenance;

(e) A listing of the items requiring periodic monitoring, the frequency of monitoring and procedures for monitoring, measurement, and recordkeeping;

(f) A listing of the items requiring periodic maintenance and procedures for conducting and documenting maintenance and recording of problems;

(g) A listing of items to be inspected or test operated, the frequency and procedures for conducting the same and for documenting the findings.

(2) It shall be the duty and responsibility of the owner to, at all times, operate and maintain the dam and all appurtenant works in a safe manner and condition and follow the method and schedule of operation of the dam as outlined in the O&M manual.

(3) For dams constructed before July 1, 1992, owners are required to develop an O&M manual by December 31, 1997.

In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the O&M manual shall be submitted to the department for review and acceptance.

(4) Any proposed changes to the O&M manual which could have an effect on public or project safety must be submitted to the department for review and acceptance before implementation.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-500, filed 6/1/92, effective 7/2/92.]

WAC 173-175-510 Inspection. (1) Owners are required to evaluate the safety of their dam(s) and all appurtenant works and to make modifications, as become necessary, to reasonably secure safety to life and property. To accomplish this, owners are:

(a) Required to conduct annual surficial inspections and to maintain records of their findings, including records of actions taken to correct problem conditions. Copies of such records shall be provided to the department upon request.

The annual surficial inspections may be conducted by the owner or by agent(s) designated by the owner.

(b) Encouraged to implement a program for the periodic inspection of their project(s) on a five-year frequency to be conducted by a professional engineer.

(c) Required to notify the department at least thirty days in advance of when periodic inspections are scheduled to allow department engineers to participate in the inspection.

(d) Required to submit a copy of the engineering report(s) and other documents which contain the findings, conclusions, and recommendations resulting from the period-

ic inspection within thirty days following the completion of the various documents.

(2) In order to correct safety deficiencies and exigency conditions, owners are required to take actions and make modifications as prescribed by the department to preserve the structural stability and integrity of the project and attain levels of safety in accordance with accepted engineering practice.

(3) The department may elect to conduct periodic inspections of particular projects to reasonably secure safety to life and property.

(a) The department will give at least thirty days advance notice of the date of the periodic inspection and advise the owner of any requirements such as gates or valves that are to be operated during the inspection.

(b) Owners are required to develop an Operation and maintenance manual (WAC 173-175-500) and an Emergency action plan (WAC 173-175-520) within one hundred eighty days following completion of a periodic inspection conducted by the department.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-510, filed 6/1/92, effective 7/2/92.]

WAC 173-175-520 Emergency action. (1) In those cases where a failure of the dam could pose a threat to life (downstream hazard classes 1A, 1B, 1C, and 2), the owner shall develop and maintain an emergency action plan (EAP) acceptable to the department.

(a) The EAP shall describe procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating, and initiating notification or warning of individuals who may be at risk in downstream and upstream areas. Information on the development of an EAP is contained within the department's *Dam Safety Guidelines*.

(b) It shall be the duty and responsibility of the owner to implement the EAP when conditions warrant and to follow the method and schedule contained within the EAP.

(c) For dams constructed before July 1, 1992, owners are required to develop an EAP and to submit it to the department for review and acceptance by December 31, 1997.

(i) Owners are required to coordinate the development of the EAP with representatives from the local emergency services staff, state department of community development, emergency management division, and appropriate local authorities.

(ii) Copies of the completed EAP must be provided to the state emergency management division, local emergency services office, and to the department.

(2) Any proposed changes to the EAP which could have an affect on public or project safety must be submitted to the department for review and acceptance before implementation.

(3) Owners are required to exercise components of the EAP as needed to confirm the viability of the plan.

(4) The department will coordinate and solicit review comments from the local emergency services office and the state emergency management division on the acceptability of proposed EAPs. Those comments will constitute the primary

basis for accepting or requesting modifications to a proposed EAP.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-520, filed 6/1/92, effective 7/2/92.]

WAC 173-175-530 Reporting of incidents. Owners are required to notify the department when incidents occur or when problems or conditions arise which may pose a threat to life or property or a threat to the integrity of the dam.

(1) The owner shall report by telephone to the department on any condition affecting the safety of the project or when an incident has occurred. The initial oral report must be made as soon as practicable after the condition is discovered or following any incident.

(2) A written report may be required by the department within thirty days following the discovery of the condition or after the incident. The report shall describe the condition affecting the safety of the project or the incident which has occurred and shall describe the preliminary plans for correcting the condition and for preventing the recurrence of a similar incident.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-530, filed 6/1/92, effective 7/2/92.]

PART FIVE COMPLIANCE AND ENFORCEMENT

WAC 173-175-600 Right of entry. The department or its duly appointed agent(s) shall have the right to enter at all reasonable times in or upon property, public or private, for the purpose of inspecting and investigating conditions relating to the construction, operation, maintenance or performance of dams. The department shall comply with the owner's reasonable rules for access to the project.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-600, filed 6/1/92, effective 7/2/92.]

WAC 173-175-610 Emergencies. (1) When, in the opinion of the department, an emergency condition exists which poses an imminent threat to life, the department may take such action as necessary to eliminate or mitigate the hazard and potential consequences. The dam owner or the owner's agent(s) may be directed to take actions, and if that failing, the department may take control of the project and take actions, including, but not limited to:

- (a) Altering the operation of the project;
- (b) Lowering the reservoir water level;
- (c) Draining the reservoir;
- (d) Making emergency repairs or modifications to the project;
- (e) Enlisting the services of federal, state, or local authorities to make emergency repairs or modifications to the project;
- (f) Breaching the dam.

(2) All costs incurred by the department as a result of taking control of the project will be charged to the owner.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-610, filed 6/1/92, effective 7/2/92.]

WAC 173-175-620 Enforcement. (1) In enforcement of this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including but not limited to, the issuance of regulatory orders under RCW 86.16.081 and 43.27A.190 and civil penalties under RCW 86.16.081 and 90.03.600.

(2) Any dam which is found to be under construction or recently constructed without prior approval of the plans and specifications is in violation of RCW 90.03.350 and will be presumed to be a public nuisance. The owner will not be allowed to fill the reservoir or continue to operate the reservoir until the structural integrity and safety of the facility can be demonstrated to the satisfaction of the department. In addition:

(a) Regulatory orders may be issued to enforce the restriction of reservoir filling and fines may be levied at one hundred dollars per day up to an amount equal to one hundred fifty percent of the amount the owner would have been charged under the construction permit fee schedule listed in this chapter;

(b) Owners are required to submit as-built drawings and all available documentation describing the manner in which the dam or portion thereof was constructed;

(c) If the structural integrity and safety of a dam project cannot be demonstrated or confirmed to the satisfaction of the department, the owner shall not commence or resume normal operation of the project until all outstanding issues or problems are resolved to the satisfaction of the department. To accomplish the above, the department may:

(i) Order the outlet works to remain fully open and not allow filling of the reservoir;

(ii) Restrict reservoir water levels or reservoir operation;

(iii) Order the breaching of the impounding barrier;

(iv) Take other measures as appropriate to reasonably assure safety to life and property.

(d) If, in the opinion of the department, the owner is unwilling or incapable of resolving the outstanding safety issues in a timely manner, the department may take action to have the dam abated as prescribed by law under RCW 90.03.350.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-620, filed 6/1/92, effective 7/2/92.]

WAC 173-175-630 Appeals. All final written decisions of the department 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: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 92-12-055 (Order 91-17), § 173-175-630, filed 6/1/92, effective 7/2/92.]

PART SIX FERC LICENSED PROJECTS AND FERC EXEMPTED PROJECTS

WAC 173-175-700 Applicability to projects licensed or exempted by the Federal Energy Regulatory Commission (FERC). (1) Part Six of this chapter is applicable to FERC licensed projects and to FERC exempted projects and identifies owner responsibilities and department procedures

concerning dam safety at FERC licensed and exempted projects.

(2) WAC 173-175-040 and 173-175-400 and Parts Two, Four, and Five of this chapter do not apply to FERC licensed projects, nor to FERC exempted projects.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-700, filed 12/16/92, effective 1/16/93.]

WAC 173-175-710 Coordination between the department and the Federal Energy Regulatory Commission (FERC). The department is directed by statute, under the provisions of chapters 43.21A, 86.16, and 90.03 RCW to reasonably assure the safety of the design, construction, operation, and maintenance of dams. The Federal Energy Regulatory Commission (FERC) is required by the Federal Power Act, as amended, to regulate nonfederal hydroelectric projects, including project safety generally, and dam safety particularly.

In order to foster cooperation and coordination, promote governmental efficiency, and minimize duplication of regulatory activities on FERC licensed, and exempted projects, the department and the FERC have established a memorandum of agreement. The agreement, dated August 11, 1992, clarifies the roles of each agency and establishes administrative procedures for coordination, communication, and consultation.

The memorandum of agreement has been used as a general framework for Part Six of this chapter, and the department has deferred to the engineering judgment of the FERC in some activities. However, it is not intended, and shall not be construed, expressly or by implication, that Part Six of this chapter constitutes a delegation of authority for activities described in chapters 43.21A, 86.16, and 90.03 RCW.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-710, filed 12/16/92, effective 1/16/93.]

WAC 173-175-720 Construction or modification of FERC licensed projects and FERC exempted projects.

(1) Any person intending to construct or modify any FERC licensed project or FERC exempted project shall submit engineering design reports, plans and specifications, and a construction inspection plan for review by the department at least sixty days before beginning said construction or modification.

(a) One copy of all engineering design reports summarizing the various engineering investigations, pertinent project information, and calculations supporting the design of critical project elements that have been prepared during project formulation shall be submitted for review.

(b) Two copies of the plans and specifications, bearing the seal and signature of the project engineer, shall be submitted to the department for engineering review. Submittal of the plans and specifications as required by the FERC under Title 18 C.F.R. Subchapter B Part 4, shall satisfy the department requirements regarding the contents of the plans and specifications.

(c) A plan must be submitted to the department describing how adequate and competent construction inspection will be provided. Submittal of the "construction quality control plan," required by the FERC for their review, shall satisfy

the department requirements for the contents of the construction inspection plan.

(2) The department shall review the design reports, plans and specifications, and construction inspection plan for conformance with accepted engineering and construction practice and conformance with FERC's "Engineering Guidelines for the Evaluation of Hydropower Projects," and provide their review comments to, and consult with, the FERC on the acceptability of the proposed plans.

(a) In accordance with administrative procedures contained in the memorandum of agreement between the department and the FERC, a review comment letter, prepared by the FERC, will be sent to the owner after the department and the FERC have consulted on the findings of their reviews. If the owner disagrees with any of the review comments, a response will be developed after further consultation between the department and the FERC.

(b) After consulting with the FERC and determining that the review comments have been satisfactorily addressed, the plans and specifications will be approved and a construction permit will be issued.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-720, filed 12/16/92, effective 1/16/93.]

WAC 173-175-730 Construction permit fee for FERC licensed projects and FERC exempted projects.

There is a fee for the review of plans and specifications and for construction inspections conducted by the department. The amount of the fee and requirements for fee payment are contained in WAC 173-175-350 through 173-175-390.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-730, filed 12/16/92, effective 1/16/93.]

WAC 173-175-740 Construction inspection of FERC licensed projects and FERC exempted projects.

(1) The department will periodically observe the construction work for new dams or modifications to existing dams to confirm that conditions assumed in the design stage are valid for field conditions and that construction is proceeding in accordance with the approved plans and specifications and construction inspection plan.

(2) In accordance with administrative procedures contained in the memorandum of agreement between the department and the FERC, the department and the FERC will coordinate and consult on activities relating to construction inspections, including:

- (a) The scheduling of inspections;
- (b) The exchange of information resulting from those inspections where some item of note was observed; and
- (c) Proposed changes affecting the design and/or construction of the project, whether initiated by the owner, the FERC, or the department.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-740, filed 12/16/92, effective 1/16/93.]

WAC 173-175-750 Construction records reporting for FERC licensed projects and FERC exempted projects. (1) The owner shall provide the department with reports summarizing the progress of construction and the results of testing of materials. Submittal of "monthly

progress reports" for construction activities as required by the FERC shall satisfy this requirement.

(2) Within one hundred eighty days following project completion, the owner shall provide the department with one set of plans depicting the as-built condition of the dam.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-750, filed 12/16/92, effective 1/16/93.]

WAC 173-175-760 Exceptions to construction permit for FERC licensed projects and FERC exempted projects.

If the department determines that emergency or exigency conditions exist at a dam and that it is in the best interests of public safety to expedite the construction or modification of a dam, the department may elect to waive the construction permit procedures and requirements described in WAC 173-175-720. The department, in consultation with the FERC, may take such actions as deemed appropriate to allow the owner to expedite repairs or modifications.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-760, filed 12/16/92, effective 1/16/93.]

WAC 173-175-770 Operation of FERC licensed projects and FERC exempted projects.

(1) It shall be the duty and responsibility of the owner to, at all times, operate and maintain the dam and all appurtenant works in a safe manner and condition.

(2) The department has deferred to the FERC for administration of the dam safety aspects of project operation. This deference extends to the following activities:

(a) Normal operation of the dam and reservoir as defined in the FERC license issued under the Federal Power Act and FERC regulations under 18 C.F.R. Parts 4 and 12;

(b) Authorization to commence or resume dam and reservoir operation following new construction or modifications to an existing dam;

(c) Authorization to temporarily alter dam and reservoir operation from that defined in the FERC license to accommodate temporary operational constraints;

(d) Responding to incidents or emergencies where problems or conditions occurred, or are occurring, which pose a threat to the safety or integrity of the project or which may pose a threat of loss of life or which resulted in loss of life.

(3) The owner shall provide the department with the following information concerning project operation:

(a) A project data sheet describing the pertinent features of the dam and reservoir, including the spillway(s), outlet works and appurtenant structures, their discharge capacities, and their locations at the dam site;

(b) The rules and procedures (rule curve) used to regulate reservoir levels and project operation for various reservoir inflows and for both normal and unusual seasonal conditions.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-770, filed 12/16/92, effective 1/16/93.]

WAC 173-175-780 Periodic inspection of FERC licensed projects and FERC exempted projects. (1) Owners are required to evaluate the safety of their dam(s) and all appurtenant works and to make modifications, as

becomes necessary, to reasonably secure safety to life and property.

(2) Owners are required to submit to the department the engineering report(s) and other documents which contain the findings, conclusions, and recommendations resulting from the five year periodic inspections that are required by the FERC under Title 18 C.F.R. Part 12.

(a) The department shall review the engineering reports and accompanying documents and provide their review comments to, and consult with, the FERC on the findings and conclusions of the reports. The department will review the reports and evaluate the findings and conclusions with guidance from FERC's "Engineering Guidelines for the Evaluation of Hydropower Projects" and accepted engineering practice.

(b) In accordance with administrative procedures contained in the memorandum of agreement between the department and the FERC, a review comment letter, prepared by the FERC, will be sent to the owner after the department and the FERC have consulted on the findings of their reviews. If the owner disagrees with any of the review comments, a response will be developed after further consultation between the department and the FERC.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-780, filed 12/16/92, effective 1/16/93.]

WAC 173-175-790 Emergency action plans for FERC licensed projects and FERC exempted projects.

(1) Owners are responsible for developing and maintaining an emergency action plan (EAP). The EAP shall describe procedures for responding to unusual or emergency situations and procedures for detecting, evaluating, communicating, and initiating notification or warning of individuals who may be at risk in downstream and upstream areas. It shall be the duty and responsibility of the owner to implement the EAP when conditions warrant and to follow the method and schedule contained within the EAP.

(2) The department has deferred to the FERC for administrative activities associated with the development of the EAP and confirming the continued viability of the EAP.

(3) Copies of the completed EAP shall be provided to the state emergency management division, department of community development; the local emergency services office; and the department.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-790, filed 12/16/92, effective 1/16/93.]

WAC 173-175-800 Right of entry at FERC licensed projects and FERC exempted projects. The department or its duly appointed agent(s) shall have the right to enter at all reasonable times in or upon property, public or private, for the purpose of investigating conditions relating to the construction or performance of dams at FERC licensed projects or FERC exempted projects. The department shall comply with the owner's reasonable rules for access to the project.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-800, filed 12/16/92, effective 1/16/93.]

WAC 173-175-810 Enforcement at FERC licensed projects and FERC exempted projects. In enforcement of

the provisions of Part Six of this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including but not limited to, the issuance of regulatory orders under RCW 43.27A.190 and 86.16.081, and civil penalties under RCW 86.16.081 and 90.03.600.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-810, filed 12/16/92, effective 1/16/93.]

WAC 173-175-820 Appeals for FERC licensed projects and FERC exempted projects. All final written decisions of the department made pursuant to the provisions of Part Six of this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. 93-01-090 (Order 92-35), § 173-175-820, filed 12/16/92, effective 1/16/93.]

Chapter 173-180A WAC FACILITY OIL-HANDLING OPERATIONS AND DESIGN STANDARDS

WAC

173-180A-010	Purpose.
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173-180A-040	Applicability.
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173-180A-060	Vessel transfer requirements.
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173-180A-080	Secondary containment requirements for aboveground storage tanks.
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173-180A-110	Inspections.
173-180A-120	Recordkeeping.
173-180A-130	Noncompliance.
173-180A-140	Rule review.
173-180A-150	Severability.

WAC 173-180A-010 Purpose. The purpose of this rule is to establish facility operations and design standards which, when followed, will:

- (1) Prevent oil and petroleum spills from occurring;
- (2) Ensure that facilities are designed and operated in a manner which will provide the best achievable protection of the public health and the environment;
- (3) Provide improved protection of Washington waters and natural resources from the impacts of oil spills caused by improper oil-handling equipment design and operations.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-010, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-020 Authority. RCW 90.56.220 provides statutory authority for developing operations and design standards and implementing a compliance program established by this chapter.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-020, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-030 Definitions. "Appropriate person" means a person designated by the facility as being competent and trained to implement a designated function.

"Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection available. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures; the technological achievability of the measures; and the cost of the measures.

"Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration: Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

"Board" means the pollution control hearings board.

"Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

"Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

"Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

"Department" means the department of ecology.

"Directly impact" means without treatment.

"Director" means the director of the department of ecology.

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"Emergency shutdown" means a deliberate stoppage of equipment or facility operation under circumstances requiring immediate action to prevent or reduce loss of life, injury, oil spills or significant damage to or loss of property or environmental values.

Facility:

"Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in the bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

A facility does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by the department or a local government under chapter 90.76 RCW; a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

"Facility person in charge" means the person designated under the provisions of 33 CFR 154.710.

"Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have

been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

"Immediate threat" means threat which could cause loss of life, reduce safety or adversely impact waters of the state or environment.

"Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 CFR Part 302 adopted August 14, 1989, under section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

"Offshore facility" means any facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

"Onshore facility" means any facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

Owner or operator:

"Owner or operator" means: In the case of a vessel, any person owning, operating, or chartering by demise, the vessel; in the case of an onshore or offshore facility, any person owning or operating the facility; and in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

"Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

"Pipeline operator" means the operator of a transmission pipeline.

"Process pipelines" means a pipeline used to carry oil within the oil refining/processing units of a facility, process unit to tankage piping and tankage interconnecting piping. Process pipelines do not include pipelines used to transport oil to or from a tank vessel or transmission pipeline.

"Secondary containment" means containment systems which prevent any materials discharged from reaching the waters of the state.

"Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

"Spill" means an unauthorized discharge of oil which enters waters of the state.

"State" means the state of Washington.

"Storage tank" means all aboveground containers connected to transfer pipelines or any aboveground containers greater than ten thousand gallons (two hundred thirty-eight barrels), including storage and surge tanks, used to store bulk quantities of oil. Storage tanks do not include

those tanks regulated by chapter 90.76 RCW, rolling stock, wastewater treatment equipment, process pressurized vessels or other tanks used in the process flow through portions of the facility.

"Tankage interconnecting piping" means buried or aboveground piping used to carry oil between storage tanks.

"Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

Operates on the waters of the state; or

Transfers oil in a port or place subject to the jurisdiction of this state.

"Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 CFR 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

"Transfer" means any movement of oil between a tank vessel or transmission pipeline and the facility.

"Transfer pipeline" is a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis.

"Vessel person in charge" means the person designated under the provisions of 33 CFR 155.700.

"Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-030, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-040 Applicability. Onshore and offshore facilities shall meet the requirements of this section. This rule does not apply to portions of a facility regulated by 49 CFR 195.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-040, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-050 Compliance schedule. (1) Facilities must comply with this rule thirty-six months after its effective date. Facilities needing additional time to comply with this rule must obtain written approval from the department extending this date and must submit a proposed compliance schedule to the department within eighteen months of the effective date of this rule subject to the following provisions:

(a) Compliance schedules must include a justification of need for additional time. Facilities shall cite the specific

requirements of this rule which will be addressed by the proposed compliance schedule.

(b) Compliance schedules shall contain target dates for the commencement and completion of projects leading to the ultimate compliance with all provisions of this rule.

(c) Only requirements which cannot be met within thirty-six months of the effective date of this rule need to be identified in the compliance schedule.

(d) Compliance schedules which do not meet the definition of best achievable protection will not be approved by the department.

(e) It shall be legal to operate a facility if a proposed compliance schedule has been submitted to the department and the department has not provided the facility with a formal response.

(2) Facilities with approved compliance schedules must:

(a) Meet all requirements of this rule not specifically addressed in the compliance schedule.

(b) Submit a progress report to the department every six months following the compliance schedule approval date.

(c) Meet all compliance schedule dates unless written approval is received from the department.

(3) Facilities commencing construction thirty-six months or later after the adoption date of this rule shall meet the provisions of this rule at the time they commence operation. Facilities under design or construction at the time of the adoption of this rule shall comply with this rule thirty-six months after the adoption date of this rule.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-050, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-060 Vessel transfer requirements.

(1) General requirements.

(a) No person shall conduct an oil transfer operation to or from a tank vessel unless the facility person in charge (FPIC) and the vessel person in charge (VPIC) have:

(i) Conducted a pretransfer conference as described in 33 CFR 156.120(w) as amended on September 4, 1990;

(ii) Ensured that transfer connections have been made as specified in 33 CFR 156.130 as amended on September 4, 1990;

(iii) Completely filled out and signed the declaration of Inspection as required by 33 CFR 156.150 as amended on September 4, 1990.

(iv) Established adequate communication in English between the vessel and the facility and in accordance with 33 CFR 154.560 as amended on September 4, 1990.

(v) Ensured that the available capacity in the receiving tank(s) is (are) greater than the volume of oil to be transferred and all other tank fill valves which could influence the routing of the transferred oil are properly aligned.

(b) The operator shall verify that the designated storage tanks are receiving oil at the expected rate.

(c) For the purpose of scheduling inspections, the department may require a facility operator to provide a twenty-four hour advance notification with updates to the department of any anticipated transfer of bulk oil by a facility operator. The department shall notify the facility in writing when this procedure will be required.

(d) Transfer operations shall be supervised by the appropriate person in charge in accordance with 33 CFR 156.160 as amended on September 4, 1990.

(e) Each FPIC shall ensure that the means of operating the emergency shutdown is immediately available while oil is being transferred between the facility and the vessel.

(f) Transfer equipment requirements shall meet the conditions of 33 CFR 154.500 through 33 CFR 154.545 as amended on September 4, 1990.

(g) Transfer equipment shall be tested in accordance with procedures identified in 33 CFR 156.170 as amended on September 4, 1990. Transfer hoses shall be tested at intervals not exceeding twelve months in accordance with the procedures identified by the RMA/IP-11-4, *Rubber Manufacturers Association Manual for Maintenance, Testing and Inspection of Hose* dated 1987 or the manufacturer's recommendations for testing.

(h) All transfer operations shall be in accordance with operations manuals approved under chapter 173-180B WAC.

(i) The FPIC shall refuse to initiate or shall cease transfer operations with any vessel which has not provided complete information as required by the declaration of inspection, has refused to correct deficiencies identified by the FPIC during the pretransfer conference, or does not comply with the facility operations manual or facility requirements.

(2) Oil spills.

(a) Any person conducting an oil transfer shall stop the transfer operation whenever oil from any source associated with the transfer is spilled into the water, or discharged onto the facility deck or dock outside secondary containment, or upon the shoreline adjoining the transfer area.

(b) Transfer operations may not resume after a spill until:

(i) Notification has been made in accordance with RCW 90.56.280; and

(ii) The FPIC and the VPIC have determined that there is no longer an immediate threat to waters of the state or public health.

(c) The department may require that transfer operations stopped under subsection (2)(a) of this section may not resume unless authorized by the department.

(3) Suspension of transfer operations for immediate threat.

(a) The director may order a facility to suspend transfer operations if there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the public health and safety, and the environment.

(b) An order of suspension may be made effective immediately.

(c) An order of suspension shall specify each condition requiring immediate action.

(d) The transfer operation shall remain suspended until the director has determined that the need for immediate action is no longer necessary and has notified the facility operator of that determination.

(e) The director shall notify the facility operator as soon as possible of the determination that the need for immediate action is no longer necessary.

(f) The facility operator may petition the pollution control board, in writing or in any other manner, to reconsider an order of suspension.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-060, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-070 Transmission pipeline transfer requirements. (1) General requirements.

(a) No person shall conduct an oil transfer operation to or from a transmission pipeline unless the appropriate person and the pipeline operator have:

(i) Conducted pretransfer communications which identify:

(A) Type of oil;

(B) Transfer volume;

(C) Flow rates;

(D) Transfer startup or arrival time;

(ii) Facilities which receive oil from a transmission pipeline must:

(A) Confirm that the proper manifold and valves are open and ready to receive product;

(B) Notify the transmission pipeline operator when a storage tank has less than one foot of oil above the inlet nozzle;

(C) Coordinate arrival time of oil with the pipeline operator;

(D) Confirm the available storage capacity for transfers to a facility;

(E) Ensure that only the designated tank(s) is (are) receiving oil.

(iii) Ensured that proper transfer alignment of the pipeline, valves, manifolds and storage tanks have been made.

(iv) Established adequate communication in English between the facility and pipeline operator.

(b) For the purpose of scheduling inspections, the department may require a twenty-four hour notification to the department in advance of any transfer of bulk oil by a facility operator. The department shall request notification in writing when this procedure is required.

(c) Transfer operations shall be supervised by an appropriate person.

(d) Each facility operator shall ensure that the means of operating or requesting emergency shutdown is immediately available while oil is being transferred between the facility and the pipeline.

(e) If startup, shutdown, and/or emergency shutdown are controlled by the pipeline operator directly using instrumentation and control devices, the accuracy of these devices shall be checked at least annually.

(f) All transfer operations shall be conducted in accordance with operations manuals approved under chapter 173-180B WAC.

(2) Oil spills.

(a) Any person conducting an oil transfer shall stop the transfer operation whenever oil from any source associated with the transfer is spilled into the water or upon the adjoining shoreline in the transfer area.

(b) Transfer operations may not resume after a spill until:

(i) The proper notification has been made in accordance with RCW 90.56.280; and

(ii) All threats to waters of the state and public health no longer exist as determined by the appropriate person.

(c) The department may require that transfer operations stopped under subsection (2)(a) of this section may not resume unless authorized by the department.

(3) Suspension of transfer operations for immediate threat.

(a) The director may order a facility to suspend transfer operations if there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the public health and safety, and the environment.

(b) An order of suspension may be made effective immediately.

(c) An order of suspension shall specify each condition requiring immediate action in writing.

(d) The transfer operation shall remain suspended until the director has determined that the need for immediate action is no longer necessary and has notified the facility operator of that determination.

(e) The director shall notify the facility operator as soon as possible of the determination that the need for immediate action is no longer necessary.

(f) The facility operator may petition the pollution control board, in writing or in any other manner, to reconsider an order of suspension.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-070, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-080 Secondary containment requirements for aboveground storage tanks. (1) Aboveground oil storage tanks must be located within secondary containment areas. Secondary containment systems must be:

(a) Designed, constructed, maintained and operated to prevent discharged oil from entering waters of the state at any time during use of the tank system;

(b) Capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Constructed with materials that are compatible with stored material to be placed in the tank system.

(d) Soil may be used for the secondary containment system, provided that any spill onto the soil will be sufficiently contained, readily recoverable and will be managed in accordance with the provisions under WAC 173-303-145 as amended in December 1993, spills and discharges and any other applicable regulation.

(e) Constructed with sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the fluid stored in the storage tank, climatic conditions, and the stresses of daily operations (including stresses from nearby vehicular traffic);

(f) Placed on a base or foundation capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;

(g) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked oil and accumulated precipitation must be removed from the secondary containment system in a manner which will provide the best achievable protection of public health and the environment; and

(h) Visually inspected monthly to confirm secondary containment integrity. Items requiring attention as determined by the visual inspection must be documented. Records must be kept on site for a minimum of three years.

(2) The secondary containment system must be maintained to prevent a breach of the dike by controlling burrowing animals and weeds;

(3) The secondary containment system must be maintained free of debris and other materials which may interfere with the effectiveness of the system, including excessive accumulated precipitation.

(4) The facility shall maintain at least one hundred percent of the working capacity of the largest storage tank within the secondary containment area at all times.

(5) All secondary containment pumps, siphons and valves must be properly maintained and kept in good working order.

(6) Drainage of water accumulations from secondary containment areas that discharge directly to the land or waters of the state must be controlled by locally operated, positive shutoff valves or other positive means to prevent a discharge. Valves must be kept closed except when the discharge from the containment system is in compliance with chapter 90.48 RCW, Water pollution control. Valves must be locked closed when the facility is unattended. Necessary measures shall be taken to ensure secondary containment valves are protected from inadvertent opening or vandalism. There shall be some means of readily determining valve status by facility personnel such as a rising stem valve or position indicator.

(7) The owner or operator shall inspect or monitor accumulated water before discharging from secondary containment to ensure that no oil will be discharged to the waters of the state. All water discharges shall comply with state water quality program regulations as described in chapter 90.48 RCW.

(8) The department may require oil containers less than ten thousand gallons (two hundred thirty-eight barrels) capacity to have secondary containment when the container is located less than six hundred feet from navigable waters of the state or a storm water or surface drains which may directly impact navigable waters of the state.

(9) A secondary containment system constructed after the adoption date of this rule shall be installed as follows:

(a) In accordance with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, section 2-3.4.3;

(b) Secondary containment systems must be capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;

(c) Secondary containment systems shall be designed to withstand seismic forces;

(d) Drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements; and

(e) Secondary containment systems shall be designed and constructed in accordance with sound engineering practice and in conformance with the provisions of this section.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-080, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-090 Storage tank requirements. (1) Storage tanks constructed after the adoption date of this rule shall meet or exceed the 1993 version of the National Fire Protection Association (NFPA 30) requirements and one of the following design and manufacturing standards:

- (a) UL No. 142, Steel Aboveground Tanks for Flammable and Combustible Liquids dated April 1993;
- (b) API Standard 650, Welded Steel Tanks for Oil Storage dated November 1988;
- (c) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks dated June 1990; or
- (d) Another standard approved by the department.

(2) The owner or operator shall ensure that the means of preventing storage tank overfill comply with the 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, Chapter 2, Section 2-10.

(3) Storage tanks shall be maintained, repaired and inspected in accordance with the requirements of API 653 dated January 1991 unless the operator proposes an equivalent inspection strategy which is approved by the department.

(4) A record of all inspection results and corrective actions taken must be kept for the service life of the tank and must be available to the department for inspection and copying upon request.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-090, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-100 Transfer pipeline requirements. (1) Pipelines replaced, relocated or constructed after the adoption date of this rule which are located in areas not controlled by the facility shall be installed in accordance with 49 CFR 195.246 through 49 CFR 195.254 as amended on October 8, 1991, where feasible. Facility control is established by fencing, barriers or other method accepted by the department which protects the pipe right-of-way and limits access to personnel authorized by the facility.

(2) All pipelines shall be protected from third party damage in a reasonable manner and be able to withstand external forces exerted upon them. This shall be done by:

(a) Registering all underground pipelines located in public right-of-way areas in the local one call system if available;

(b) Maintaining accurate maps for all underground piping located outside the facility. The maps shall identify pipe size and location. The approximate depths of pipelines shall be identified for pipelines which do not comply with 49 CFR 195.248 as amended on October 8, 1991;

(c) Marking all piping located in areas not controlled by the facility in accordance with 49 CFR 195.410 as amended on October 8, 1991;

(d) Providing easement inspections of areas identified by subsection (2)(b) of this section on a weekly basis to determine if there is any uncommon activity occurring which may affect the integrity of the pipeline;

(e) Ensuring that pipelines at each railroad, highway or road crossing are designed and installed to adequately withstand the dynamic forces exerted by anticipated traffic loads.

(3) Pipelines constructed after the adoption date of this rule shall be designed and constructed in accordance with the

American Society of Mechanical Engineers (ASME) Standard for pressure piping ASME B31.3 or B31.4 issued March 15, 1993, in effect during the time of construction or any other standard accepted by the Department.

(4) Pipelines must be inspected in accordance with API 570, 1993, Piping Inspection Code. As an alternative to complying with API 570, the facility must comply with the following requirements:

(a) Buried pipelines constructed after the adoption date of this rule must be coated. Coatings shall be designed and inspected to meet the following conditions consistent with the definition of best achievable protection:

(i) Coatings shall effectively electrically isolate the external surfaces of the pipeline system from the environment.

(ii) Coatings shall have sufficient adhesion to effectively resist underfilm migration of moisture.

(iii) Coatings must be sufficiently ductile to resist cracking.

(iv) The coating shall have sufficient impact and abrasion resistance or otherwise be protected to resist damage due to soil stress and normal handling (including concrete coating application, installation of river weights and anode bracelet installation, where applicable).

(v) The coating must be compatible with cathodic protection.

(vi) The coating must be compatible with the operating temperature of the pipeline.

(vii) Coatings shall be inspected immediately before, during, or after pipe installation to detect coating faults. Faults in the coating shall be repaired and reinspected.

(b) All buried coated pipelines shall have properly operated cathodic protection which is maintained during the operational life of the pipeline system. Cathodic protection shall be maintained on pipeline systems which are out of service but not abandoned unless the operator can show that the pipeline integrity has been properly monitored and secured as approved by the department prior to operation of the abandoned pipeline. Pipeline owners or operators may perform a corrosion study to demonstrate that cathodic protection is not required as an option to installing cathodic protection. Corrosion studies shall follow the following guidelines as a minimum:

(i) Corrosion studies shall be completed by a professional engineer with experience in corrosion control of buried pipelines, a NACE certified corrosion specialist or by a person knowledgeable and qualified to perform the required testing and inspection who is approved by the department.

(ii) Corrosion studies for pipelines shall include at a minimum, the following:

(A) Pipeline thickness and corrosion rate for existing pipelines;

(B) Presence of stray DC currents;

(C) Soil resistivity/conductivity;

(D) Soil moisture content;

(E) Soil pH;

(F) Chloride ion concentration; and

(G) Sulfide ion concentration.

(c) All pipelines with cathodic protection are subject to the following requirements where applicable:

(i) Cathodic protection systems must be tested to determine system adequacy on an annual basis.

Note: The National Association of Corrosion Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," may be used to comply with this section.

(ii) Impressed current cathodic protection rectifiers must be inspected every two months.

(iii) Where insulating devices are installed to provide electrical isolation of pipeline systems to facilitate the application of corrosion control, they shall be properly rated for temperature, pressure and electrical properties, and shall be resistant to the commodity carried in the pipeline system.

(iv) Buried pipeline systems shall be installed so that they are not in electrical contact with any metallic structures. This requirement shall not preclude the use of electrical bonding to facilitate the application of cathodic protection.

(v) Tests shall be carried out to determine the presence of stray currents. Where stray currents are present, measures shall be taken to mitigate detrimental effects.

(d) Buried bare pipelines shall be inspected in accordance with section 7 of API 570 dated June 1993. Pipeline thickness and corrosion rates shall be determined at an interval of no more than half of the remaining life of the pipeline as determined from corrosion rates or every five years whichever is more frequent. Pipeline thickness and corrosion rate shall be initially established within thirty-six months after the adoption date of this rule. The pipeline shall be operated in accordance with American Society of Mechanical Engineers (ASME) supplement to ASME B31G-1991 entitled "*Manual for Determining the Remaining Strength of Corroded Pipe*" for transmission pipelines issued June 27, 1991, API 570 dated June 1993 or a standard approved by the department.

(5) Whenever any buried pipe is exposed for any reason, the operator shall provide a nondestructive examination of the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, the extent of that corrosion must be determined and if necessary repaired.

(6) Each facility shall maintain all pumps and valves that could affect waters of the state in the event of a failure. Transfer pipeline pumps and valves and storage tank valves shall be inspected annually and maintained in accordance with the manufacturers recommendations or an industrial standard approved by the department to ensure that they are functioning properly. Valves shall be locked when the facility is not attended. Necessary measures shall be taken to ensure that valves are protected from inadvertent opening or vandalism if located outside the facility or at an unattended facility.

(7) A written record must be kept of all inspections and tests covered by this section.

(8) Facilities shall have the capability of detecting a transfer pipeline leak equal to eight percent of the maximum design flow rate within fifteen minutes for transfer pipelines connected to tank vessels. Leak detection capability shall be determined by the facility using best engineering judgment. Deficiencies with leak detection systems such as false alarms must be addressed and accounted for by the facility. Facilities may meet these requirements by:

(a) Visual inspection provided the entire pipeline is visible and inspected every fifteen minutes; or

(b) Instrumentation; or

(c) Completely containing the entire circumference of the pipeline provided that a leak can be detected within fifteen minutes; or

(d) Conducting an acceptable hydrotest of the pipeline immediately before the oil transfer with visual surveillance of the exposed pipeline every fifteen minutes; or

(e) A combination of the above strategies; or

(f) A method approved by the department which meets the standard identified in this section.

Leak detection system operation and operator response must be described in the facility operations manual.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-100, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-110 Inspections. The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.410. During an inspection the department may require the facility to provide proof of compliance by producing all required records, documents as well as demonstrating spill prevention equipment and procedures required by this rule.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-110, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-120 Recordkeeping. Records required by this rule shall be maintained and available for a minimum of three years. Storage tank and pipeline records shall be maintained for the life of the equipment. Records shall be available to the department for inspection or photocopying upon request.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-120, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-130 Noncompliance. Any violation of this chapter may be subject to the enforcement sanctions of chapters 90.48 and 90.56 RCW.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-130, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-140 Rule review. The department shall review the requirements of this section every five years to ensure that best achievable protection of public health and environment is being achieved. This review shall include a review of current and updated industry standards, federal and state regulations, equipment and operational procedures.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-140, filed 5/4/94, effective 6/4/94.]

WAC 173-180A-150 Severability. If any provision of this chapter is held invalid, the remainder of this rule is not affected.

[Statutory Authority: RCW 90.56.220. 94-10-084, § 173-180A-150, filed 5/4/94, effective 6/4/94.]

**Chapter 173-180B WAC
FACILITY OIL-HANDLING OPERATIONS
MANUAL STANDARDS**

WAC

173-180B-010	Purpose.
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WAC 173-180B-010 Purpose. The purpose of this chapter is to establish operations manual requirements which, when followed, will:

- (1) Help to prevent oil and petroleum spills from occurring;
- (2) Ensure that facilities are operated in a manner which will provide the best achievable protection of public health and the environment;
- (3) Provide improved protection of Washington waters and natural resources from the impacts of oil spills caused by operational errors.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-010, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-020 Authority. RCW 90.56.230 provides statutory authority for operations manual preparation and review requirements established by this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-020, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-030 Definitions. "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures; the technological achievability of the measures; and the cost of the measures.

"Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

"Board" means the pollution control hearings board.

"Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

"Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

"Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

Facility:

"Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

A facility does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by the department or a local government under chapter 90.76 RCW; a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

"Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

"Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 CFR Part 302 adopted August 14, 1989, under section 101 (14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

"Offshore facility" means any facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include any land of the state, other than submerged land.

"Onshore facility" means any facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

Owner or operator:

"Owner" or "operator" means: In the case of a vessel, any person owning, operating, or chartering by demise, the vessel; in the case of an onshore or offshore facility, any person owning or operating the facility; and in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

Operator does not include any person who owns the land underlying a facility immediately before its abandonment.

"Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

"Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

"Spill" means an unauthorized discharge of oil which enters the waters of the state.

"Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

Operates on the waters of the state; and

Transfers oil in a port or place subject to the jurisdiction of this state.

"Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 CFR 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

"Transfer" means any movement of oil between a tank vessel or transmission pipeline and the facility.

"Transfer pipeline" is a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis.

"Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-030, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-040 Applicability. Operations manuals for onshore and offshore facilities must be prepared, submitted, and implemented, pursuant to the requirements in this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-040, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-050 Manual preparation. (1) Each facility shall prepare an operation and maintenance manual describing equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will

employ to achieve best achievable protection for public health and the environment, and to prevent oil spills. The manual shall also describe equipment and procedures required for all vessels which transfer oil to or from a facility. At a minimum, manuals shall meet the requirements of this chapter.

(2) The manual shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the manual holder's ability to meet the requirements of this chapter and the requirements of chapter 173-180A WAC.

(3) Coast Guard operations manuals required under 33 CFR 154.300 may be submitted to satisfy manual requirements under this chapter if the department deems that such federal requirements equal or exceed those of the department, or if the manuals are modified or appended to satisfy manual requirements under this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-050, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-060 Manual format requirements.

(1) Manuals shall be divided into a system of chapters and sections and shall be organized in a format which provides easy access to information.

(2) The manual shall allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire manual.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-060, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-070 Manual content requirements.

(1) Each operations manual submitted to the department shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party.

(b) Verifies acceptance of the manual by the owner or operator of the facility by either signature of the owner or operator or signature by a person with the authority to bind the corporation which owns such facility;

(c) Commits execution of the manual by the owner or operator of the facility, and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions.

(d) Includes the name, location, and address of the facility, type of facility, and starting date of operations.

(e) Each manual shall include a log sheet to record amendments to the manual. The log sheet shall be placed at the front of the manual. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately following the log sheet.

(2) Each manual shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(3) Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 CFR 156 provided that a copy of the

Coast Guard Operations Manual has been submitted to ecology.

(4) Operations manuals shall address at a minimum the following topics for marine transfers to or from facilities:

(a) The geographic location of the facility shown on a topographic map;

(b) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(c) A statement identifying facility operation hours;

(d) A discussion of the sizes, types, and number of vessels that the facility can transfer oil to or from, including simultaneous transfers;

(e) A description of all oil types transferred to or from the facility including:

(i) Generic and chemical name; and

(ii) The following oil information:

(A) The name of the oil;

(B) A description of the appearance of the oil;

(C) The hazards involved in handling the oil;

(D) Instructions for safe handling of oil;

(E) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil; and

(F) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil.

(f) A discussion of the minimum number of persons or equipment required to perform transfer operations and their duties;

(g) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(h) The duties of the transfer watchmen;

(i) Instructions in the use of each communication system;

(j) The location and facilities of each personnel shelter, if any;

(k) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;

(l) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(m) Quantity, types, locations, and instructions for use of monitoring devices;

(n) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;

(o) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(p) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;

(q) Detailed procedures for:

(i) Operating each loading arm including the limitations of each loading arm;

(ii) Transferring oil;

(iii) Completion of pumping; and

(iv) Emergencies.

(r) Procedures for reporting and initial containment of oil discharges;

(s) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(t) If applicable, procedures for shielding portable lighting;

(u) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;

(v) Recordkeeping procedures and sample forms which are associated with the requirements in chapters 173-180A and 173-180B WAC;

(w) Example maintenance schedules incorporating manufacturers recommendations or an industrial standard approved by the department, preventative maintenance, replacement criteria for transfer pipelines, pumps and valves;

(x) A discussion of equipment and procedures required for all vessels which transfer oil to the facility. Procedures for verifying that vessels meet facility requirements and operations manual procedures;

(y) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures shall be described for transfers to storage tanks and tank vessels;

(z) A discussion of the leak detection system and/or procedures implemented by the facility.

(5) Operations manuals shall address at a minimum the following topics for transfers to or from transmission pipelines:

(a) The geographic location of the facility shown on a topographic map;

(b) A physical description of the facility including a plan of the facility showing transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(c) A statement identifying facility operation hours;

(d) A description of all oil types transferred to or from the facility including:

(i) Generic and chemical name; and

(ii) The following oil information:

(A) The name of the oil;

(B) A description of the appearance of the oil;

(C) A description of the odor of the oil;

(D) The hazards involved in handling the oil;

(E) Instructions for safe handling of oil;

(F) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil; and

(G) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil.

(e) A discussion of the minimum number of persons required to perform transfer operations and their duties;

(f) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;

(g) The duties of the facility operator;

(h) A description of each communication system;

(i) The location and facilities of each personnel shelter, if any;

(j) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(k) Quantity, types, locations, and instructions for use of monitoring devices;

(l) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;

(m) Quantity, type, location, and instructions for use of fire extinguishing equipment;

(n) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;

(o) Detailed procedures for:

(i) Transferring oil;

(ii) Completion of transfer; and

(iii) Emergencies.

(p) Procedures for reporting and initial containment of oil discharges;

(q) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(r) A description of the training and qualification program for persons in charge;

(s) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;

(t) Recordkeeping procedures and sample forms to be used;

(u) Example maintenance schedules incorporating manufacturers recommendations or an industrial standard approved by the department, preventative maintenance replacement criteria for transfer pipelines, pumps and valves;

(v) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures shall be described for transfers to storage tanks and tank vessels.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-070, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-080 Manual submittal. (1) Manuals for onshore and offshore facilities shall be submitted to ecology within eighteen months after the adoption date of this rule.

(2) Any onshore or offshore facility that first begins operating after the above deadline shall submit a manual to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the manual and appendices shall be delivered to:

Spill Management Section,
Operations Manual Review
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

(4) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-080, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-090 Manual review. (1) Upon receipt of a manual, ecology shall determine promptly whether the manual is complete. If the department determines that a manual is incomplete, the submitter shall be notified of deficiencies.

(2) A manual shall be approved if, in addition to meeting criteria in this section, that when implemented, it

can provide best achievable protection from damages cause by the discharge of oil into waters of the state.

(3) When reviewing manuals, ecology shall, in addition to the above criteria, consider the following:

(a) The volume and type of oil(s) addressed by the facility prevention plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(c) Inspection reports;

(d) The presence of operating hazards;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, federal agency, or public comments received on the manual.

(4) Ecology shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the manual has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive an approval letter describing the terms of approval, including expiration dates pursuant to WAC 173-180-085(4).

(b)(i) Ecology may approve a manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the plan are resubmitted and approved.

(ii) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability to response equipment.

(iii) A manual holder shall have thirty days after the department gives notification of conditional status to submit and implement required changes to ecology, with the option for an extension at ecology's discretion. Manual holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If manual approval is denied, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The owner or operator of the facility must resubmit the manual within ninety days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications. The facility shall not continue oil storage, transfer, production, or other operations until a manual for that facility has been approved.

(d) A manual holder may appeal ecology's decision under WAC 173-04-010.

(e) Approval of a manual by ecology does not constitute an express assurance regarding the adequacy of the manual nor constitute a defense to liability imposed under state law.

(5) It shall be legal to operate a facility if a proposed operations manual has been submitted to the department and the department has not provided the facility with a formal response.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-090, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-100 Manual maintenance and use. (1) All equipment and operations of the facility shall be

completed and maintained in accordance with the facility's operation manual. The owner or operator shall ensure that all covered vessels docked at an onshore or offshore facility comply with the terms of the operations manual for the facility.

(2) Each facility covered by the manual shall possess a copy of the manual and keep it in an immediately accessible location.

(3) Facilities shall ensure that all employees involved in oil transfer, or storage operations, are familiar with the manual provisions through regular training. Orientation materials for new employees involved in oil transfer or storage operations shall contain a copy of the manual.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-100, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-110 Inspections. Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.410. During an inspection ecology may require the facility to provide proof of compliance by producing all required records, documents as well as demonstrating spill prevention equipment and procedures.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-110, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-120 Manual update timeline. (1) Ecology shall be notified in writing prior to any significant changes which could affect implementation of the manual.

(a) A significant change includes, but is not limited to:
 (i) A change in the owner or operator of the facility;
 (ii) A change in the types of oil handled at the facility;
 (iii) A substantial change in the facility's oil-handling capacity;

(iv) Noncompliance with the federal Oil Pollution Act of 1990;

(v) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility technology, operations, or personnel procedures based on requirements of amended or new rules adopted by ecology; and

(vi) A change which would require that the operations manual be modified.

(b) If the change will reduce the facility's ability to implement the manual, the manual holder shall also provide a schedule for the return of the manual to full implementation capability.

(c) A facsimile will be considered written notice for the purposes of this section.

(d) Failure to notify ecology of significant changes shall be considered noncompliance with this chapter and subject to the provisions of WAC 173-180B-070.

(2) If ecology finds that, as a result of the change, the manual no longer meets approval criteria, the department may, at its discretion, place conditions on approval, or revoke approval. The department may also require the manual holder to amend its manual to incorporate the change.

(3) Within thirty calendar days of making a change to the operations manual, the facility owner or operator shall

distribute the amended page(s) of the plan to ecology and other manual holders.

(4) Manuals shall be reviewed by ecology every five years. Manuals shall be submitted for reapproval unless the manual holder submits a letter requesting that ecology review the manual already in the department's possession. The manual holder shall submit the manual or such letter at least one hundred eighty calendar days in advance of the manual expiration date.

(5) Ecology may review a manual and require changes following any spill for which the manual holder is responsible.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-120, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-130 Noncompliance with manual requirements. Any violation of this chapter may be subject to the enforcement sanctions of chapter 90.48 RCW.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-130, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-140 Severability. If any provision of this chapter is held invalid, the remainder of this rule is not affected.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-140, filed 5/4/94, effective 6/4/94.]

Chapter 173-180C WAC

FACILITY PERSONNEL OIL-HANDLING TRAINING AND CERTIFICATION

WAC

173-180C-010	Purpose.
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WAC 173-180C-010 Purpose. The purpose of this chapter is to establish onshore and offshore facility personnel oil-handling training and certification requirements which, when followed, will:

(1) Provide improved protection of Washington waters and natural resources by preventing oil spills caused by human factors;

(2) Ensure that key facility personnel involved in oil-handling operations are adequately trained and have demonstrated competency; and

(3) Establish certification that personnel are in compliance with training requirements.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-010, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-020 Authority. RCW 90.56.220 provides statutory authority for the personnel training and certification requirements established by this chapter.

[Statutory Authority: RCW 90.56.220, 93-01-089 (Order 91-64), § 173-180C-020, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-030 Definitions. (1) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(3) "Certification" means the documentation that a facility employee has met all requirements of an oil spill prevention training and job competency program that meets the requirements of this chapter.

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

(5) "Director" means the director of the state of Washington department of ecology.

(6) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that both:

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state, or while transferring oil to or from the rolling stock;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that dispenses three thousand gallons or less of fuel in a single transaction to a ship other than a tank vessel, cargo vessel, or passenger vessel. Marine fuel outlets that dispense more than three thousand gallons of fuel to any vessel in a single transaction do not meet this exemption.

(8) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations, Part 69.

(9) "Human factors" means human conditions, such as inadequate knowledge or fatigue, which can lead to incompetence or poor judgment.

(10) "Human factor risks" means risks of causing an oil spill due to the effects of human factors on competency and judgment.

(11) "Indirect operations" means involvement in on-site activities, such as new construction, in a capacity that indirectly involves the risk of an oil spill to waters of the state due to potential impacts to nearby oil-handling operations (e.g., operating digging equipment next to an active transfer pipeline).

(12) "Key" means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where

typical human factors present the probability of a spill occurring.

(13) "Maintenance" means direct involvement in maintaining and repairing the equipment used for the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state.

(14) "Management" means direct involvement in managing the transfer, storage, handling, or monitoring of oil at a facility by setting operations policies and procedures that involve the risk of an oil spill to waters of the state.

(15) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(16) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through the use of facility personnel and best achievable technology. In determining what is the maximum extent practicable, the director shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(17) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(18) "Offshore facility" means any facility, as defined in subsection (7) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil, including oil-contaminated ballast or bilge water. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(20) "Onshore facility" means any facility, as defined in subsection (7) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(21) "On-the-job training" means learning procedures and equipment use through observation of experienced and competent personnel, and supervised hands-on practice.

(22) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes but is not limited to the person-in-charge, storage tank operators, pipeline operators, and oil transfer monitors.

(23)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(24) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(25) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(26) "Person-in-charge" means the individual identified as the person in charge of transfer operations as required under 33 C.F.R. 154.710.

(27) "Personnel" means individuals employed by, or under contract with, a facility.

(28) "Pipeline" means, for the purposes of subsection (7)(a) (i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (7)(a) of this section.

(29) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(30) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(31) "Supervisory" means involvement in directly supervising the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(32) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(33) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-030, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-040 Applicability. Personnel oil-handling training and certification programs for onshore and offshore facilities must be developed, approved, and implemented, pursuant to requirements in this chapter.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-040, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-050 Training requirements. (1) Each onshore and offshore facility shall develop and implement oil spill prevention training for key supervisory, operations, maintenance, management, and indirect operations personnel identified pursuant to subsection (3) of this section. Training shall be designed, to the maximum extent practicable, to promote job competency and environmental awareness for the purpose of preventing oil spills. Non-

English speaking personnel subject to the facility's training requirements shall be trained in a manner that allows comprehension by such personnel.

(2) Oil spill prevention training programs must be approved by the department pursuant to WAC 173-180C-080.

(3) The facility shall identify, in writing, the specific position titles which the facility has identified to be subject to its oil spill prevention training requirements. In making this determination, the facility shall evaluate the functions of facility personnel positions using the definitions of "key," "supervisory," "operations," "maintenance," "management," and "indirect operations" under WAC 173-180C-030. For cases where certain job titles associated with indirect operations can not be identified in advance, the facility shall identify the types of job orders or work sites which may involve the need for indirect operations oil spill prevention training.

(4) The facility shall identify, in writing, the specific initial classroom and/or on-the-job oil spill prevention training requirements for each position, including minimum hours, that are appropriate for each position given the facility's training needs and human factor risks.

(5) Requirements for training of operations and supervisory personnel shall focus on building personnel competency in operating procedures and spill prevention systems specific to the facility. Oil spill prevention training requirements shall incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Operating procedures and checklists specific to trainee's job function;

(c) Problem assessment, including recognition of human factor risks and how they can be minimized;

(d) Awareness of preventative maintenance procedures;

(e) Awareness of local environmental sensitivity and oil spill impacts;

(f) Major components of facility's oil spill prevention plan;

(g) Major components of facility's operations manual;

(h) Major components of facility's oil spill contingency plan;

(i) Decision-making for abnormal operating events and emergencies, including emergency spill prevention and safe shut down conditions, responsibilities, and procedures;

(j) Routine and emergency communications procedures;

(k) Overview of applicable oil spill prevention and response laws and regulations; and

(l) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(6) Requirements for initial oil spill prevention training of management personnel shall incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Management role in operations and oil spill prevention;

(c) Recognition of human factor risks and how they can be minimized;

(d) Awareness of local environmental sensitivity and oil spill impacts;

(e) Major components of facility's oil spill prevention plan;

(f) Major components of facility's operations manual;

(g) Major components of facility's oil spill contingency plan;

(h) Decision-making for abnormal operating events and emergencies, including emergency spill prevention and safe shut down conditions, responsibilities, and procedures;

(i) Overview of applicable oil spill prevention and response laws and regulations; and

(j) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(7) Requirements for initial oil spill prevention training of maintenance personnel shall incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at applicable maintenance work sites within the facility;

(b) Equipment problem assessment and preventative maintenance procedures;

(c) Awareness of local environmental sensitivity and oil spill impacts;

(d) Major components of facility's oil spill prevention plan;

(e) Major components of facility's operations manual;

(f) Major components of facility's oil spill contingency plan;

(g) Emergency spill prevention and safe shut down conditions, responsibilities, and procedures;

(h) Overview of applicable oil spill prevention and response laws and regulations; and

(i) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(8) Requirements for initial oil spill prevention training of indirect operations personnel shall incorporate the following training topics at a minimum:

(a) Overview of oil handling, transfer, storage, and monitoring/leak detection operations at specific indirect operations work site within the facility;

(b) Awareness of local environmental sensitivity and oil spill impacts;

(c) Notification procedures for emergency spill prevention actions; and

(d) For facility employees, drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).

(9) Training topics identified in subsections (5) through (8) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the applicable personnel training program.

(10) The facility shall identify, in writing, the specific oil spill prevention continuing education requirements for each affected position, including minimum hours, that are appropriate given the facility's training needs and human factor risks. Ongoing training shall occur at least annually, and at a minimum address:

(a) Any changes in the core topics identified in subsections (5) through (8) of this section, unless affected personnel have already been informed about the change after its occurrence;

(b) Refresher awareness training on environmental sensitivity and oil spill impacts;

(c) Review and analysis of oil spills which have occurred during the past year;

(d) Refresher training on emergency spill prevention procedures; and

(e) For key supervisory, operations, and management personnel, a practice exercise of the facility's procedures for preventing a spill during a particular abnormal operations event.

(11) Facilities are encouraged to apply or modify existing training programs required under federal Process Safety Management requirements (29 C.F.R. 1910), Coast Guard Person-in-charge requirements (33 C.F.R. 154.710), and other federal/state training requirements in order to meet the above oil spill prevention training requirements.

(12) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's initial oil spill prevention training requirements if:

(a) The facility has documented that those personnel have received the required training in the past; or

(b) The facility attests in writing and in detail how those personnel have had on-the-job training or other experience equivalent to the facility's initial training requirements including type and frequency of past training when known.

(13) Facilities shall develop follow up remedial training for personnel clearly responsible for causing an oil spill while functioning in their position, unless such personnel no longer occupy a position identified under subsection (3) of this section.

(14) Contractors hired by the facility to perform key supervisory, operations, maintenance, management, or indirect operations functions, as identified by the facility under subsection (3) of this section, are considered "personnel" for the purposes of this chapter, and shall be subject to the same oil spill prevention training requirements as facility employees. The facility is responsible to validate that such contractors have met the facility's oil spill prevention training requirements before they perform a key supervisory, operations, maintenance, management, or indirect operations function.

(15) Facilities shall develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

(16) Facilities shall develop and maintain written oil spill prevention training materials, such as training manuals or checklists.

(17) Oil spill prevention training shall be documented, and records shall be kept at the facility in a central and accessible location for at least five years from the date of training completion.

[Statutory Authority: RCW 90.56.220, 93-01-089 (Order 91-64), § 173-180C-050, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-060 Certification program. (1) Each onshore and offshore facility shall develop and implement a program to certify that key supervisory and operations personnel identified pursuant to WAC 173-180C-050(3)

have met the facility's oil spill prevention training program requirements, and are competent to perform the operations or supervisory functions associated with their position. The facility is not required to certify personnel other than key supervisory and operations personnel. The certification program shall be designed, to the maximum extent practicable, to ensure job competency and environmental awareness for the purpose of preventing oil spills.

(2) Certification programs must meet minimum criteria pursuant to WAC 173-180C-070.

(3) Certification programs must be approved by the department pursuant to WAC 173-180C-080.

[Statutory Authority: RCW 90.56.220, 93-01-089 (Order 91-64), § 173-180C-060, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-070 Minimum criteria for certification programs. (1) The facility oil spill prevention certification program shall address all key supervisory and operations personnel identified pursuant to WAC 173-180C-050(3).

(2) The facility shall develop and maintain written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to develop and test competency in key supervisory and operations personnel;

(c) The process to issue and track certificates; and

(d) Policies regarding loss or lack of certified status.

(3) The facility shall maintain a written certificate or other record for supervisory and operations personnel which have met the facility's certification requirements. This record shall document:

(a) The certified individual's name and position;

(b) Types and hours of training completed;

(c) Name of trainer;

(d) Results of performance tests and evaluations; and

(e) Signatures of the trainee and trainer.

(4) Copies of certification records shall be kept at the facility in a central and accessible location for at least five years from the date of certification.

(5) The facility certification program shall incorporate methods to evaluate and confirm job competency, including:

(a) A written examination, or oral examination documented in writing, which tests general knowledge about training topics identified under WAC 173-180C-050(5), with an appropriate passing score established by the facility;

(b) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(i) Observation of performance of each oil handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and

(ii) Practice exercises involving procedures to prevent a spill during abnormal operations events.

(6) The facility's program shall only provide for certification of an individual who has:

(a) Met the facility's oil spill prevention initial training requirements tied to the individual's position, as developed pursuant to WAC 173-180C-050(4); and

(b) Passed a competency evaluation developed under subsection (5) of this section.

(7) Recertification shall occur at least once every three years, based on:

(a) Successful completion of continuing education requirements; and

(b) Satisfactory performance in a reevaluation of competency as developed under subsection (5) of this section.

[Statutory Authority: RCW 90.56.220, 93-01-089 (Order 91-64), § 173-180C-070, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-080 Program approval. (1) Facilities must develop or modify their training and certification program to meet rule criteria, begin implementing the program, and if necessary, update the description of this program in their oil spill prevention plan pursuant to chapter 173-180D WAC requirements:

(a) Within twelve months from adoption of this rule, for facilities with combined pipeline and aboveground tank oil storage capacity of one million gallons or more; and

(b) Within eighteen months from adoption of this rule, for facilities with combined pipeline and aboveground tank oil storage capacity of less than one million gallons.

(2) Within six months from the date that facilities must meet rule criteria pursuant to subsection (1) of this section, the facility shall have conducted its certification procedures, as developed pursuant to WAC 173-180C-070(2), for all existing personnel that are subject to the facility's certification requirements and have entered their current position prior to adoption of this chapter.

(3) The department shall review the facility's training and certification program after the date that facilities must meet rule criteria pursuant to subsection (1) of this section. This review shall be accomplished by a general on-site inspection by the department through evaluation of the facility's training materials, testing records and certification records, and consultation with personnel.

(4) The department will notify facilities regarding approval status within thirty calendar days from completing inspections performed under subsection (2) of this section.

(5) Facilities that do not receive approval will have ninety calendar days to address deficiencies in their training and certification program, with options for a time extension based on the department's discretion. For those personnel that were trained or certified after the deadlines established in subsection (1) of this section but prior to program approval, retraining or recertification of such personnel due to changes required by the department's approval process can be postponed until the next retraining or recertification cycle as established by the facility pursuant to this chapter.

(6) Training and certification program approval is valid for five years. Significant changes to the facility's program must be documented through an update of the facility's prevention plan pursuant to chapter 173-180D WAC requirements. Minor upgrades in training and certification programs, such as expansion of training hours or updates to testing materials, are not required to be submitted to the department through a prevention plan update. The department may perform announced and unannounced inspections at facilities to verify compliance.

(7) A training and certification program shall be approved if, in addition to meeting criteria in WAC

173-180C-060 and 173-180C-070, it demonstrates that when implemented, it can, to the maximum extent practicable:

(a) Provide protection from human factor oil spill risks identified in the risk analysis required by WAC 173-180D-060(16);

(b) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those facility oil spills which do occur;

(c) Provide effective oil spill prevention training to key supervisory, operations, maintenance, management, and indirect operations personnel;

(d) Ensure proper evaluation of job competency; and

(e) Provide an effective system to clearly document and track personnel training and certification.

(8) When reviewing programs, the department shall, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) handled by facility, and frequency of oil-handling operations;

(b) Number of facility personnel;

(c) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(d) Inspection reports;

(e) The presence of hazards unique to the facility, such as seismic activity or production processes; and

(f) The sensitivity and value of natural resources that could be affected by a spill from the facility.

(9) The department may approve a program with an expedited review as set out in this section if that program has been approved by a federal agency or other state which the department has deemed to apply approval criteria which equal or exceed those of the department.

(10) If the program receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates pursuant to subsection (6) of this section.

(a) The department may conditionally approve a program by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the program are resubmitted and approved.

(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) A facility shall have thirty calendar days after the department gives notification of conditional status to make the required changes, with the option for an extension at the department's discretion. Facilities which fail to meet conditional requirements or make required changes in the time allowed shall lose conditional approval status.

(b) If approval is denied or revoked, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The facility may be subject to penalties identified in WAC 173-180C-095.

(c) The department's decisions under this chapter are reviewable in superior court.

(d) Approval of a training and certification program by the department does not constitute an express assurance

regarding the adequacy of the program nor constitute a defense to liability imposed under state law.

(11) The department shall prepare guidance material to aid department staff responsible for program review. This material shall be made available to facility staff and other interested parties. While the guidance manual will be used as a tool to conduct review of a program, the department will not be bound by the contents of the manual. Oil spill prevention training and test materials developed by the department for technical assistance purposes may be used to meet part of a facility's training and certification program requirements under this chapter.

(12) The department may review a program following any spill at the facility.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-080, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-090 Inspections. The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.48.090.

(1) During inspections, department staff may require appropriate facility personnel to demonstrate proof of training and certification.

(2) The department shall endeavor to provide a completed inspection report to the facility owner and operator within thirty calendar days from the inspection date.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-090, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-095 Noncompliance with requirements. Any violation of this chapter may be subject to enforcement and penalty sanctions of RCW 90.48.144 as amended by section 27, chapter 73, Laws of 1992. These penalties include a civil penalty of up to ten thousand dollars a day for every violation.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-095, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-098 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-098, filed 12/16/92, effective 1/16/93.]

Chapter 173-180D WAC

FACILITY OIL SPILL PREVENTION PLAN STANDARDS

WAC

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WAC 173-180D-010 Purpose. The purpose of this chapter is to establish onshore and offshore facility oil spill prevention plan requirements which, when followed, will:

- (1) Minimize the likelihood that facility oil spills will occur;
- (2) Minimize the size and impacts of those facility oil spills which do occur;
- (3) Facilitate coordination of local, state, regional, tribal, and other prevention and contingency plans;
- (4) Provide improved protection of Washington waters and natural resources from the impacts of oil spills; and
- (5) Emphasize that oil spill prevention is the top priority strategy for protecting Washington waters and natural resources from the impacts of oil spills.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-010, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-020 Authority. RCW 90.56.200, 90.56.300, and 90.56.310 provide statutory authority for the prevention plan preparation and review requirements established by this chapter.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-020, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-030 Definitions. (1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

- (a) The additional protection provided by the measures;
- (b) The technological achievability of the measures; and
- (c) The cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

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

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

(7) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(8)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that both:

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that dispenses three thousand gallons or less of fuel in a single transaction to a ship other than a tank vessel, cargo vessel, or passenger vessel. Marine fuel outlets that dispense more than three thousand gallons of fuel to any vessel in a single transaction do not meet this exemption.

(9) "Gross ton" means a vessel's approximate volume as defined in Title 46, United States Code of Federal Regulations, Part 69.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through the use of facility personnel and best achievable technology. In determining what is the maximum extent practicable, the director shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(12) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(13) "Offshore facility" means any facility, as defined in subsection (8) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil, including oil-contaminated ballast or bilge water. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(15) "Onshore facility" means any facility, as defined in subsection (8) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be

expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(16)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(17) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(18) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(19) "Pipeline" means, for the purposes of subsection (8)(a)(i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (8)(a) of this section.

(20) "Plan" means oil spill prevention plan.

(21) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(22) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(23) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(24) "Transporting" means, for the purposes of subsection (8)(b)(i) of this section, the act of moving oil over the highways or rail lines of this state, and the act of transferring oil to or from the rolling stock.

(25) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-030, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-040 Applicability. Oil spill prevention plans for onshore and offshore facilities must be prepared, submitted, and implemented, pursuant to requirements in this chapter.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-040, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-050 Plan preparation. (1) Each onshore and offshore facility shall prepare a plan for prevention of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from oil spills.

(2) Plans shall be thorough and contain enough information, analyses, supporting data, and documentation to

demonstrate the plan holder's ability to meet the requirements of this chapter.

(3) *Spill Prevention Countermeasure and Control Plans, Operation Manuals*, and other prevention documents which meet federal requirements under 33 C.F.R. 154, 33 C.F.R. 156, 40 C.F.R. 109, 40 C.F.R. 112, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if the department deems that such federal requirements equal or exceed those of the department, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(4) Plans which meet requirements of other states may be submitted to satisfy plan requirements under this chapter if the department deems that such state requirements equal or exceed those of the department, or if the plans are modified or appended to satisfy plan requirements under this chapter.

(5) Prevention plans may be combined with contingency plans required by chapter 173-181 WAC.

(6) Plans, when implemented, shall be designed to be capable of providing the best achievable protection from damages caused by the discharge of oil into the waters of the state. At a minimum, plans shall meet the criteria specified in this chapter.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-050, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-055 Plan format requirements. (1) Plans shall be organized in a format which provides easy access to prevention information. Plans shall be divided into a system of chapters and sections. Chapters and sections shall be numbered and identified with a system of index tabs.

(2) Plans shall be formatted to allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire plan.

(3) If combined with a contingency plan, the prevention plan shall be clearly separated from contingency plan elements.

(4) Prevention plan content requirements specified in WAC 173-180D-060 are presented in suggested but not requisite order.

(5) Computerized plans, in addition to a hard copy, may be submitted to the department.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-055, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-060 Plan content requirements. (1) Each plan shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of submitting party;

(b) Verifies acceptance of the plan by the owner or operator of the facility by either signature of the owner or operator or signature by a person with authority to bind the corporation which owns or operates the facility;

(c) Commits the owner or operator of the facility to execution of the plan, and verifies that the plan holder is authorized to make appropriate expenditures in order to execute plan provisions; and

(d) Includes the name, location, and address of the facility, type of facility, starting date of operations, types of oil(s) handled, and oil volume capacity.

(2) Each plan shall include a log sheet to record amendments to the plan. The log sheet shall be placed at the front of the plan. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that the department was notified of the amendment pursuant to WAC 173-180D-085, and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan shall describe its purpose and scope, including but not limited to:

(a) The onshore facility or offshore facility operations covered by the plan;

(b) The relationship of the prevention plan to other oil spill plans and operation manuals held by the facility; and

(c) The relationship of the plan to all applicable local, state, regional, tribal, and federal government prevention plans, including the Washington State-wide Master Oil and Hazardous Substance Spill Contingency Plan.

(d) Information required under facility oil spill contingency plan standards in WAC 173-181-050(4); spill prevention, countermeasure, and control plan standards in 40 C.F.R. 112.4(a); or facility operations manual standards in 33 C.F.R. 154.310(1-4) may be used to address (a) of this subsection.

(5) Each plan shall describe the procedures and time periods for updating the plan and distributing the plan and updates to appropriate parties.

(6) Each plan shall establish that the facility is in compliance with the Federal Oil Pollution Act of 1990. Within thirty calendar days after federal deadlines for facility requirements under that act, the plan shall be updated to include any applicable evidence of compliance.

(7) Within thirty calendar days after evidence of financial responsibility is required by rules adopted by the department pursuant to chapter 88.44 RCW, the plan shall be updated to include any applicable evidence of compliance.

(8) Each plan shall describe the types and frequency of spill prevention training provided to personnel. Within thirty calendar days after personnel certification is required by rules adopted by the department pursuant to RCW 90.56.220, the plan shall be updated to include any applicable evidence of compliance.

(9) Within thirty calendar days after submittal of an operations manual is required by rules adopted by the department pursuant to RCW 90.56.230, the plan shall be updated to include any applicable evidence of compliance.

(10) Each plan shall provide evidence that the facility has an approved oil spill contingency plan or has submitted a contingency plan to the department in accordance with standards and deadlines established by chapter 173-181 WAC.

(11) Each plan shall address the facility's alcohol and drug use awareness and treatment program for all facility personnel.

(a) The plan shall include at a minimum:

(i) Documentation of an alcohol and drug awareness program. The awareness program shall provide training and information materials to all employees on recognition of alcohol and drug abuse; treatment opportunities, including opportunities under the Alcohol and Drug Addiction Treatment and Support Act pursuant to chapter 388-40 WAC; and applicable company policies;

(ii) A description of the facility's existing drug and alcohol treatment programs; and

(iii) A description of existing provisions for the screening of supervisory and key employees for alcohol and drug abuse and related work impairment.

(b) Evidence of conformance with applicable federal "Drug-Free Workplace" guidelines or other federal or state requirements may be used to address (a) of this subsection.

(12) Each plan shall describe the facility's existing maintenance and inspection program.

(a) The description shall summarize:

(i) Frequency and type of all regularly scheduled inspection and preventive maintenance procedures for tanks; pipelines; other key storage, transfer, or production equipment, including associated pumps, valves, and flanges; and overpressure safety devices and other spill prevention equipment;

(ii) Integrity testing of storage tanks and pipelines, including but not limited to frequency; pressures used (including ratio of test pressure to maximum operating pressure, and duration of pressurization); means of identifying that a leak has occurred; and measures to reduce spill risk if test material is product;

(iii) External and internal corrosion detection and repair;

(iv) Damage criteria for equipment repair or replacement; and

(v) Any other aspect of the maintenance and inspection program.

(b) The plan shall include a current index of maintenance and inspection records of the storage and transfer facilities and related equipment.

(c) Documentation required under 40 C.F.R. 112.7(e) or 33 C.F.R. 154 Subparts C and D may be used to address elements of this subsection.

(d) Existing copies of the facility's maintenance and inspection records for the five-year period prior to plan submittal shall be maintained and shall be available for inspection if requested by the department. The plan shall document the use of a system to maintain such records over a five-year period for subsequent activity.

(13) Each plan shall describe spill prevention technology currently installed and in use, including:

(a) Tank and pipeline materials and design;

(b) Storage tank overflow alarms, low level alarms; tank overflow cut-off switches; automatic transfer shut-down systems; methods to alert operators; system accuracy; and tank fill margin remaining at time of alarm activation in terms of vertical distance, quantity of liquid, and time before overflow would occur at maximum pumping rate;

Documentation required under 40 C.F.R. 112.7(e)(2)(viii) or 33 C.F.R. 154.310 (a)(12-13) may be used to address some or all of these elements;

(c) Leak detection systems for both active and nonactive pipeline conditions, including detection thresholds in terms of duration and percentage of pipeline flow; limitations on

system performance due to normal pipeline events; and procedures for operator response to leak alarms;

Documentation required under 40 C.F.R. 112.7(e)(3) may be used to address some or all of these elements;

(d) Rapid pump and valve shutdown procedures, including means of ensuring that surge and over-pressure conditions do not occur; rates of valve closure; sequence and time duration (average and maximum) for entire procedure; automatic and remote control capabilities; and displays of system status for operator use;

Documentation required under 40 C.F.R. 112.7(e)(3) may be used to address some or all of these elements;

(e) Methods to minimize of post-shutdown residual drain-out from pipes, including criteria for locating valves; identification of all valves (including types and means of operation) that may be open during a transfer process; and any other techniques for reducing drain-out;

(f) Means of relieving pressure due to thermal expansion of liquid in pipes during quiescent periods;

(g) Secondary containment, including capacity, permeability, and material design;

Documentation required under 40 C.F.R. 112.7(e)(1) and (2)(iii-iv) may be used to address some or all of these elements;

(h) Internal and external corrosion control coatings and monitoring;

(i) Storm water and other drainage retention, treatment, and discharge systems, including maximum storage capacities and identification of any applicable discharge permits;

Documentation required under 40 C.F.R. 112.7(e)(1) and (2)(iii and ix) may be used to address some or all of these elements; and

(j) Criteria for suspension of operations while leak detection or other spill control systems are inoperative.

(14) Each plan shall describe measures taken to ensure facility site security, including:

(a) Procedures to control and monitor facility access;

(b) Facility lighting (documentation required under 33 C.F.R. 154.570 may be used to address some or all of this element);

(c) Signage; and

(d) Right of way identification or other measures to prevent third-party damage (documentation required under 40 C.F.R. 112.7(e)(3)(v) and (9) may be used to address some or all of this element).

(15) Each plan shall list any discharges of oil in excess of twenty-five barrels (one thousand fifty gallons) to the land or waters of the state which occurred during the five-year period prior to the plan submittal date. For each discharge, the plan shall describe:

(a) Quantity;

(b) Type of oil;

(c) Geographic location;

(d) Analysis of cause, including source(s) of discharged oil and contributing factors (e.g., third party human error, adverse weather, etc.); and

(e) Measures taken to remedy the cause and prevent a reoccurrence;

For the period between July 1, 1987, and January 1, 1993, the facility shall provide existing information regarding (a) through (e) of this subsection for such discharges, and

shall document the use of a system to record complete information for subsequent discharges.

(16) Each plan shall include a detailed and comprehensive analysis of facility spill risks based on the information required in subsections (11) through (15) of this section, and other relevant information.

(a) The risk analysis shall:

(i) Evaluate the construction, age, corrosion, inspection and maintenance, operation, and oil spill risk of the transfer, production, and storage systems in the facility, including piping, tanks, pumps, valves, and associated equipment;

(ii) Evaluate spill minimization and containment systems within the facility;

(iii) Be prepared under the supervision of (and bear the seal of) a licensed professional engineer or another individual which the department has deemed to have an acceptable level of expertise.

(b) Documentation required under 40 C.F.R. 112.7(b) and (e) may be used to address some or all of the elements of this subsection.

(17) Each plan shall describe how the facility will incorporate those measures that will provide best achievable protection to address the spill risks identified in the risk analysis required in subsection (16) of this section.

(a) Information documented pursuant to 40 C.F.R. 112.7(e) and 33 C.F.R. 154.310 may be used to address some or all of these elements of this subsection.

(b) Within six months after facility operation standards are adopted by rule by the department pursuant to RCW 90.56.220, the plan shall be updated to address how the facility will meet prevention standards and deadlines established by that rule.

(18) If the prevention plan is combined with a contingency plan, the prevention plan may incorporate information required in this section by reference if that information is provided in the contingency plan.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-060, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-065 Plan submittal. (1) Plans for onshore and offshore facilities shall be submitted to the department by January 1, 1993.

(2) Any onshore or offshore facility that first begins operating after the deadlines stated in subsection (1) of this section shall submit a plan to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the plan and appendices shall be delivered to:

Spill Management Section, Prevention Plan Review
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

(4) Onshore and offshore facility plans may be submitted by:

(a) The facility owner or operator; or

(b) A primary response contractor approved by the department pursuant to WAC 173-181-090, in conformance with signature requirements under WAC 173-180D-060(1).

(5) A single plan may be submitted for more than one facility, provided that the plan meets the requirements in this chapter for each facility listed.

(6) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-065, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-070 Plan review. (1) The department shall endeavor to review each plan in sixty-five calendar days. If the plan is submitted in conjunction with a contingency plan required under chapter 173-181 WAC, the department may extend the prevention plan review period an additional sixty-five calendar days. Upon receipt of a plan, the department shall evaluate promptly whether the plan is incomplete. If the department determines that a plan is incomplete, the submitter shall be notified of deficiencies. The review period shall not begin until the department receives a complete plan.

(2) The department shall regularly notify interested parties of any prevention plans which are under review by the department, and make plans available for review by all department programs, other state, local, tribal, and federal agencies, and the public. The department shall accept comments on the plan from any interested party during the first thirty calendar days of review by the department.

(3) A plan shall be approved if, in addition to meeting criteria in WAC 173-180D-055 and 173-180D-060, it demonstrates that when implemented, it can:

(a) Provide best achievable protection from damages caused by the discharge of oil into the waters of the state;

(b) Minimize the likelihood that facility oil spills will occur;

(c) Minimize the size and impacts of those facility oil spills which do occur; and

(d) After the adoption of facility operation standards by rule by the department pursuant to RCW 90.56.220:

(i) Provide for compliance with prevention standards and deadlines established by facility operation standards adopted by rule by the department pursuant to RCW 90.56.220; and

(ii) Provide, to the maximum extent practicable, protection from oil spill risk factors identified in the risk analysis required by WAC 173-180D-060(16), for those risk factors not addressed by facility operation standards adopted by rule by the department pursuant to RCW 90.56.220.

(4) When reviewing plans, the department shall, in addition to the above criteria, consider the following at a minimum:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(c) Inspection reports;

(d) The presence of hazards unique to the facility, such as seismic activity or production processes;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, tribal, federal agency, or public comments received on the plan.

(5) The department may approve a plan based upon an expedited review pursuant to criteria set out in this chapter, if that plan has been approved by a federal agency or other state which the department has deemed to apply approval criteria which equal or exceed those of the department.

(6) The department shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates pursuant to WAC 173-180D-085(4).

(b) The department may conditionally approve a plan by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) A plan holder shall have thirty calendar days after the department gives notification of conditional status to submit to the department and implement required changes, with the option for an extension at the department's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If plan approval is denied or revoked, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The facility shall not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.

(d) The department's decisions under this chapter are reviewable in superior court.

(e) If a plan holder demonstrates an inability to comply with an approved prevention plan or otherwise fails to comply with requirements of this chapter, the department may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(f) Approval of a plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(7) The department shall prepare a manual to aid department staff responsible for plan review. This manual shall be made available to plan preparers. While the manual will be used as a tool to conduct review of a plan, the department will not be bound by the contents of the manual.

(8) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of prevention plans from marine facilities.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-070, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-075 Inspections. (1) The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.48.090.

(2) During inspections, department staff may require the plan holder to test operations of spill prevention technology installed in the facility.

(3) The department shall endeavor to provide a completed inspection report to the facility owner and operator within thirty calendar days from the inspection date.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-075, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-080 Plan maintenance and use. (1) Each facility covered by the plan shall conspicuously locate copies of the plan within the facility to ensure that a copy of the plan is immediately accessible to all facility personnel involved in supervising or implementing oil handling operations.

(2) Facilities shall ensure that all employees involved in oil transfer, production, or storage operations are familiar with the plan provisions through regular training. Orientation materials for new employees involved in oil transfer, production, or storage operations shall contain a copy of the plan.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-080, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-085 Plan update timeline. (1) The department shall be notified in writing as soon as possible and prior to completion of any significant change which could affect the plan. If the change will reduce the facility's ability to implement the plan, the plan holder shall also provide a schedule for the return of the plan to full implementation capability.

(a) A significant change includes, but is not limited to:

- (i) A change in the owner or operator of the facility;
- (ii) A change in the types of oil handled at the facility;
- (iii) A five percent or greater change in the facility's oil handling capacity;

(iv) Noncompliance with the Federal Oil Pollution Act of 1990;

(v) Noncompliance with state financial responsibility requirements developed under chapter 88.44 RCW; and

(vi) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility equipment, operations, personnel procedures, or any other change, including compliance with amended or new rules adopted by the department, which substantially affects the level of risk described pursuant to WAC 173-180D-060(16).

(b) Changes which are not considered significant include, but are not limited to, minor variations (less than five percent) in oil handling capacity, maintenance schedules, and operating procedures, provided that none of these changes will increase the risk of a spill.

(c) The facility shall update the plan's list of discharges, as required by WAC 173-180D-060(15), within thirty calendar days after an oil discharge by the facility in excess of twenty-five barrels (one thousand fifty gallons).

(d) A facsimile will be considered written notice for the purposes of this subsection.

(e) Failure to notify the department of significant changes shall be considered noncompliance with this chapter and subject to provisions of WAC 173-180D-070 (6)(e).

(2) If the department finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-180D-070, the department may, at its discretion, place conditions on approval or revoke approval in accordance with WAC 173-180D-070 (6)(e). The department may also require the plan holder to amend its plan to incorporate the change.

(3) Within thirty calendar days of making a change to the prevention plan, the facility owner or operator shall distribute the amended page(s) of the plan to the department and other plan holders.

(4) Plans shall be reviewed by the department at least every five years pursuant to WAC 173-180D-070. Plans shall be submitted for reapproval unless the plan holder submits a letter requesting that the department review the plan already in the department's possession. The plan holder shall submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) The department may review a plan following any spill at the facility.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-085, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-090 Noncompliance with plan requirements. (1) Any violation of this chapter may be subject to the enforcement and penalty sanctions of RCW 90.56.300 and 90.56.310.

(2) In addition to other penalties, the department may assess a civil penalty of up to one hundred thousand dollars against any person who violates this section. Each day that a facility or person violates this section shall be considered a separate violation.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-090, filed 7/8/92, effective 8/8/92.]

WAC 173-180D-098 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: RCW 90.56.300, 90.56.200 and 90.56.310. 92-15-035 (Order 91-59), § 173-180D-098, filed 7/8/92, effective 8/8/92.]

Chapter 173-181 WAC

FACILITY CONTINGENCY PLAN AND RESPONSE CONTRACTOR STANDARDS

WAC

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WAC 173-181-010 Purpose. The purpose of this chapter is to establish onshore and offshore facility oil spill contingency plan requirements and response contractor standards which, when followed, will:

- (1) Maximize the effectiveness and timeliness of oil spill response by responsible parties and response contractors;
- (2) Ensure readiness of equipment and personnel;
- (3) Support coordination with state, federal, and other contingency plans; and
- (4) Provide improved protection of Washington waters and natural resources from the impacts of oil spills.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-010, filed 11/5/91, effective 12/6/91.]

WAC 173-181-020 Authority. RCW 90.48.371, 90.48.372, 90.48.373, 90.48.374, 90.48.375, 90.48.376, 90.48.377, and 90.48.380, as recodified by section 1115, chapter 200, Laws of 1991, provide statutory authority for the contingency plan preparation and review requirements and response contractor standards established by this chapter.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-020, filed 11/5/91, effective 12/6/91.]

WAC 173-181-030 Definitions. (1) "Average efficiency factor" means a factor used to estimate limitations of equipment efficiency from variables such as sea state, current velocity, or visibility.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are developed, or could feasibly be developed given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred or more gross tons, including but not limited to commercial fish processing vessels and freighters.

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

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

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel,

located on or near the navigable waters of the state that (both):

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a tank vessel, cargo vessel, or passenger vessel, in a single transaction.

(10) "Gross ton" means a vessel's approximate volume as defined under Title 46, United States Code of Federal Regulations, Part 69.

(11) "Interim storage site" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site. Interim storage sites include trucks, barges, and other vehicles used to store recovered oil or oily waste until transport begins.

(12) "Liquefied petroleum gas" means petroleum gas converted to a liquid state by pressure and cooling, including but not limited to natural gas, butane, and propane.

(13) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(14) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels, training procedures, and best achievable technology. In determining what is the maximum extent practicable, the director shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Offshore facility" means any facility, as defined in subsection (9) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(17) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Envi-

ronmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(18) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

(19) "Onshore facility" means any facility, as defined in subsection (9) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Pipeline" means, for the purposes of subsection (9)(a)(i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (9)(a) of this section.

(24) "Plan" means oil spill response, cleanup, and disposal contingency plan.

(25) "Primary response contractor" means a response contractor that is directly responsible to a contingency plan holder, either by a contract or written agreement.

(26) "Response contractor" means an individual, organization, association, or cooperative that provides or intends to provide equipment and/or personnel for oil spill containment, cleanup, and/or removal activities.

(27) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(28) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(29) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(30) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(31) "Worst case spill" means:

(a) For an offshore facility, the largest possible spill considering storage, production, and transfer capacity complicated by adverse weather conditions (during which wind, reduced visibility, and sea state hinder but do not preclude normal response operations); or

(b) For an onshore facility, the entire volume of the largest above ground storage tank on the facility site complicated by adverse weather conditions (during which wind, reduced visibility, and sea state hinder but do not preclude normal response operations), unless the department determines that a larger volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-030, filed 11/5/91, effective 12/6/91.]

WAC 173-181-035 Applicability. (1) Oil spill response, cleanup, and disposal contingency plans must be prepared, submitted, and used pursuant to requirements in this chapter, for onshore and offshore facilities.

(2) Federal plans required under 33 C.F.R. 154, 40 C.F.R. 109, 40 C.F.R. 110, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if the department deems that such federal requirements possess approval criteria which equal or exceed those of the department.

(3) Response contractors must be approved by the department before they may serve as primary response contractors for an onshore or offshore facility contingency plan.

(4) For those sections of contingency plans which address liquified petroleum gases, the department may excuse plan holders from meeting requirements in this chapter that are not applicable to spill response for liquified petroleum gases due to their physical properties.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-035, filed 11/5/91, effective 12/6/91.]

WAC 173-181-040 Plan preparation. (1) Each onshore and offshore facility shall prepare a contingency plan for the containment and cleanup of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from such spills.

(2) Plans shall be in a form usable for oil spill control, containment, cleanup, and disposal operations and shall be capable of being located according to requirements in WAC 173-181-075.

(3) Plans shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(4) Plans shall be designed to be capable to the maximum extent practicable, when implemented, of promptly and properly removing oil and minimizing environmental damage from a variety of spill sizes, including small chronic spills, and worst case spills. At a minimum, plans shall meet the criteria specified in WAC 173-181-045 and 173-181-050; criteria are presented in suggested but not requisite order.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-040, filed 11/5/91, effective 12/6/91.]

WAC 173-181-045 Plan format requirements. (1) Plans shall be prepared using a combined narrative and graphic format which facilitates both the study of detailed spill response information and quick access to general

information given emergency information needs and time constraints.

(2) Plans shall be divided into a system of chapters and appendices. Chapters and sections shall be numbered. Chapters should be reserved primarily for information on emergency response and cleanup operations, such as notification procedures or description of the spill response organization structure. Appendices should be used primarily for supplemental background and documentation information, such as response scenarios or description of drills and exercises.

(3) A system of index tabs shall be used to provide easy reference to particular chapters or appendices.

(4) Plans shall be formatted to allow replacement of chapter or appendix pages with revisions without requiring replacement of the entire plan.

(5) A simplified field document suitable for on-site use in the event of a spill and summarizing key notification and action elements of the plan shall also be prepared and submitted as part of the plan.

(6) Computerized plans may be submitted to the department in addition to a hard copy. Computerized plans, accompanied by a hard copy, may be used to meet the requirements of WAC 173-181-075.

[Statutory Authority: RCW 90.48.035, 91-22-087 (Order 91-12), § 173-181-045, filed 11/5/91, effective 12/6/91.]

WAC 173-181-050 Plan content requirements. (1)

Each plan shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party;

(b) Verifies acceptance of the plan, including any incorporated contingency plans, by the owner or operator of the facility by either signature of the owner or operator or signature by a person with authority to bind the corporation which owns such facility;

(c) Commits execution of the plan, including any incorporated contingency plans, by the owner or operator of the facility, and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions; and

(d) Includes the name, location, and address of the facility, type of facility, starting date of operations, types of oil(s) handled, and oil volume capacity.

(2) Each plan shall include a log sheet to record amendments to the plan. The log sheet shall be placed at the front of the plan. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that the department was notified of the amendment pursuant to WAC 173-181-080(3), and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan shall describe the purpose and scope of that plan, including:

(a) The geographic area covered by the plan;

(b) The onshore facility or offshore facility operations covered by the plan; and

(c) The size of the worst case spill from the facility.

(5) Each plan shall describe the procedures and time periods corresponding to updates of the plan and distribution of the plan and updates to affected and interested parties.

(6) Each plan shall present a strategy to ensure use of the plan for spill response and cleanup operations pursuant to requirements in WAC 173-181-075.

(7) Each plan shall describe the organization of the spill response system, including all task assignments addressed by requirements of this section. This description shall identify the role of an incident commander or primary spill response manager, who shall possess the lead authority in spill response and cleanup decisions. The plan shall describe how a smooth transfer of the incident commander or primary spill response manager position between individuals will be accomplished. An organizational diagram depicting the chain of command shall also be included.

(8)(a) For each primary response contractor which a plan holder may or does rely on to perform or supplement its response operations within the geographic area covered by the plan, the plan shall state that contractor's name, address, phone number, or other means of contact at any time of the day, and response capability (e.g., land spills only). For each primary response contractor, the plan shall include a letter of intent signed by the primary response contractor which indicates the contractor's willingness to respond. Copies of written contracts or agreements with primary response contractors shall be available for inspection, if requested by the department.

(b) If a plan holder is a member of an oil spill response cooperative and relies on that cooperative to perform or supplement its response operations within the geographic area covered by the plan, the plan shall state the cooperative's name, address, phone number, and response capability. The plan shall also include proof of cooperative membership.

(c) Plans which rely on primary response contractors shall rely only on primary response contractors approved by the department under WAC 173-181-090.

(9) Each plan shall briefly describe its relation to all applicable local, state, regional, and federal government response plans. Plans shall address how the plan holder's response organization will be coordinated with an incident command system utilized by state and federal authorities.

(10) Each plan shall list procedures which will be used to detect and document the presence and size of a spill, including methods which are effective during low visibility conditions. In addition, the plan shall describe the use, if any, of mechanical or electronic monitoring or alarm systems (including threshold sensitivities) used to detect oil discharges into adjacent land or water from tanks, pipes, manifolds, and other transfer or storage equipment.

(11) Each plan shall describe procedures which will be taken to immediately notify appropriate parties that a spill has occurred.

(a) The plan holder shall maintain a notification call out list which shall be available if requested by the department for inspection, and which:

(i) Provides a contact at any time of the day for all spill response personnel identified under subsection (7) of this

section, including the contact's name, position title, phone number or other means of contact for any time of the day, and an alternate contact in the event the individual is unavailable;

(ii) Lists the name and phone number of all government agencies which must be notified in the event of an oil spill pursuant to requirements under RCW 90.48.360 as recodified by section 1115, chapter 200, Laws of 1991, and other state and federal requirements; and

(iii) Establishes a clear order of priority for immediate notification;

(b) The plan shall identify a central reporting office or individual who is responsible for implementing the call out process; and

(c) The plan shall utilize a system of categorizing incident type and severity. Plan holders are encouraged to utilize the system established by the department in the Washington state-wide master oil and hazardous substance spill contingency plan as developed pursuant to RCW 90.48.378 as recodified by section 1115, chapter 200, Laws of 1991.

(12) Each plan shall describe the personnel (including contract personnel) available to respond to an oil spill, including:

(a) A job description for each type of spill response position needed as indicated in the spill response organization scheme addressed in subsection (7) of this section;

(b) The number of personnel available to perform each type of spill response position;

(c) Arrangements for prepositioning personnel at strategic locations which will meet criteria pursuant to WAC 173-181-065 (3)(d);

(d) The type and frequency of spill response operations and safety training that each individual in a spill response position receives to attain the level of qualification demanded by their job description; and

(e) The procedures, if any, to train and use volunteers willing to assist in spill response operations. Volunteer procedures for wildlife rescue shall comply with rules adopted by the Washington department of wildlife.

(13)(a) Each plan shall list the type, quantity, age, location, maintenance schedule, and availability of equipment used during spill response, including equipment used for oil containment, recovery, storage, and removal, shoreline and adjacent lands cleanup, wildlife rescue and rehabilitation, and communication.

(b) For equipment listed under (a) of this subsection that is not owned by or available exclusively to the plan holder, the plan shall also estimate the extent to which other contingency plans rely on that same equipment.

(c) For oil containment and recovery equipment, the plan also shall include equipment make and model, and the manufacturer's nameplate capacity of the response equipment (in gallons per minute), and applicable design limits (e.g., maximum wave height capability; inland waters vs. open ocean).

(d) Based on information described in (c) of this subsection, the plan shall state the maximum amount of oil which could be recovered per twenty-four-hour period.

(e) For purposes of determining plan adequacy under WAC 173-181-065, and to assess realistic capabilities based on potential limitations by weather, sea state, and other vari-

ables, the data presented in (c) and (d) of this subsection will be multiplied by an average efficiency factor of twenty percent. The department will apply a higher efficiency factor for equipment listed in a plan if that plan holder provides adequate evidence that the higher efficiency factor is warranted for particular equipment. The department may assign a lower efficiency factor to particular equipment listed in a plan if it determines that the performance of that equipment warrants such a reduction.

(f) The plan shall provide arrangements for prepositioning of oil spill response equipment at strategic locations which will meet criteria pursuant to WAC 173-181-065 (3)(d).

(14) Each plan shall describe the communication system used for spill notification and response operations, including:

(a) Communication procedures;

(b) The communication function (e.g., ground-to-air) assigned to each channel or frequency used; and

(c) The maximum geographic range for each channel or frequency used.

(15) Each plan shall describe the process to establish sites needed for spill response operations, including location or location criteria for:

(a) A central command post;

(b) A central communications post if located away from the command post; and

(c) Equipment and personnel staging areas.

(16)(a) Each plan shall present a flowchart or decision tree describing the procession of each major stage of spill response operations from spill discovery to completion of cleanup. The flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.

(b) Each plan shall describe all key spill response operations in checklist form, to be used by spill response managers in the event of an oil spill.

(17)(a) Each plan shall list the local, state, and other government authorities responsible for the emergency procedures peripheral to spill containment and cleanup, including:

(i) Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(ii) Procedures to control ground and air traffic which may interfere with spill response operations; and

(iii) Procedures to manage access to the spill response site.

(b) Each plan shall describe the plan holder's role in these emergency operation procedures prior to the arrival of proper authorities.

(18) Each plan shall describe equipment and procedures to be used by the facility personnel to minimize the magnitude of the spill and minimize structural damage which may increase the quantity of oil spilled. Damage control procedures shall include methods to slow or stop pipeline, storage tank, and other leaks, and methods to achieve immediate emergency shutdown.

(19) Each plan shall describe, in detail, methods to contain spilled oil and remove it from the environment. Methods shall describe deployment of equipment and personnel, using diagrams or other visual aids when possible. Response methods covered must include:

(a) Surveillance methods used to detect and track the extent and movement of the spill;

(b) Methods to contain and remove oil in offshore waters;

(c) Methods to contain and remove oil in near-shore waters, including shoreline protection procedures and oil diversion/pooling procedures; and

(d) Methods to contain and remove oil, including surface oil, subsurface oil, and oiled debris and vegetation, from a variety of shoreline, adjacent land, and beach types.

(20) Each plan shall briefly describe initial equipment and personnel deployment activities which will accomplish the response standard listed in WAC 173-181-065 (3)(d), and provide an estimate of the actual execution time.

(21) If the plan holder will use dispersants, coagulants, bioremediants, or other chemical agents for response operations, conditions permitting, the plan shall describe:

(a) Type and toxicity of chemicals;

(b) Under what conditions they will be applied in conformance with all applicable local, state, and federal requirements, including the state-wide master oil and hazardous substance spill contingency plan;

(c) Methods of deployment; and

(d) Location and accessibility of supplies and deployment equipment.

(22) If the plan holder will use in-situ burning for response operations, conditions permitting, the plan shall describe:

(a) Type of burning operations;

(b) Under what conditions burning will be applied in conformance with all applicable local, state, and federal requirements, including the state-wide master oil and hazardous substance spill contingency plan;

(c) Methods of application; and

(d) Location and accessibility of supplies and deployment equipment.

(23) Each plan shall describe how environmental protection will be achieved, including:

(a) Protection of sensitive shoreline and island habitat by diverting or blocking oil movement;

(b) Priorities for sensitive area protection in the geographic area covered by the plan as designated by the department in environmentally sensitive area maps referenced in the state-wide master oil and hazardous substance spill contingency plan;

(c) Rescue and rehabilitation of birds, marine mammals, and other wildlife contaminated or otherwise affected by the oil spill in compliance with rules adopted by the Washington department of wildlife; and

(d) Measures taken to reduce damages to the environment caused by shoreline and adjacent land cleanup operations, such as impacts to sensitive shoreline habitat by heavy machinery.

(24)(a) Each plan shall describe site criteria and methods used for interim storage of oil recovered and oily wastes generated during response and cleanup operations, including sites available within the facility. Interim storage methods and sites shall be designed to prevent contamination by recovered oil and oily wastes.

(b) If use of interim storage sites will require approval by local, state, or federal officials, the plan shall include information which could expedite the approval process,

including a list of appropriate contacts and a brief description of procedures to follow for each applicable approval process.

(c) Each plan shall describe methods and sites used for permanent disposal of oil recovered and oily wastes generated during response and cleanup operations.

(d) Interim storage and permanent disposal methods and sites shall be sufficient to keep up with oil recovery operations and handle the entire volume of oil recovered and oily wastes generated.

(e) Interim storage and permanent disposal methods and sites shall comply with all applicable local, state, and federal requirements.

(25) Each plan shall describe procedures to protect the health and safety of oil spill response workers, volunteers, and other individuals on-site. Provisions for training, decontamination facilities, safety gear, and a safety officer position shall be addressed.

(26) Each plan shall explain post-spill review procedures, including methods to review both the effectiveness of the plan and the need for plan amendments. Post-spill procedures shall provide for a debrief of the department.

(27)(a) Each plan shall describe the schedule and type of drills and other exercises which will be practiced to ensure readiness of the plan elements, including drills which satisfy WAC 173-181-070(3).

(b) Tests of internal call out procedures shall be performed at least once every ninety calendar days and documented by the plan holder. Such tests are only required to involve notification, not actual deployment.

(28) Unless the plan holder has received approval for a prevention plan submitted pursuant to chapter 200, Laws of 1991, each onshore facility and offshore facility plan shall describe measures taken to reduce the likelihood that a spill will occur which exceed or are not covered by existing state and federal requirements, including:

(a) Type and frequency of personnel training on methods to minimize operational risks;

(b) Methods to ensure equipment integrity, including inspection and maintenance schedules;

(c) Methods to reduce spills during transfer operations, including overfill prevention; and

(d) Secondary containment for tanks, pipes, manifolds, or other structures used for storage or movement of oil other than liquefied petroleum gases.

(29) Each facility plan shall list the spill risk variables within the geographic area covered by the plan, including:

(a) Types, physical properties, and amounts of oil handled;

(b) A written description and map indicating site topography, storm water and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations; and

(c) A written description of sites or operations with a history of or high potential for oil spills.

(30) Each plan shall list the environmental variables within the geographic area covered by the plan, including:

(a) Natural resources, including coastal and aquatic habitat types and sensitivity by season, breeding sites, presence of state or federally listed endangered or threatened species, and presence of commercial and recreational species (environmental variable information may be obtained directly

from environmentally sensitive area maps referenced in the state-wide master oil and hazardous substance spill contingency plan);

(b) Public resources, including public beaches, water intakes, drinking water supplies, and marinas;

(c) Seasonal hydrographic and climatic conditions; and

(d) Physical geographic features, including relative isolation of coastal regions, beach types, and other geological characteristics.

(31) Each plan shall list the logistical resources within the geographic area covered by the plan, including:

(a) Facilities for fire services, medical services, and accommodations; and

(b) Shoreline access areas, including boat launches.

(32)(a) Each plan shall describe detailed, plausible, step-by-step response scenarios for:

(i) A small oil spill less than five hundred gallons; and

(ii) A worst case spill as described in the plan pursuant to subsection (4)(c) of this section.

(b) Each scenario description shall include:

(i) The circumstances surrounding the spill, including size, type, location, climatic and hydrographic conditions, time, and cause;

(ii) An estimate of oil movement during the first seventy-two hours, including likely shoreline contact points; and

(iii) Estimates of response time and percent recovery for each major phase of operations.

(c) If a plan applies to multiple facilities, each scenario description shall discuss implementation of the plan in the event of simultaneous separate spills.

(33) Each plan shall include a glossary of technical terms and abbreviations used in the plan.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-050, filed 11/5/91, effective 12/6/91.]

WAC 173-181-060 Plan submittal. (1)(a) Plans for onshore facilities capable of storing one million gallons or more of oil, and offshore facilities shall be submitted to the department within six months after adoption of this chapter.

(b) All other onshore facilities shall submit plans to the department by January 1, 1993.

(2) Any onshore or offshore facility that first begins operating after the above deadlines shall submit a plan to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the plan and appendices shall be delivered to:

Spill Management Section,
Contingency Plan Review
Washington Department of Ecology
PV-11
P.O. Box 47600
Olympia, WA 98504-7600

(4) Onshore and offshore facility plans may be submitted by:

(a) The facility owner or operator; or

(b) A primary response contractor approved by the department pursuant to WAC 173-181-090, in conformance with requirements under WAC 173-181-050(1).

(5) A single plan may be submitted for more than one facility, provided that the plan contents meet the requirements in this chapter for each facility listed.

(6) The plan submitter may request that proprietary information be kept confidential under RCW 43.21B.160.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-060, filed 11/5/91, effective 12/6/91.]

WAC 173-181-065 Plan review. (1) The department shall endeavor to review each plan in sixty-five calendar days. Upon receipt of a plan, the department shall evaluate promptly whether the plan is incomplete. If the department determines that a plan is incomplete, the submitter shall be notified of deficiencies. The review period shall not begin until the department receives a complete plan.

(2) The department shall regularly notify interested parties of any contingency plans which are under review by the department, and make plans available for review to all department programs, other state, local, and federal agencies, and the public. The department shall accept comments from these interested parties on the plan during the first thirty calendar days of review by the department.

(3) A plan shall be approved if, in addition to meeting criteria in WAC 173-181-045 and 173-181-050, it demonstrates that when implemented, it can:

(a) To the maximum extent practicable, provide for prompt and proper response to and cleanup of a variety of spills, including small chronic spills, and worst case spills;

(b) To the maximum extent practicable, provide for prompt and proper protection of the environment from oil spills;

(c) Provide for immediate notification and mobilization of resources upon discovery of a spill;

(d) Provide for initial deployment of response equipment and personnel at the site of the spill within one hour of the plan holder's awareness that a spill has occurred given suitable safety conditions; and

(e) Use as primary response contractors, only those response contractors approved by the department pursuant to WAC 173-181-090.

(4) When reviewing plans, the department shall, in addition to the above criteria, consider the following:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by department on-scene coordinators;

(c) The presence of operating hazards;

(d) The sensitivity and value of natural resources within the geographic area covered by the plan;

(e) Any pertinent local, state, federal agency, or public comments received on the plan;

(f) The extent to which reasonable, cost-effective spill prevention measures have been incorporated into the plan.

(5) The department may approve a plan without a full review as per provisions of this section if that plan has been approved by a federal agency or other state which the department has deemed to possess approval criteria which equal or exceed those of the department.

(6) The department shall prepare a manual to aid department staff responsible for plan review. This manual shall be made available to provide guidance for plan preparers.

While the manual will be used as a tool to conduct review of a plan, the department will not be bound by the contents of the manual.

(7) The department shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates.

(b)(i) The department may approve a plan conditionally by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(ii) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(iii) A plan holder shall have thirty calendar days after the department gives notification of conditional status to submit and implement required changes to the department, with the option for an extension at the department's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If plan approval is denied, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval. The facility shall not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.

(d) A plan holder may appeal the department's decision under WAC 173-04-010.

(e) If a plan holder demonstrates an inability to comply with an approved contingency plan or otherwise fails to comply with requirements of this chapter, the department may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(f) Approval of a plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(8) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of contingency plans from marine facilities.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-065, filed 11/5/91, effective 12/6/91.]

WAC 173-181-070 Drills and inspections. (1) For the purpose of determining plan adequacy, the department may require a plan holder to participate in one unannounced full deployment drill annually. The department shall choose plan holders for such drills through a random process.

(2) The department may require a plan holder to participate in one announced, limited deployment drill annually. The department shall choose plan holders for such drills through a random process.

(3) Requirements under subsections (1) and (2) of this section may be met:

(a) By drills led by other state, local, or federal authorities if the department finds that the criteria for drill execution and review equal or exceed those of the department;

(b) By drills initiated by the plan holder, if the department is involved in participation, review, and evaluation of the drill, and if the department finds that the drill adequately tests the plan; and

(c) By responses to actual spill events, if the department is involved in participation, review, and evaluation of the spill response, and if the department finds that the spill event adequately tests the plan.

(4) The department may excuse a primary response contractor from full deployment participation in more than one drill, if in the past twelve months, the primary response contractor has performed to the department's satisfaction in a full deployment drill or an exercise listed in subsection (3) of this section.

(5) The department shall review the degree to which the specifications of the plan are implemented during the drill. The department shall endeavor to notify the facility owner or operator of the review results within thirty calendar days following the drill. If the department finds deficiencies in the plan, the department shall report those deficiencies to the plan holder and require the plan holder to make specific amendments to the plan pursuant to requirements in WAC 173-181-080.

(6) The department shall publish an annual report on plan drills, including a summary of response times, actual equipment and personnel use, recommendations for plan requirement changes, and industry response to those recommendations.

(7) The department may require the facility owner or operator to participate in additional drills beyond those required in subsections (1) and (2) of this section if the department is not satisfied with the adequacy of the plan during exercises or spill response events.

(8) The department may verify compliance with this chapter by unannounced inspections in accordance with RCW 90.48.090.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-070, filed 11/5/91, effective 12/6/91.]

WAC 173-181-075 Plan maintenance and use. (1) At least one copy of the plan shall be kept in a central location accessible at any time by the incident commander or spill response manager named in accordance with WAC 173-181-050(7). Each facility covered by the plan shall possess a copy of the plan and keep it in a conspicuous and accessible location.

(2) A field document prepared under WAC 173-181-045(5) shall be available to all appropriate personnel.

(3) A facility owner or operator shall implement the plan in the event of a spill. The facility owner or operator must receive approval from the department before it conducts any major aspect of the spill response contrary to the plan unless:

(a) Such actions are necessary to protect human health and safety;

(b) Such actions must be performed immediately in response to unforeseen conditions to avoid additional environmental damage; or

(c) The plan holder has been directed to perform such actions by the department or the United States Coast Guard.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-075, filed 11/5/91, effective 12/6/91.]

WAC 173-181-080 Plan update timeline. (1) The department shall be notified in writing as soon as possible and within twenty-four hours of any significant change which could affect implementation of the plan, including a substantial decrease in available spill response equipment or personnel. The plan holder shall also provide a schedule for the prompt return of the plan to full operational status. A facsimile will be considered written notice for the purposes of this subsection. Changes which are not considered significant include minor variations in equipment or personnel characteristics, call out lists, or operating procedures. Failure to notify the department of significant changes shall be considered noncompliance with this chapter and subject to provisions of WAC 173-181-065 (7)(e).

(2) If the department finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-181-065, the department may, in its discretion, place conditions on approval or revoke approval in accordance to WAC 173-181-065 (7)(e). Plan holders are encouraged to maintain back-up response resources in order to ensure that their plans can always be fully implemented.

(3) Within thirty calendar days of an approved change, the facility owner or operator shall distribute the amended page(s) of the plan to the department and other plan holders.

(4) Plans shall be reviewed by the department every five years pursuant to WAC 173-181-065. Plans shall be submitted for reapproval unless the plan holder submits a letter requesting that the department review the plan already in the department's possession. The plan holder shall submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) The department may review a plan following any spill for which the plan holder is responsible.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-080, filed 11/5/91, effective 12/6/91.]

WAC 173-181-085 Noncompliance with plan requirements. (1) Any violation of this chapter may be subject to the enforcement and penalty sanctions of RCW 90.48.376 as recodified by section 1115, chapter 200, Laws of 1991.

(2) The department may notify the secretary of state to suspend the business license of any onshore or offshore facility or other person that is in violation of this section. The department may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility or person is in violation of this section shall be considered a separate violation.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-085, filed 11/5/91, effective 12/6/91.]

WAC 173-181-090 Contractor standards. (1) Primary response contractors listed in an offshore or onshore facility contingency plan must be approved by the department. Response contractors which are listed in a contingency plan only as subcontractors to a primary response contractor do not have to be approved by the department.

(2) Primary response contractors shall be approved by the department subject to the following conditions:

(a) Equipment, equipment maintenance, and equipment and personnel deployment readiness must be verifiable by departmental inspection. Any resources not on site at the time of an inspection must be accounted for by company records. Approval of personnel readiness shall require capability of a one hour call out time in which personnel must be able to begin mobilization of response efforts. Equipment readiness shall include being available and able to be deployed to a spill site without delay, not counting normal maintenance and repairs;

(b) Response personnel shall comply with all appropriate safety and training requirements listed in WAC 296-62-300. Training records may be audited for verification; and

(c) Determination of an acceptable safety history by review of pertinent records on a case-by-case, best-professional-judgment basis. Lack of a safety history will not be grounds for denying approval.

(3) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of primary response contractors.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-090, filed 11/5/91, effective 12/6/91.]

WAC 173-181-092 Contractor approval information required. To apply for approval, contractors shall submit the following items to the department:

(1) Contractor's name, UBI number, address, and phone number;

(2) Response capability, including geographic area of response coverage, with any exclusions;

(3) The types of oil and media (e.g., marine, fresh water, or land) to which the contractor is willing and able to respond;

(4) An organizational diagram depicting chain of command;

(5) A call out list as described in WAC 173-181-050 (11)(a)(i);

(6) A list of all response equipment and personnel pursuant to WAC 173-181-050 (12)(a), (b), and (d) and (13)(a) and (c); and

(7) A list of all OSHA/WISHA citations and reports, lost-time accidents, and accident claims related to oil spill response operations for the last five years. Any applicant with less than five years under their current business name or organization shall provide a listing of any oil spill response contract businesses owned or operated by the principals in the new company within the last five years, including a brief description of the companies and their safety history information listed above.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-092, filed 11/5/91, effective 12/6/91.]

WAC 173-181-094 Submittal of contractor approval applications. (1) Three copies of the contractor's approval application shall be delivered to:

Spill Management Section,
Response Contractor Approval
Washington Department of Ecology
PV-11
P.O. Box 47600
Olympia, WA 98504-7600

(2) Applications may be submitted at any time after adoption of this chapter. If submitted with a contingency plan, the information required pursuant to WAC 173-181-092 shall be presented separately.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-094, filed 11/5/91, effective 12/6/91.]

WAC 173-181-096 Contractor application review.

(1) The department shall endeavor to review each application for primary response contractor approval in forty-five calendar days. Upon receipt of an application, the department shall evaluate promptly whether the application is incomplete. If the department determines that an application is incomplete, the submitter shall be notified of deficiencies. The forty-five day review period shall begin when the application is complete.

(2) An application shall be approved if it meets the conditions specified in WAC 173-181-090.

(3) The department shall endeavor to notify the applicant that the application has been approved/not approved within five working days after the review is completed.

(a) If the application is approved, the contractor shall receive a certificate of approval describing the terms of approval, including expiration dates.

(b) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval. The contractor may not act as a primary response contractor for a facility contingency plan until approved by the department.

(c) A contractor may appeal the department's decision under WAC 173-04-010.

(d) Approval of a response contractor by the department does not constitute an express assurance regarding the adequacy of the contractor nor constitute a defense to liability imposed under state law.

(4) Response contractor approvals shall be reviewed by the department every two years pursuant to WAC 173-181-094. Reapproval applications shall be submitted sixty calendar days in advance of the approval expiration date.

(5) An approved contractor shall notify the department in writing as soon as possible and within twenty-four hours of any significant change in the information reported in the approval application, such as a substantial change in equipment ownership. A facsimile received by the department will be considered written notice for the purposes of this subsection. Failure to notify the department may result in loss of approval status. Upon notification, the department may review the approval of the primary response contractor pursuant to this section. If the department determines that approval conditions are no longer met, approval may be withdrawn.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-096, filed 11/5/91, effective 12/6/91.]

WAC 173-181-098 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: RCW 90.48.035. 91-22-087 (Order 91-12), § 173-181-098, filed 11/5/91, effective 12/6/91.]

Chapter 173-183 WAC

PREASSESSMENT SCREENING AND OIL SPILL COMPENSATION SCHEDULE REGULATIONS

WAC

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173-183-320	Compensation schedule.
173-183-330	Resource damage assessment using the compensation schedule.
173-183-340	Oil class ranking.

COMPENSATION SCHEDULE FOR SPILLS INTO MARINE AND ESTUARINE WATERS, EXCLUDING ESTUARINE WATERS OF THE COLUMBIA RIVER

173-183-400	Vulnerability of marine and estuarine environments to oil spills.
173-183-410	Marine and estuarine habitat vulnerability.
173-183-420	Marine bird vulnerability.
173-183-430	Marine fisheries vulnerability.
173-183-440	Shellfish vulnerability.
173-183-450	Salmon vulnerability.
173-183-460	Marine mammal vulnerability.
173-183-470	Marine and estuarine recreation vulnerability.

COMPENSATION SCHEDULE FOR SPILLS INTO THE COLUMBIA RIVER ESTUARY

173-183-500	Vulnerability of the Columbia River estuary environment to oil spills.
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COMPENSATION SCHEDULE FOR SPILLS INTO FRESHWATER STREAMS, RIVERS, AND LAKES

173-183-600	Vulnerability of freshwater stream, river, and lake environments to oil spills.
173-183-610	Freshwater vulnerability index.
173-183-620	Habitat index.

COMPENSATION SCHEDULE FOR SPILLS INTO FRESHWATER WETLANDS

173-183-700	Vulnerability of freshwater wetland environments to oil spills.
173-183-710	Wetlands vulnerability classification.

CALCULATION OF DAMAGES USING THE COMPENSATION SCHEDULE

173-183-800	Calculation of damages using the compensation schedule general.
173-183-810	On-scene coordinator responsibilities.
173-183-820	RDA committee chair responsibilities.
173-183-830	Calculation of damages for spills into marine and estuarine waters, except the Columbia River estuary.
173-183-840	Calculation of damages for spills into the Columbia River estuary.
173-183-850	Calculation of damages for spills in freshwater streams, rivers, and lakes.
173-183-860	Calculation of damages for spills into freshwater wetlands.
173-183-865	Calculation of damages for spills entering more than one type of receiving environment.
173-183-870	Modification of damages based on actions taken by the PLP.
173-183-880	Damage claim.
173-183-890	Substitution of damages.
173-183-900	Annual report.
173-183-910	Severability.
173-183-920	Appendices.

WAC 173-183-010 Purpose. The purpose of this rule is to establish procedures for convening a resource damage assessment (RDA) committee, preassessment screening of resource damages resulting from oil spills to determine which damage assessment methods to use, and determining damages in cases where the compensation schedule is selected as the damage assessment methodology to apply. The RDA committee, utilizing the preassessment screening process, shall determine whether a detailed resource damage assessment studies should be conducted or whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 will be used to assess damages for each oil spill into state waters.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-010, filed 4/23/92, effective 5/24/92.]

WAC 173-183-020 Authority. This regulation implements RCW 90.48.366, 90.48.367, and 90.48.368 of the Water Pollution Control Act, as amended in 1987, 1989, and 1991.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-020, filed 4/23/92, effective 5/24/92.]

WAC 173-183-030 Applicability. This chapter shall apply to all oil spills into the waters of the state. Under this chapter, the department may require or take any and all actions necessary to investigate and assess damages from those spills.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-030, filed 4/23/92, effective 5/24/92.]

WAC 173-183-100 Definitions. (1) "Columbia River estuary environment" means the habitat and all other public resources associated with or dependent on the estuarine waters of the Columbia River.

(2) "Compensation schedule" means the set of procedures enumerated in WAC 173-183-300 through 173-183-870 to determine the public resource damages resulting from an oil spill for cases in which damages are not quantifiable at a reasonable cost.

(3) "Damages" means the amount of monetary compensation necessary to:

(a) Restore any injured public resource to its condition before sustaining injury as a result of an oil discharge in violation of chapter 90.48 or 90.56 RCW, to the extent technically feasible, including any loss in value incurred during the period between injury and restoration in cases where damages are quantifiable at a reasonable cost; or

(b) Adequately compensate for the loss or diminution in value as determined through application of the compensation schedule provided in WAC 173-183-300 through 173-183-870 in cases where damages are not quantifiable at a reasonable cost.

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

(5) "Director" means the director of the department of ecology, or his or her designee.

(6) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(7) "Estuarine environment" means the habitat and all other public resources associated with or dependent on estuarine waters of the state.

(8) "Estuarine waters" or "estuarine waters of the state" means the waters within state jurisdiction that are semi-enclosed by land but have open, partly obstructed, or sporadic access to the ocean, and in which seawater is at least occasionally diluted by freshwater runoff from land. Estuarine waters of the state include adjacent tidal flats and beaches up to the limit of tidal inundation or wave splash. For purposes of this chapter, estuarine waters of the state include those designated on the map attached as Appendix 1 to this chapter, and the portion of the Columbia River estuary within state jurisdiction upstream to river mile 46 or the line drawn perpendicularly across the river which touches the upstream end of Puget Island.

(9) "Freshwater stream, river, and lake environment" means the habitat and all other public resources associated with or dependent on the streams, rivers, and lakes under state jurisdiction.

(10) "Freshwater wetland" or "freshwater wetlands" means lands transitional between terrestrial and freshwater aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and lands having one or more of the following attributes at least periodically: The land supports predominantly hydrophytes; the substrate is predominately undrained hydric soil; and the substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

(11) "Freshwater wetland environment" means the habitat and all other public resources associated with or dependent on the freshwater wetlands of the state.

(12) "Freshwaters" or "freshwaters of the state" means all waters of the state except those classified as marine and estuarine waters of the state as defined in this chapter, including lakes, rivers, streams, ponds, other surface waters and wetlands.

(13) "Habitat" means the substrate and complement of associated biota not otherwise included in the vulnerability rankings in the applicable compensation schedule(s) that is part of this chapter.

(14) "Immediate removal" or "immediately removes" means removal of the spilled oil, or portions thereof, from

the receiving environment by the potentially liable party within six hours of spill initiation.

(15) "Initial department responder" means the department of ecology spill responder who first arrives at the scene of the spill.

(16) "Injury" or "injuries" means an adverse change, either long- or short-term, to a public resource resulting either directly or indirectly from exposure to a discharge of oil in violation of chapter 90.48 or 90.56 RCW.

(17) "Loss in services" means a temporary or permanent reduction in the ability of the resource to provide its use or benefit to the public or to other resources.

(18) "Loss in value or lost value" of a damaged resource means the amount equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues during the period between injury and restoration; indirect use values may include existence, bequest, option, and aesthetic values.

(19) "Marine and estuarine habitats" mean the habitats found in marine and estuarine waters of the state as defined in this chapter.

(20) "Marine birds" means all seabirds, shorebirds, waterfowl, raptors and other avifauna that are dependent on marine and estuarine environments of the state for some portion of their life requirements including feeding, breeding, and habitat.

(21) "Marine environment" means the habitat and all other public resources associated with or dependent on marine waters of the state.

(22) "Marine fish," in context of the compensation schedule, means the species listed in Appendix 2.

(23) "Marine mammals" means the cetaceans, pinnipeds, sea otters, and river otters associated with marine and estuarine waters of the state.

(24) "Marine waters" or "marine waters of the state" means all coastal waters not appreciably diluted by freshwater, including open coastal areas, straits, and euhaline inland waters extending from the seaward limit of state jurisdiction to:

(a) The landward limit of tidal inundation or wave splash; or

(b) The seaward limit of estuarine waters of the state.

(25) "Not quantifiable at a reasonable cost" means any diminution in value of a public resource that cannot be measured with sufficient precision or accuracy by currently available and accepted procedures within a reasonable time frame.

(26) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by P.L. 99-499.

(27) "On scene coordinator" (OSC) means the department official who supervises the spill response team and compiles the initial report concerning the facts and circumstances of the spill for the department.

(28) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(29) "Potentially liable party" means the person or persons who may be liable for damages resulting from an oil spill.

(30) "Preassessment screening" means the investigation and determination of the facts and circumstances surrounding an oil spill which are used to determine whether a damage assessment investigation should be conducted, or alternatively, whether the compensation schedule will be used to assess damages.

(31) "Public resources" or "publicly owned resources" means fish, animals, vegetation, land, waters of the state, and other resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the state.

(32) "Reasonable cost" for a damage assessment means a cost that is anticipated to be less than the amount of damages that may have occurred or may occur.

(33) "Receiving environment" means waters of the state exposed to the spill and all public resources associated with or dependent on the exposed waters.

(34) "Resource damage assessment committee" or "RDA committee" means the preassessment screening committee established under RCW 90.48.368 and charged with determining whether to conduct detailed damage assessment studies or to apply the compensation schedule for oil spills into waters of the state, and overseeing reconnaissance and damage assessment activities.

(35) "Restoration or enhancement projects or studies" means an activity that is intended to restore, replenish, restock, or replace public resources, or to further investigate the long-term effect of resource injuries as determined by the RDA committee for the benefit of the public.

(36) "Salmon," in context of the compensation schedule, means the species listed in Appendix 3.

(37) "Scientific advisory board" means the advisory group established by the department to assist in development of the compensation schedule as required by RCW 90.48.366.

(38) "Season" or "seasons" means winter, spring, summer, and/or fall, where winter occurs during the months December through February, spring occurs during the months March through May, summer occurs during the months June through August, and fall occurs during the months September through November.

(39) "Shellfish," in context of the compensation schedule, means the species listed in Appendix 4, but does not include privately grown shellfish on public lands.

(40) "Spill" means an unauthorized discharge of oil into waters of the state.

(41) "State" means state of Washington.

(42) "State trustee agencies" means the state agencies with responsibility for protecting and/or managing public resources.

(43) "Subregion" or "subregions" means the areas into which state marine and estuarine waters have been divided for purposes of the compensation schedule as designated on the maps attached as Appendix 1.

(44) "Technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the public resource before the injury.

(45) "Trust resources" means the public resource(s) under a particular state agency's jurisdiction for protection and/or management.

(46) "Unquantifiable damage" means any diminution in value of a public resource that cannot be measured with sufficient precision or accuracy by currently available and accepted procedures within a reasonable period of time.

(47) "Waters of the state" or "state waters" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(48) "Wetland" or "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, and lands having one or more of the following attributes at least periodically: The land supports predominantly hydrophytes; the substrate is predominantly undrained hydric soil; and the substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-100, filed 4/23/92, effective 5/24/92.]

THE RDA COMMITTEE AND PREASSESSMENT SCREENING

WAC 173-183-200 Preassessment screening process.

(1) Findings from the preassessment screening shall be used to determine whether a formal damage assessment investigation should be conducted or whether the compensation schedule will be applied to assess public resource damages associated with spills of oil into state waters.

(2) The preassessment screening process shall occur concurrently with reconnaissance and cleanup activities as defined in WAC 173-183-220(2).

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-200, filed 4/23/92, effective 5/24/92.]

WAC 173-183-210 Incident discovery and reporting. The state on-scene coordinator (OSC) or initial department responder, shall provide prompt notice to the committee chair when there is evidence of an oil spill into state waters.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-210, filed 4/23/92, effective 5/24/92.]

WAC 173-183-220 Initial site reconnaissance and notification of the RDA committee. (1) The on-scene coordinator (OSC) or initial department responder to an oil spill shall report the following to the RDA committee chair as soon as practicable:

(a) Initial determination of the type and character of the oil(s) spilled;

(b) Initial determination of location of the spill, general type of habitat(s) impacted, geographic coverage of the spill, and amount of oil(s) spilled; and

(c) Initial determination of potentially liable party identity.

(2) The RDA committee chair shall notify RDA committee members of an oil spill as soon as practicable after receiving a report by the OSC or initial department responder, and provide a preliminary assessment of the potential risks to public resources.

(3) The RDA committee may, upon notification of an oil spill, initiate or authorize the RDA committee chair to initiate any necessary reconnaissance activities to:

(a) Further identify public resources at risk;

(b) Determine the extent to which public resources are, or may be, adversely affected;

(c) Document actual or potential injury to public resources; and

(d) Determine which local, state, and federal agencies and Indian tribes may have interests or jurisdiction over any of the public resources that may be adversely affected by the spill.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-220, filed 4/23/92, effective 5/24/92.]

WAC 173-183-230 RDA committee. (1) The following state agencies shall have membership on the RDA committee: Departments of ecology, fisheries, health, natural resources, wildlife, and the parks and recreation commission.

(2) Agencies with membership on the RDA committee shall nominate a representative and alternate to be appointed to the committee by the director.

(3) The department of ecology shall chair the RDA committee.

(4) The department may select representatives from the following agencies and governments for participation on the RDA committee on a spill-by-spill basis: Departments of emergency management, as well as other federal, state, and local agencies, and tribal and local governments whose presence would enhance reconnaissance or damage assessment activities of spill response.

If a selected representative declines or is unable to participate on the committee, the representative shall provide written notice to the department within twelve hours of being notified so that a replacement member may be appointed. Prompt consideration will be given to other local, state, or federal agency, or tribal government requests for participation on the RDA committee on a spill-by-spill basis.

(5) The RDA committee shall convene as soon as possible, but no later than thirty days after the department receives notification of a spill, or the next regularly scheduled meeting of the committee following a spill.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-230, filed 4/23/92, effective 5/24/92.]

WAC 173-183-240 Preassessment screening. (1) The primary duty of the RDA committee during the preassessment screening is to determine whether detailed damage assessment studies should be conducted under RCW 90.48.367, or alternatively, whether the compensation

schedule authorized under RCW 90.48.366 and 90.48.367 will be used to assess damages.

(2) The RDA committee shall consider information collected during reconnaissance and cleanup as well as other relevant background information pertaining to threatened public resources or resource use for the preassessment screening.

(3) The RDA committee shall consider the following factors when determining the type of damage assessment to be conducted:

(a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources;

(b) The potential loss in services provided by public resources injured or likely to be injured and the expected value of the potential loss;

(c) Whether a restoration project to return lost services is technically feasible;

(d) The accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method;

(e) The extent to which likely injury to public resources can be verified with available quantification methods; and

(f) Whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) The department shall apply the compensation schedule to determine the amount of damages if the RDA committee determines that:

(a) Restoration or enhancement of the injured resources is not technically feasible;

(b) Damages are not quantifiable at a reasonable cost; and

(c) The restoration and enhancement projects or studies proposed by the potentially liable party are insufficient to adequately compensate the people of the state for public resource damages.

(5) The RDA committee is encouraged to work cooperatively with the potentially liable party, to the greatest extent possible, to increase the efficiency of the damage assessment process, and shall provide for the ongoing involvement of the potentially liable party.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-240, filed 4/23/92, effective 5/24/92.]

WAC 173-183-250 Damage assessment studies. (1) If the RDA committee, after considering the factors enumerated in WAC 173-183-240(3), determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred, then the RDA committee may authorize damage assessment studies.

(2) If the RDA committee authorizes damage assessment studies under RCW 90.48.367(3), the RDA committee chair shall promptly notify the potentially liable party of this decision.

(3) The state trustee agency(ies) responsible for the potentially injured resource and habitat shall conduct the damage assessment studies and pursue all appropriate remedies with the responsible party. The RDA committee shall consider the proposed damage assessment studies and

the effects of any proposed remedies in a timely manner, consistent with WAC 173-183-240(3).

(4) As new information becomes available, the committee may reevaluate the scope of damage assessment studies using the factors listed in WAC 173-183-240(3), and may reduce or expand the scope of damage assessment studies as appropriate.

(5) The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the damages determined through the damage assessment studies.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-250, filed 4/23/92, effective 5/24/92.]

WAC 173-183-260 Restoration and enhancement projects proposed by the PLP. (1) The potentially liable party (PLP) may propose restoration or enhancement projects or studies during the preassessment screening phase to substitute for some or all of:

(a) The damages calculated from the compensation schedule authorized under RCW 90.48.366 and 90.48.367; or

(b) The claims from damage assessment studies authorized under RCW 90.48.142 and 90.48.367.

(2) To be considered as part of the preassessment screening decision process specified in WAC 173-183-240, PLP proposals must be submitted to the RDA committee chair within ten days of PLP notification by the RDA committee.

(3) The RDA committee may accept the PLP proposal in lieu of some or all of:

(a) The damages calculated from the compensation schedule authorized under RCW 90.48.366 and 90.48.367; or

(b) The claims from damage assessment studies authorized under RCW 90.48.142 and 90.48.367.

(4) For the RDA committee to find a proposal sufficient to adequately compensate the people of the state for public resource damages, the PLP proposal must at least contain the following elements:

(a) An investigation of all potentially injured public resources to determine if they have been exposed to the spilled oil;

(b) Follow-up investigations on all public resources documented to be exposed to determine if exposure has resulted in injury;

(c) Follow-up investigations on all public resources documented to be injured by the spill to quantify the injury;

(d) Quantification of damages for all public resources where injury has been quantified; and

(e) Restoration/enhancement projects to compensate for public resource injuries to the extent technically feasible; and, for damages that cannot be compensated by technically feasible restoration or enhancement projects, implementation of projects/studies to compensate for these losses. Public resource restoration and enhancement projects and studies shall be prioritized as follows:

(i) On-site, in-kind;

(ii) Off-site, in-kind;

(iii) On-site, out-of-kind; and

(iv) Off-site, out-of-kind.

(5) Prior to the PLP initiating any projects or studies intended to substitute for damages, the PLP's proposal must

be approved by the RDA committee. If a PLP proposal is found to be acceptable to the RDA committee, the committee shall notify the PLP of this decision.

(6) If RDA committee finds a PLP project and study plan proposal to be acceptable, the RDA committee shall oversee all projects and studies conducted by the PLP.

(7) Upon completion of the PLP's project and study plan, the RDA committee shall decide the extent to which the PLP's projects and studies substitute for public resource damages as identified in subsection (3) of this section.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-260, filed 4/23/92, effective 5/24/92.]

WAC 173-183-270 Participation. To efficiently implement WAC 173-183-250 the RDA committee may develop public resource damage assessment agreements to facilitate cooperation between state and federal agencies and Indian tribes.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-270, filed 4/23/92, effective 5/24/92.]

OIL SPILL COMPENSATION SCHEDULE GENERAL

WAC 173-183-300 Purpose. The purpose of this section is to establish a compensation schedule that will provide a simple methodology for assessing damages to public resources from oil spills into fresh, marine, and estuarine waters of the state. The intent is to provide an alternate methodology to the extensive and expensive natural resource damage assessments presently being conducted following oil spills. This section provides the procedures for:

(1) Establishing the relative vulnerability of public resources to oil spills by taking into consideration the relative toxicity of the oil spilled and the sensitivity of public resources present in the receiving environment; and

(2) Determining adequate monetary compensation for injury to public resources resulting from an oil spill.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-300, filed 4/23/92, effective 5/24/92.]

WAC 173-183-310 Authority. This regulation implements the establishment of a resource damage compensation schedule consistent with the provisions of RCW 90.48.366 for the discharge of oil in violation of chapter 90.48 or 90.56 RCW which requires the department to establish the compensation schedule in consultation with the departments of fisheries, wildlife, and natural resources, and the parks and recreation commission, and with the assistance of a scientific advisory board.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-310, filed 4/23/92, effective 5/24/92.]

WAC 173-183-320 Compensation schedule. (1) The compensation schedule determines adequate compensation for unquantifiable damages or for damages not quantifiable at a reasonable cost for persons liable under RCW 90.48.142.

(2) Adequate compensation as determined from the compensation schedule is derived from preexisting information of resource vulnerability to a class of oil spilled in a particular subregion of the state during a particular season, plus any additional information collected at the reconnaissance stage of the spill response.

(3) Under RCW 90.48.366, the amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than fifty dollars per gallon of oil spilled.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-320, filed 4/23/92, effective 5/24/92.]

WAC 173-183-330 Resource damage assessment using the compensation schedule. The compensation schedule includes:

(1) A relative ranking for each of the classes of oil defined in this chapter as determined by their known chemical, physical, and mechanical properties, and other factors that may affect the severity and persistence of the spill on the receiving environment;

(2) A relative vulnerability ranking of receiving environments which takes into account location of the spill, habitat and public resource sensitivity to oil, seasonal distribution of public resources, areas of recreational use and aesthetic importance, the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law, and other areas of special ecological or recreational importance as determined by the department;

(3) A quantitative method for determining public resource damages resulting from an oil spill, based on the oil effects and vulnerability rankings designed to compensate the people of this state for those damages that cannot be quantified at a reasonable cost that result from oil spills; and

(4) A method for adjusting damages calculated under the compensation schedule based on actions taken by the potentially liable party that:

(a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or

(b) Enhance or impede the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-330, filed 4/23/92, effective 5/24/92.]

WAC 173-183-340 Oil class ranking. (1) The purpose of this section is to provide a relative ranking of the severity of effects caused by a spilled oil. The ranking is based on the known chemical, physical, and mechanical properties of oils in the six classes identified in this section, as well as other properties affecting propensity to cause acute toxicity and mechanical injury, and to persist in the environment. For purposes of the compensation schedule, relative rankings of the severity of effects caused by a spilled oil are provided for the following classes of oils:

(a) Prudhoe Bay crude oil;

(b) Bunker C;

- (c) No. 2 fuel oil;
- (d) Gasoline;
- (e) Kerosene; and
- (f) Kerosene-type jet fuel.

(2) The relative ranking scores for the oil classes range from 1 to 5, where 1 represents the least harmful effect and 5 represents the most harmful effect. For purposes of RCW 90.48.366 and 90.48.367, the acute toxicity, mechanical injury, and persistence relative ranking scores for the oils described by the classes enumerated in subsection (1) of this section shall be as follows:

Table 1. Acute Toxicity, Mechanical Injury and Persistence Relative Ranking Scores for Classified Oils (OIL).

Oil Class	Acute Toxicity	Mechanical Injury	Persistence
Prudhoe Bay Crude Oil	0.9	3.6	5
Bunker C	2.3	5.0	5
No. 2 Fuel Oil	2.3	3.2	2
Gasoline	5.0	1.0	1
Kerosene	1.4	2.4	1
Kerosene-type Jet Fuel	1.4	2.4	1

(3) In cases where the spilled oil is not described by any of the oil classes listed in subsection (1) of this section, or is a mixture of oils, the department shall determine the acute toxicity, mechanical injury, and persistence scores as follows:

(a) By assigning the acute toxicity, mechanical injury, and persistence scores assigned to the oil class best describing the spilled oil from subsection (2) of this section; or

(b) By using the following guidance to determine the acute toxicity, mechanical injury, and persistence relative ranking scores:

(i) Acute toxicity relative ranking score. An acute toxicity raw score is determined by summing the weighted averages of the 1-, 2-, and 3-ringed aromatic compounds comprising the spilled oil and dividing this sum by 107, where aromatic compound composition is determined by percent-weight, and weighting is determined by aqueous solubility of the aromatic compounds, as described by the following formula:

$$\text{Acute Toxicity Raw Score} = \frac{[(\text{SOL}_1 * \text{PCT-WT}_1) + (\text{SOL}_2 * \text{PCT-WT}_2) + (\text{SOL}_3 * \text{PCT-WT}_3)]}{107}$$

where SOL_i = solubility in seawater of i-ring aromatic hydrocarbons, and

PCT-WT_i = percent weight of i-ring aromatic hydrocarbons in the spilled oil, i = 1, 2, and 3.

The final acute toxicity relative ranking score is determined by rounding the acute toxicity raw score to the nearest 0.1 using standard rounding procedures where decimals less than 0.05 are rounded down and decimals equal to or greater than 0.05 are rounded up.

(ii) Mechanical injury relative ranking score. A mechanical injury raw score is determined by subtracting 0.688 from the specific gravity of the spilled oil and dividing this result by 0.062 as follows:

$$\text{Mechanical Injury Score} = (\text{SP} - 0.688) / 0.062$$

where SP = specific gravity of the spilled oil.

The final mechanical injury ranking score is determined by rounding the mechanical injury raw score to the nearest 0.1 using standard rounding procedures where decimals less than 0.05 are rounded down and decimals equal to or greater than 0.05 are rounded up.

(iii) Persistence relative ranking score. A persistence relative ranking score is determined from empirical data describing the length of time the spilled oil is known to, or is likely to, persist in a variety of habitat types. Scoring is assigned on a 1 to 5 scale as follows:

SCORE	ANTICIPATED PERSISTENCE
5	5 - 10 years or more
4	2 - 5 years
3	1 - 2 years
2	1 month to 1 year
1	days to weeks.

(4) In cases where the spilled oil is comprised of two or more types of oil, damages shall be calculated under the schedule for each oil type and then summed to calculate total damages liability.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-340, filed 4/23/92, effective 5/24/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

COMPENSATION SCHEDULE FOR SPILLS INTO MARINE AND ESTUARINE WATERS, EXCLUDING ESTUARINE WATERS OF THE COLUMBIA RIVER

WAC 173-183-400 Vulnerability of marine and estuarine environments to oil spills. (1) The purpose of this section is to describe the method of ranking vulnerability of marine and estuarine environments, excluding the Columbia River estuary environment to oil spills for the purposes of assessing damages using the compensation schedule.

(2) Marine and estuarine waters of the state excluding the Columbia River estuary are divided into sixteen regions and one hundred thirty-one subregions for purposes of RCW 90.48.366, as designated on the maps attached as Appendix 5 of this chapter.

(3) A spill vulnerability score (SVS) shall be calculated at the time of a spill for the most sensitive subregion and season impacted by the spill. The SVS rates the vulnerability of public resources to spilled oil based on the propensity of the oil to cause acute toxicity and mechanical injury, and to persist in the environment. SVS is determined by summing the vulnerability scores for marine birds, marine mammals, fishery species, recreational use and habitats for the subregion(s) and most sensitive season impacted by the spill. The formula to be used to calculate SVS for each of the three oil effects, acute toxicity, mechanical injury, and persistence, is as follows:

$$\text{Spill vulnerability score (SVS)}_{ij} = \text{HVS}_i + \text{BVS}_i + \text{MVS}_i + \text{MFVS}_i + \text{SFVS}_i + \text{SAVS}_i + \text{RVS}_i$$

where HVS_i = habitat vulnerability to oil's propensity to cause i
 BVS = marine bird vulnerability score (WAC 173-183-420(3));
 MVS = marine mammal vulnerability score (WAC 173-183-460(3));

MFVS = marine fisheries vulnerability score (WAC 173-183-430(3));

SFVS = shellfish vulnerability score (WAC 173-183-440(3));

SAVS = salmon vulnerability score (WAC 173-183-450(5));

RVS = recreation vulnerability score (WAC 173-183-470(3));

i = acute toxicity (AT), mechanical injury (MI), or persistence (Per); and

j = the most sensitive season affected by the spill: Spring, summer, fall, or winter

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-400, filed 4/23/92, effective 5/24/92.]

WAC 173-183-410 Marine and estuarine habitat vulnerability. (1) The purpose of this section is to provide a marine and estuarine habitat vulnerability ranking. The marine and estuarine habitats present in the state are:

(a) Classified into thirty-seven types based on substrate type, energy regime and depth of occurrence; and

(b) Relatively ranked and scored for vulnerability to oil spills on a 1 to 5 scale, where a habitat vulnerability score (hv) of 5 represents the greatest vulnerability and an hv of 1 represents the least vulnerability.

(2) Marine and estuarine habitat vulnerability scores (hv) are based on the following:

(a) Presence of living public resources at risk, where living public resources include only those not otherwise incorporated into the compensation schedule in the marine fish, shellfish, salmon, marine mammal or marine bird vulnerability rankings of WAC 173-183-420 through 173-183-460; and

(b) Predicted sensitivity to the acute toxicity, mechanical injury and persistence effects of oil based on energy regime of the habitat and propensity to entrain oil.

(3) For purposes of RCW 90.48.366, marine and estuarine habitats of the state are classified into the following thirty-seven habitat types:

(a) Marine intertidal habitats.

(i) Exposed and semi-exposed rocky shores. Bedrock and boulder habitats exposed to the full range of wave energies of the Pacific (i.e., on the outer coast), or to extensive wave fetch along the Strait of Juan de Fuca. Rocky areas on the coast partly protected behind sea stacks or islands also fall into this category.

(ii) Sand-scoured rocky shores. Rocky headlands or sea stacks directly adjacent to high energy sandy beaches such that there is much suspended sand in the water, which scours the rock. Unique plants and animals are found here.

(iii) Protected rocky shores. Bedrock and boulder habitats lacking oceanic swell and extensive wave fetch; e.g., inside waters of the San Juan Islands, headlands in bays off the Strait of Juan de Fuca or well protected behind islands on the outer coast.

(iv) Semi-exposed cobble and mixed-coarse beaches. Beaches exposed to moderate wave action composed of cobble overlying sand, or to somewhat less wave action, with a mix of cobble, gravel, and sand where no one component occupies more than seventy percent of the surface. Algae may grow on larger cobbles, and animals

live both on the surface and in the sediment. Species vary dramatically with degree of wave exposure and composition of the sediment. Found inside the San Juan Islands, outside of Whidbey Island, at semi-protected sites along the Strait, and behind island and sea stacks on the coast.

(v) Semi-exposed gravel beaches. Unstable beaches, containing some sand in more protected areas. Many sites along the Strait of Juan de Fuca.

(vi) Exposed sandy beaches. Pure marine sands found in moderate to high-energy areas, e.g., on the outer coast and along the Strait of Juan de Fuca. Mouths of bays with some wave action also fall into this category.

(vii) Semi-protected mixed-fine beaches. Mixed sand and silt habitats, found in bays and inlets with some wave action so they are not dominated by the finer sediments (muds). Patches of gravel may be present high on the shore.

(viii) Protected mud flats. Areas of little to no wave energy, where fine sediments settle and accumulate organic matter. Found in calm bays and inlets with little freshwater influx (i.e., not estuaries).

(b) Marine subtidal.

(i) Shallow subtidal rock and boulders. Areas less than 15 m depth with some currents so that sediments do not totally cover bedrock. Kelp beds are found in these habitats, which are widespread in the state.

(ii) Deep subtidal rock and boulders. Areas deeper than 15 m and thus lacking in significant algal cover, but still with enough currents to keep the substrate exposed. Common in the San Juans and the Strait.

(iii) Deep subtidal cobble and mixed-coarse areas. "Scoured" areas in channels or passes with high currents, composed entirely of cobbles or with gravel and sand mixed in.

(iv) Shallow subtidal mixed-coarse to mixed-fine areas (low energy). Areas ranging from cobbles lying over a matrix of sand and gravel to mixed sand and silt, in waters less than 15 m. Bays and inlets commonly have this range of substrate types. Plants and animals exist both on the cobbles and in the sediment.

(v) Shallow subtidal gravel or mixed-fine areas (high energy). Areas just offshore of sand or gravel beaches, where swells or wave action keep fine sediments from accumulating. Substrates range from pure gravel to gravel mixed with sand and shells. Common in the Strait.

(vi) Deep subtidal sand. Areas deeper than 15 m in the Strait or on the coast where swells keep the substratum fairly coarse.

(vii) Deep subtidal mixed-fine areas. Areas of sand, shells, and pebbles with some currents removing finer particles.

(viii) Deep subtidal muddy areas. Areas with no swell and few currents, where fine silts settle out and accumulate organic matter.

(ix) Open water. Areas deeper than 20 m.

(c) Estuarine intertidal.

(i) Open rocky shores. Rocky intertidal areas (including hardpan and riprap) in areas exposed to moderate waves or currents, e.g., on headlands in Puget Sound.

(ii) Open mixed-coarse beaches. One of the most common beach types in Puget Sound, composed of a mix of cobble, gravel, and sand in areas with some wave action that keeps finer silts suspended. Sparse salt marsh vegetation

may occur at the tops of these beaches, especially in quieter areas.

(iii) Open gravel beaches. Areas of gravel or pebbles, often overlying sand, in areas of moderate wave action.

(iv) Open sandy beaches. Common habitats of gently sloping beaches but moderate wave action. May have gravel on the upper shore. Found in Puget Sound and in some areas of other estuaries, including Grays Harbor.

(v) Sandy low marshes. Found on spits, berms, and deltas where sand collects. Areas of different salinities are dominated by different marsh plant communities. Wide-spread (although disturbed) throughout the Puget Trough.

(vi) Mixed-fine beaches and low marshes. Found in backwaters or deltas away from large channels, where the substrate is mixed sand and mud, sometimes with patches of gravel or peat. Substrate is stable and organic-rich. Marsh communities vary with salinity.

(vii) Saline lagoons. Areas where water-borne sediments are deposited into a spit closing off an embayment, which is flushed regularly or irregularly. Salinities vary with evaporation and runoff but are generally high.

(viii) Low-salinity lagoons. Lagoons that are nearly separated from tidal/salt influence by a berm, and where there is a source of freshwater. Substrate is usually soft silt. This habitat is rare in the state.

(ix) Mud flats. Areas lacking in gravel or significant amounts of sand due to limited wave action, usually found in the heads of bays and inlets. Includes undisturbed channels and sloughs which drain slowly through a tidal cycle, and which may contain some sand.

(x) High salt marshes. Areas above normal high water but salt influenced, with organic/peat substrata. Salinities vary, and plant communities with them.

(xi) Transition zone wetland. Areas transitional between salt marshes and uplands, where salt water only rarely inundates. Substrata are peat or fine silts.

(d) Estuarine subtidal.

(i) Shallow subtidal rock and boulders. Areas less than 15 m deep with moderate currents or wave action that remove silt. Kelp beds develop here.

(ii) Deep subtidal rock and boulders. Areas in narrow channels or around headlands where currents remove sediment that otherwise would settle in these deeper areas. These habitats are essentially marine, since freshwater tends to stay layered in shallow water.

(iii) Shallow subtidal cobble and mixed-coarse areas. Mixed cobble, gravel, and sand remain in shallow areas fairly open to wave action or currents.

(iv) Deep subtidal cobble and mixed-coarse areas. Tidal currents running through deep channels in Puget Sound keep fine silts from settling and create areas of mixed cobbles, sand, and gravel.

(v) Shallow subtidal sandy or mixed-fine areas. High-current areas with little debris and some gravel, or less current-swept with more debris. Both are common outside of enclosed bays in Puget Sound.

(vi) Deep subtidal sandy or mixed-fine areas. Current-swept areas below 15 m. Organic debris and gravel tend to accumulate deeper (below 30 m), leading to different assemblages there.

(vii) Shallow subtidal muddy bays. Common habitats in open to partly enclosed bays in Puget Sound, where

limited water movement allows fine sediments to accumulate. Organic enrichment is high, especially in more enclosed bays.

(viii) Deep subtidal muddy bays. Habitats in the heads and centers of inlets in Puget Sound where there is little motion and the substrate is soft mud and sand. Assemblages vary with depth and amount of organic debris accumulated.

(ix) Open water. Areas deeper than twenty meters.

(4) For purposes of RCW 90.48.366, marine and estuarine habitat vulnerability scores (hv) for each of the habitat types classified in subsection (3) of this section shall be as follows:

TABLE 2. Habitat Vulnerability for a Single Habitat Type and Oil Effect (hv)

HABITAT TYPE	HABITAT VULNERABILITY (hv)		
	ACUTE (hv _{AT})	MECH (hv _{MI})	PERS (hv _{PER})
MARINE INTERTIDAL			
Exposed and semi-exposed rock shores	3.7	4.3	3.1
Sand-scoured rocky shores	3.3	3.8	2.7
Protected rocky shores	3.0	3.5	3.0
Semi-exposed cobble and mixed-coarse beaches	3.2	3.2	3.2
Semi-exposed gravel beaches	3.2	1.4	2.0
Exposed sandy beaches	2.9	1.3	1.8
Semi-protected mixed-fine beaches	3.2	2.6	3.7
Protected mud flats	3.8	2.7	4.3
MARINE SUBTIDAL			
Shallow subtidal rock and boulders	3.7	3.7	3.1
Deep subtidal rock and boulders	2.7	2.7	3.3
Deep subtidal cobble and mixed coarse	1.5	2.2	2.2
Shallow subtidal mixed-coarse to mixed-fine	3.6	3.6	3.6
Shallow subtidal gravel or mixed-fine	2.8	1.6	2.3
Deep subtidal sand	1.6	2.0	1.6
Deep subtidal mixed-fine	1.5	2.6	3.1
Deep subtidal muddy	2.0	2.0	3.2
Open water	5.0	3.2	2.2
ESTUARINE INTERTIDAL			
Open rocky shores	3.0	3.5	3.0
Open mixed-coarse beaches and low marsh	3.7	3.2	3.2
Open gravel beaches	3.4	1.5	2.2
Open sandy beaches	3.3	2.8	2.3
Sandy low marshes	3.5	3.0	3.0
Mixed-fine beaches and low marshes	4.3	4.3	4.3
Saline lagoons	3.7	3.7	4.1
Low-salinity lagoons	3.0	3.5	3.9
Mud flats	3.7	2.6	4.1
High salt marshes	3.0	3.5	3.9
Transition zone wetlands	3.0	3.5	3.9
ESTUARINE SUBTIDAL			
Shallow subtidal rock and boulders	3.2	3.2	2.6
Deep subtidal rock and boulders	2.3	2.3	2.8
Shallow subtidal cobble and mixed-coarse	2.6	3.2	3.2
Deep subtidal cobble and mixed-coarse	1.5	2.2	2.2
Shallow subtidal sandy or mixed-fine	3.2	3.2	3.2

Deep subtidal sandy or mixed-fine	2.0	2.4	2.8
Shallow subtidal muddy bays	3.0	2.4	3.9
Deep subtidal muddy bays	1.8	1.8	2.9
Open water	5.0	3.2	2.2

(5) When seagrass or kelp are present in a particular habitat type, the portion of the habitat type with seagrass or kelp shall be treated as a separate habitat type. The habitat vulnerability for a particular habitat type and oil effect (hv) shall be multiplied by a factor of 1.5 for habitat types with seagrass or kelp present. The RDA committee shall be responsible for determining whether seagrass or kelp are present in a habitat type, and the portion of a habitat type containing seagrass or kelp.

(6) In general, several of the habitat types classified in this section may be affected by a particular spill. The habitat vulnerability score for a particular spill and oil effect (HVS_i) is composite of the habitat vulnerability scores for each of the habitat types affected by the spill which takes into consideration the percent coverage of each habitat type in the area of spill impact.

(7) The habitat vulnerability score for a particular spill and oil effect (HVS) shall be determined as follows:

(a) For spills of 1,000 gallons or more. Sum the weighted habitat vulnerability scores for each habitat type exposed to the spill as described by the formula provided in (c) of this subsection, where weighting is defined by percent coverage of each habitat type within the area of spill exposure.

(b) For spills of less than 1,000 gallons. Sum the weighted habitat vulnerability scores for each habitat type present in the subregion(s) exposed to the spill as described by the formula provided in (c) of this subsection, where weighting is defined by percent coverage of each habitat type present in the subregion(s) exposed to the spill.

(c) The formula to calculate the raw habitat vulnerability score for a particular spill and oil effect (HVS_i) is as follows:

$$HVS_i = \sum_{j=1}^n (hv_{ij} \times PC_j)$$

where PC_j = Percent coverage of habitat-type j expressed as a decimal;

hv_{ij} = habitat vulnerability for a particular habitat type & oil effect;

j = habitat type;

i = acute toxicity (AT), mechanical injury (MI) and persistence (PER); and

n = number of habitats to be considered as determined under (a) and (b) of this subsection.

(d) The final HVS_{AT}, HVS_{MI}, and HVS_{PER} scores are found by rounding the raw scores calculated from the formula in (c) of this subsection to the nearest 0.01 as follows: Decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-410, filed 4/23/92, effective 5/24/92.]

scale for each season, where a score of 5 represents the greatest vulnerability and a score of 1 represents the least vulnerability.

(2) The marine bird vulnerability ranking relatively ranks the vulnerability of seabirds, shorebirds, and waterfowl present in a subregion during a particular season to oil spills, where vulnerability is based on population status, abundance, roosting habits, escape behavior, flocking behavior, feeding specialization, population size, reproductive capacity, breeding dispersion, winter dispersion, seasonal exposure to waters where oil spills could occur, and significance of Washington population to total population.

(3) Marine bird seasonal vulnerability scores for each of the marine and estuarine subregions defined in WAC 173-183-400 are based on existing information and determinations made by the marine bird subcommittee of the scientific advisory board. For purposes of RCW 90.48.366, marine bird seasonal vulnerability scores (BVS) for each of the subregions defined in WAC 173-183-400 shall be as follows:

Table 4. Subregional Marine Bird Vulnerability Scores (BVS)

SUBREGION	SP	SU	FA	WI
101 NORTHERN OUTER COAST	5	5	5	5
102 KALALOCH	5	5	5	5
103 QUINAULT	5	5	5	5
104 COPALIS BEACH	5	5	5	5
105 GRAYS HARBOR	5	5	5	5
106 TWIN HARBORS BEACH	5	5	5	5
107 WILLAPA BAY	5	5	5	5
108 LONG BEACH	5	5	5	5
109 INNER SHELF	4	2	5	5
110 OUTER SHELF	4	1	1	1
111 SHELF EDGE	5	1	1	1
112 CONTINENTAL SLOPE	2	1	1	1
201 STRAIT OF JUAN DE FUCA-OUTER	3	2	5	4
203 CAPE FLATTERY	4	3	4	3
204 NEAH BAY	2	2	2	2
205 NEAH BAY TO CLALLAM BAY	2	3	3	2
206 CLALLAM BAY	2	2	2	2
207 CLALLAM BAY TO CRESCENT BAY	2	3	3	2
208 CRESCENT BAY	2	2	2	2
209 CRESCENT BAY TO EDIZ HOOK	2	2	2	4
301 STRAIT OF JUAN DE FUCA-INNER	3	3	3	4
302 EDIZ HOOK	1	1	1	1
303 PORT ANGELES	2	3	3	2
304 VOICE OF AMERICA	2	2	2	2
305 DUNGENESS SPIT	2	2	2	3
306 DUNGENESS BAY/HARBOR	4	2	2	3
307 JAMESTOWN	5	5	5	5
308 SEQUIM BAY	2	1	1	2
309 MILLER PENINSULA	2	2	2	3
310 PROTECTION ISLAND	4	5	5	3
311 DISCOVERY BAY	3	1	1	4
312 QUIMPER PENINSULA	2	3	3	4
313 WHIDDEY ISLAND	1	2	2	2
314 SMITH ISLAND	3	5	5	3
315 DECEPTION PASS	2	2	2	2
316 LOPEZ ISLAND (SOUTH SHORE)	5	4	4	3
317 SAN JUAN IS.(SOUTH SHORE)	2	2	2	2
401 ADMIRALTY INLET	3	5	5	2
402 SOUTH ADMIRALTY INLET	2	1	2	3
403 PORT TOWNSEND	3	2	3	4
404 OAK BAY	2	2	2	2
405 KILLSIT HARBOR	3	2	3	4
501 BELLINGHAM CHANNEL	2	2	4	4
502 GUEMES CHANNEL	2	2	1	3
503 FIDALGO BAY	2	2	2	3
504 PADILLA BAY	5	5	4	5
505 SAMISH BAY	5	5	4	5
506 BELLINGHAM BAY	4	4	4	5

WAC 173-183-420 Marine bird vulnerability. (1) Each of the marine and estuarine subregions of state waters established in WAC 173-183-400(2) is relatively ranked and scored for marine bird vulnerability to oil spills on a 1 to 5

507	HALE PASSAGE	3	3	2	2
601	LUMMI BAY	5	5	3	4
602	CHERRY POINT	5	5	2	2
603	BIRCH BAY	4	4	3	3
604	SEMAHOO SPIT	4	4	4	4
605	DRAYTON HARBOR	3	3	3	4
607	SAN JUAN IS.-NORTHERN TIER	3	3	2	4
608	GEORGIA STRAIT-EASTERN	4	4	4	4
701	PT. ROBERTS	4	4	2	4
703	GEORGIA STRAIT-WESTERN	2	2	2	2
801	NORTHERN HARO STRAIT	2	2	4	3
802	SOUTHERN HARO STRAIT	1	1	1	2
901	SOUTHERN ROSARIO STRAIT	3	3	3	5
902	CENTRAL ROSARIO STRAIT	3	3	5	4
903	NORTHERN ROSARIO STRAIT	5	5	5	4
1001	PRESIDENT CHANNEL	2	2	2	2
1002	NORTHERN AREAS	1	1	2	3
1101	SPEIDEN CHANNEL	1	1	2	2
1102	NORTHERN SAN JUAN CHANNEL	1	1	1	1
1103	SOUTHERN SAN JUAN CHANNEL	1	1	2	3
1104	WASP PASS	1	1	1	2
1105	UPRIGHT CHANNEL	1	1	2	2
1106	HARNEY CHANNEL	1	1	1	2
1107	OBSTRUCTION PASS	2	2	3	2
1108	THATCHER PASS	1	1	1	1
1201	MOSQUITO/ROCHE COMPLEX	2	2	2	3
1202	FRIDAY HARBOR	2	2	2	2
1203	GRIFFIN BAY	2	2	2	3
1205	FISHERMAN BAY	2	2	2	3
1206	SWIFTS/SOAL BAYS	2	2	2	2
1207	DEER HARBOR	2	2	2	2
1208	WEST SOUND	1	1	2	2
1209	EAST SOUND	2	2	1	2
1210	LOPEZ SOUND	2	2	3	4
1401	SKAGIT BAY	5	3	2	1
1402	PENN COVE/CRESCENT HARBOR	5	3	2	1
1403	SARATOGA PASSAGE	5	1	2	2
1404	HOLMES HARBOR	4	2	3	3
1405	PORT SUSAN	3	1	1	1
1406	POSSESSION SOUND	3	1	2	2
1501	HOOD CANAL ENTRANCE	2	1	2	3
1502	PORT LUDLOW	2	2	2	2
1503	PORT GAMBLE	2	2	2	2
1504	NORTHERN HOOD CANAL	2	1	2	2
1505	CENTRAL HOOD CANAL	2	1	2	2
1506	DABOB BAY	2	1	2	3
1507	QUILCENE BAY	2	2	2	2
1508	SOUTHCENTRAL HOOD CANAL	2	1	2	3
1509	ANNAS BAY	2	2	2	2
1510	GREAT BEND	3	1	3	5
1601	N. PUGET SOUND	4	1	2	2
1602	N. CENTRAL PUGET SOUND	2	1	2	2
1603	CENTRAL PUGET SOUND	2	1	2	2
1604	ELLIOT BAY	2	2	2	1
1605	EAST PASSAGE	2	1	2	2
1606	COLVOS PASSAGE	2	1	2	2
1607	COMMENCEMENT BAY	2	2	2	2
1608	NARROWS	3	2	3	4
1609	STELLACOOM	2	1	2	3
1610	NISQUALLY	2	1	2	3
1611	TREBLE-JOHNSON	2	2	2	2
1612	HALE PASSAGE	3	2	3	3
1613	CAIR INLET	3	1	3	4
1614	PITT PASSAGE	2	2	2	2
1615	DRAYTON HARBOR	2	2	2	2
1616	CASE INLET	2	1	2	3
1617	HENDERSON INLET	2	2	2	1
1618	DANA PASSAGE	2	2	2	1
1619	BUDD INLET	2	2	2	2
1620	ELD INLET	2	2	2	2
1621	TOTTEN INLET	2	2	2	2
1622	PICKERING PASSAGE	2	2	2	2
1623	PEALE PASSAGE	2	2	2	1
1624	SQUAXIN	2	2	2	2
1625	SKOOKUM INLET	2	2	2	2
1626	HAMMERSLEY INLET	2	2	2	2
1627	OAKLAND BAY	2	2	2	2
1628	AGATE PASSAGE	2	2	2	2
1629	LIBERTY BAY	3	2	3	3
1630	PORT ORCHARD	2	2	2	2
1631	SINCLAIR INLET	3	2	3	3
1632	DYES INLET	2	2	2	2
1633	RICH PASSAGE	2	2	2	2
1634	QUARTERMASTER HARBOR	3	2	3	3
1635	DALCO PASSAGE	2	2	2	2
1636	BALCH PASS	2	2	2	2

WAC 173-183-430 Marine fisheries vulnerability.
 (1) Each of the subregions designated in WAC 173-183-430 is relatively ranked and scored for marine fisheries vulnerability to oil spills on a 1 to 5 scale for each season where 5 represents the most vulnerable ranking and 1 represents the least vulnerable ranking.

(2) The marine fisheries vulnerability ranking relatively ranks the vulnerability of marine fisheries species present in a subregion to oil spills, where vulnerability is based on habitat preference, population status, abundance, fecundity, and sensitivity of life stages.

(3) Marine fisheries seasonal vulnerability scores for each of the marine and estuarine subregions are based on existing information and recommendations of the marine fisheries subcommittee. For purposes of RCW 90.48.366 marine fisheries seasonal vulnerability ranking scores (MFVS) for the subregions defined in WAC 173-183-400 are as follows:

Table 5. Subregional Marine Fisheries Vulnerability Scores (MFVS)

SUBREGION	SEASON				
	SP	SU	FA	WI	
101	NORTHERN OUTER COAST	5	3	3	5
102	KALALOCH	5	3	3	5
103	QUINAULT	5	3	3	5
104	COPALIS BEACH	5	3	3	5
105	GRAYS HARBOR	5	5	5	5
106	TWIN HARBORS BEACH	5	3	3	4
107	WILLAPA BAY	5	5	5	5
108	LONG BEACH	5	3	3	4
109	INNER SHELF	5	3	3	4
110	OUTER SHELF	4	2	2	4
111	SHELF EDGE	4	1	2	3
112	CONTINENTAL SLOPE	2	1	1	1
201	STRAIT OF JUAN DE FUCA-OUTER	5	3	3	4
203	CAPE FLATTERY	5	3	3	4
204	NEAH BAY	5	3	3	4
205	NEAH BAY TO CLALLAM BAY	5	3	3	4
206	CLALLAM BAY	5	3	3	4
207	CLALLAM BAY TO CRESCENT BAY	5	3	3	4
208	CRESCENT BAY	5	3	3	4
209	CRESCENT BAY TO EDIZ HOOK	5	3	3	4
301	STRAIT OF JUAN DE FUCA-INNER	5	3	3	4
302	EDIZ HOOK	5	3	3	4
303	PORT ANGELES	5	3	3	4
304	VOICE OF AMERICA	5	3	3	4
305	DUNGENESS SPIT	5	3	3	4
306	DUNGENESS BAY/HARBOR	5	3	3	4
307	JAMESTOWN	5	3	3	4
308	SEQUIM BAY	5	3	3	4
309	MILLER PENINSULA	5	3	3	4
310	PROTECTION ISLAND	5	3	3	4
311	DISCOVERY BAY	5	3	3	4
312	QUIMPER PENINSULA	5	3	3	4
313	WHIDBEY ISLAND	5	3	3	4
314	SMITH ISLAND	5	3	3	4
315	DECEPTION PASS	5	3	3	4
316	LOPEZ ISLAND (SOUTH SHORE)	5	3	3	4
317	SAN JUAN ISLAND (SOUTH SHORE)	5	3	3	4
401	ADMIRALTY INLET	5	4	3	5
402	SOUTH ADMIRALTY INLET	5	4	3	5
403	PORT TOWNSEND	5	4	3	5
404	OAK BAY	5	4	3	5
405	KILISUT HARBOR	5	4	3	5
501	BELLINGHAM CHANNEL	5	4	3	5
502	QUEMES CHANNEL	5	4	3	5
503	FIDALGO BAY	5	4	3	5
504	PADILLA BAY	5	4	3	5

(4) The marine bird vulnerability score for a spill shall be multiplied by 1.5 when any number of state or federal threatened or endangered marine birds are exposed to spilled oil.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-420, filed 4/23/92, effective 5/24/92.]

505	SAMISH BAY	5	3	3	5
506	BELLINGHAM BAY	5	3	3	5
507	HALE PASSAGE	5	3	3	5
601	LUMMI BAY	5	3	3	5
602	CHERRY POINT	5	3	3	5
603	BIRCH BAY	5	3	3	5
604	SEMAHOO SPIT	5	3	3	5
605	DRAYTON HARBOR	5	3	3	5
607	SAN JUAN ISLANDS-NORTHERN TIER	5	3	3	4
608	GEORGIA STRAIT-EASTERN	5	3	3	5
701	PT. ROBERTS	5	3	3	5
703	GEORGIA STRAIT-WESTERN	5	3	3	5
801	NORTHERN HARO STRAIT	5	3	3	4
802	SOUTHERN HARO STRAIT	5	3	3	4
901	SOUTHERN ROSARIO STRAIT	5	3	3	4
902	CENTRAL ROSARIO STRAIT	5	3	3	4
903	NORTHERN ROSARIO STRAIT	5	3	3	4
1001	PRESIDENT CHANNEL	5	3	3	4
1002	NORTHERN AREAS	5	3	3	4
1101	SPEIDEN CHANNEL	5	3	3	4
1102	NORTHERN SAN JUAN CHANNEL	5	3	3	4
1103	SOUTHERN SAN JUAN CHANNEL	5	3	3	4
1104	WASP PASS	5	3	3	4
1105	UPRIGHT CHANNEL	5	3	3	4
1106	HARNEY CHANNEL	5	3	3	4
1107	OBSTRUCTION PASS	5	3	3	4
1198	THATCHER PASS	5	3	3	4
1201	MOSQUITO/ROCHE COMPLEX	5	3	3	4
1202	FRIDAY HARBOR	5	3	3	4
1203	GRIFFIN BAY	5	3	3	4
1205	FISHERMAN BAY	5	3	3	4
1206	SWIFTS/SHOAL BAYS	5	3	3	4
1207	DEER HARBOR	5	3	3	4
1208	WEST SOUND	5	3	3	4
1209	EAST SOUND	5	3	3	4
1210	LOPEZ SOUND	5	3	3	4
1401	SKAGIT BAY	5	4	3	5
1402	PENN COVE/CRESCENT HARBOR	5	4	3	5
1403	SARATOGA PASSAGE	5	4	3	5
1404	HOLMES HARBOR	5	4	3	5
1405	PORT SUSAN	5	4	3	5
1406	POSSESSION SOUND	5	4	3	5
1501	HOOD CANAL ENTRANCE	2	1	1	2
1502	PORT LUDLOW	2	1	1	2
1503	PORT GAMBLE	2	1	1	2
1504	NORTHERN HOOD CANAL	2	1	1	2
1505	CENTRAL HOOD CANAL	2	1	1	2
1506	DABOB BAY	2	1	1	2
1507	QUILCENE BAY	2	1	1	2
1508	SOUTHCENTRAL HOOD CANAL	2	1	1	2
1509	ANNAS BAY	2	1	1	2
1510	GREAT BEND	2	1	1	2
1601	N. PUGET SOUND	5	4	3	5
1602	N. CENTRAL PUGET SOUND	5	4	3	5
1603	CENTRAL PUGET SOUND	5	4	3	5
1604	ELLIOT BAY	5	4	3	5
1605	EAST PASSAGE	4	3	2	3
1606	COLVOS PASSAGE	4	3	2	3
1607	COMMENCEMENT BAY	4	3	2	3
1608	NARROWS	4	3	2	3
1609	STEILACOOM	4	3	2	3
1610	NISQUALLY	4	3	2	3
1611	TREBLE-JOHNSON	4	3	2	3
1612	HALE PASSAGE	4	3	2	3
1613	CARR INLET	4	3	2	3
1614	PITT PASSAGE	4	3	2	3
1615	DRAYTON HARBOR	4	3	2	3
1616	CASE INLET	4	3	2	3
1617	HENDERSON INLET	4	3	2	3
1618	DANA PASSAGE	4	3	2	3
1619	BUDD INLET	4	3	2	3
1620	ELD INLET	4	3	2	3
1621	TOTTEN INLET	4	3	2	3
1622	PICKERING PASSAGE	4	3	2	3
1623	PEALE PASSAGE	4	3	2	3
1624	SQUAXIN	4	3	2	3
1625	SKOOKUM INLET	4	3	2	3
1626	HAMMERSLEY INLET	4	3	2	3
1627	OAKLAND BAY	4	3	2	3
1628	AGATE PASSAGE	5	4	3	5
1629	LIBERTY BAY	5	5	5	5
1630	PORT ORCHARD	5	5	5	5
1631	SINCLAIR INLET	5	5	5	5
1632	DYES INLET	5	5	5	5
1633	RICH PASSAGE	5	5	5	5
1634	QUARTERMASTER HARBOR	4	3	2	3
1635	DALCO PASSAGE	4	3	2	3
1636	BALCH PASS	4	3	2	3

spills on a 1 to 5 scale for each season where 5 represents the most vulnerable ranking and 1 represents the least vulnerable ranking.

(2) Shellfish vulnerability ranking relatively ranks the vulnerability of shellfish present in a subregion to oil spills, where vulnerability is based on habitat preference, population status, abundance, fecundity, and sensitivity of life stages.

(3) Shellfish seasonal vulnerability scores for each of the marine and estuarine subregions are based on existing information and recommendations of the shellfish subcommittee of the scientific advisory board. For purposes of RCW 90.48.366 shellfish seasonal vulnerability ranking scores (SFVS) for the subregions defined in WAC 173-183-400 are as follows:

Table 6. Shellfish Vulnerability Scores (SFVS)

Region/Subregion	SP	SU	FA	WI
101	4	4	4	4
102	5	5	5	5
103	3	3	3	3
104	4	4	4	4
105	2	2	2	2
106	3	3	2	2
107	4	4	4	4
108	4	3	3	3
109	5	5	5	5
110	1	1	1	1
111	1	1	1	1
112	1	1	1	1
2	5	5	5	5
3	5	5	5	5
401	2	1	1	2
402	3	3	3	3
403	4	4	3	4
404	3	3	3	3
405	4	4	3	4
5	5	5	5	5
6	5	5	4	5
7	5	5	4	5
8	4	3	3	4
9	4	3	3	4
10	4	3	3	4
11	4	3	3	4
12	4	3	3	4
1401	2	3	3	2

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-430, filed 4/23/92, effective 5/24/92.]

WAC 173-183-440 Shellfish vulnerability. (1) Each of the subregions designated in WAC 173-183-430 is relatively ranked and scored for shellfish vulnerability to oil

1402	1	1	1	1
1403	1	1	1	1
1404	1	1	1	1
1405	1	2	2	1
1406	1	2	2	1
1501	2	2	2	2
1502	2	2	2	2
1503	2	2	2	2
1504	3	3	2	2
1505	3	3	2	2
1506	3	3	2	2
1507	3	3	2	2
1508	3	4	3	3
1509	3	4	3	3
1510	3	4	3	3
1601	2	2	2	2
1602	2	2	2	2
1603	2	2	2	2
1604	2	2	2	2
1605	2	2	2	2
1606	2	2	2	2
1607	2	2	2	2
1608	2	1	1	2
1609	5	5	5	5
1610	5	5	5	5
1611	5	5	5	5
1612	5	5	5	5
1613	5	5	5	5
1614	5	5	5	5
1615	5	5	5	5
1616	5	5	4	5
1617	5	5	5	5
1618	1	1	1	1
1619	4	5	4	4
1620	4	5	4	4
1621	4	5	4	4
1622	5	5	4	5
1623	4	5	4	4
1624	4	5	4	4
1625	4	5	4	4
1626	4	5	4	4
1627	4	5	4	4
1628	4	3	3	3
1629	4	3	3	3
1630	4	3	3	3
1631	4	3	3	3
1632	4	3	3	3
1633	4	3	3	3
1634	2	2	2	2
1635	2	2	2	2
1636	5	5	5	5

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-440, filed 4/23/92, effective 5/24/92.]

WAC 173-183-450 Salmon vulnerability. (1) The salmon vulnerability ranking is based on seasonal habitat preference of juveniles during outmigration, adults as they return to spawn and the presence of oil in river mouths during peak occurrence of salmon runs. The salmon vulnerability ranking was developed from existing information and determinations of the salmon subcommittee of the scientific advisory board. In the case of Chinook salmon, habitat preference differs for subyearlings and yearlings.

(2) The vulnerability of five salmon species in nine habitats are relatively scored for vulnerability to oil spills on a 1 to 5 scale for each season, where 5 represents the most vulnerable condition, and a score of 1 represents the least vulnerable condition, as follows:

Table 7. Vulnerability of Salmon Species and/or Species Yearclass by Habitat and Season

SPECIES/YEARCLASS and SALMON VULNERABILITY HABITAT	HABITAT VULNERABILITY SCORE (max)			
	SEASON			
	SP	SU	FA	WI
<u>Chinook (subyearling)</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	2	2	1	1
Gravel	3	3	2	2
Sand (vegetated)	4	5	3	3
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	4	5	3	3
Mud (no vegetation)	3	3	2	3
Subtidal	2	2	1	1
Pelagic	4	4	3	3
<u>Chinook (yearling)</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	3	3	2	2
Gravel	3	3	3	2
Sand (vegetated)	3	3	2	2
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	3	3	2	2
Mud (no vegetation)	3	3	2	2
Subtidal	2	2	1	1
Pelagic	4	4	3	3
<u>Coho</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	3	2	2	2
Gravel	3	4	2	2
Sand (vegetated)	5	4	3	4
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	4	3	4
Mud (no vegetation)	3	4	2	3
Subtidal	2	2	1	1
Pelagic	4	4	3	3
<u>Pink</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	2	1	1	1
Gravel	3	1	1	3
Sand (vegetated)	5	2	2	5
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	2	2	5
Mud (no vegetation)	3	1	1	3
Subtidal	2	1	1	1
Pelagic	4	2	2	2
<u>Chum</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	2	1	1	1
Gravel	3	2	2	3
Sand (vegetated)	5	3	2	5
Sand (no vegetation)	3	2	2	3
Mud (vegetated)	5	4	2	5
Mud (no vegetation)	3	2	2	3
Subtidal	2	2	1	1
Pelagic	4	4	2	2
<u>Sockeye</u>				
Intertidal				
Rocky	2	2	1	1
Cobble	2	1	1	1
Gravel	2	1	1	1
Sand (vegetated)	2	1	1	1
Sand (no vegetation)	2	1	1	1
Mud (vegetated)	2	1	1	1
Mud (no vegetation)	3	1	1	1
Subtidal	1	2	1	1
Pelagic	4	4	2	2

(4) The shellfish vulnerability score for a spill shall be multiplied by 1.5 when any number of individuals of state or federal threatened or endangered shellfish species are exposed to spilled oil.

The habitat-types classified under WAC 173-183-400 correlate with the habitats listed in Table 7 as follows:

TABLE 8. KEY TO TRANSLATING MARINE/ESTUARINE HABITAT TYPES CLASSIFIED UNDER WAC 173-183-410 TO SALMON VULNERABILITY HABITATS

MARINE/ESTUARINE HABITAT TYPE from WAC 173-183-410(3)	EQUIVALENT SALMON VULNERABILITY HABITAT
Marine Intertidal, exposed and semi-exposed rocky shores	Intertidal, rocky
Marine Intertidal, sand-scoured rocky shores	Intertidal, rocky
Marine Intertidal, protected rocky shores	Intertidal, rocky
Estuarine Intertidal, open rocky shores	Intertidal, rocky
Marine Intertidal, semi-exposed cobble and mixed-coarse beaches	Intertidal, cobble
Estuarine Intertidal, open mixed-coarse beaches	Intertidal, cobble
Marine Intertidal, semi-exposed gravel beaches	Intertidal, gravel
Estuarine Intertidal, open gravel beaches	Intertidal, gravel
Marine Intertidal, exposed sandy beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Marine Intertidal, semi-protected mixed-fine beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)

Estuarine Intertidal, open sandy beaches	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, sandy low marshes	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, mixed-fine beaches and low marshes	Intertidal, sand (presence of vegetation will be determined at the time of the spill)
Marine Intertidal, protected mud flats	Intertidal, mud (presence of vegetation will be determined at the time of the spill)
Estuarine Intertidal, mud flats	Intertidal, mud (presence of vegetation will be determined at the time of the spill)
all Marine and Estuarine Subtidal categories except open water	Subtidal
Marine Subtidal, open water	Pelagic
Estuarine Subtidal, open water	Pelagic

(3) For each oil spill where the compensation schedule is applied, the RDA committee shall determine the following:

(a) For spills greater than 1,000 gallons, the salmon vulnerability habitat(s) exposed to spilled oil and each habitat's percent-coverage of the total area exposed to spilled oil;

(b) For spills of less than 1,000 gallons, the salmon vulnerability habitat(s) in the subregion(s) exposed to spilled oil and the percent-coverage of these habitats in the exposed subregion(s);

(c) The season in which spill impacts will be greatest;

(d) The individual species/year class vulnerability score (SAVSi) as described in subsection (4) of this section; and

(e) The composite salmon vulnerability score for a spill (SAVS_s) as described in subsection (5) of this section.

(4) From the information enumerated in subsection (2) of this section, the RDA committee shall determine the species/year class vulnerability score for a spill (SAVSi) by summing the weighted species/year class vulnerability scores for each of the salmon vulnerability habitats classified in Table 8 of subsection (2) of this section, where weighting is defined as percent-coverage of the salmon vulnerability habitats as determined in subsection (3) of this section, as follows:

$$SAVS_i = (savs_1 * PCT-COV_1) + (savs_2 * PCT-COV_2) + \dots + (savs_n * PCT-COV_n)$$

where SAVS_i = salmon vulnerability score for a species/year class;

savs_j = species/year class habitat vulnerability score for the season of greatest spill impact from subsection (2) of this section;

PCT-COV_j = percent-coverage of habitat j from subsection (2) of this section;

i = Chinook, subyearling (Cs); Chinook, yearling (Cy); Coho (C); Pink (P); Chum (Ch); and Sockeye (So); and

n = the number of salmon vulnerability habitats used to calculate SAVS as determined in subsection (3) of this section.

(5) The raw salmon vulnerability score for a spill (SAVS_s) shall be calculated as follows:

(a) In years when pink salmon are present in state waters. The chinook salmon spill vulnerability scores for subyearlings (SAVS_{Cs}) and yearlings (SAVS_{Cy}) as determined in subsection (4) of this section shall be averaged, then added to the spill vulnerability scores for coho (SAVS_C), pink (SAVS_P), chum (SAVS_{Ch}) and sockeye (SAVS_{So}) salmon as determined in subsection (4) of this section. The sum of these scores shall then be divided by 5, as described by the following formula:

$$SAVS_s = [(SAVS_{Cs} + SAVS_{Cy})/2 + SAVS_C + SAVS_P + SAVS_{Ch} + SAVS_{So}]/5$$

where SAVS_s = salmon vulnerability score for a spill;

SAVS_{Cs} = chinook, subyearling vulnerability score from subsection (4) of this section;

SAVS_{Cy} = chinook (yearling) vulnerability score from subsection (4) of this section;

SAVS_C = coho salmon vulnerability score from subsection (4) of this section;

SAVS_P = pink salmon vulnerability score from subsection (4) of this section;

SAVS_{Ch} = chum salmon vulnerability score from subsection (4) of this section;

SAVS_{So} = sockeye salmon vulnerability score from subsection (4) of this section;

(b) In years when pink salmon are not present in state waters. The chinook salmon spill vulnerability scores for subyearlings (SAVS_{Cs}) and yearlings (SAVS_{Cy}) as determined in subsection (4) of this section shall be averaged, then added to the spill vulnerability scores for coho (SAVS_C), chum (SAVS_{Ch}) and sockeye (SAVS_{So}) salmon as determined in subsection (4) of this section. The sum of these scores shall then be divided by 4, as described by the following formula:

$$SAVS_s = [(SAVS_{Cs} + SAVS_{Cy})/2 + SAVS_C + SAVS_{Ch} + SAVS_{So}]/4$$

where SAVS_s = salmon vulnerability score for a spill;

SAVS_{Cs} = chinook, subyearling vulnerability score from subsection (4) of this section;

SAVS_{Cy} = chinook (yearling) vulnerability score from subsection (4) of this section;

SAVS_C = coho salmon vulnerability score from subsection (4) of this section;

SAVS_P = pink salmon vulnerability score from subsection (4) of this section;

SAVS_{Ch} = chum salmon vulnerability score from subsection (4) of this section;

SAVS_{So} = sockeye salmon vulnerability score from subsection (4) of this section;

(6) If spilled oil enters a river mouth, SAVS_i from subsection (4) of this section shall be assigned a score of 5 for each species/year class in peak occurrence in a river mouth during the period of time the spilled oil enters and remains in the river mouth. Scores of 5 determined for species/year classes under this subsection shall supersede SAVS_i scores calculated under subsection (4) of this section. The RDA committee shall make determinations of whether oil enters a river mouth and whether species/year classes are in peak occurrence when spilled oil is present in a river mouth.

(7) The final SAVS_s score is found by rounding the raw SAVS_s score calculated in subsection (5) of this section to the nearest 0.01 as follows: Decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

(8) The final salmon vulnerability score for a spill shall be multiplied by 1.5 when any number of individuals of state or federal threatened or endangered salmon races and/or runs are exposed to spilled oil.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 and 92-13-083 (Order 91-13 and 91-13A), § 173-183-450, filed 4/23/92 and 6/16/92, effective 5/24/92 and 7/17/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-183-460 Marine mammal vulnerability.

(1) Each of the marine and estuarine subregions of state waters designated in WAC 173-183-400(2) is relatively ranked and scored for marine mammal vulnerability to oil spills on a 1 to 5 scale for each season where 5 represents the greatest vulnerability and 1 represents the least vulnerability.

(2) Marine mammal vulnerability ranking scores take into consideration species presence, diversity, population status, breeding vulnerability, presence of young, physiological vulnerability, primary habitat, feeding habitats and abundance.

(3) Marine mammal seasonal vulnerability scores for each of the marine and estuarine subregions of state waters are based on existing information and determinations made by the marine mammals subcommittee of the scientific advisory board. For purposes of RCW 90.48.366, marine mammal vulnerability ranking scores for subregions classified in WAC 173-183-400(2) are as follows:

Table 9. Marine Mammal Vulnerability Scores (MVS)

SUBREGION	SP	SEASON		
		SU	FA	WI
101 NORTHERN OUTER COAST	5	5	5	5
102 KALALOCHE	5	5	5	5
103 QUINAULT	5	5	5	5
104 COPALIS BEACH	5	5	5	4
105 GRAYS HARBOR	5	4	5	4
106 TWIN HARBORS BEACH	5	5	5	4
107 WILLAPA BAY	5	5	5	4
108 LONG BEACH	5	5	5	5
109 INNER SHELF	5	5	5	5
110 OUTER SHELF	4	2	3	3
111 SHELF EDGE	4	1	3	3
112 CONTINENTAL SLOPE	1	1	1	1
201 STRAIT OF JUAN DE FUCA-OUTER	4	4	3	2
203 CAPE FLATTERY	4	4	3	2
204 NEAH BAY	4	4	3	2
205 NEAH BAY TO CLALLAM BAY	3	3	2	2
206 CLALLAM BAY	3	3	2	2
207 CLALLAM BAY TO CRESCENT BAY	3	3	2	2
208 CRESCENT BAY	3	3	2	2
209 CRESCENT BAY TO EDIZ HOOK	3	3	2	2
301 STRAIT OF JUAN DE FUCA-INNER	4	4	4	3
302 EDIZ HOOK	4	4	4	3
303 PORT ANGELES	4	4	4	3
304 VOICE OF AMERICA	4	4	4	3
305 DUNGENESS SPIT	4	4	4	3
306 DUNGENESS BAY/HARBOR	4	4	4	3
307 JAMESTOWN	4	4	4	3
308 SEQUIM BAY	4	4	4	3
309 MILLER PENINSULA	4	4	4	3
310 PROTECTION ISLAND	4	4	4	3
311 DISCOVERY BAY	4	4	4	3
312 QUIMPER PENINSULA	4	4	4	3
313 WHIDBEY ISLAND	4	4	4	3
314 SMITH ISLAND	4	4	4	3
315 DECEPTION PASS	4	4	4	3
316 LOPEZ ISLAND (SOUTH SHORE)	4	4	4	3
317 SAN JUAN ISLAND (SOUTH SHORE)	4	4	4	3
401 ADMIRALTY INLET	4	4	4	3
402 SOUTH ADMIRALTY INLET	4	4	4	3
403 PORT TOWNSEND	4	4	4	3
404 OAK BAY	4	4	4	3
405 KILLSNUT HARBOR	4	4	4	3
501 BELLINGHAM CHANNEL	2	3	2	2
502 GUEMES CHANNEL	2	3	2	2
503 FIDALGO BAY	2	3	2	2
504 PADILLA BAY	2	3	2	2
505 SAMISH BAY	2	3	2	2
506 BELLINGHAM BAY	2	3	2	2

507	HALE PASSAGE	2	3	2	2
601	LUMMI BAY	4	4	4	3
602	CHERRY POINT	4	4	4	3
603	BIRCH BAY	4	4	4	3
604	SEMAHOOD SPIT	4	4	4	3
605	DRAYTON HARBOR	4	4	4	3
607	SAN JUAN ISLANDS-NORTHERN TIER	4	4	4	3
608	GEORGIA STRAIT-EASTERN	4	4	4	3
701	PT. ROBERTS	4	4	4	3
703	GEORGIA STRAIT-WESTERN	4	4	4	3
801	NORTHERN HARO STRAIT	5	4	4	4
802	SOUTHERN HARO STRAIT	5	4	4	4
901	SOUTHERN ROSARIO STRAIT	4	4	3	2
902	CENTRAL ROSARIO STRAIT	4	4	3	2
903	NORTHERN ROSARIO STRAIT	4	4	3	2
1001	PRESIDENT CHANNEL	5	4	4	3
1002	NORTHERN AREAS	5	4	4	3
1101	SPEIDEN CHANNEL	3	3	3	2
1102	NORTHERN SAN JUAN CHANNEL	3	3	3	2
1103	SOUTHERN SAN JUAN CHANNEL	3	3	3	2
1104	WASP PASS	3	3	3	2
1105	UPRIGHT CHANNEL	3	3	3	2
1106	HARNEY CHANNEL	3	3	3	2
1107	OBSTRUCTION PASS	3	3	3	2
1108	THATCHER PASS	3	3	3	2
1201	MOSQUITO/ROCHE COMPLEX	3	3	3	2
1202	FRIDAY HARBOR	3	3	3	2
1203	GRIFFIN BAY	3	3	3	2
1205	FISHERMAN BAY	3	3	3	2
1206	SWIFTS/SOAL BAYS	3	3	3	2
1207	DEER HARBOR	3	3	3	2
1208	WEST SOUND	3	3	3	2
1209	EAST SOUND	3	3	3	2
1210	LOPEZ SOUND	3	3	3	2
1401	SKAGIT BAY	2	1	1	1
1402	PENN COVE/CRESCENT HARBOR	2	1	1	1
1403	SARATOGA PASSAGE	2	1	1	2
1404	HOLMES HARBOR	2	1	1	1
1405	PORT SUSAN	2	1	1	1
1406	POSSESSION SOUND	2	1	1	2
1501	HOOD CANAL ENTRANCE	1	1	1	1
1502	PORT LUDLOW	1	1	1	1
1503	PORT GAMBLE	1	1	1	1
1504	NORTHERN HOOD CANAL	1	1	1	1
1505	CENTRAL HOOD CANAL	1	1	1	1
1506	DABOB BAY	1	1	1	1
1507	QUILCENE BAY	1	1	1	1
1508	SOUTHCENTRAL HOOD CANAL	1	1	1	1
1509	ANNAS BAY	1	1	1	1
1510	GREAT BEND	1	1	1	1
1601	N. PUGET SOUND	3	2	2	2
1602	N. CENTRAL PUGET SOUND	3	2	2	2
1603	CENTRAL PUGET SOUND	2	1	1	1
1604	ELLIOT BAY	2	1	1	1
1605	EAST PASSAGE	2	1	1	1
1606	COLVOS PASSAGE	2	1	1	1
1607	COMMENCEMENT BAY	2	1	1	1
1608	NARROWS	2	1	1	1
1609	STELLACOOM	2	1	1	1
1610	NISQUALLY	2	1	1	1
1611	TREBLE-JOHNSON	2	1	1	1
1612	HALE PASSAGE	2	1	1	1
1613	CARR INLET	2	1	1	1
1614	PITT PASSAGE	2	1	1	1
1615	DRAYTON HARBOR	2	1	1	1
1616	CASE INLET	2	1	1	1
1617	HENDERSON INLET	2	1	1	1
1618	DANA PASSAGE	2	1	1	1
1619	BUDD INLET	2	1	1	1
1620	ELD INLET	2	1	1	1
1621	TOTTEN INLET	2	1	1	1
1622	PICKERING PASSAGE	2	1	1	1
1623	PEALE PASSAGE	2	1	1	1
1624	SQUAXIN	2	1	1	1
1625	SKOOKUM INLET	2	1	1	1
1626	HAMMERSLEY INLET	2	1	1	1
1627	OAKLAND BAY	2	1	1	1
1628	AGATE PASSAGE	2	1	1	1
1629	LIBERTY BAY	2	1	1	1
1630	PORT ORCHARD	2	1	1	1
1631	SINCLAIR INLET	2	1	1	1
1632	DYES INLET	2	1	1	1
1633	RICH PASSAGE	2	1	1	1
1634	QUARTERMASTER HARBOR	2	1	1	1
1635	DALCO PASSAGE	2	1	1	1
1636	BALCH PASS	2	1	1	1

WAC 173-183-470 Marine and estuarine recreation vulnerability. (1) Each of the marine and estuarine subregions of state waters designated in WAC 173-183-400(2) are relatively ranked and scored for recreation vulnerability on a 1 to 5 scale for each season where a score of 5 represents the greatest vulnerability and a score of 1 represents the least vulnerability.

(2) Recreation vulnerability ranking scores take into consideration seasonal level of participation in recreational activities, number of recreation sites and types of recreational amenities available in a subregion.

(3) Recreation vulnerability ranking scores for each of the marine and estuarine subregions of state waters in each season has been determined from existing information and recommendations of the recreation subcommittee of the scientific advisory board. For purposes of RCW 90.48.366, recreation vulnerability ranking scores (RVS) for the subregions designated in WAC 173-183-400(2) are as follows:

Table 10. Marine and Estuarine Recreation Vulnerability Scores (RVS)

SUBREGION	SEASON				
	SP	SU	FA	WI	
101	NORTHERN OUTER COAST	5	5	5	5
102	KALALOCH	5	5	5	5
103	QUINAULT	1	1	1	1
104	COPALIS BEACH	5	5	5	5
105	GRAYS HARBOR	4	4	4	3
106	TWIN HARBORS BEACH	5	5	5	5
107	WILLAPA BAY	5	5	5	5
108	LONG BEACH	5	5	5	5
109	INNER SHELF	1	1	1	1
110	OUTER SHELF	1	1	1	1
111	SHELF EDGE	1	1	1	1
112	CONTINENTAL SLOPE	1	1	1	1
201	STRAIT OF JUAN DE FUCA-OUTER	1	1	1	1
203	CAPE FLATTERY	1	1	1	1
204	NEAH BAY	1	1	1	1
205	NEAH BAY TO CLALLAM BAY	5	5	5	4
206	CLALLAM BAY	3	4	3	2
207	CLALLAM BAY TO CRESCENT BAY	5	5	5	4
208	CRESCENT BAY	3	4	3	3
209	CRESCENT BAY TO EDIZ HOOK	4	5	4	3
301	STRAIT OF JUAN DE FUCA-INNER	1	1	1	1
302	EDIZ HOOK	3	4	3	3
303	PORT ANGELES	5	5	5	4
304	VOICE OF AMERICA	2	3	2	2
305	DUNGENESS SPIT	1	1	1	1
306	DUNGENESS BAY/HARBOR	5	5	5	4
307	JAMESTOWN	2	3	2	2
308	SEQUIM BAY	4	5	4	4
309	MILLER PENINSULA	2	3	2	2
310	PROTECTION ISLAND	1	1	1	1
311	DISCOVERY BAY	2	2	2	2
312	QUIMPER PENINSULA	3	3	2	2
313	WHIDBEY ISLAND	2	3	2	2
314	SMITH ISLAND	1	1	1	1
315	DECEPTION PASS	5	5	5	5
316	LOPEZ ISLAND (SOUTH SHORE)	4	5	4	3
317	SAN JUAN ISLAND (SOUTH SHORE)	4	5	4	3
401	ADMIRALTY INLET	5	5	5	4
402	SOUTH ADMIRALTY INLET	5	5	5	4
403	PORT TOWNSEND	3	4	3	3
404	OAK BAY	4	5	4	3
405	KIIJSUT HARBOR	2	2	2	2
501	BELLINGHAM CHANNEL	5	5	5	4
502	GUEMES CHANNEL	1	1	1	1
503	FIDALGO BAY	4	4	3	3
504	PADILLA BAY	5	5	5	4
505	SAMISH BAY	4	4	3	3
506	BELLINGHAM BAY	5	5	5	4
507	HALE PASSAGE	3	4	3	2

(4) The marine mammal vulnerability score for a spill shall be multiplied by 1.5 when any number of state or federal threatened or endangered marine mammal species are exposed to spilled oil.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-460, filed 4/23/92, effective 5/24/92.]

COMPENSATION SCHEDULE FOR SPILLS INTO THE COLUMBIA RIVER ESTUARY

601	LUMMI BAY	1	1	1	1
602	CHERRY POINT	1	1	1	1
603	BIRCH BAY	3	4	3	3
604	SEMAHOO SPIT	3	4	3	3
605	DRAYTON HARBOR	2	2	2	2
607	SAN JUAN ISLANDS-NORTHERN TIER	5	5	5	5
608	GEORGIA STRAIT-EASTERN	1	1	1	1
701	PT. ROBERTS	3	3	3	2
703	GEORGIA STRAIT-WESTERN	1	1	1	1
801	NORTHERN HARO STRAIT	5	5	5	4
802	SOUTHERN HARO STRAIT	5	5	5	4
901	SOUTHERN ROSARIO STRAIT	5	5	5	5
902	CENTRAL ROSARIO STRAIT	4	5	4	4
903	NORTHERN ROSARIO STRAIT	4	4	4	3
1001	PRESIDENT CHANNEL	4	5	4	4
1002	NORTHERN AREAS	4	5	4	3
1101	SPEIDEN CHANNEL	3	4	3	2
1102	NORTHERN SAN JUAN CHANNEL	4	5	4	3
1103	SOUTHERN SAN JUAN CHANNEL	5	5	5	4
1104	WASP PASS	5	5	5	4
1105	UPRIGHT CHANNEL	5	5	4	4
1106	HARNEY CHANNEL	4	5	4	3
1107	OBSTRUCTION PASS	2	2	2	2
1108	THATCHER PASS	4	5	4	3
1201	MOSQUITO/ROCHE COMPLEX	3	4	3	3
1202	FRIDAY HARBOR	3	3	3	2
1203	GRIFFIN BAY	4	5	4	4
1205	FISHERMAN BAY	1	1	1	1
1206	SWIFTS/SHOAL BAYS	1	1	1	1
1207	DEER HARBOR	2	2	2	2
1208	WEST SOUND	3	4	3	2
1209	EAST SOUND	4	5	4	4
1210	LOPEZ SOUND	5	5	5	4
1401	SKAGIT BAY	5	5	5	5
1402	PENN COVE/CRESCENT HARBOR	4	4	3	3
1403	SARATOGA PASSAGE	3	4	3	3
1404	HOLMES HARBOR	2	3	2	2
1405	PORT SUSAN	3	4	3	3
1406	POSSESSION SOUND	4	5	4	3
1501	HOOD CANAL ENTRANCE	4	5	4	3
1502	PORT LUDLOW	4	4	4	3
1503	PORT GAMBLE	1	1	1	1
1504	NORTHERN HOOD CANAL	1	1	1	1
1505	CENTRAL HOOD CANAL	4	4	3	3
1506	DABOB BAY	4	5	4	3
1507	QUILCENE BAY	3	3	2	2
1508	SOUTHCENTRAL HOOD CANAL	4	5	4	3
1509	ANNAS BAY	4	4	4	3
1510	GREAT BEND	3	4	3	3
1601	N. PUGET SOUND	4	4	3	3
1602	N. CENTRAL PUGET SOUND	4	5	4	4
1603	CENTRAL PUGET SOUND	5	5	4	4
1604	ELLIOT BAY	4	5	4	3
1605	EAST PASSAGE	4	5	4	3
1606	COLVOS PASSAGE	3	3	2	2
1607	COMMENCEMENT BAY	2	2	2	2
1608	NARROWS	3	3	3	2
1609	STIELACOOM	3	3	3	2
1610	NISQUALLY	5	5	5	4
1611	TREBLE-JOHNSON	3	3	2	2
1612	HALE PASSAGE	2	2	2	2
1613	CARR INLET	4	5	4	4
1614	PITT PASSAGE	2	2	2	2
1615	DRAYTON HARBOR	2	2	2	2
1616	CASE INLET	4	4	3	3
1617	HENDERSON INLET	2	2	2	1
1618	DANA PASSAGE	2	2	2	2
1619	BUDD INLET	3	4	3	3
1620	ELD INLET	2	3	2	2
1621	TOTTEN INLET	1	1	1	1
1622	PICKERING PASSAGE	3	4	3	2
1623	PEALE PASSAGE	3	3	3	2
1624	SQUAXIN	2	2	2	1
1625	SKOOKUM INLET	1	1	1	1
1626	HAMMERSLEY INLET	2	2	2	2
1627	OAKLAND BAY	2	2	1	1
1628	AGATE PASSAGE	2	2	2	2
1629	LIBERTY BAY	2	3	2	2
1630	PORT ORCHARD	3	3	3	2
1631	SINCLAIR INLET	2	3	2	2
1632	DYES INLET	3	3	2	2
1633	RICH PASSAGE	3	4	3	3
1634	QUARTERMASTER HARBOR	2	3	2	2
1635	DALCO PASSAGE	4	5	4	3
1636	BALCH PASS	1	1	1	1

WAC 173-183-500 Vulnerability of the Columbia River estuary environment to oil spills. (1) The purpose of this section is to describe the method of ranking vulnerability of the Columbia River estuary environment to oil spills for purposes of assessing damages using the compensation schedule.

(2) The Columbia River estuary has been distinguished from other estuarine waters of the state because it resides within the jurisdiction of two states, Washington and Oregon.

(3) For purposes of RCW 90.48.366, estuarine waters of the Columbia River are divided into one kilometer square cells. Bird, fish, mammal, invertebrate, habitat, and human use resource sensitivity have been evaluated for each cell by season. Seasonal resource sensitivities are ranked for each cell on a 1 to 5 scale where 5 represents the greatest sensitivity and 1 represents the least sensitivity as designated on the maps attached as Appendix 6 of this chapter.

(4) A vulnerability score (VS) shall be calculated at the time of a spill for each cell and for the most sensitive season impacted by the spill. The VS rates the vulnerability of public resources to the spilled oil.

(a) VS for a particular cell is determined by summing the sensitivity scores assigned to each cell for bird, fish, mammal, invertebrate, habitat, and human use resources as follows:

$$VS_{ij} = BSS_{ij} + FSS_{ij} + MSS_{ij} + ISS_{ij} + HSS_{ij} + HUS_{ij}$$

where VS_{ij} = spill vulnerability score for a particular cell and season

BSS = bird sensitivity score (from Appendix 6 of this chapter)

FSS = fish sensitivity score (from Appendix 6 of this chapter)

MSS = mammal sensitivity score (from Appendix 6 of this chapter)

ISS = invertebrate sensitivity score (from Appendix 6 of this chapter)

HSS = habitat sensitivity score (from Appendix 6 of this chapter)

HUS = human use sensitivity score (from Appendix 6 of this chapter)

i = the cell under consideration

j = the most sensitive season impacted; fall, winter, spring, or summer

(b) The raw vulnerability score for a spill (SVS) is determined by calculating the average of the vulnerability scores for the cells exposed to the spill as follows:

$$SVS_j = (VS_1 + VS_2 + \dots + VS_x)/x$$

where VS_i = vulnerability score for cell i (from subsection (4)(a) of this section),

x = number of cells exposed to the spill, and

(5) The final SVS score is found by rounding the raw SVS score calculated from the formula in subsection (4) of this section to the nearest 0.01 as follows: Decimals less

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-470, filed 4/23/92, effective 5/24/92.]

than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-500, filed 4/23/92, effective 5/24/92.]

COMPENSATION SCHEDULE FOR SPILLS INTO FRESHWATER STREAMS, RIVERS, AND LAKES

WAC 173-183-600 Vulnerability of freshwater stream, river, and lake environments to oil spills. (1) The purpose of this section is to describe the method of ranking the vulnerability of state freshwater stream, river, and lake environments, and portions thereof, to oil spills for purposes of applying the compensation schedule.

(2) Vulnerability of freshwater stream, river, and lake environments to oil spills is based on water type classifications and a habitat index.

(3) For each oil spill into a freshwater stream, river, or lake, a spill vulnerability score (SVS) is calculated. The SVS rates the vulnerability of public resources to spilled oil based on the spilled oil's propensity to cause acute toxicity, mechanical injury, and to persist in the environment. SVS is determined by multiplying the freshwater vulnerability score, which is based on the water type classification, by the habitat index score as described by the following formula:

$$\text{Raw Spill Vulnerability Score (SVS)} = \text{FVS} * \text{HI}$$

where FVS = Freshwater vulnerability score (from WAC 173-183-610), and

HI = Habitat index (from WAC 173-183-620).

(4) The final SVS score is found by rounding the raw SVS score calculated from the formula in subsection (3) of this section to the nearest 0.01 as follows: Decimals less than 0.005 shall be rounded down and decimals equal to or greater than 0.005 shall be rounded up.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-600, filed 4/23/92, effective 5/24/92.]

WAC 173-183-610 Freshwater vulnerability index.

(1) For purposes of this chapter, freshwater streams, rivers, lakes, and portions thereof, are classified into 5 water types based on the identification system set forth in WAC 222-16-030 which is incorporated by reference.

(a) "Type 1 Water" means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW.

(b) "Type 2 Water" shall mean segments of natural waters which are not classified as Type 1 Water and have a high use and are important from a water quality standpoint for:

- (i) Domestic water supplies;
- (ii) Public recreation;
- (iii) Fish spawning, rearing, or migration or wildlife uses; or
- (iv) Are highly significant to protect water quality.

(c) "Type 3 Water" shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight use and are moderately important from a water quality standpoint for:

- (i) Domestic water supplies;

- (ii) Public recreation;
- (iii) Fish spawning, rearing, or migration or wildlife uses; or

(iv) Are highly significant to protect water quality.

(d) "Type 4 Water" shall mean segments of natural waters which are not classified as Type 1, 2, or 3. Their significance lies in their influence of water quality downstream in Type 1, 2, or 3 Waters. These may be perennial or intermittent.

(e) "Type 5 Water" means all other waters, in natural water courses, including streams with or without a well-defined channel, areas of perennial or intermittent seepage, ponds, and natural sinks. Drainage ways having short periods of runoff are considered to be Type 5 Waters.

(3) The vulnerability of freshwater environments is based on the stream typing system established in WAC 222-16-030 incorporated by reference. The rating of biological and recreational resources ranges from 1 to 5 where 5 represents the most sensitive category and 1 represents the least sensitive category as follows:

TABLE 11. Freshwater Vulnerability Score (FVS).

FVS	QUALIFICATION
5	"Type 1 waters"
4	"Type 2 waters"
3	"Type 3 waters"
2	"Type 4 waters"
1	"Type 5 waters"

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-610, filed 4/23/92, effective 5/24/92.]

WAC 173-183-620 Habitat index. (1) Most state freshwaters vary to some degree from the natural condition as increased activities within individual watersheds have decreased stream, river, and/or lake habitat quality. In order to account for that degradation prior to assessing damages using the compensation schedule, a habitat index (HI) is calculated to represent existing stream conditions prior to the oil spill.

(2) For each stream, river, or lake impacted by an oil spill where the preassessment screening committee determines that the compensation schedule shall be used, a habitat index (HI) shall be calculated following an oil spill using the following methodology. The HI measures the amount of stream degradation from natural conditions and shall be calculated using the following formula:

$$\text{Habitat Index (HI)} = [(P_1+P_2+P_3+P_4+P_5+P_6) \div N_p] \times f_1 \times f_2 \times f_3$$

where: P₁ = barriers to natural fish movement

P₂ = urbanization

P₃ = condition of riparian vegetation

P₄ = condition of floodplain

P₅ = land use of watershed

P₆ = flow alteration

N_p = number of P parameters used to calculate HI

f₁ = channel modifications

f₂ = impoundment

f₃ = water quality

(3) The RDA committee shall determine which of the habitat quality parameters described in subsection (2) of this section are applicable to the particular spill under consideration. If a parameter is not applicable to the spill under consideration, the parameter shall not be included in the formula provided in subsection (2) of this section.

(4) Habitat quality parameters (P).

(a) Barriers to natural fish movement (P₁). Barriers, to some degree, limit the free passage of fish upstream thus limiting the ability of streams to recover. The scoring of this parameter is based on the influence of barriers in the natural dispersal of fish populations as follows:

Table 12. Scoring of Barriers to Natural Fish Movement (P₁).

RATING	QUALIFICATION
10	No manmade obstructions to free upstream passage of fish
8	No dams or other structures causing a vertical drop of more than 1 foot during low flow
5	No dams or other structures causing a vertical drop of more than 3 foot during low flow
3	No dams or other structures causing a vertical drop of more than 10 foot during low flow
0	One to several dams or other structures each causing a drop of more than 10 feet during low flow

(b) Urbanization (P₂). Urban development has historically had negative habitat effects on freshwater ecosystems. The percent of urban development in a watershed directly influences siltation, riparian abuse, and water quality deterioration. The scoring of this parameter is based on the percent of urbanization in the stream watershed.

Table 13. Scoring of Urbanization (P₂).

RATING	QUALIFICATION
10	Less than 5 percent of the watershed in urban development
8	Five to 10 percent of the watershed in urban development
5	Ten to 40 percent of the watershed in urban development
3	Forty to 70 percent of the watershed in urban development
0	Seventy to 100 percent of the watershed in urban development

(c) Condition of riparian vegetation (P₃). Riparian vegetation is important to seventy percent of the animal and bird species in Washington for some part of their life cycle. It also exerts thermal regulatory and thermal controls for the aquatic system. The scoring of this parameter is based on the percent of banks that are protected by effective riparian vegetation.

Table 14. Scoring of Condition of Riparian Vegetation (P₃).

RATING	QUALIFICATION
10	Ninety to 100 percent of the banks are protected by appropriate perennial vegetation
8	Sixty to 90 percent of the banks are protected by appropriate perennial vegetation
5	Forty to 60 percent of the banks are protected by appropriate perennial vegetation
3	Ten to 40 percent of the banks are protected by appropriate perennial vegetation
0	Zero to 10 percent of the banks are protected by appropriate perennial vegetation

(d) Condition of the floodplain (P₄). The condition of the floodplain forecasts the amount of sedimentation and erosion in the watershed and as such is a primary predictor of stream degradation. The rating of this parameter is as follows:

Table 15. Scoring of the Condition of the Floodplain (P₄).

RATING	QUALIFICATION
10	Little or no evidence of active or recent erosion of the floodplain during floods
5	All segments show evidence of occasional erosion of the floodplain. Stream channel essentially intact
0	Floodplain severely eroded and degraded, stream channel poorly defined with much lateral erosion and much reduced flow capacity

(e) Land use of the watershed (P₅). Land use practices exert a great deal of influence on the quality of the aquatic habitat. The rating of this parameter is as follows:

Table 16. Scoring of Land Use of the Watershed (P₅).

RATING	QUALIFICATION
10	More than 80 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
8	Sixty to 80 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
5	Forty to 60 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
3	Twenty to 40 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices

1 Zero to 20 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices

(f) Flow alteration (P_6). Alteration of the natural flow regime can frequently alter habitat conditions that are necessary for certain behavioral and ecological needs of species. The rating of this parameter is as follows:

Table 17. Scoring for Flow Alteration (P_6).

RATING	QUALIFICATION
10	Less than 1 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
8	One to 30 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
5	Thirty to 60 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
3	Sixty to 95 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
0	Ninety-five to 100 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds

(5) Habitat alteration functions (F). Each habitat alteration function has the power to reduce the habitat quality rating, dependent on the type and extent of alteration. Functions are expressed on a scale of 0 to 1.0.

(a) Channel modification (F_1). Channel modification can have a dramatic effect of the ability of a stream to provide for a diversity of habitats. This parameter is rated as follows:

$$\text{Channel Modification } (F_1) = 1.0 - (\text{SM} * \text{FR})$$

where F_1 = Channel modification rate
 SM = Percent stream reach modified, expressed as a decimal
 FR = Percent fish reduction, expressed as a decimal

Table 18. Scoring for Percent Fish Reduction (FR).

CHANNEL MODIFICATION	% FISH REDUCTION
Clearing, Snagging	25
Channel realignment	80
Channel paving	95

(b) Water quality (F_2). Water quality exerts a variety of detrimental and/or beneficial on the aquatic ecosystem. This parameter is rated as follows:

Table 19. Scoring for Water Quality (F_2).

RATING	QUALIFICATION
1.0	Stream water unpolluted. No pollutants detected by standard methods
0.8	Occasional above normal levels of one or more water pollutants usually present, but detectable only by analysis
0.5	Occasional visible signs of oversupply of nutrients or other pollutants detected by analysis
0.4	Occasional fish kills averaging about every 4 years or more
0.2	Occasional fish kills occurring more often than every 4 years
0.0	Grossly polluted waters with fish kills occurring annually or more frequently

(c) Streambed condition (F_3). The condition of the substrate habitat can be altered in such a way as to reduce the effective habitat available to the aquatic community as a whole. This parameter is ranked as follows:

Table 20. Scoring of Streambed Condition.

RATING	QUALIFICATION
1.0	No apparent unstable material in channel with substrate of bedrock, boulders, rubble, gravel or firm alluvium
0.9	Traces of unstabilized silt, sand, or gravel in quiet areas or large pools with firm substrate
0.8	Quiet areas covered with unstable materials, deep pools restricted to areas of greatest scour
0.7	Pools shallow, filled with silt, sand or gravel, riffles contain noticeable silt deposits
0.5	Streambed completely covered by varying thicknesses of transported material such as silt, sand and gravel
0.0	Stream channel nearly or completely filled with unconsolidated, transported material; no surface flow except during floods

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-620, filed 4/23/92, effective 5/24/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

COMPENSATION SCHEDULE FOR SPILLS INTO FRESHWATER WETLANDS

WAC 173-183-700 Vulnerability of freshwater wetland environments to oil spills. (1) The purpose of this section is to describe the method of ranking the vulnerability of freshwater wetland environments to oil spills for purposes of assessing damages by applying the compensation schedule.

(2) Vulnerability of freshwater wetland environments to oil spills is based on a wetlands classification which rates the vulnerability of a wetland to spilled oil. Wetland environments are classified into five categories which represent the sensitivity of habitat, plants, animals, and recreational use to oil spills. For purposes of this chapter, the wetlands vulnerability score shall be equal to the spill vulnerability score as follows:

$$\text{Spill Vulnerability Score (SVS)} = \text{WVS}$$

where WVS = wetlands vulnerability score (from WAC 173-183-710).

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-700, filed 4/23/92, effective 5/24/92.]

WAC 173-183-710 Wetlands vulnerability classification. (1) Freshwater wetland environments and portions thereof, are classified into 4 types based on the identification system set forth below.

(a) Category I wetlands. The following types of wetlands are classed as category I wetlands:

(i) Documented habitat for threatened or endangered plant, animal, or fish species recognized by federal or state agencies; or

(ii) Documented Natural Heritage wetland sites or high quality native wetland communities which qualify as Natural Heritage wetland sites; or

(iii) Documented habitat of regional (Pacific Coast) or national significance for migratory birds; or

(iv) Regionally rare wetland communities; or

(v) Wetlands with irreplaceable ecological functions; or

(vi) Documented wetlands of local significance.

(b) Category II wetlands. The following types of wetlands are classed as category II wetlands:

(i) Documented habitat recognized by federal and state agencies for sensitive plant, animal, or fish species; or

(ii) Documented priority habitats and species recognized by state agencies; or

(iii) Wetlands with significant functions which may not be adequately replicated through creation or restoration; or

(iv) Wetlands with significant habitat value; or

(v) Documented wetlands of local significance.

(c) Category III wetlands. The following types of wetlands are classed as category III when they satisfy no category I, II, or IV criteria.

(d) Category IV wetlands. The following types of wetlands are classed as category IV wetlands:

(i) Wetlands less than one acre in size and hydrologically isolated and comprised of one vegetated class that is dominated (more than eighty percent areal cover) by one species from the list in Table 21; or

(ii) Wetlands less than two acres and hydrologically isolated with one vegetative class and more than ninety percent of the areal cover is any combination of species from the list in Table 22.

Table 21. List of invasive/exotic plant species for rating Category IV wetlands.

Common name	Scientific name
Soft Rush	<i>Juncus effusus</i>
Reed	<i>Phragmites communis</i>
Buttercup	<i>Ranunculus repens</i>
Reed Canary Grass	<i>Phalaris arundinaceae</i>
Purple loosestrife	<i>Lythrum salicaria</i>
Townsend's cordgrass	<i>Spartina townsendii</i>
Non-native blackberry	<i>Rubus discolor, laciniatus, vestitus, macrophyllus</i>
Velvet grass	<i>Holcus lanatus, mollis</i>
Fescue	<i>Festuca arundinaceae, pratensis</i>
Quackgrass	<i>Agropyron repens</i>
Meadow foxtail	<i>Alopecurus pratensis, acqualis</i>
Orchardgrass	<i>Dactylis glomerata</i>
Ryegrass	<i>Lolium perenne, multiflorum, temulentum</i>
Timothy	<i>Phleum pratense</i>
Bluegrass	<i>Poa compressa, palustris, pratensis</i>
Bromes	<i>Bromus tectorum, rigidus, horiziformis, goadinus, japonicus, mollis, commutatus, inermis, cractus</i>
Sandbur	<i>Cyperus longispinus</i>
Crab Grass	<i>Digitaria sanguinalis</i>
Barnyard grass	<i>Echinochloa crusgalli</i>
Green Bristlegrass	<i>Setaria viridis</i>
Foxtail Barley	<i>Hordeum jubatum</i>
Dogtail	<i>Cynodorus cristatus, abisatus</i>
Russian Thistle	<i>Salsola kali</i>
Knottweeds	<i>Polygonum aviculare, concaloculus, cuspidatum, lepathifolium, persicaria</i>
Tumblemustards	<i>Sisymbrium altissimum, lacetii, officinale</i>
Scotch broom	<i>Cytisus scoparius</i>
Sweet clover	<i>Melilotus alba, officinalis</i>
Bird's foot trefoil	<i>Lotus corniculatus</i>
Alfalfa	<i>Medicago sativa</i>
Clover	<i>Trifolium dubium, pratense, repens, arvense, subterraneum, hybridum</i>
Spurge	<i>Euphorbia pepius, cauda</i>
St. John's wort	<i>Hypericum perforatum</i>
Teasel	<i>Dipsacus sylvestris</i>
Pineapple weed	<i>Marricaria matrixarioides</i>
Tansy	<i>Tanacetum vulgare</i>
Thistles	<i>Cirsium vulgare, arvense</i>
Blurdock	<i>Cirsium minus</i>
Knopweeds	<i>Centaurea solstitialis, repens, cyanus, maculosa</i>
Cultivated species; wheat, corn, barley, triticum, rye	

Table 22. List of native species for rating of Category IV wetlands.

Common name	Scientific name
Hard hack	<i>Spiraea douglasii</i>
Cattail	<i>Typha latifolia</i>
Soft rush	<i>Juncus effusus</i>

(2) Freshwater wetland environment vulnerability score (WVS). The vulnerability of freshwater wetland environments is based on the stream typing system established in WAC 222-16-030 incorporated by reference. The rating of the freshwater wetland environment vulnerability ranges from 1 to 5, where 5 represents the most sensitive category and 1 represents the least sensitive category as follows:

Table 23. Freshwater Wetlands Vulnerability Score (WVS).

WVS	QUALIFICATION
5	Category I wetlands
4	Category II wetlands
3	Category III wetlands
1	Category IV wetlands

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-710, filed 4/23/92, effective 5/24/92.]

**CALCULATION OF DAMAGES USING THE
COMPENSATION SCHEDULE**

WAC 173-183-800 Calculation of damages using the compensation schedule general. The purpose of WAC 173-183-800 to 173-183-850 are to describe:

- (1) The responsibilities of the OSC and RDA committee chair in applying the compensation schedule; and
- (2) The procedures for determining public resource damages using the compensation schedule.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-800, filed 4/23/92, effective 5/24/92.]

WAC 173-183-810 On-scene coordinator responsibilities. (1) The OSC or department responder, or his or her designee, shall make the following determinations:

- (a) Quantity and type of oil spilled;
- (b) Extent and location of the spill; and
- (c) The amount of oil cleaned up on a daily basis, and in total.

(2) The potentially liable party (PLP) may hire an independent expert to determine the volume of oil spilled and cleaned up, including the volume cleaned up within the first six hours after spill initiation. The volume determinations made by the independent expert shall be used in calculations of damages under the compensation schedule if the independent expert selected is acceptable to both the PLP and the department. Determinations by the mutually agreed upon independent expert of the quantity of oil spilled and cleaned up shall be provided to the RDA committee chair within sixty days of the spill under consideration.

(3) The OSC or department responder shall provide the information enumerated in subsection (1) of this section to the RDA committee chair in a timely manner.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-810, filed 4/23/92, effective 5/24/92.]

WAC 173-183-820 RDA committee chair responsibilities. (1) The RDA committee chair shall, in consultation with the OSC and RDA committee, determine the following:

(a) For spills into marine or estuarine environments excluding the Columbia River estuary:

(i) The acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;

(ii) Subregion(s) exposed to the spilled oil;

(iii) Habitat types exposed to the spilled oil as classified in WAC 173-183-410 for spills of 1,000 gallons or more;

(iv) Percent coverage of each habitat type within the area of spill exposure for spills of 1,000 gallons or more;

(v) Percent coverage of habitat types present within the subregion(s) exposed to spilled oil for spills of less than 1,000 gallons.

(vi) A spill's habitat vulnerability scores (HVS) for acute toxicity, mechanical injury, and persistence as determined by the procedures outlined in WAC 173-183-400; and

(vii) The spill vulnerability scores (SVS_{AT}, SVS_{MI}, SVS_{PER}) for the most vulnerable season affected by the spill using the formula provided in WAC 173-183-400.

(b) For spills in the estuarine waters of the Columbia River:

(i) The acute toxicity, mechanical injury, and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;

(ii) The cell(s) exposed to the spilled oil; and

(iii) The spill vulnerability score (SVS) for the most vulnerable season affected by the spilled oil using the procedures provided in WAC 173-183-500.

(c) For spills in freshwater streams, rivers, and lakes:

(i) The acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;

(ii) Freshwater vulnerability score as described in WAC 173-183-610;

(iii) Freshwater habitat index as described in WAC 173-183-620; and

(iv) Spill vulnerability score (SVS) as outlined in WAC 173-183-600 for each stream, river, and/or lake environment exposed to the spill; and

(d) For spills in freshwater wetlands:

(i) The acute toxicity, mechanical injury, and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;

(ii) Freshwater wetland vulnerability score as described in WAC 173-183-710;

(iii) Spill vulnerability score (SVS) as outlined in WAC 173-183-700 for each wetland exposed to the spill.

(2) For spills that enter more than one environment, the RDA committee chair shall, in consultation with the OSC and RDA committee, make the determinations enumerated under subsection (1)(a) through (d) of this section.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-820, filed 4/23/92, effective 5/24/92.]

WAC 173-183-830 Calculation of damages for spills into marine and estuarine waters, except the Columbia River estuary. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into marine and estuarine waters, except the estuarine waters of Columbia River. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(a).

(2) In making the determination of percent-coverage of habitat types, the RDA committee chair may assume that the habitat-type visible at low tide extends out to the 20 meter depth contour.

(3) Damages liability shall be calculated using the following formula:

Damages (\$) =

$$\text{gallons spilled} * 0.1 * [(OIL_{AT} * SVS_{AT,j}) + (OIL_{MI} * SVS_{MI,j}) + (OIL_{PER} * SVS_{PER,j})]$$

where: gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;

SVS_{i,j} = spill vulnerability score (from WAC 173-183-400(3));

OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);

OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and

OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).

i = acute toxicity, mechanical injury and persistence effect of oil

j = the most sensitive season affected by the spill

0.1 = multiplier to adjust the damages calculated to the \$1-50 per gallon range.

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-830, filed 4/23/92, effective 5/24/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-183-840 Calculation of damages for spills into the Columbia River estuary. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into the estuarine waters of Columbia River. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(b).

(2) Damages liability shall be calculated using the following formula:

Damages (\$) =

$$\text{gallons spilled} * 0.2 * SVS_j * (OIL_{AT} + OIL_{MI} + OIL_{PER})$$

where: gallons spilled = the number of gallons of oil spilled as determined by procedures outlined in WAC 173-183-810

SVS_j = spill vulnerability score (from WAC 173-183-500(3));

j = the most sensitive season affected by the spill

OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);

OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and

OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).

0.2 = multiplier to adjust the damages calculated to the \$1-50 per gallon range.

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-840, filed 4/23/92, effective 5/24/92.]

WAC 173-183-850 Calculation of damages for spills in freshwater streams, rivers, and lakes. (1) The formula

provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater streams, rivers, and lakes. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) The RDA committee chair as enumerated in WAC 173-183-820 (1)(c).

(2) Damages liability shall be calculated using the following formula:

Damages (\$) =

$$\text{gallons spilled} * 0.08 * SVS * (OIL_{AT} + OIL_{MI} + OIL_{PER})$$

where: gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;

SVS = Spill vulnerability score [from WAC 173-183-600(3)];

OIL_{AT} = Acute Toxicity Score for Oil [from WAC 173-183-360];

OIL_{MI} = Mechanical Injury Score for Oil [from WAC 173-183-360]; and

OIL_{PER} = Persistence Score for Oil [from WAC 173-183-360].

0.08 = multiplier to adjust damages calculated to the \$1-50 per gallon range;

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-850, filed 4/23/92, effective 5/24/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-183-860 Calculation of damages for spills into freshwater wetlands. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater wetlands. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) the RDA committee chair as enumerated in WAC 173-183-820 (1)(d).

(2) Damages liability shall be calculated using the following formula:

Damages (\$) =

$$\text{gallons spilled} * 0.81 * SVS * (OIL_{AT} + OIL_{MI} + OIL_{PER})$$

where: gallons spilled = the number of gallons of oil spilled as determined by procedures outlined in WAC 173-183-810;

SVS = Spill vulnerability score [from WAC 173-183-700(3)];

OIL_{AT} = Acute Toxicity Score for Oil [from WAC 173-183-360];

OIL_{MI} = Mechanical Injury Score for Oil [from WAC 173-183-360]; and

OIL_{PER} = Persistence Score for Oil [from WAC 173-183-360].

0.81 = multiplier to adjust damages calculated to the \$1-50 per gallon range;

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-860, filed 4/23/92, effective 5/24/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-183-865 Calculation of damages for spills entering more than one type of receiving environment. For spills that enter more than one type of receiving environment, as classified in WAC 173-183-400, 173-183-500, 173-183-600, and 173-183-700, damages liability shall be determined as follows:

(1) Damages shall be calculated using the procedures enumerated in WAC 173-183-800 through 173-183-890 for each of the receiving environment types exposed to spilled oil;

(2) Total damages liability shall be equal to the greatest of the damages calculated for the receiving environment types exposed to spilled oil as determined in subsection (1) of this section.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-865, filed 4/23/92, effective 5/24/92.]

WAC 173-183-870 Modification of damages based on actions taken by the PLP. (1) Damages calculated under WAC 173-183-830 through 173-183-860 may be reduced by the amounts specified in subsections (2) through (5) of this section, as determined by the RDA committee, in the following cases:

(a) Where the potentially liable party takes an action that results in no spill exposure and no injury to the following special features: Seal and sea lion haulouts, public recreational areas, smelt, sand lance, and herring spawning areas, salmon concentration areas, hardshell and softshell clam beds, and seabird breeding colonies;

(b) Where the potentially liable party takes an action that restores, rehabilitates, or enhances resources injured by the spill; and

(c) Where the potentially liable party immediately booms spilled oil that has not come into contact with the shore, in areas where water depth is greater than twenty meters, and immediately removes the spilled oil that has been contained in booming.

(2) When the conditions specified under subsection (1)(a) of this section are met, compensation shall be reduced by the amount that the special feature that was protected contributed to the amount of damages calculated under WAC 173-183-830 through 173-183-860. Decisions on how much the protected special feature contributed to the amount of

damages calculated under the compensation schedule shall be made by the RDA committee.

(3) When conditions specified under subsection (1)(b) of this section are met, amount of damages calculated under WAC 173-183-830 through 173-183-860 may be reduced. Decisions on reduction of damages shall be made by the RDA committee.

(4) When the conditions specified under subsection (1)(c) of this section are met, the damages calculated under WAC 173-183-830 through 173-183-860 shall be reduced as described by the following steps:

(a) Two separate damages calculations shall be made using the applicable damage liability formula(s) provided in WAC 173-183-830 through 173-183-860. The number of gallons used in the first formula shall be the number of gallons immediately removed from the receiving environment as described in subsection (1)(c) of this section. The number of gallons used the second formula shall be the number of gallons spilled but not immediately removed from the receiving environment. The values of all other formula variables shall be as defined for the applicable formulas in WAC 173-183-830 through 173-183-860, except as described in subsection (4)(b) of this section;

(b) The values of the mechanical injury (OIL_{MI}) and persistence (OIL_{PER}) scores for oils shall be reduced by ten percent in the first formula; and

(c) Damages derived from the first and second formulas shall be added together to calculate the reduced damages liability.

(5) In no case shall the modifications to compensation enumerated in subsections (1) through (4) of this section result in a reduction of damages to less than one dollar per gallon of oil spilled.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-870, filed 4/23/92, effective 5/24/92.]

WAC 173-183-880 Damage claim. (1) The department shall provide documentation to the liable party that details the information and calculations that were used to assess damages under the compensation schedule. This documentation shall be provided to the liable party along with the damages liability claim.

(2) The liable party shall pay the full amount specified in the damages liability claim to the department within thirty days of receipt.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-880, filed 4/23/92, effective 5/24/92.]

WAC 173-183-890 Substitution of damages. The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the damages determined through application of the procedures in WAC 173-183-300 through 173-183-870.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-890, filed 4/23/92, effective 5/24/92.]

WAC 173-183-900 Annual report. The department shall submit an annual report to the appropriate standing committees of the legislature that addresses each spill for which the RDA committee was convened. The following

information shall be included in the report for each spill addressed: The outcome of the preassessment screening, and compensation claims imposed or damage assessment studies conducted, and the revenues to and expenditures from the coastal protection fund.

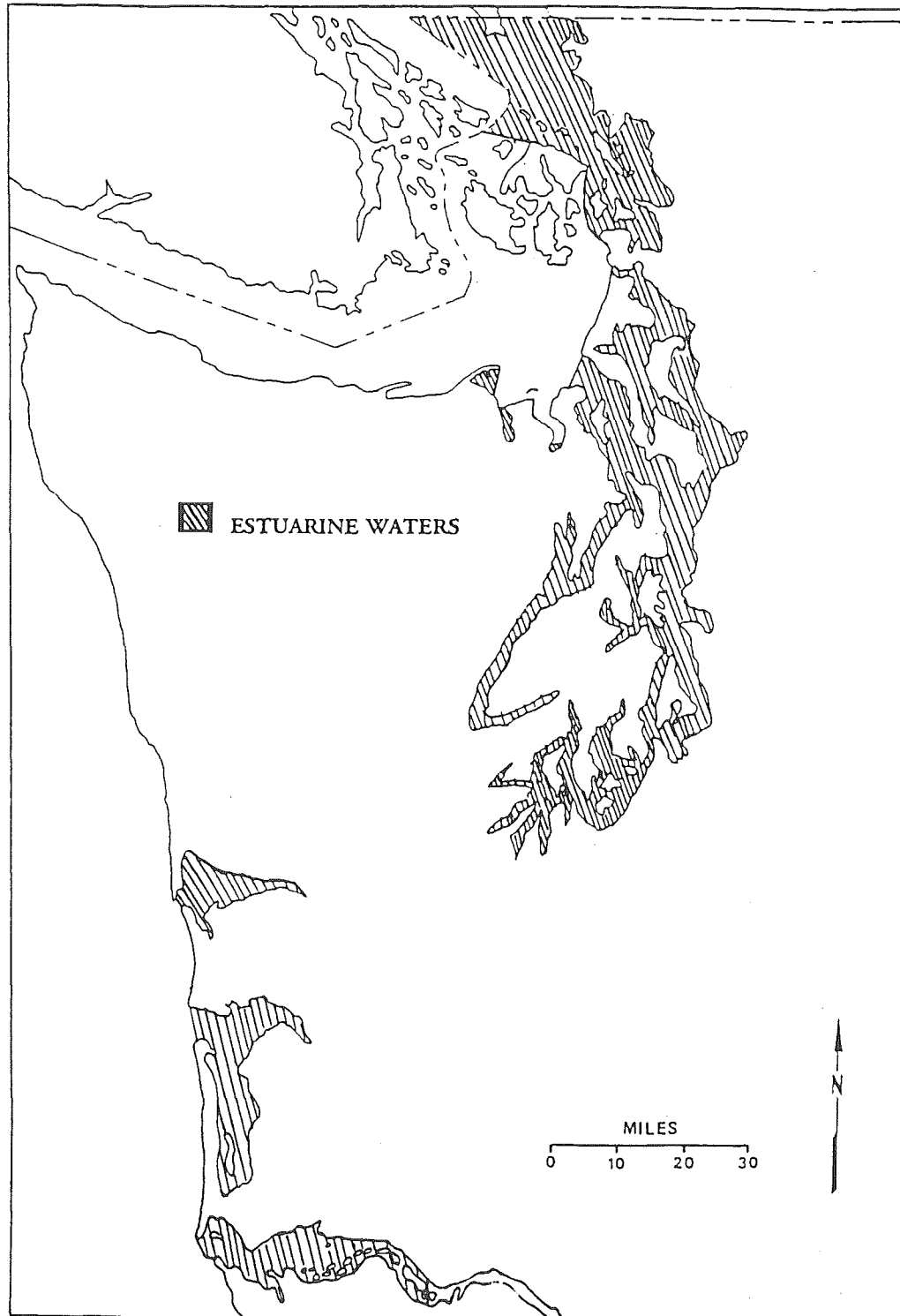
[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-900, filed 4/23/92, effective 5/24/92.]

WAC 173-183-910 Severability. If any provision of this rule or its application to any person or circumstance is held invalid, the remainder of the rule or application of the provision to other persons or circumstances is not affected.

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-910, filed 4/23/92, effective 5/24/92.]

WAC 173-183-920 Appendices.

APPENDIX 1: ESTUARINE WATERS OF THE STATE



APPENDIX 2: SPECIES AND SPECIES GROUPS INCLUDED IN THE MARINE FISH VULNERABILITY RANKING

Common Name	Scientific Name
Pacific sleeper shark	<i>Somniosus pacificus</i>
Spiny dogfish	<i>Squalus acanthias</i>
Skates	Rajidae
Spotted ratfish	<i>Hyrodlaguscolleri</i>
Green sturgeon	<i>Acipensermedirostris</i>
White sturgeon	<i>Acipensertransmontanus</i>
Pacific herring	<i>Clupeapallasii</i>
Northern anchovy	<i>Engraulismordax</i>
Surf smelt	<i>Hypomesuspretiosus</i>
Night smelt	<i>Spirinchusstarksi</i>
Long fin smelt	<i>Spirinchusthaleichthys</i>
Eulachon	<i>Thaleichthyspacificus</i>
Pacific cod	<i>Gadusmacrocephalus</i>
Pacific tomcod	<i>Microgadusproximus</i>
Walleye pollock	<i>Theragrachalcogramma</i>
Whiting	<i>Merlucciusproductus</i>
Plainfin midshipman	<i>Porichthysnotatus</i>
Tubesnout	<i>Aulorhynchusfavidus</i>
Three-spine stickleback	<i>Gasterosteusaculeatus</i>
Pacific Ocean perch	<i>Sebastesalutus</i>
Brown rockfish	<i>Sebastesauriculatus</i>
Silvergray rockfish	<i>Sebastesbrevispinis</i>
Copper rockfish	<i>Sebastescaurinus</i>
Puget Sound rockfish	<i>Sebastesemphaeus</i>
Widow rockfish	<i>Sebastesentomelas</i>
Yellowtail rockfish	<i>Sebastesflavidus</i>
Quillback rockfish	<i>Sebastesmaliger</i>
Black rockfish	<i>Sebastesmelanops</i>
Blue rockfish	<i>Sebastesmystinus</i>
China rockfish	<i>Sebastesnebulosus</i>
Bocaccio	<i>Sebastespaucispinis</i>
Canary rockfish	<i>Sebastespinniger</i>
Yelloweye rockfish	<i>Sebastesruberrimus</i>
Shortspine thornyhead	<i>Sebastolobusalascanus</i>
Longspine thornyhead	<i>Sebastolobusaltivelis</i>
Sablefish	<i>Anoplopomafimbria</i>
Kelp Greenling	<i>Hexagrammosdecegrammus</i>
Lingcod	<i>Ophiodonelongatus</i>
Red Irish lord	<i>Hemilepidotus</i>
Pacific staghorn sculpin	<i>Leptocottusarmatus</i>
Cabezon	<i>Scorpaenichthysmarmoratus</i>
Redtail surfperch	<i>Amphistichusrhodoterus</i>
Shiner surfperch	<i>Cymatogasteraggregata</i>
Pile surfperch	<i>Damalichthysvacca</i>
Striped surfperch	<i>Embiotocalateralis</i>
Eelpouts	Zoarcidae
Snake prickleback	<i>Lumpenusagitta</i>
Gunnels	Pholididae
Wolf-eel	<i>Anarrhichthysocellatus</i>
Pacific sand lance	<i>Ammodyteshexapterus</i>
Pacific sand dab	<i>Citharichthysordidus</i>
Speckled sand dab	<i>Citharichthysstigmaeus</i>
Arrowtooth flounder	<i>Atheresthesstomias</i>
Petrale sole	<i>Eposettajordani</i>
Rex sole	<i>Glyptocephaluszachirus</i>
Pacific halibut	<i>Hippoglossusstenolepis</i>
Rock sole	<i>Lepidopsettabilineata</i>

Dover sole	<i>Microstomuspacificus</i>
English sole	<i>Parophrysvelatus</i>
Starry Flounder	<i>Platichthysstellatus</i>
Sand sole	<i>Psettichthysmelanostictus</i>

APPENDIX 3: SPECIES INCLUDED IN THE SALMON VULNERABILITY RANKING

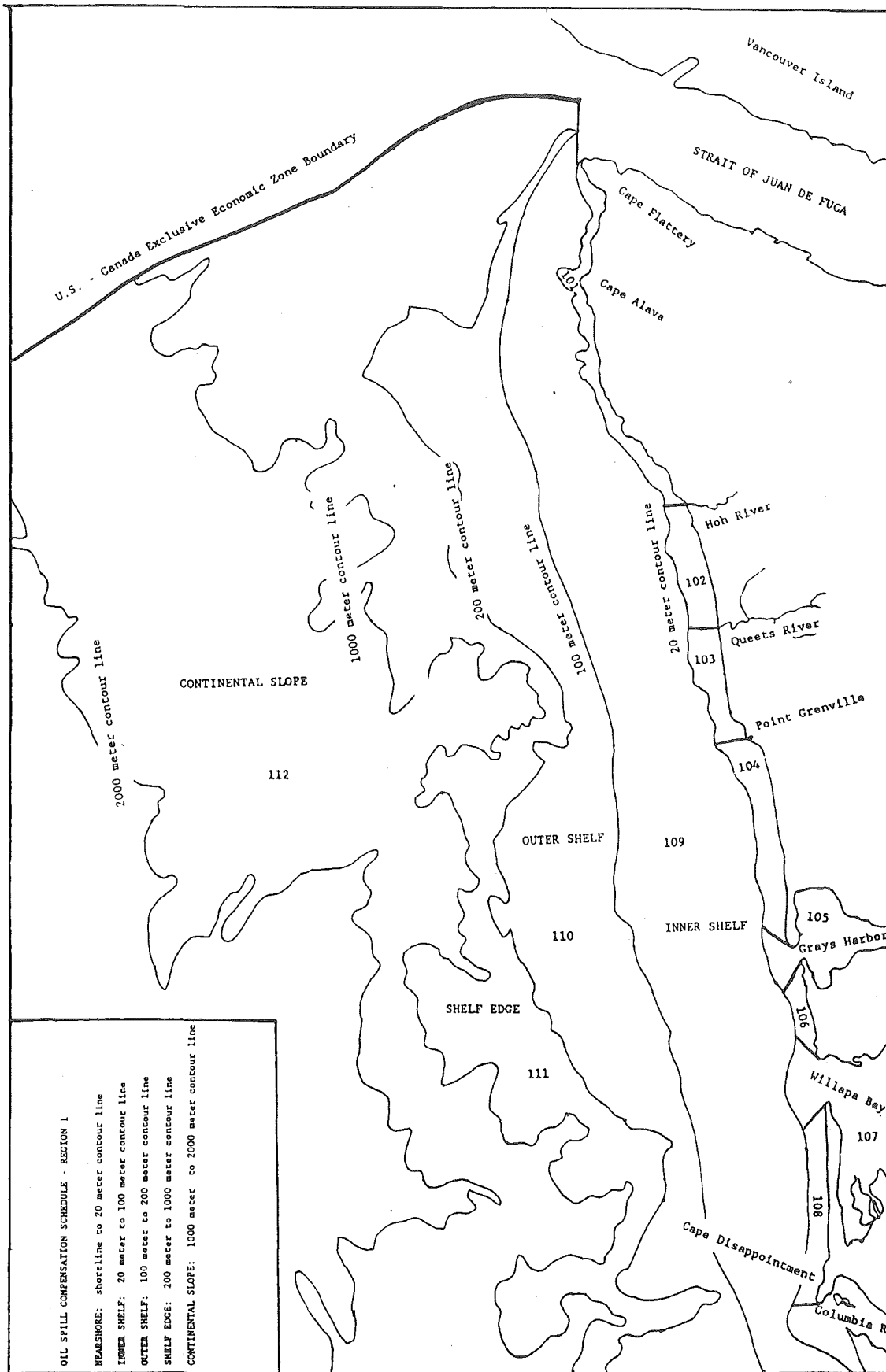
Common Name	Scientific Name
Chinook	<i>Oncorhynchus tshawytscha</i>
Coho	<i>O. kisutch</i>
Pink	<i>O. gorbushca</i>
Chum	<i>O. keta</i>
Sockeye	<i>O. nerka</i>

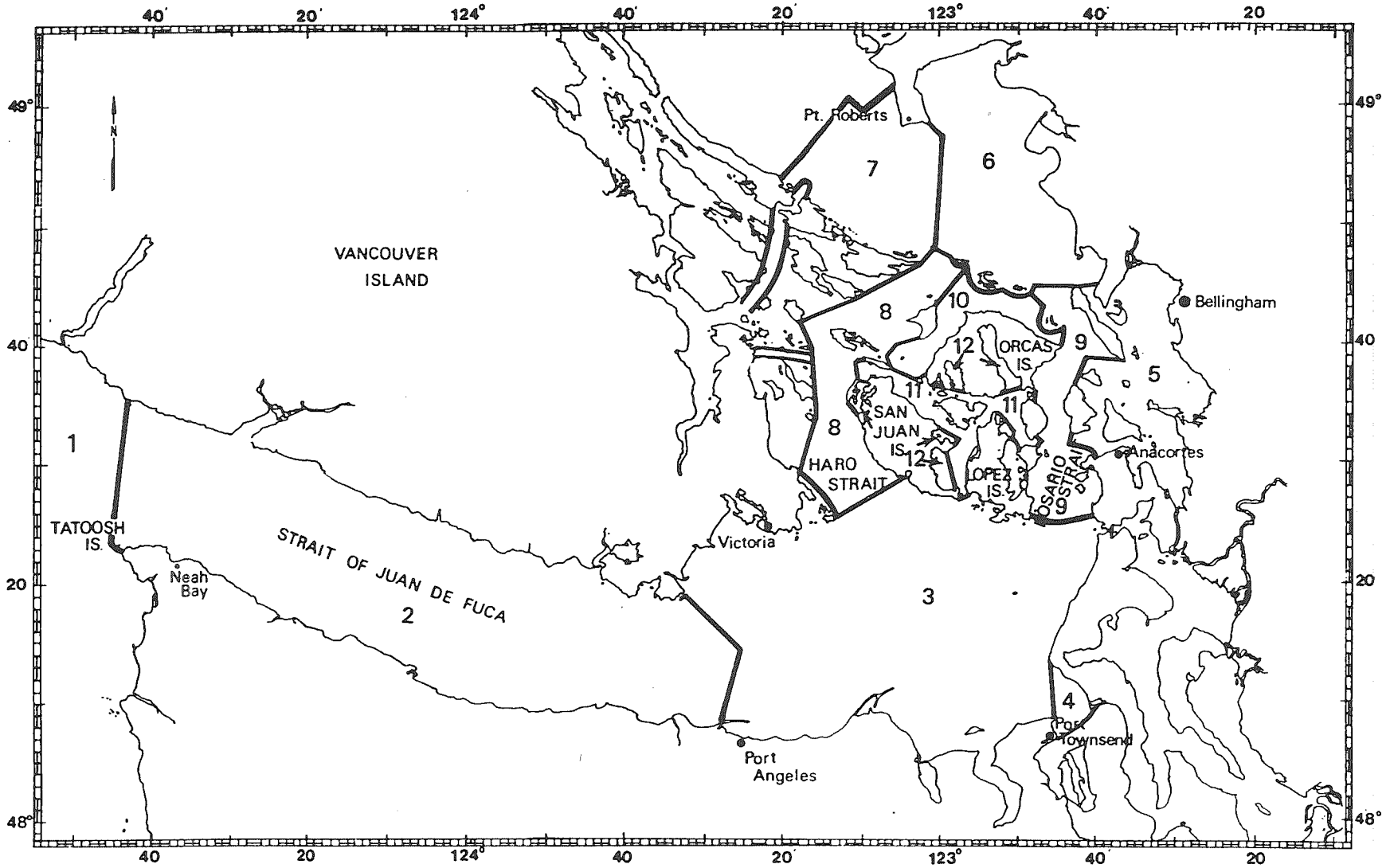
APPENDIX 4: SPECIES INCLUDED IN THE SHELLFISH VULNERABILITY RANKING

Common Name	Scientific Name
Pacific Oyster	<i>Crassostrea gigas</i>
Olympia Oyster	<i>Ostrea lurida</i>
Pacific Razor Clam	<i>Siliqua patula</i>
Geoduck	<i>Panope generosa</i>
Butter Clam	<i>Saxidomus giganteus</i>
Native Little Neck	<i>Protothaca staminea</i>
Manila Clam	<i>Venerupis japonica</i>
Gaper Clam	<i>Tresus nuttalli</i>
Horse Clam	<i>T. capax</i>
Eastern Soft Shell	<i>Mya arenaria</i>
Cockles	<i>Clinocardium nuttalli</i>
Pink Scallop	<i>Chlamys rubida</i>
Spiny Scallop	<i>C. hastata</i>
Rock Scallop	<i>Hinnites multirugosus</i>
Weathervane Scallop	<i>Pecten caurinus</i>
Bay Mussel	<i>Mytilus spp.</i>
California Mussel	<i>M. californianus</i>
Goose(neck) Barnacle	<i>Pollicipes polymerus</i>
Squid	<i>Loligo opalescens</i>
Octopus	<i>Octopus dofleini</i>
Northern Abalone	<i>Haliotis kamschatkana</i>
Limpets	subsistence harvest species
Whelks	subsistence harvest species
Moon Snail	Polinices
Chitons	subsistence harvest species
Sea Cucumber	<i>Parastichopus californicus</i>
Red Sea Urchin	<i>Strongylocentrotus franciscanus</i>
Green Sea Urchin	<i>S. droebachiensis</i>
Purple Sea Urchin	<i>S. purpuratus</i>
Dungeness Crab	<i>Cancer magister</i>
Red (Rock) Crab	<i>C. productus</i>
Spot Shrimp	<i>Pandalus platyceros</i>
Coon Stripe Shrimp	<i>P. danae</i>
Side Shrimp	<i>Pandalopsis dispar</i>
Pink Shrimp	<i>Pandalus jordani</i> & <i>P. borealis</i>
Ghost Shrimp	<i>Callinassa spp.</i>
Mud Shrimp	<i>Upogebia pugettensis</i>
Humpback Shrimp	<i>Pandalus hypsinotus</i>

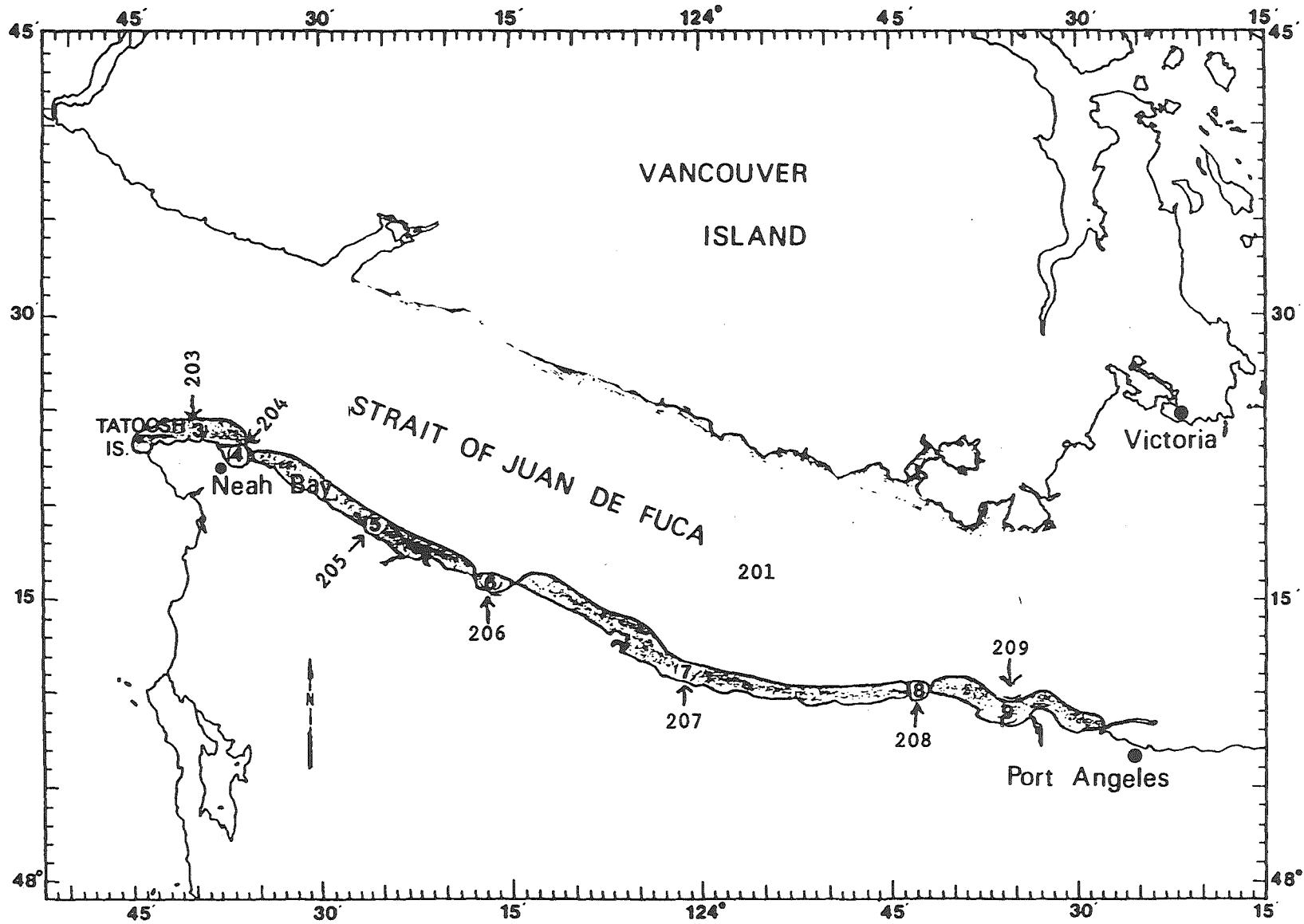
APPENDIX 5: COMPENSATION SCHEDULE REGIONS AND SUBREGIONS

Region 1 Subregions

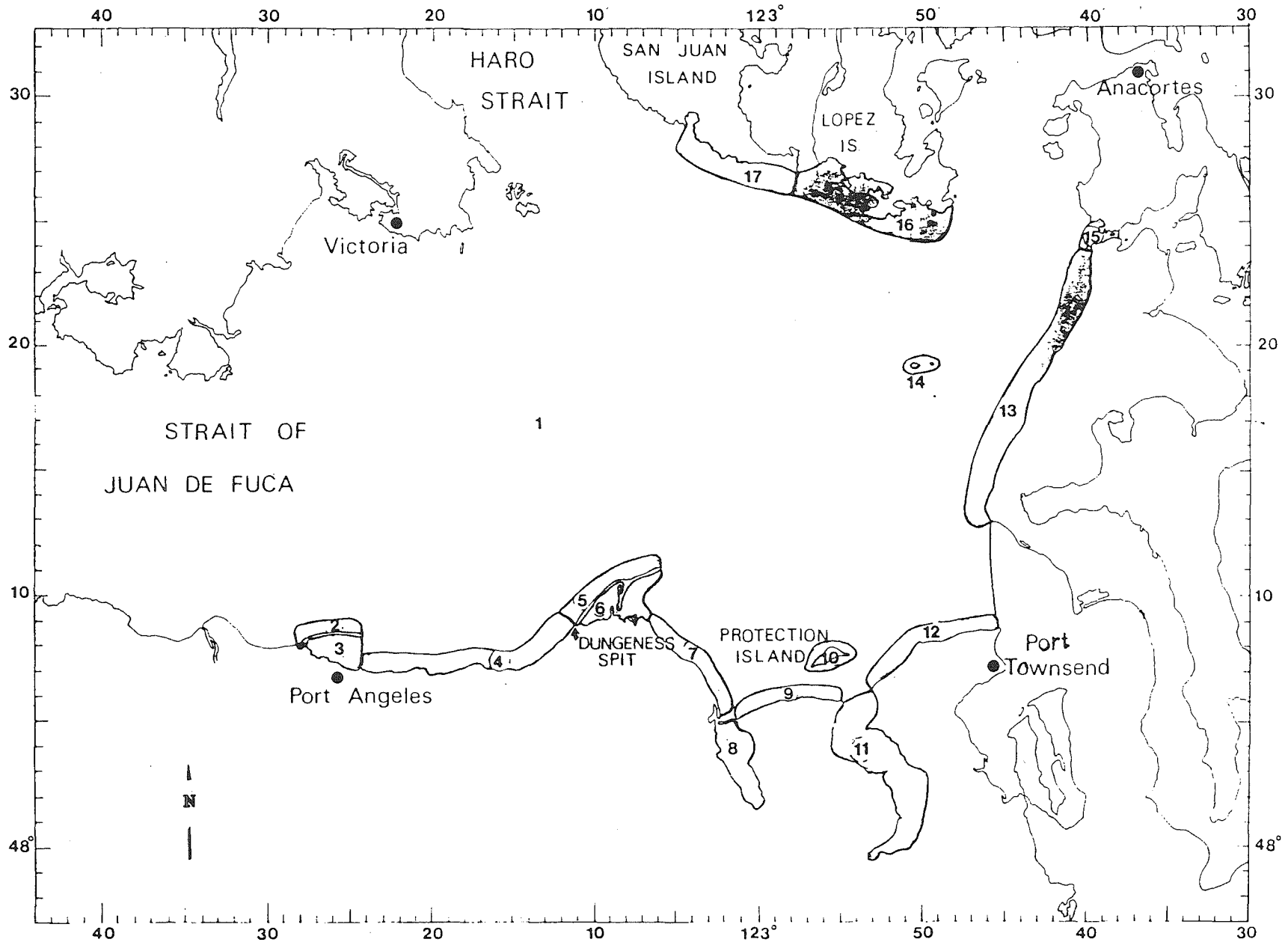




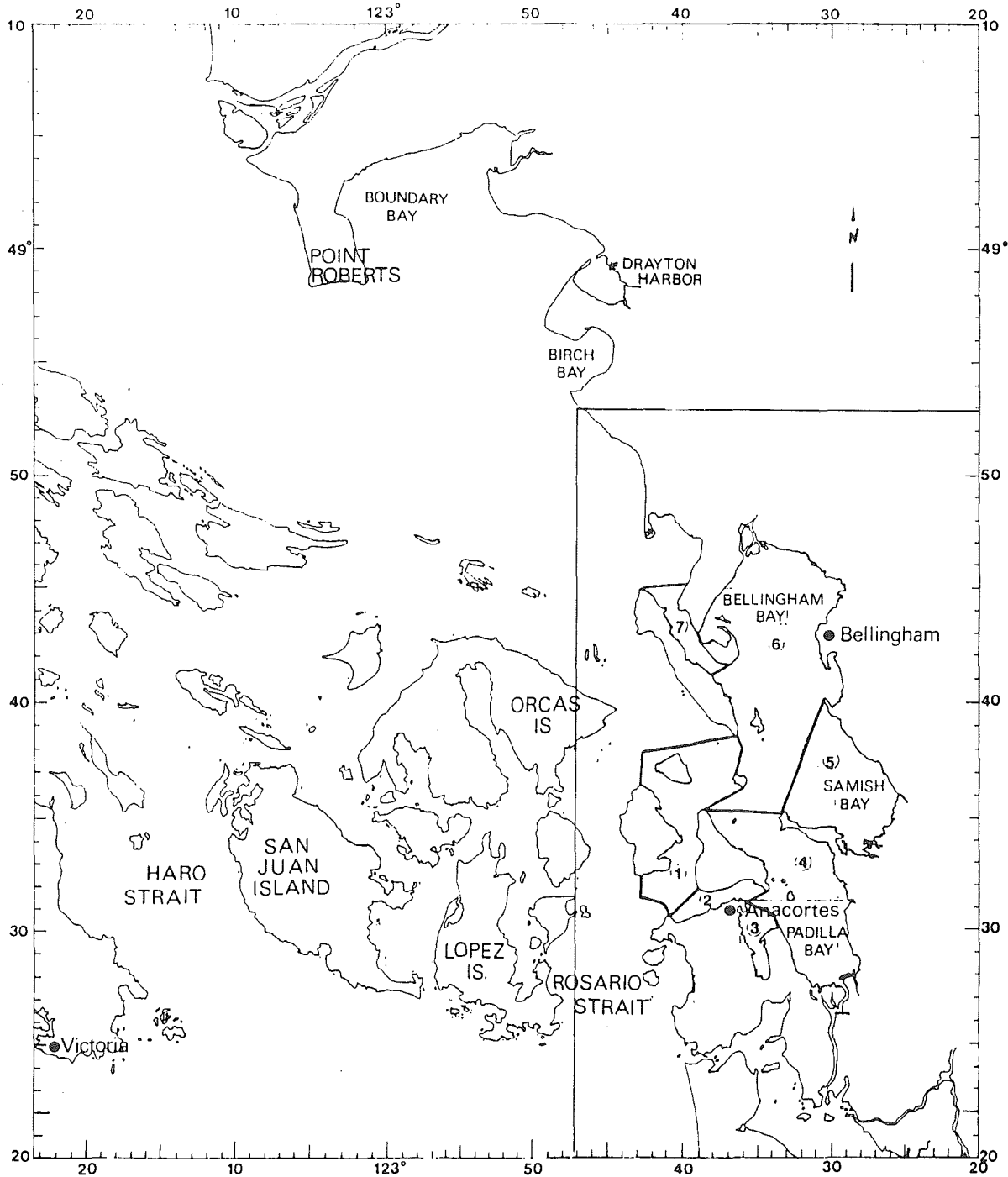
Northern Puget Sound, Strait of Juan de Fuca and Outer Coast
Compensation Schedule Regions



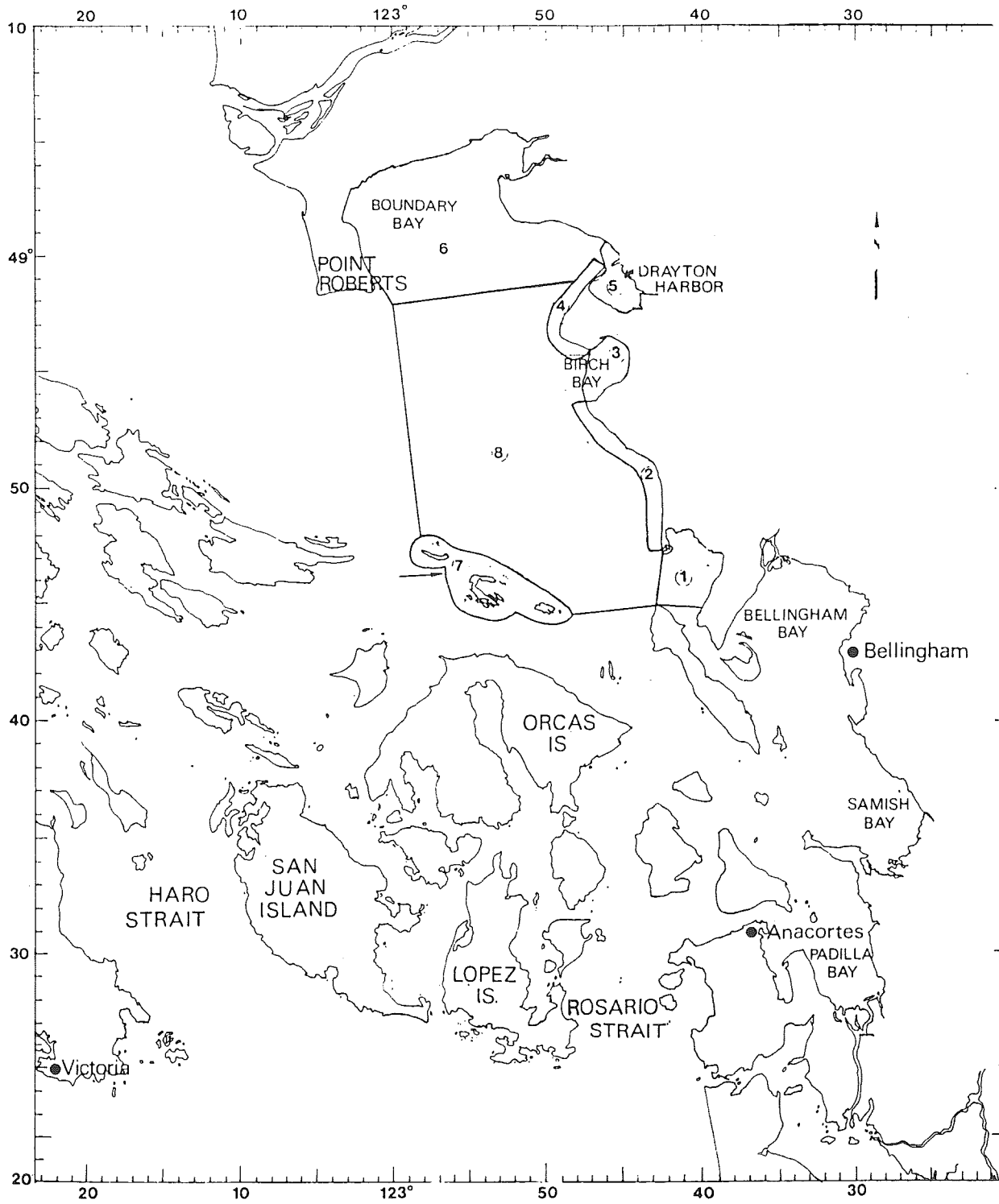
Region 2 Subregions



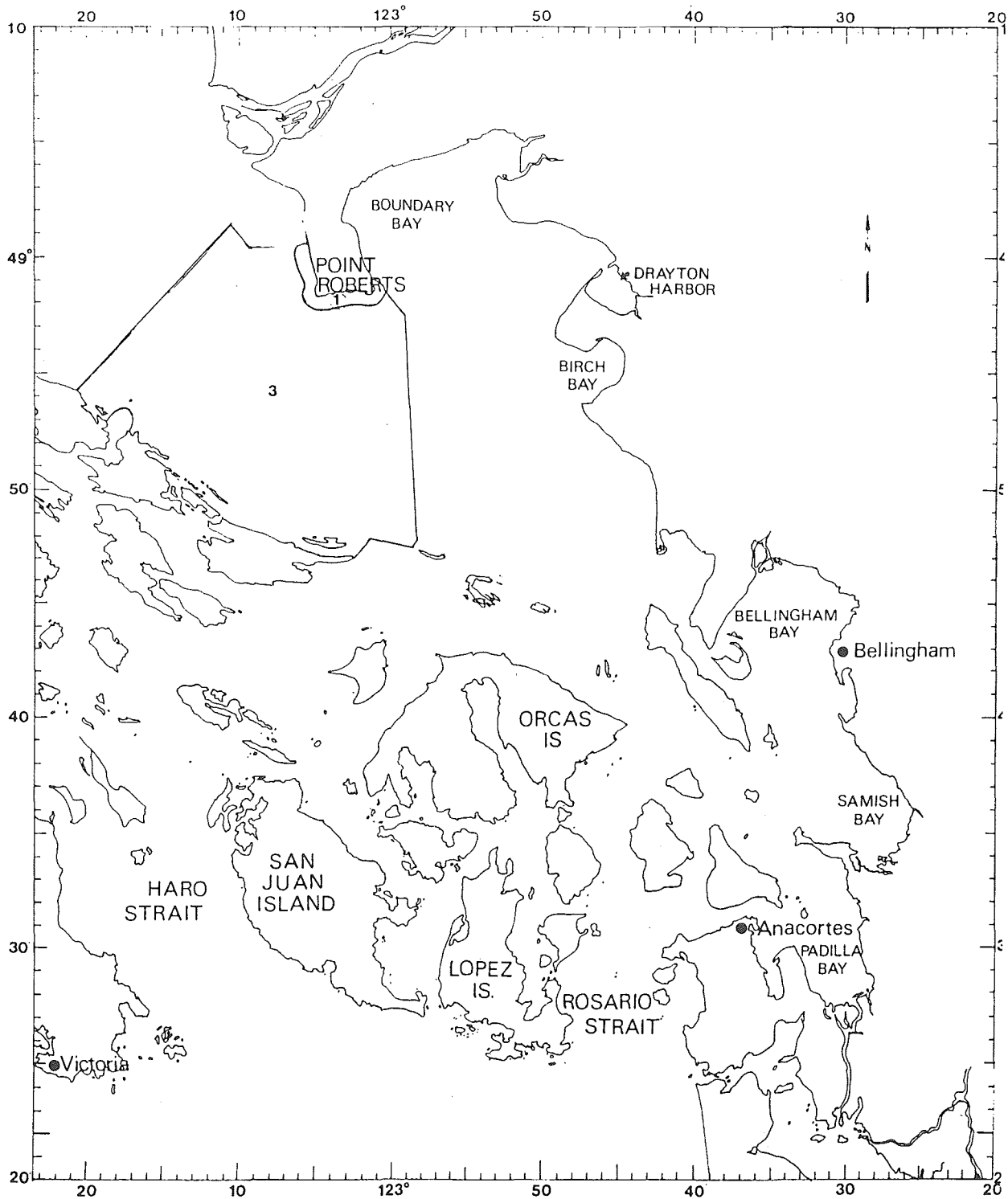
REGION 3 SUBREGIONS 301 THROUGH 317



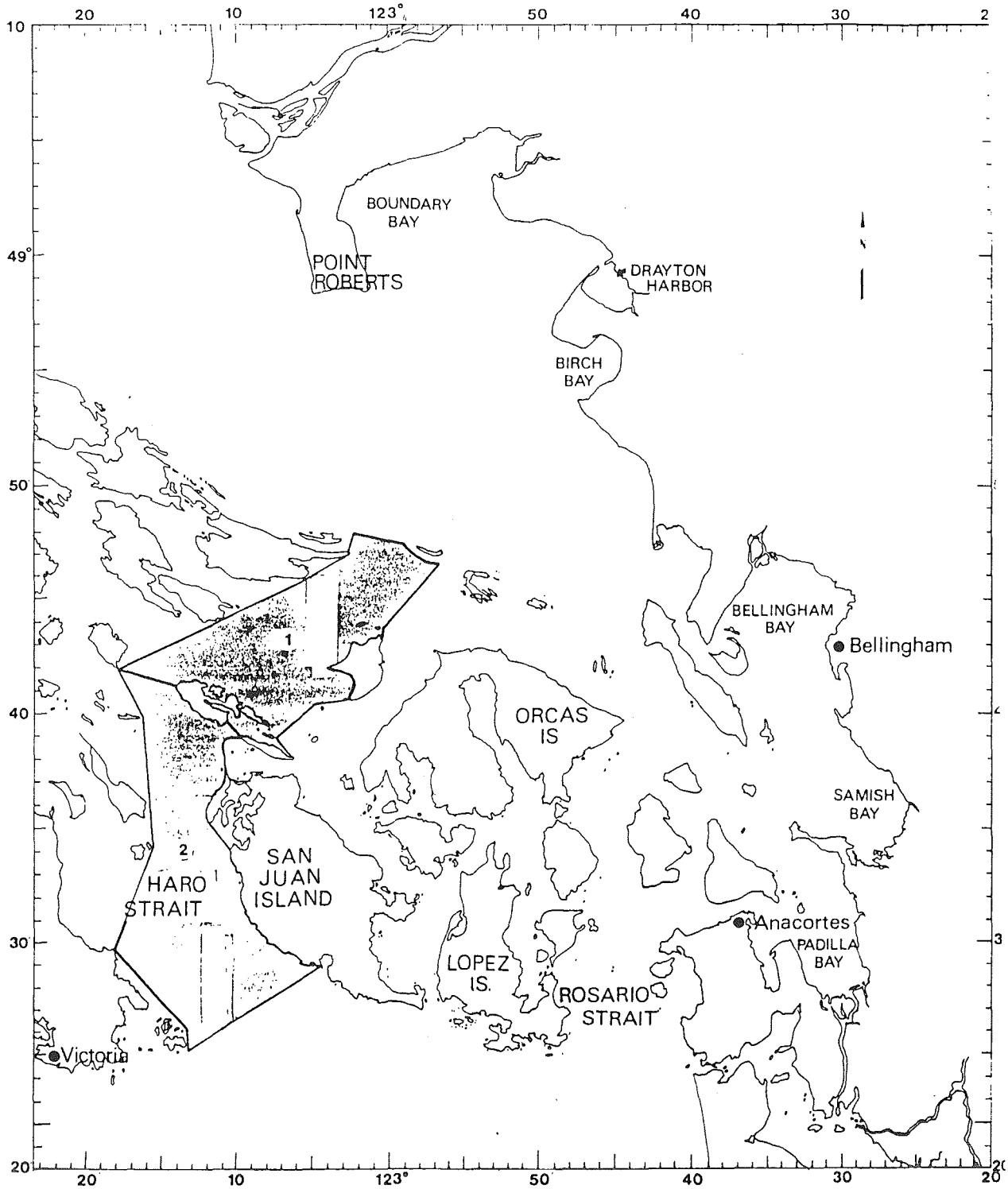
REGION 5 SUBREGIONS 501 THROUGH 507



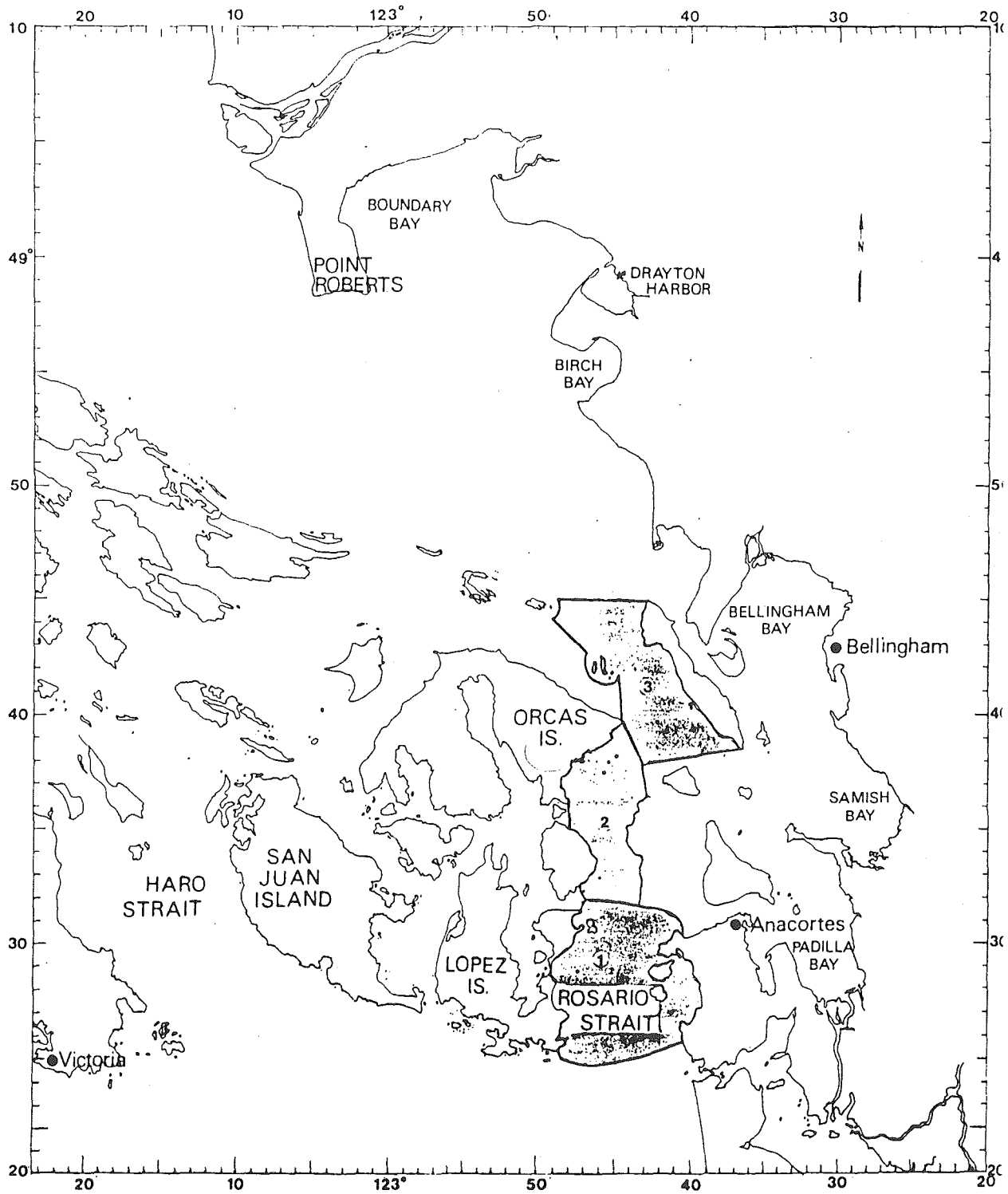
REGION 6 SUBREGIONS 601 THROUGH 607



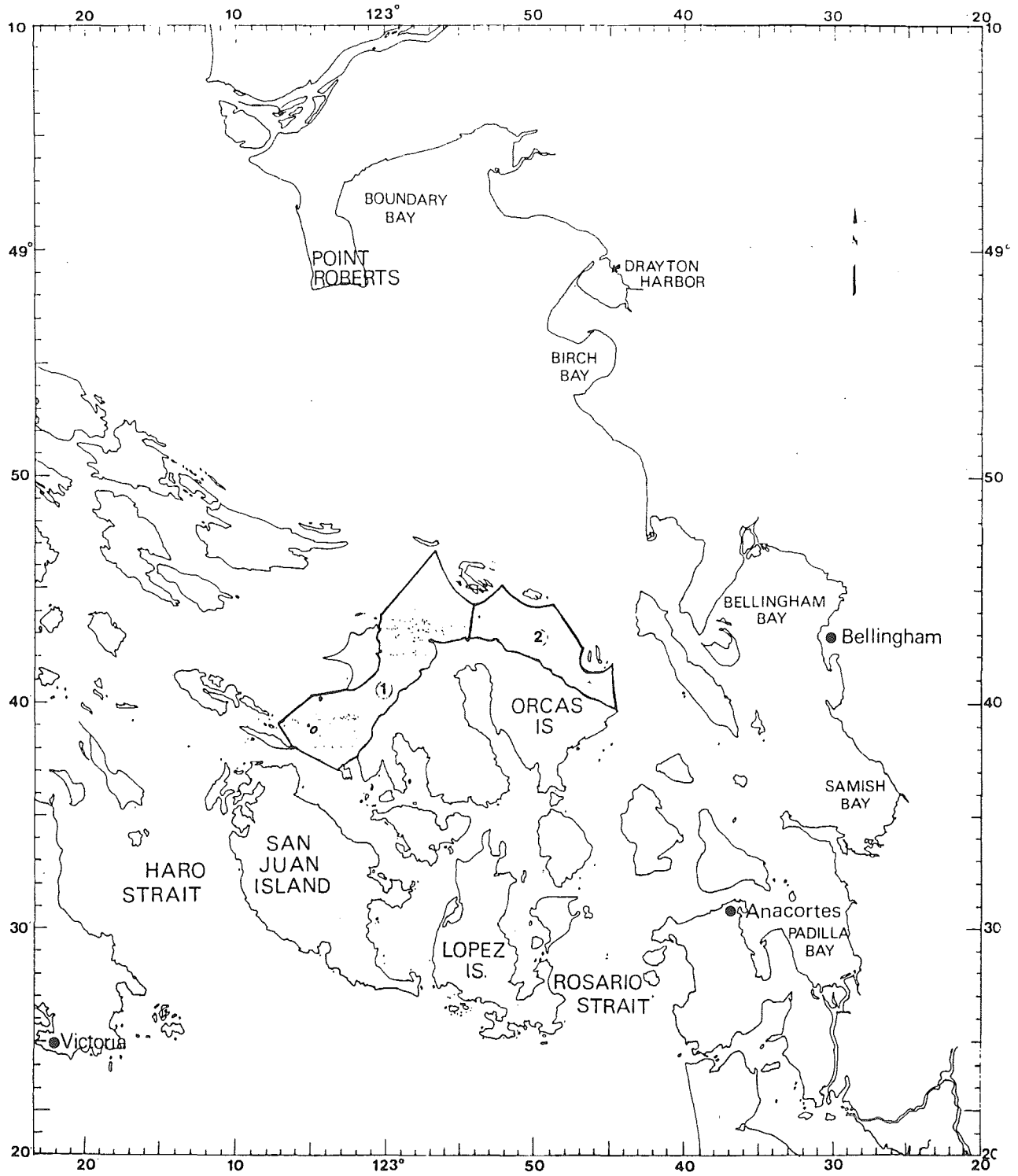
REGION 7 SUBREGIONS 701 AND 703



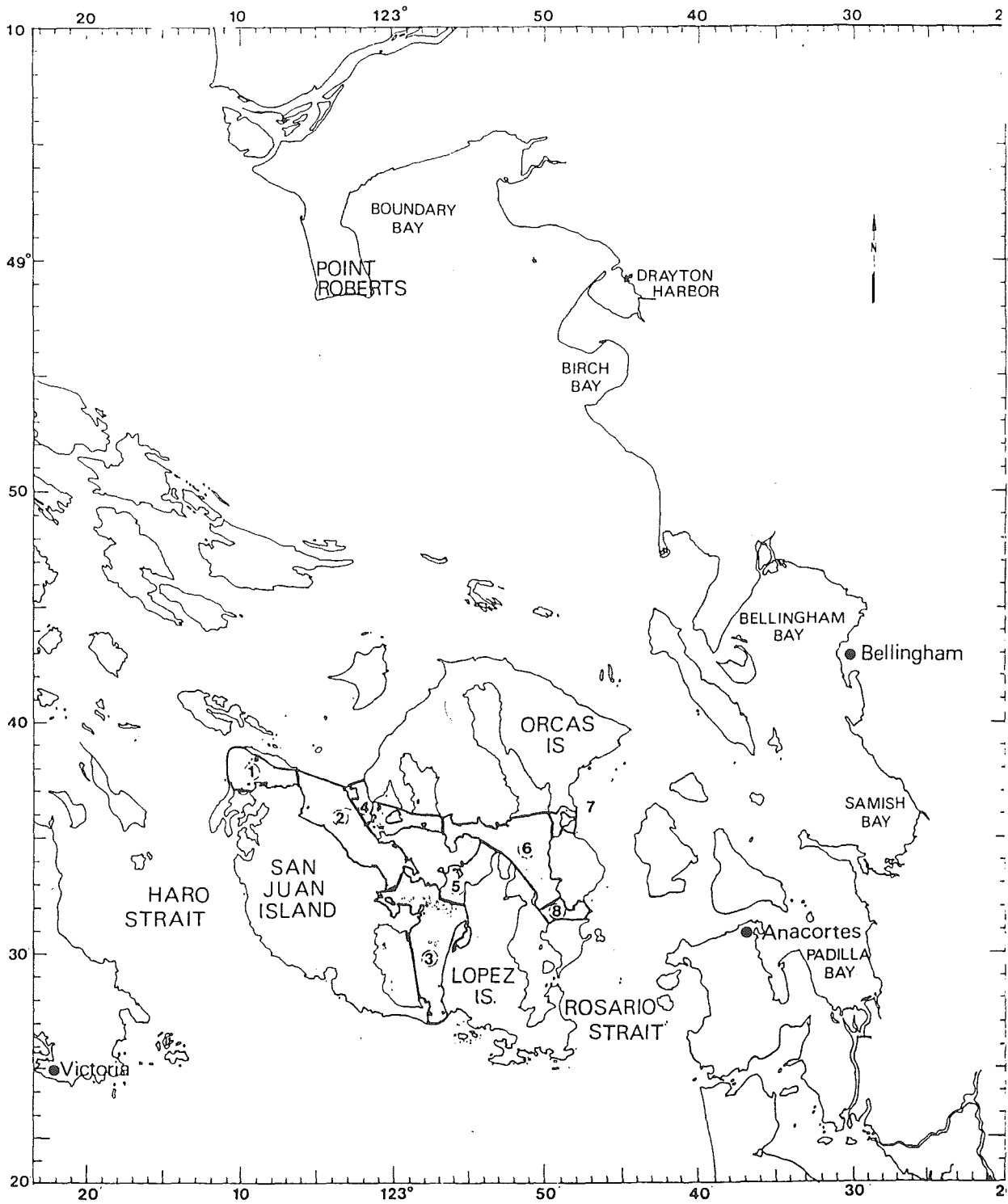
REGION 8 SUBREGIONS 801 AND 802



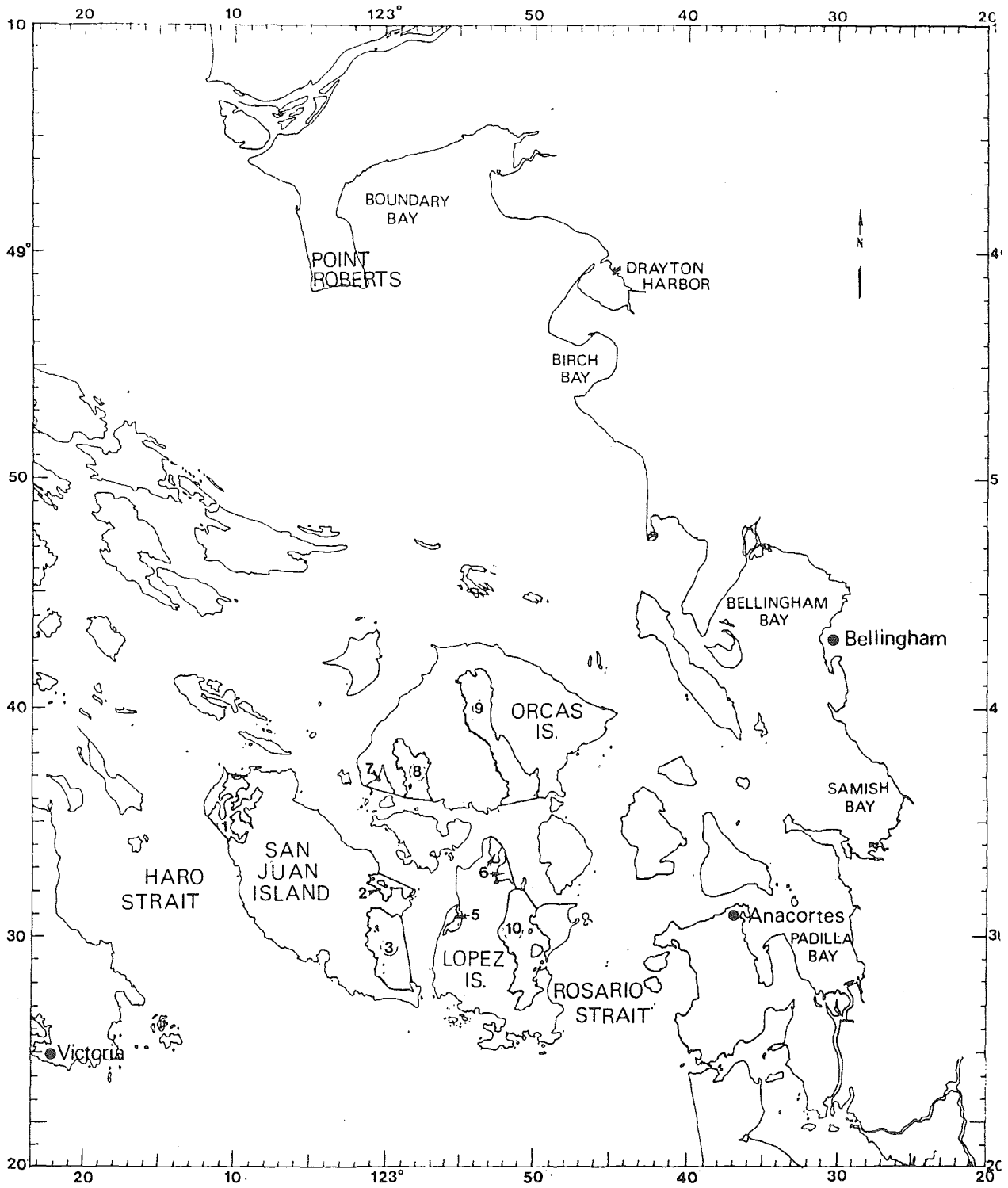
REGION 9 SUBREGIONS 901 THROUGH 903



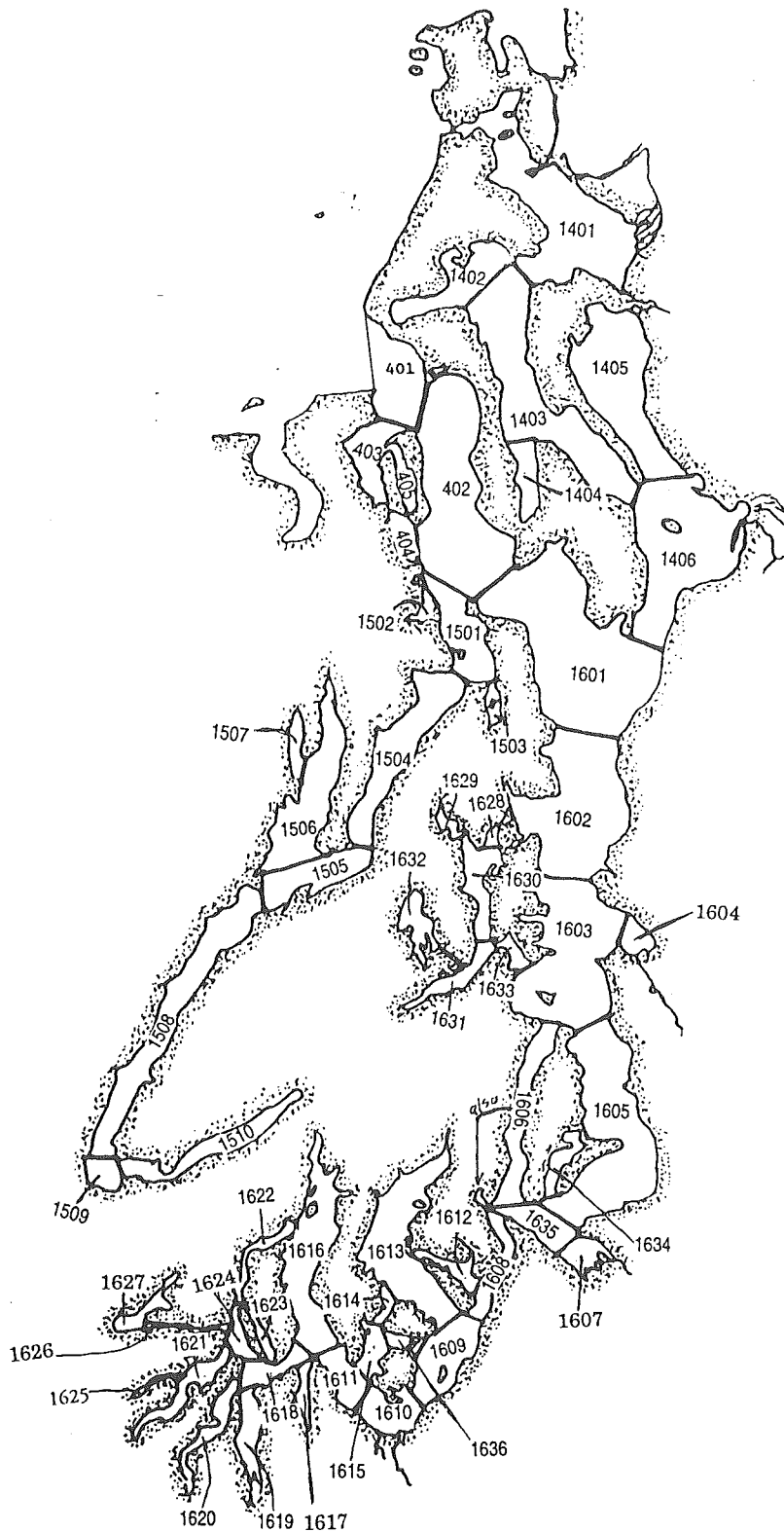
REGION 10 SUBREGIONS 1001 AND 1002



REGION 11 SUBREGIONS 1101 THROUGH 1108

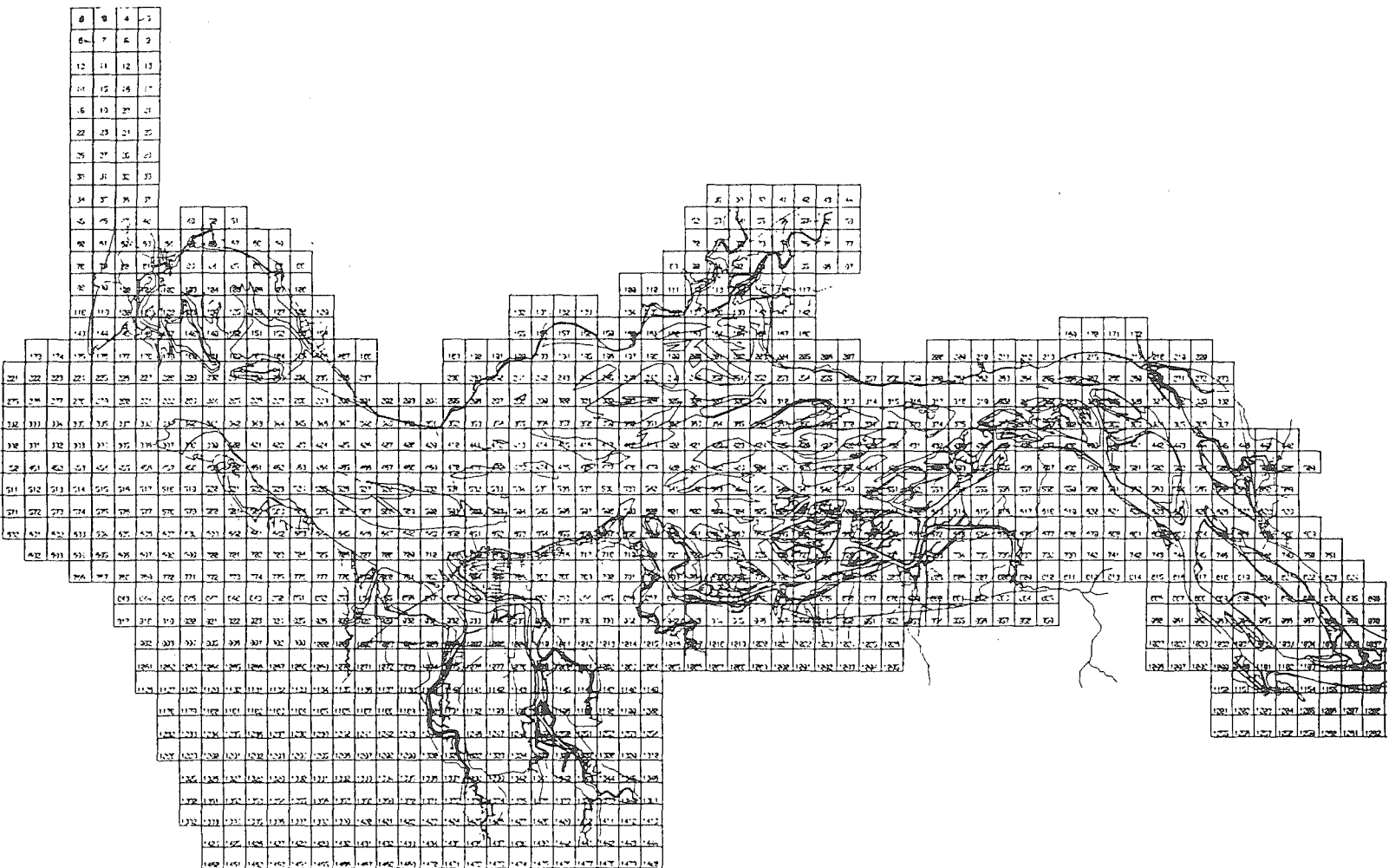


REGION 12 SUBREGIONS 1201 THROUGH 1203 AND 1205 THROUGH 1210

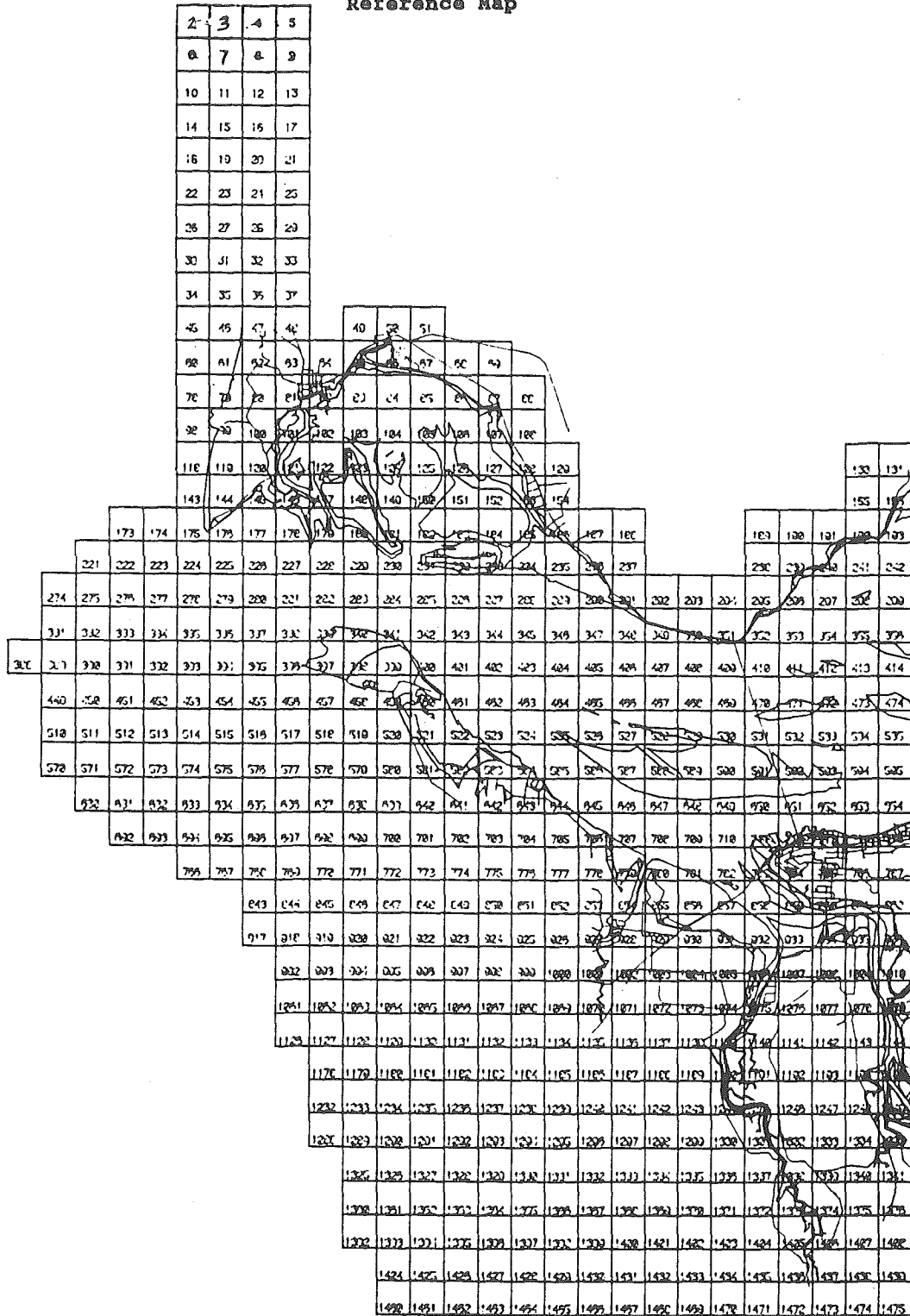


SUBREGIONS OF REGIONS 4, 14, 15 AND 16

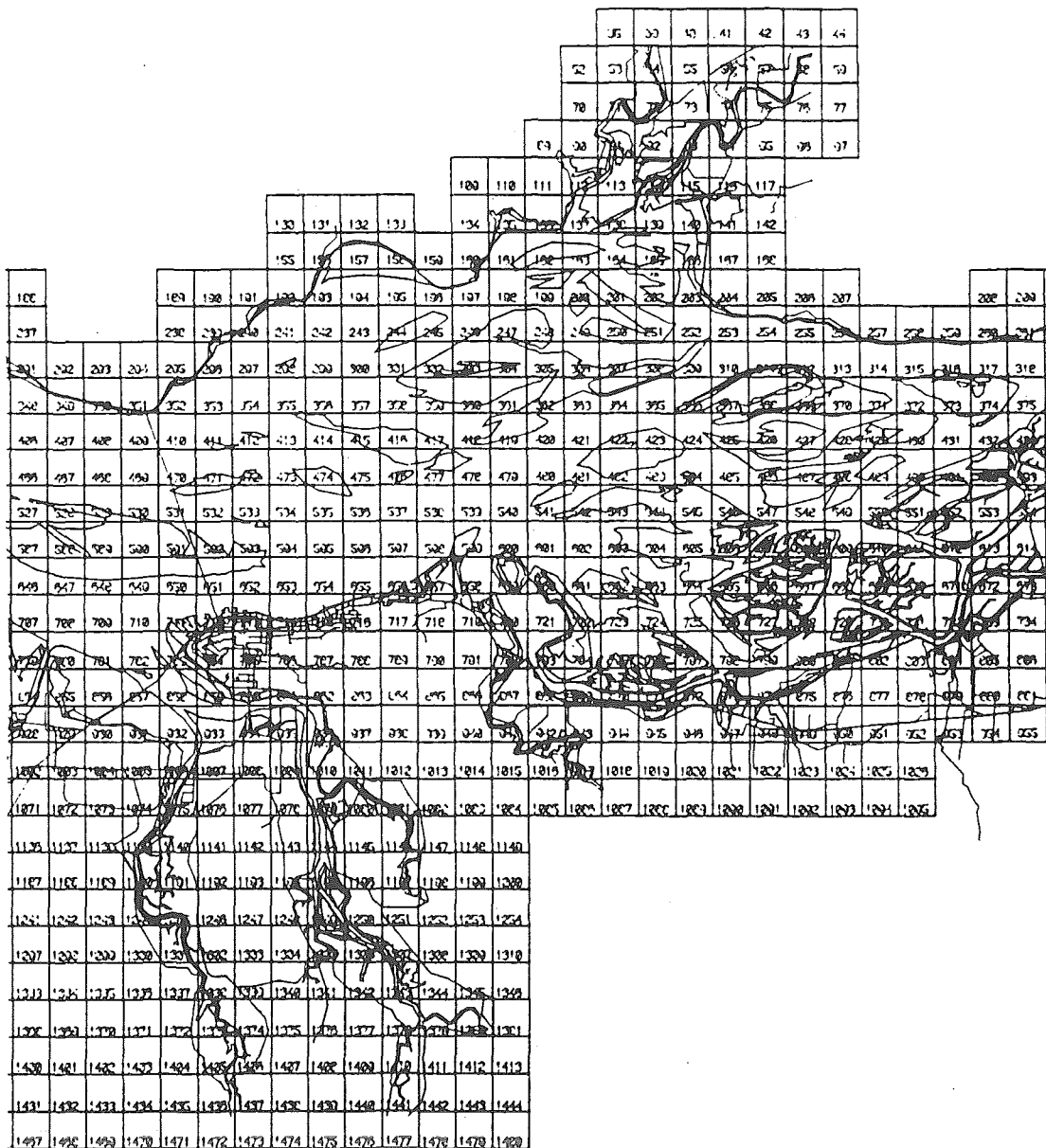
Columbia River Estuary Grid-Cell Identification (CGRID-ID)
REFERENCE MAP (enlarged maps and sensitivity rankings follow)



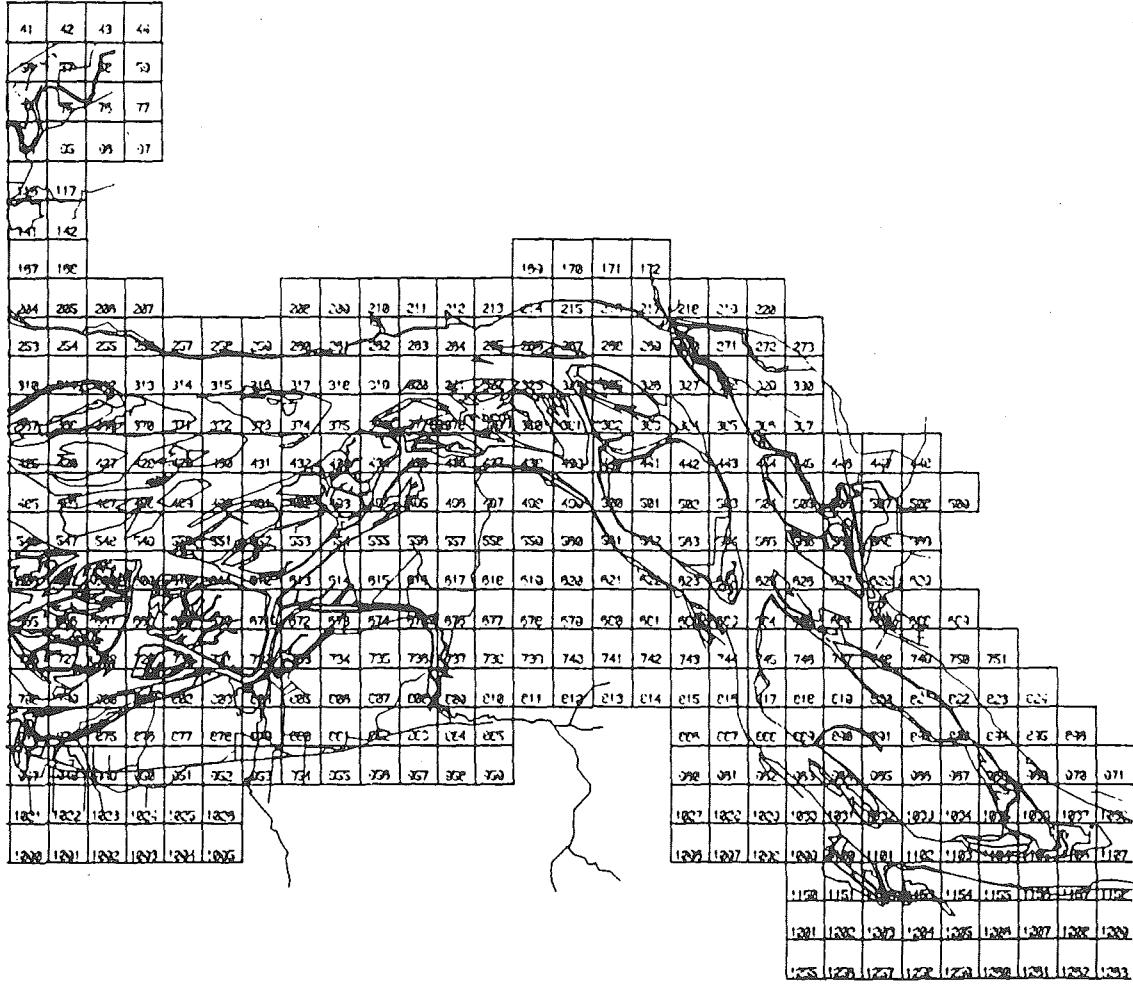
Columbia River Estuary Grid-Cell Identification (CGRID-ID)
Reference Map



Columbia River Estuary Grid-Cell Identification (CGRID-ID)
Reference Map



Columbia River Estuary Grid-Cell Identification (CGRID-ID) Reference Map



APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
0	1111	1111	1111	1111	1111	1111	1111
1	2222	1111	1111	2222	1111	1111	1111
2	2222	1111	1111	2222	1111	1111	1111
3	1111	1111	1111	1111	1111	1111	1111
4	2222	1111	1111	2222	1111	1111	1111
5	2222	1111	1111	2222	1111	1111	1111
6	1111	1111	1111	1111	1111	1111	1111
7	2222	1111	1111	2222	1111	1111	1111
8	2222	1111	1111	2222	1111	1111	1111
9	2222	1111	1111	2222	1111	1111	1111
10	2222	1111	1111	2222	1111	1111	1111
11	2222	1111	1111	2222	1111	1111	1111
12	2222	1111	1111	2222	1111	1111	1111
13	2222	1111	1111	2222	1111	1111	1111
14	2222	1111	1111	2222	1111	1111	1111
15	2222	1111	1111	2222	1111	1111	1111
16	2222	1111	1111	2222	1111	1111	1111
17	2222	1111	1111	2222	1111	1111	1111
18	2222	1111	1111	2222	1111	1111	1111
19	2222	1111	1111	2222	1111	1111	1111
20	2222	1111	1111	2222	1111	1111	1111
21	2222	1111	1111	2222	1111	1111	1111
22	2222	1111	1111	2222	1111	1111	1111
23	2222	1111	1111	2222	1111	1111	1111
24	2222	1111	1111	2222	1111	1111	1111
25	2222	1111	1111	2222	1111	1111	1111
26	2222	1111	1111	2222	1111	1111	1111
27	2222	1111	1111	2222	1111	1111	1111
28	4444	1111	1111	1111	1111	4444	1111
29	1111	1111	1111	1111	1111	1111	1111
30	1111	1111	1111	1111	1111	1111	1111
31	1111	1111	1111	1111	1111	1111	1111
32	1111	1111	1111	1111	1111	1111	1111
33	1111	1111	1111	1111	1111	1111	1111
34	4422	1111	4422	2222	1111	1111	1111
35	4422	1111	4422	2222	1111	1111	1111
36	4422	1111	4422	1111	1111	1111	1111
37	4444	1111	1111	1111	1111	4444	1111
38	5555	1111	1111	1111	1111	5555	1111
39	1111	1111	1111	1111	1111	1111	1111
40	5555	1111	1111	1111	2222	5555	1111
41	5555	1111	1111	1111	1111	5555	1111
42	5555	1111	1111	1111	1111	5555	1111
43	1111	1111	1111	1111	1111	1111	1111
44	4422	1111	4422	2222	1111	1111	1111
45	4422	1111	4422	2222	1111	1111	1111
46	4432	1111	4432	1111	1111	1111	1111
47	4422	1111	4422	1111	1111	1111	1111
48	4433	1111	4433	1111	1111	1111	1111
49	5555	1111	4433	1111	1111	5555	1111
50	5555	1111	4433	1111	1111	5555	1111
51	5555	1111	4433	1111	1111	5555	1111
52	5555	1111	1131	1111	2222	5555	1111
53	5555	1111	4444	1111	2222	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
54	5555	1111	1131	1111	2222	5555	1111
55	5555	1111	1111	1111	2222	5555	1111
56	5555	1111	1111	1111	1111	5555	1111
57	5555	1111	1111	1111	1111	5555	1111
58	1111	1111	1111	1111	1111	1111	1111
59	4422	1111	4422	2222	1111	1111	1111
60	4422	1111	4422	2222	1111	1111	1111
61	4432	1111	4432	1111	1111	1111	1111
62	4433	1111	4433	1111	1111	3333	1111
63	5555	1111	4433	1111	1111	5555	1111
64	5555	1111	4433	1111	1111	5555	1111
65	4444	1111	4433	1111	1111	4444	1111
66	5555	1111	4433	1111	1111	5555	1111
67	5555	1111	4433	1111	1111	5555	1111
68	5555	1111	4422	1111	1111	5555	1111
69	5555	1111	1144	1111	1111	5555	1111
70	5555	1111	4444	1111	1111	5555	1111
71	5555	1111	4444	1111	1111	5555	1111
72	5555	1111	4444	1111	2222	5555	1111
73	5555	1111	1111	1111	2222	5555	1111
74	1111	1111	1111	1111	1111	1111	1111
75	4422	1111	4422	2222	1111	1111	1111
76	4422	1111	4422	2222	1111	1111	1111
77	5555	1111	4433	1111	1111	5555	1111
78	5555	1111	4433	1111	1111	5555	1111
79	5555	1111	4433	1111	1111	5555	1111
80	4444	1111	4433	1111	1111	4444	1111
81	4444	1111	4433	1111	1111	4444	1111
82	4444	1111	4433	1111	1111	4444	1111
83	5555	1111	4433	1111	1111	5555	1111
84	5555	1111	4433	1111	1111	5555	1111
85	4422	1111	4422	1111	1111	1111	1111
86	5555	1111	1131	1111	1111	5555	1111
87	5555	1111	1144	1111	1111	5555	1111
88	5555	1111	4444	1111	1111	5555	1111
89	5555	1111	4444	1111	1111	5555	1111
90	5555	1111	4444	1111	1111	5555	1111
91	5555	1111	1131	1111	1111	5555	1111
92	4422	1111	4422	2222	1111	1111	1111
93	4422	1111	4422	2222	1111	1111	1111
94	5555	1111	4433	1111	1111	5555	1111
95	5555	1111	4433	1111	1111	5555	1111
96	5555	1111	4433	1111	1111	5555	1111
97	5555	1111	4433	1111	1111	5555	1111
98	4444	1111	4433	1111	1111	4444	1111
99	4444	1111	4433	1111	1111	4444	1111
100	4444	1111	4433	1111	1111	4444	1111
101	5555	1111	4433	1111	2222	5555	1111
102	5555	1111	4433	1111	1111	5555	1111
103	4422	1111	4422	1111	1111	1111	1111
104	4422	1111	4422	1111	1111	1111	1111
105	5555	1111	1131	1111	1111	5555	1111
106	5555	1111	1131	1111	1111	5555	1111
107	5555	1111	1144	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
108	4444	1111	1144	1111	1111	4444	1111
109	5555	1111	4444	1111	1111	5555	1111
110	5555	1111	4444	1111	1111	5555	1111
111	5555	1111	1144	1111	1111	5555	1111
112	4422	1111	4422	2222	1111	1111	1111
113	5555	1111	4422	1111	1111	5555	1111
114	5555	1111	5533	1111	1111	5555	1111
115	5555	1111	5533	1111	1111	5555	1111
116	5555	1111	4433	1111	1111	5555	1111
117	5555	1111	4433	1111	1111	5555	1111
118	4444	1111	4433	1111	1111	4444	1111
119	4444	1111	4433	1111	1111	4444	1111
120	4444	1111	4433	1111	1111	4444	1111
121	4444	1111	4433	1111	2222	4444	1111
122	5555	1111	4433	1111	2222	5555	1111
123	5555	1111	4433	1111	1111	5555	1111
124	5555	1111	4433	1111	1111	5555	1111
125	5555	1111	4433	1111	1111	5555	1111
126	5555	1111	1111	1111	1111	5555	1111
127	5555	1111	1131	1111	2222	5555	1111
128	5555	1111	1131	1111	2222	5555	1111
129	3333	1111	1131	1111	1111	3333	1111
130	3333	1111	1131	1111	1111	3333	1111
131	3333	1111	1131	1111	1111	3333	1111
132	5555	1111	4444	1111	1111	5555	1111
133	5555	1111	4444	1111	1111	5555	1111
134	1144	1111	1144	1111	1111	1111	1111
135	4433	1111	4433	1111	1111	1111	1111
136	4433	1111	4433	1111	1111	1111	1111
137	2222	1111	1111	2222	1111	1111	1111
138	2222	1111	1111	2222	1111	1111	1111
139	5555	1111	4422	2222	1111	5555	1111
140	5555	1111	4422	1111	1111	5555	1111
141	4433	1111	4433	1111	1111	1111	1111
142	5533	1111	5533	1111	1111	3333	1111
143	4433	1111	4433	1111	1111	3333	1111
144	5555	1111	4433	1111	1111	5555	1111
145	5555	1111	4433	1111	1111	5555	1111
146	4433	1111	4433	1111	1111	3333	1111
147	4433	1111	4433	1111	1111	3333	1111
148	4433	1111	4433	1111	2222	3333	1111
149	5555	1111	4433	1111	2222	5555	1111
150	5555	1111	4433	1111	2222	5555	1111
151	4444	1111	4433	1111	1111	4444	1111
152	5555	1111	4433	1111	2222	5555	1111
153	4444	1111	4433	1111	1111	4444	1111
154	4444	1111	4433	1111	1111	4444	1111
155	5555	1111	1131	1111	1111	5555	1111
156	5555	1111	1131	1111	2222	5555	1111
157	3333	1111	1131	1111	2222	3333	1111
158	3333	1111	1131	1111	1111	3333	1111
159	3333	1111	1131	1111	1111	3333	1111
160	3333	1111	1131	1111	1111	3333	1111
161	5555	1111	4432	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
162	5555	1111	4444	1111	1111	5555	1111
163	4433	1111	4432	1111	1111	3333	1111
164	1131	1111	1131	1111	1111	1111	1111
165	4433	1111	4433	1111	1111	3333	1111
166	4433	1111	4433	1111	1111	3333	1111
167	4433	1111	4433	1111	1111	3333	1111
168	4433	1111	4433	1111	1111	3333	1111
169	2222	1111	1111	2222	1111	1111	1111
170	2222	1111	1111	2222	1111	1111	1111
171	2222	1111	1111	2222	1111	1111	1111
172	4433	1111	4422	2222	1111	3333	1111
173	4422	1111	4422	2222	1111	1111	1111
174	4422	1111	4422	2222	1111	1111	1111
175	4433	1111	4433	1111	1111	3333	1111
176	4433	1111	4433	1111	1111	3333	1111
177	4433	1111	4433	1111	1111	3333	1111
178	5555	1111	4433	1111	1111	5555	1111
179	5555	1111	4433	1111	1111	5555	1111
180	5555	1111	5533	1111	1111	5555	1111
181	5555	1111	5533	1111	2222	5555	1111
182	4444	1111	4433	1111	2222	4444	1111
183	4433	1111	4433	1111	2222	3333	1111
184	5555	1111	4433	1111	2222	5555	1111
185	5555	1111	4433	1111	1111	5555	1111
186	4444	1111	4433	1111	1111	4444	1111
187	4433	1111	4433	1111	1111	1111	1111
188	4433	1111	4433	1111	1111	1111	1111
189	4433	1111	4433	1111	1111	1111	1111
190	4444	1111	4433	1111	1111	4444	1111
191	4444	1111	1111	1111	1111	4444	1111
192	4444	1111	1131	1111	1111	4444	1111
193	4444	1111	1131	1111	1111	4444	1111
194	4444	1111	1131	1111	1111	4444	1111
195	3333	1111	1131	1111	1111	3333	1111
196	3333	1111	1131	1111	1111	3333	1111
197	3333	1111	1131	1111	1111	3333	1111
198	4444	1111	4433	1111	1111	4444	1111
199	4433	1111	4432	1111	1111	3333	1111
200	4433	1111	4432	1111	1111	3333	1111
201	3333	1111	1131	1111	1111	3333	1111
202	4433	1111	4432	1111	1111	3333	1111
203	4433	1111	4433	1111	1111	3333	1111
204	4433	1111	4433	1111	1111	3333	1111
205	5555	1111	4433	1111	1111	5555	1111
206	4433	1111	4433	1111	1111	3333	1111
207	5555	1111	4433	1111	1111	5555	1111
208	4433	1111	4433	1111	1111	3333	1111
209	5555	1111	4433	1111	1111	5555	1111
210	5555	1111	4433	1111	1111	5555	1111
211	4433	1111	4433	1111	1111	1111	1111
212	5555	1111	4433	1111	1111	5555	1111
213	5555	1111	1111	1111	1111	5555	1111
214	5555	1111	1111	1111	1111	5555	1111
215	3333	1111	1111	1111	1111	3333	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
216	2222	1111	1111	2222	1111	1111	1111
217	2222	1111	1111	2222	1111	1111	1111
218	2222	1111	1111	2222	1111	1111	1111
219	2222	1111	1111	2222	1111	1111	1111
220	4422	1111	4422	2222	1111	1111	1111
221	4422	1111	4422	2222	1111	1111	1111
222	4422	1111	4422	2222	1111	1111	1111
223	4422	1111	4422	2222	1111	1111	1111
224	4422	1111	4422	2222	1111	1111	1111
225	4422	1111	4422	2222	1111	1111	1111
226	4422	1111	4422	2222	1111	1111	1111
227	4422	1111	4422	2222	1111	1111	1111
228	4433	1111	4433	2222	1111	1111	1111
229	4433	1111	4433	2222	2222	1111	1111
230	4433	1111	4433	1111	2222	3333	1111
231	4433	1111	4433	1111	2222	3333	1111
232	5555	1111	4433	1111	2222	5555	1111
233	4433	1111	4432	1111	2222	3333	1111
234	5555	1111	4433	1111	1111	5555	1111
235	4433	1111	4433	1111	1111	1111	1111
236	4433	1111	4433	1111	1111	3333	1111
237	4433	1111	4433	1111	1111	1111	1111
238	4444	1111	4433	1111	1111	4444	1111
239	4444	1111	4433	1111	1111	4444	1111
240	4444	1111	4422	1111	1111	4444	1111
241	4444	1111	4422	1111	1111	4444	1111
242	4444	1111	4422	1111	2222	4444	1111
243	4444	1111	4432	1111	2222	4444	1111
244	4444	1111	4433	1111	2222	4444	1111
245	5544	1111	5533	1111	1111	4444	1111
246	5544	1111	5533	1111	1111	4444	1111
247	5544	1111	5532	1111	1111	4444	1111
248	5544	1111	5532	1111	1111	4444	1111
249	5555	1111	4432	1111	1111	5555	1111
250	5555	1111	4432	1111	1111	5555	1111
251	4432	1111	4432	1111	1111	1111	1111
252	4433	1111	4433	1111	1111	3333	1111
253	4433	1111	4433	1111	1111	3333	1111
254	4433	1111	4433	1111	1111	3333	1111
255	4433	1111	4433	1111	1111	3333	1111
256	4433	1111	4433	1111	1111	3333	1111
257	4433	1111	4433	1111	1111	1111	1111
258	4433	1111	4433	1111	1111	3333	1111
259	5555	1111	4433	1111	1111	5555	1111
260	5555	1111	4433	1111	1111	5555	1111
261	5555	1111	4433	1111	1111	5555	1111
262	5555	1111	4433	1111	1111	5555	1111
263	5555	1111	4433	1111	1111	5555	1111
264	5555	1111	4433	1111	1111	5555	1111
265	5555	1111	5533	1111	1111	5555	1111
266	5555	1111	5533	1111	1111	5555	1111
267	5555	1111	1111	1111	1111	5555	1111
268	2222	1111	1111	2222	1111	1111	1111
269	2222	1111	1111	2222	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
270	2222	1111	1111	2222	1111	1111	1111
271	2222	1111	1111	2222	1111	1111	1111
272	4422	1111	4422	2222	1111	1111	1111
273	4422	1111	4422	2222	1111	1111	1111
274	4422	1111	4422	2222	1111	1111	1111
275	4422	1111	4422	2222	1111	1111	1111
276	4433	1111	4422	2222	1111	3333	1111
277	4433	1111	4422	2222	1111	3333	1111
278	4433	1111	4422	2222	1111	3333	1111
279	4422	1111	4422	2222	1111	1111	1111
280	4422	1111	4422	2222	1111	1111	1111
281	4432	1111	4432	2222	1111	1111	1111
282	4432	1111	4432	2222	2222	1111	1111
283	4432	1111	4432	1111	2222	1111	1111
284	4433	1111	4433	1111	2222	2222	1111
285	4433	1111	4433	1111	2222	3333	1111
286	4433	1111	4433	1111	1111	3333	1111
287	4433	1111	4433	1111	1111	3333	1111
288	4433	1111	4433	1111	1111	3333	1111
289	5555	1111	4433	1111	1111	5555	1111
290	4433	1111	4433	1111	1111	1111	1111
291	4433	1111	4433	1111	1111	1111	1111
292	4433	1111	4433	1111	1111	3333	1111
293	4433	1111	4433	1111	1111	1111	1111
294	4433	1111	4433	1111	1111	1111	1111
295	4444	1111	4433	1111	1111	4444	1111
296	4444	1111	4422	1111	1111	4444	1111
297	4444	1111	4422	1111	1111	4444	1111
298	4444	1111	4422	1111	2222	4444	1111
299	4444	1111	4432	1111	2222	4444	1111
300	5544	1111	5533	1111	1111	4444	1111
301	5544	1111	5533	1111	1111	4444	1111
302	5544	1111	5533	1111	1111	4444	1111
303	5544	1111	5532	1111	1111	4444	1111
304	5544	1111	5533	1111	1111	4444	1111
305	5555	1111	5533	1111	1111	5555	1111
306	5555	1111	4432	1111	1111	5555	1111
307	5555	1111	4432	1111	1111	5555	1111
308	4433	1111	4433	1111	1111	3333	1111
309	4433	1111	4433	1111	1111	3333	1111
310	5555	1111	4433	1111	1111	5555	1111
311	5555	1111	4433	1111	2222	5555	1111
312	5555	1111	4433	1111	2222	5555	1111
313	5555	1111	4433	1111	1111	5555	1111
314	5555	1111	4433	1111	1111	5555	1111
315	5555	1111	4433	1111	1111	5555	1111
316	5555	1111	4433	1111	1111	5555	1111
317	5555	1111	4433	1111	1111	5555	1111
318	5555	1111	4433	1111	1111	5555	1111
319	5555	1111	4433	1111	1111	5555	1111
320	5555	1111	4433	1111	1111	5555	1111
321	5555	1111	4433	1111	1111	5555	1111
322	5555	1111	5533	1111	1111	5555	1111
323	4444	1111	1132	1111	1111	4444	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
324	2222	1111	1111	2222	1111	1111	1111
325	2222	1111	1111	2222	1111	1111	1111
326	2222	1111	1111	2222	1111	1111	1111
327	2222	1111	1111	2222	1111	1111	1111
328	2222	1111	1111	2222	1111	1111	1111
329	4422	1111	4422	2222	1111	1111	1111
330	4433	2222	4422	2222	1111	3333	1111
331	4433	2222	4422	2222	1111	3333	1111
332	4433	2222	4422	2222	1111	3333	1111
333	4433	2222	4422	2222	1111	3333	1111
334	4444	4444	4433	1111	1111	3333	1111
335	4444	4444	4444	1111	1111	3333	1111
336	4444	4444	4444	2222	1111	3333	1111
337	4422	1111	4422	2222	1111	1111	1111
338	4422	1111	4422	2222	1111	1111	1111
339	4432	1111	4432	1111	1111	1111	1111
340	4432	1111	4432	1111	2222	1111	1111
341	4433	1111	4433	1111	2222	1111	1111
342	4433	1111	4433	1111	2222	1111	1111
343	4433	1111	4433	1111	1111	1111	1111
344	4433	1111	4433	1111	1111	1111	1111
345	4433	1111	4433	1111	1111	3333	1111
346	4433	1111	4433	1111	1111	1111	1111
347	4433	1111	4433	1111	1111	3333	1111
348	4433	1111	4433	1111	1111	3333	1111
349	4433	1111	4433	1111	1111	3333	1111
350	4433	1111	4433	1111	1111	3333	1111
351	4433	1111	4433	1111	1111	3333	1111
352	4433	1111	4433	1111	1111	3333	1111
353	4433	1111	4422	1111	1111	3333	1111
354	4444	1111	1111	1111	1111	4444	1111
355	4444	1111	1111	1111	1111	4444	1111
356	4444	1111	1111	1111	1111	4444	1111
357	4433	1111	4433	1111	1111	3333	1111
358	5533	1111	5533	1111	1111	3333	1111
359	4433	1111	4433	1111	1111	3333	1111
360	4433	1111	4422	1111	1111	3333	1111
361	4444	1111	4422	1111	1111	4444	1111
362	5555	1111	4422	1111	1111	5555	1111
363	4433	1111	4422	1111	1111	3333	1111
364	5555	1111	4422	1111	1111	5555	1111
365	5555	1111	4433	1111	1111	5555	1111
366	5555	1111	4433	1111	1111	5555	1111
367	5555	1111	4433	1111	1111	5555	1111
368	5555	1111	4433	1111	2222	5555	1111
369	5555	1111	4433	1111	1111	5555	1111
370	5555	1111	4433	1111	1111	5555	1111
371	5555	1111	4433	1111	1111	5555	1111
372	5555	1111	4433	1111	1111	5555	1111
373	5555	1111	4433	1111	1111	5555	1111
374	5555	1111	4433	1111	1111	5555	1111
375	5555	1111	4433	1111	1111	5555	1111
376	5555	1111	4433	5555	1111	5555	1111
377	5555	1111	4433	5555	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
378	5555	1111	4433	5555	1111	5555	1111
379	5555	1111	1111	1111	1111	5555	1111
380	5555	1111	5533	1111	1111	5555	1111
381	5555	1111	5533	1111	1111	5555	1111
382	2222	1111	1111	2222	1111	1111	1111
383	2222	1111	1111	2222	1111	1111	1111
384	2222	1111	1111	2222	1111	1111	1111
385	2222	1111	1111	2222	1111	1111	1111
386	4422	1111	4422	2222	1111	1111	1111
387	4422	2222	4422	2222	1111	1111	1111
388	4422	2222	4422	2222	1111	1111	1111
389	4422	2222	4422	2222	1111	1111	1111
390	4433	2222	4422	2222	1111	3333	1111
391	5555	4444	4433	2222	1111	5555	1111
392	5555	4444	4444	1111	1111	5555	1111
393	5555	4444	4444	1111	1111	5555	1111
394	4444	2222	4444	1111	1111	3333	1111
395	4422	2222	4422	1111	1111	1111	1111
396	4422	1111	4422	1111	1111	1111	1111
397	4432	1111	4432	1111	1111	1111	1111
398	4433	1111	4433	1111	1111	3333	1111
399	4433	1111	4433	1111	1111	1111	1111
400	4433	1111	4433	1111	1111	1111	1111
401	4433	1111	4433	1111	1111	1111	1111
402	4433	1111	4433	1111	1111	1111	1111
403	4433	1111	4433	1111	1111	3333	1111
404	4433	1111	4433	1111	1111	3333	1111
405	4433	1111	4433	1111	1111	3333	1111
406	4433	1111	4433	1111	1111	3333	1111
407	4433	1111	4433	1111	1111	3333	1111
408	4433	1111	4433	1111	1111	3333	1111
409	4433	1111	4433	1111	1111	3333	1111
410	3333	1111	1111	1111	1111	3333	1111
411	3333	1111	1111	1111	1111	3333	1111
412	1111	1111	1111	1111	1111	1111	1111
413	3333	1111	1111	1111	1111	3333	1111
414	3333	1111	1111	1111	1111	3333	1111
415	3333	1111	1111	1111	1111	3333	1111
416	4433	1111	4422	1111	1111	3333	1111
417	4433	1111	4422	1111	1111	3333	1111
418	4433	1111	4422	1111	1111	3333	1111
419	4444	1111	4422	1111	1111	4444	1111
420	5555	1111	4422	1111	1111	5555	1111
421	5555	1111	4422	1111	1111	5555	1111
422	5555	1111	4433	1111	1111	5555	1111
423	5555	1111	4433	1111	1111	5555	1111
424	5555	1111	4433	1111	1111	5555	1111
425	5555	1111	4433	1111	1111	5555	1111
426	5555	1111	4433	1111	1111	5555	1111
427	5555	1111	4433	1111	1111	5555	1111
428	5555	1111	4433	1111	1111	5555	1111
429	4433	1111	4433	1111	1111	1111	1111
430	4444	4444	4433	1111	1111	1111	1111
431	5555	1111	4433	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

Grid-Cell #	FINAL (Sp,Su,F,W)	HUMAN USE (Sp,Su,F,W)	BIRD (Sp,Su,F,W)	MAMMAL (Sp,Su,F,W)	FISH (Sp,Su,F,W)	HABITAT (Sp,Su,F,W)	INVERT (Sp,Su,F,W)
432	5555	1111	5533	1111	1111	5555	1111
433	5555	1111	4433	5555	1111	5555	1111
434	4433	1111	4433	1111	1111	3333	1111
435	5555	1111	1111	5555	1111	3333	1111
436	5555	1111	1111	5555	1111	5555	1111
437	5555	1111	5533	1111	1111	5555	1111
438	5555	1111	5533	1111	1111	5555	1111
439	5555	1111	5533	1111	1111	5555	1111
440	5555	1111	4432	1111	1111	5555	1111
441	4444	1111	1131	1111	1111	4444	1111
442	2222	1111	1111	2222	1111	1111	1111
443	2222	1111	1111	2222	1111	1111	1111
444	2222	1111	1111	2222	1111	1111	1111
445	2222	1111	1111	2222	1111	1111	1111
446	4422	1111	4422	2222	1111	1111	1111
447	4422	1111	4422	2222	1111	1111	1111
448	4422	1111	4422	2222	1111	1111	1111
449	4422	1111	4422	2222	1111	1111	1111
450	4422	1111	4422	2222	1111	1111	1111
451	4422	1111	4422	2222	1111	1111	1111
452	5555	4444	5544	2222	1111	5555	1111
453	5555	4444	5544	1111	2222	5555	1111
454	4444	2222	4444	1111	2222	4444	1111
455	4433	2222	4433	1111	1111	3333	1111
456	4422	2222	4422	1111	1111	1111	1111
457	4433	1111	4422	1111	1111	3333	1111
458	4433	1111	4433	1111	1111	3333	1111
459	4433	1111	4433	1111	1111	3333	1111
460	4433	1111	4433	1111	1111	3333	1111
461	4433	1111	4433	1111	1111	3333	1111
462	4433	1111	4433	1111	1111	3333	1111
463	4433	1111	4433	1111	1111	3333	1111
464	4433	1111	4433	1111	2222	3333	1111
465	4433	1111	4433	1111	2222	3333	1111
466	4433	1111	4433	1111	1111	1111	1111
467	4433	1111	4433	1111	1111	3333	1111
468	4433	1111	4433	1111	1111	3333	1111
469	4433	1111	4433	1111	1111	1111	1111
470	4433	1111	4433	1111	2222	1111	1111
471	4433	1111	4433	1111	2222	2222	1111
472	4433	1111	4433	1111	2222	1111	1111
473	4444	1111	1111	1111	1111	4444	1111
474	4444	1111	1111	1111	1111	4444	1111
475	4444	1111	1111	1111	1111	4444	1111
476	5555	1111	4422	1111	1111	5555	1111
477	5555	1111	4422	1111	1111	5555	1111
478	5555	1111	4422	1111	1111	5555	1111
479	5555	1111	4422	1111	1111	5555	1111
480	4444	1111	4422	1111	1111	4444	1111
481	4433	1111	4422	1111	1111	3333	1111
482	5555	1111	4433	1111	1111	5555	1111
483	5555	1111	4433	1111	1111	5555	1111
484	5555	1111	5533	1111	1111	5555	1111
485	5555	1111	4433	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
486	5555	1111	4433	1111	1111	5555	1111
487	5555	1111	5533	1111	1111	5555	1111
488	5555	1111	4433	1111	1111	5555	1111
489	4433	1111	4433	1111	1111	1111	1111
490	4433	1111	4433	1111	1111	1111	1111
491	4433	1111	4433	1111	1111	1111	1111
492	4433	1111	4433	1111	1111	1111	1111
493	5555	1111	4433	5555	1111	5555	1111
494	5555	1111	4433	5555	1111	5555	1111
495	5555	1111	1111	5555	1111	3333	1111
496	5555	1111	1122	5555	1111	5555	1111
497	5555	1111	5533	1111	1111	5555	1111
498	5555	1111	5533	1111	1111	5555	1111
499	5555	2222	5533	1111	1111	5555	1111
500	5555	1111	4432	1111	1111	5555	1111
501	2222	1111	1111	2222	1111	1111	1111
502	2222	1111	1111	2222	1111	1111	1111
503	2222	1111	1111	2222	1111	1111	1111
504	2222	1111	1111	2222	1111	1111	1111
505	4422	1111	4422	2222	1111	1111	1111
506	4422	1111	4422	2222	1111	1111	1111
507	4422	1111	4422	2222	1111	1111	1111
508	4422	1111	4422	2222	1111	1111	1111
509	4422	1111	4422	2222	1111	1111	1111
510	4422	1111	4422	2222	1111	1111	1111
511	5544	4444	5544	2222	1111	2222	1111
512	5555	4444	5544	2222	2222	5555	1111
513	5555	4444	4433	1111	2222	5555	1111
514	5555	4444	4433	1111	1111	5555	1111
515	5555	4444	4433	1111	1111	5555	1111
516	4433	1111	4422	1111	1111	3333	1111
517	4433	1111	4433	1111	2222	3333	1111
518	5533	1111	5533	1111	2222	3333	1111
519	4433	1111	4433	1111	2222	3333	1111
520	4433	1111	4433	1111	2222	3333	1111
521	4433	1111	4433	1111	2222	3333	1111
522	4433	1111	4433	1111	2222	3333	1111
523	4433	1111	4433	1111	2222	3333	1111
524	4433	1111	4433	1111	2222	3333	1111
525	4433	1111	4433	1111	1111	1111	1111
526	4433	1111	4433	1111	1111	1111	1111
527	4433	1111	4433	1111	1111	1111	1111
528	4433	1111	4433	1111	2222	1111	1111
529	4444	1111	4433	1111	2222	4444	1111
530	5533	1111	5533	1111	2222	3333	1111
531	4444	1111	4433	1111	2222	4444	1111
532	1111	1111	1111	1111	1111	1111	1111
533	1111	1111	1111	1111	1111	1111	1111
534	4444	1111	1111	1111	1111	4444	1111
535	5555	1111	4422	1111	1111	5555	1111
536	5555	1111	4422	1111	1111	5555	1111
537	5555	1111	4422	1111	1111	5555	1111
538	5555	1111	4433	1111	1111	5555	1111
539	5555	1111	4433	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
540	5555	1111	4432	1111	1111	5555	1111
541	5555	1111	4433	1111	1111	5555	1111
542	5555	1111	4433	1111	1111	5555	1111
543	5555	1111	4433	1111	1111	5555	1111
544	5555	1111	4433	1111	1111	5555	1111
545	5555	1111	4433	1111	1111	5555	1111
546	4433	1111	4433	1111	1111	1111	1111
547	4433	1111	4433	1111	1111	1111	1111
548	4433	1111	4433	1111	1111	1111	1111
549	4433	1111	4433	1111	1111	1111	1111
550	4433	1111	4433	1111	1111	1111	1111
551	4433	1111	4433	1111	1111	1111	1111
552	4433	1111	4433	1111	1111	3333	1111
553	5555	1111	4433	1111	1111	5555	1111
554	5555	1111	4433	5555	1111	5555	1111
555	5555	1111	4433	5555	1111	5555	1111
556	5555	1111	4433	5555	1111	5555	1111
557	5555	1111	5533	5555	1111	5555	1111
558	5555	1111	5533	5555	1111	5555	1111
559	4444	1111	4432	1111	1111	4444	1111
560	2222	1111	1111	2222	1111	1111	1111
561	2222	1111	1111	2222	1111	1111	1111
562	2222	1111	1111	2222	1111	1111	1111
563	4422	1111	4422	2222	1111	1111	1111
564	4422	1111	4422	2222	1111	1111	1111
565	4422	1111	4422	2222	1111	1111	1111
566	4422	1111	4422	2222	1111	1111	1111
567	4422	1111	4422	2222	1111	1111	1111
568	4422	1111	4422	2222	1111	1111	1111
569	4422	2222	4422	2222	1111	1111	1111
570	5544	4444	5544	2222	1111	2222	1111
571	5555	4444	4433	1111	1111	5555	1111
572	5555	4444	4433	1111	1111	5555	1111
573	4444	4444	4422	1111	1111	4444	1111
574	4444	4444	4422	1111	1111	3333	1111
575	4433	1111	4433	1111	2222	3333	1111
576	4433	1111	4433	1111	2222	3333	1111
577	4433	1111	4433	1111	2222	3333	1111
578	4433	1111	4433	1111	2222	3333	1111
579	4433	1111	4433	1111	2222	3333	1111
580	4433	1111	4433	1111	2222	3333	1111
581	4433	1111	4433	1111	2222	3333	1111
582	4433	1111	4433	1111	2222	3333	1111
583	4433	1111	4433	1111	2222	1111	1111
584	4433	1111	4433	1111	2222	1111	1111
585	4433	1111	4433	1111	2222	3333	1111
586	5555	1111	4433	1111	2222	5555	1111
587	5555	4444	4433	1111	1111	5555	1111
588	4433	1111	4433	1111	1111	3333	1111
589	5555	1111	4433	1111	1111	5555	1111
590	5555	1111	4433	1111	2222	5555	1111
591	4433	1111	4433	1111	1111	3333	1111
592	5555	1111	4433	1111	1111	5555	1111
593	5555	1111	4433	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
594	5555	1111	4433	1111	1111	5555	1111
595	5555	1111	4433	1111	1111	5555	1111
596	5555	1111	4433	1111	1111	5555	1111
597	5555	1111	4433	1111	1111	5555	1111
598	5555	1111	4433	1111	1111	5555	1111
599	5555	1111	4433	1111	1111	5555	1111
600	5555	1111	4433	1111	1111	5555	1111
601	5555	1111	5533	5555	1111	5555	1111
602	5555	1111	5533	1111	1111	5555	1111
603	5555	1111	4433	1111	1111	5555	1111
604	5555	1111	4433	1111	1111	5555	1111
605	5555	1111	5533	1111	1111	5555	1111
606	5555	1111	4433	1111	1111	5555	1111
607	4433	1111	4433	1111	1111	1111	1111
608	4433	1111	4433	1111	1111	1111	1111
609	4433	1111	4433	1111	1111	1111	1111
610	4433	1111	4433	1111	1111	1111	1111
611	4433	1111	4433	1111	1111	1111	1111
612	5555	4444	5533	1111	1111	5555	1111
613	5555	1111	4433	1111	1111	5555	1111
614	5555	1111	1133	5555	1111	5555	1111
615	5555	1111	1133	5555	1111	5555	1111
616	5555	1111	5533	5555	1111	5555	1111
617	5544	2222	5533	1111	1111	4444	1111
618	1131	1111	1131	1111	1111	1111	1111
619	2222	1111	1111	2222	1111	1111	1111
620	2222	1111	1111	2222	1111	1111	1111
621	4422	1111	4422	2222	1111	1111	1111
622	4422	1111	4422	2222	1111	1111	1111
623	4422	1111	4422	2222	1111	1111	1111
624	4422	1111	4422	2222	1111	1111	1111
625	4422	1111	4422	2222	1111	1111	1111
626	4422	1111	4422	2222	1111	1111	1111
627	4422	1111	4422	2222	1111	1111	1111
628	5544	4444	5544	2222	1111	2222	1111
629	5544	4444	5544	1111	1111	2222	1111
630	4444	4444	4422	1111	1111	1111	1111
631	4444	4444	4422	1111	1111	1111	1111
632	4444	4444	4422	1111	1111	3333	1111
633	5555	4444	4433	1111	1111	5555	1111
634	4444	1111	4433	1111	1111	4444	1111
635	4433	1111	4433	1111	1111	3333	1111
636	4433	1111	4433	1111	1111	3333	1111
637	4433	1111	4433	1111	1111	3333	1111
638	4444	4444	4433	1111	2222	3333	1111
639	4444	4444	4433	1111	2222	3333	1111
640	4444	4444	4433	1111	1111	3333	1111
641	5555	4444	4433	1111	1111	5555	1111
642	5555	4444	4433	1111	1111	5555	1111
643	4444	4444	4433	1111	1111	4444	1111
644	5555	4444	4433	1111	1111	5555	1111
645	5555	1111	4433	1111	1111	5555	1111
646	5555	1111	5533	1111	1111	5555	1111
647	5555	1111	4433	1111	2222	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
648	5555	1111	4433	1111	2222	5555	1111
649	5555	1111	4433	1111	1111	5555	1111
650	5555	1111	4433	1111	1111	5555	1111
651	5555	1111	4433	1111	1111	5555	1111
652	5555	1111	4433	1111	1111	5555	1111
653	5555	1111	4433	1111	1111	5555	1111
654	5555	1111	4433	1111	1111	5555	1111
655	5555	1111	4433	1111	1111	5555	1111
656	5555	1111	4433	1111	1111	5555	1111
657	5555	1111	4433	1111	1111	5555	1111
658	5555	1111	5533	5555	1111	5555	1111
659	5555	1111	5533	5555	1111	5555	1111
660	5555	1111	4433	1111	1111	5555	1111
661	5555	1111	4433	1111	1111	5555	1111
662	4433	1111	4433	1111	1111	1111	1111
663	5555	4444	4433	1111	1111	5555	1111
664	5555	1111	4433	1111	1111	5555	1111
665	4433	1111	4433	1111	1111	1111	1111
666	4433	1111	4433	1111	1111	1111	1111
667	4433	1111	4433	1111	1111	1111	1111
668	4433	1111	4433	1111	1111	1111	1111
669	4433	1111	4433	1111	1111	1111	1111
670	5555	1111	4433	1111	1111	5555	1111
671	5555	1111	4433	1111	1111	5555	1111
672	3333	1111	1133	1111	1111	3333	1111
673	5555	1111	1133	5555	1111	5555	1111
674	5555	1111	1133	5555	1111	5555	1111
675	5555	1111	1111	5555	1111	5555	1111
676	1131	1111	1131	1111	1111	1111	1111
677	1111	1111	1111	1111	1111	1111	1111
678	4444	1111	4433	1111	1111	4444	1111
679	4444	1111	4433	1111	1111	4444	1111
680	2222	1111	1111	2222	1111	1111	1111
681	2222	1111	1111	2222	1111	1111	1111
682	2222	1111	1111	2222	1111	1111	1111
683	2222	1111	1111	2222	1111	1111	1111
684	2222	1111	1111	2222	1111	1111	1111
685	2222	1111	1111	2222	1111	1111	1111
686	2222	1111	1111	2222	1111	1111	1111
687	2222	2222	1111	2222	1111	1111	1111
688	5544	4444	5544	2222	1111	2222	1111
689	4444	4444	1111	1111	1111	1111	1111
690	4444	4444	1111	1111	1111	1111	1111
691	4422	1111	4422	1111	1111	1111	1111
692	5555	1111	4433	1111	1111	5555	1111
693	5555	1111	4433	1111	1111	5555	1111
694	5555	1111	4433	1111	1111	5555	1111
695	4433	1111	4433	1111	1111	3333	1111
696	4433	1111	4433	1111	1111	3333	1111
697	4444	4444	4433	1111	1111	4444	1111
698	4444	1111	4433	1111	1111	4444	1111
699	4433	1111	4433	1111	1111	1111	1111
700	4433	1111	4433	1111	1111	1111	1111
701	4433	1111	4433	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

Grid-Cell #	FINAL (Sp,Su,F,W)	HUMAN USE (Sp,Su,F,W)	BIRD (Sp,Su,F,W)	MAMMAL (Sp,Su,F,W)	FISH (Sp,Su,F,W)	HABITAT (Sp,Su,F,W)	INVERT (Sp,Su,F,W)
702	4433	1111	4433	1111	1111	1111	1111
703	4433	1111	4433	1111	1111	1111	1111
704	4433	1111	4433	1111	1111	1111	1111
705	5533	1111	5533	1111	1111	1111	1111
706	5555	1111	4433	1111	1111	5555	1111
707	5555	1111	4433	1111	1111	5555	1111
708	5555	1111	4433	1111	1111	5555	1111
709	5555	1111	4433	1111	1111	5555	1111
710	5555	1111	4433	1111	1111	5555	1111
711	5555	1111	4433	1111	1111	5555	1111
712	5555	1111	4433	1111	1111	5555	1111
713	5555	1111	4433	1111	1111	5555	1111
714	5555	1111	4433	1111	1111	5555	1111
715	5555	1111	4433	1111	1111	5555	1111
716	5555	1111	5533	1111	1111	5555	1111
717	5555	1111	4433	1111	1111	5555	1111
718	5555	4444	5533	5555	1111	5555	1111
719	5555	1111	4433	1111	1111	5555	1111
720	4433	1111	4433	1111	1111	1111	1111
721	4433	1111	4433	1111	1111	1111	1111
722	5555	1111	4433	1111	1111	5555	1111
723	5555	1111	4433	1111	1111	5555	1111
724	4433	1111	4433	1111	1111	1111	1111
725	4433	1111	4433	1111	1111	1111	1111
726	4433	1111	4433	1111	1111	1111	1111
727	4433	1111	4433	1111	1111	1111	1111
728	4433	1111	4433	1111	1111	1111	1111
729	1111	1111	1111	1111	1111	1111	1111
730	3333	1111	1133	1111	1111	3333	1111
731	5555	1111	1133	1111	1111	5555	1111
732	1133	1111	1133	1111	1111	1111	1111
733	5555	1111	1111	5555	1111	5555	1111
734	5555	1111	1111	5555	1111	5555	1111
735	5555	1111	1111	5555	1111	5555	1111
736	5555	1111	1111	1111	1111	5555	1111
737	1111	1111	1111	1111	1111	1111	1111
738	4433	1111	4433	1111	1111	2222	1111
739	4433	1111	4433	1111	1111	2222	1111
740	5555	1111	4433	1111	1111	5555	1111
741	5555	1111	5533	1111	1111	5555	1111
742	5555	1111	4433	1111	1111	5555	1111
743	4444	1111	4433	1111	1111	4444	1111
744	4444	1111	4433	1111	1111	4444	1111
745	4444	1111	4433	1111	1111	4444	1111
746	4444	1111	4433	1111	1111	4444	1111
747	4444	1111	4433	1111	1111	4444	1111
748	4444	1111	4433	1111	1111	4444	1111
749	4444	1111	4433	1111	1111	4444	1111
750	4433	1111	4433	1111	1111	1111	1111
751	4444	1111	4433	1111	1111	4444	1111
752	2222	1111	1111	2222	1111	1111	1111
753	2222	1111	1111	2222	1111	1111	1111
754	2222	1111	1111	2222	1111	1111	1111
755	2222	1111	1111	2222	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W) *</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
756	2222	1111	1111	2222	1111	1111	1111
757	2222	1111	1111	2222	1111	1111	1111
758	5544	4444	5544	2222	1111	2222	1111
759	5544	4444	5544	1111	1111	1111	1111
760	4444	4444	1144	1111	1111	1111	1111
761	4444	1111	4444	1111	1111	1111	1111
762	4422	1111	4422	1111	1111	1111	1111
763	5555	1111	4422	1111	1111	5555	1111
764	5555	1111	4422	1111	1111	5555	1111
765	4444	1111	4422	1111	1111	4444	1111
766	4444	1111	4432	1111	1111	4444	1111
767	4444	1111	4432	1111	1111	4444	1111
768	5555	4444	4432	1111	1111	5555	1111
769	5555	4444	4432	1111	1111	5555	1111
770	5555	1111	4433	1111	1111	5555	1111
771	5555	1111	5533	1111	1111	5555	1111
772	5533	1111	5533	1111	1111	1111	1111
773	5522	1111	5522	1111	1111	1111	1111
774	4433	1111	4433	1111	1111	1111	1111
775	4444	4444	4433	1111	1111	4444	1111
776	5555	1111	4433	1111	1111	5555	1111
777	5555	1111	4433	1111	1111	5555	1111
778	5555	1111	4433	1111	1111	5555	1111
779	5555	1111	4433	1111	1111	5555	1111
780	5555	1111	4433	1111	1111	5555	1111
781	5555	1111	4433	1111	1111	5555	1111
782	5555	1111	4433	1111	1111	5555	1111
783	5555	1111	4433	1111	1111	5555	1111
784	5555	1111	5533	1111	1111	5555	1111
785	5555	1111	5533	1111	1111	5555	1111
786	4433	1111	4433	1111	1111	1111	1111
787	5555	1111	4433	1111	1111	5555	1111
788	5555	1111	4433	1111	1111	5555	1111
789	4433	1111	4433	1111	1111	1111	1111
790	4433	1111	4433	1111	1111	1111	1111
791	4433	1111	4433	1111	1111	1111	1111
792	5555	1111	4433	1111	1111	5555	1111
793	5555	1111	4433	1111	1111	5555	1111
794	4433	1111	4433	1111	1111	1111	1111
795	1111	1111	1111	1111	1111	1111	1111
796	4444	4444	1133	1111	1111	4444	1111
797	5555	1111	1133	1111	1111	5555	1111
798	4444	1111	1111	1111	1111	4444	1111
799	4444	1111	1111	1111	1111	4444	1111
800	5555	1111	1111	1111	1111	5555	1111
801	5555	1111	1111	1111	1111	5555	1111
802	5555	1111	4422	1111	1111	5555	1111
803	5555	1111	1111	1111	1111	5555	1111
804	1111	1111	1111	1111	1111	1111	1111
805	4433	1111	4433	1111	1111	1111	1111
806	4433	1111	4433	1111	1111	2222	1111
807	4433	1111	4433	1111	1111	2222	1111
808	4433	1111	4433	1111	1111	2222	1111
809	4444	1111	4433	1111	1111	4444	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
810	5555	1111	4433	1111	1111	5555	1111
811	5555	1111	4433	1111	1111	5555	1111
812	5555	1111	4433	1111	1111	5555	1111
813	5555	1111	4433	1111	1111	5555	1111
814	5555	1111	4433	1111	1111	5555	1111
815	4433	1111	4433	1111	1111	2222	1111
816	4433	1111	4433	1111	1111	2222	1111
817	4433	1111	4433	1111	1111	2222	1111
818	4433	2222	4433	1111	1111	3333	1111
819	4444	1111	4433	1111	1111	4444	1111
820	4444	1111	4433	1111	1111	4444	1111
821	4444	1111	4433	1111	1111	4444	1111
822	4444	1111	4433	1111	1111	4444	1111
823	2222	1111	1111	2222	1111	1111	1111
824	2222	1111	1111	2222	1111	1111	1111
825	2222	1111	1111	2222	1111	1111	1111
826	2222	1111	1111	2222	1111	1111	1111
827	2222	1111	1111	2222	1111	1111	1111
828	2222	1111	1111	2222	1111	1111	1111
829	5544	2222	5544	2222	1111	2222	1111
830	5544	4444	5544	2222	1111	2222	1111
831	4444	4444	1144	1111	1111	1111	1111
832	4444	1111	4444	1111	1111	1111	1111
833	5555	1111	4422	1111	1111	5555	1111
834	5555	2222	4422	1111	1111	5555	1111
835	5555	1111	4422	1111	1111	5555	1111
836	5555	1111	4422	1111	1111	5555	1111
837	5555	1111	4432	1111	1111	5555	1111
838	5555	1111	4432	1111	1111	5555	1111
839	4444	1111	4432	1111	1111	4444	1111
840	5555	4444	4432	1111	1111	5555	1111
841	5555	1111	4433	1111	1111	5555	1111
842	5555	1111	4433	1111	1111	5555	1111
843	5533	1111	5533	1111	1111	1111	1111
844	5522	1111	5522	1111	1111	1111	1111
845	4422	1111	4422	1111	1111	1111	1111
846	5555	1111	4422	1111	1111	5555	1111
847	4444	1111	4422	1111	2222	4444	1111
848	5555	1111	4422	1111	1111	5555	1111
849	5555	1111	4433	1111	1111	5555	1111
850	4433	1111	4433	1111	1111	1111	1111
851	5555	1111	4433	1111	1111	5555	1111
852	4433	1111	4433	1111	1111	1111	1111
853	5555	1111	4433	1111	1111	5555	1111
854	5555	1111	4433	1111	1111	5555	1111
855	5555	2222	4433	1111	1111	5555	1111
856	4433	1111	4433	1111	1111	1111	1111
857	4433	1111	4433	1111	1111	1111	1111
858	4433	1111	4433	1111	1111	1111	1111
859	4433	1111	4433	1111	1111	1111	1111
860	4433	1111	4433	1111	1111	1111	1111
861	4433	1111	4433	1111	1111	1111	1111
862	4433	1111	4433	1111	1111	1111	1111
863	4433	1111	4433	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
864	4433	1111	4433	1111	1111	1111	1111
865	4433	1111	4433	1111	1111	1111	1111
866	1111	1111	1111	1111	1111	1111	1111
867	1111	1111	1111	1111	1111	1111	1111
868	5555	1111	1111	1111	1111	5555	1111
869	5555	1111	4422	1111	1111	5555	1111
870	5555	1111	4422	1111	1111	5555	1111
871	4444	1111	1111	1111	1111	4444	1111
872	1111	1111	1111	1111	1111	1111	1111
873	5555	1111	4422	1111	1111	5555	1111
874	5555	1111	5533	1111	1111	5555	1111
875	5555	1111	1131	1111	1111	5555	1111
876	4433	1111	4433	1111	2222	1111	1111
877	4433	1111	4433	1111	1111	1111	1111
878	4444	1111	4433	1111	1111	4444	1111
879	4444	1111	4433	1111	1111	4444	1111
880	4444	1111	4433	1111	1111	4444	1111
881	4444	1111	4433	1111	1111	4444	1111
882	4433	1111	4433	1111	1111	1111	1111
883	4433	1111	4433	1111	1111	1111	1111
884	5555	1111	4433	1111	1111	5555	1111
885	5555	1111	4433	1111	1111	5555	1111
886	5555	1111	4433	1111	1111	5555	1111
887	5555	1111	4433	1111	1111	5555	1111
888	4444	1111	4433	1111	1111	4444	1111
889	4444	1111	4433	1111	1111	4444	1111
890	4444	1111	4433	1111	1111	4444	1111
891	5555	1111	5533	1111	1111	5555	1111
892	5555	1111	5533	1111	1111	5555	1111
893	5555	1111	5533	1111	1111	5555	1111
894	4444	1111	4433	1111	1111	4444	1111
895	2222	1111	1111	2222	1111	1111	1111
896	2222	1111	1111	2222	1111	1111	1111
897	2222	1111	1111	2222	1111	1111	1111
898	2222	1111	1111	2222	1111	1111	1111
899	2222	1111	1111	2222	1111	1111	1111
900	2244	1111	1144	2222	1111	1111	1111
901	5544	4444	5544	2222	1111	2222	1111
902	1144	1111	1144	1111	1111	1111	1111
903	4444	4444	4444	1111	1111	1111	1111
904	4444	4444	4422	1111	1111	4444	1111
905	4422	1111	4422	1111	1111	1111	1111
906	4422	1111	4422	1111	1111	1111	1111
907	4422	1111	4422	1111	1111	1111	1111
908	4422	2222	4422	1111	1111	1111	1111
909	5555	4444	4422	1111	1111	5555	1111
910	5555	1111	4422	1111	1111	5555	1111
911	4432	1111	4432	1111	1111	1111	1111
912	5555	1111	4432	1111	1111	5555	1111
913	5555	1111	4432	1111	1111	5555	1111
914	5555	1111	4422	1111	2222	5555	1111
915	4422	1111	4422	1111	1111	1111	1111
916	4422	1111	4422	1111	1111	1111	1111
917	4422	1111	4422	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
918	4444	1111	4422	1111	1111	4444	1111
919	5555	1111	4422	1111	1111	5555	1111
920	5555	1111	1111	1111	1111	5555	1111
921	4433	1111	4433	1111	1111	1111	1111
922	5533	1111	5533	1111	1111	1111	1111
923	4433	1111	4433	1111	1111	1111	1111
924	1111	1111	1111	1111	1111	1111	1111
925	1111	1111	1111	1111	1111	1111	1111
926	1111	1111	1111	1111	1111	1111	1111
927	1111	1111	1111	1111	1111	1111	1111
928	4433	1111	4433	1111	1111	1111	1111
929	4433	1111	4433	1111	1111	1111	1111
930	1111	1111	1111	1111	1111	1111	1111
931	1111	1111	1111	1111	1111	1111	1111
932	1111	1111	1111	1111	1111	1111	1111
933	5555	1111	1111	1111	1111	5555	1111
934	5555	1111	4422	1111	1111	5555	1111
935	5555	1111	4422	1111	1111	5555	1111
936	4444	1111	1111	1111	1111	4444	1111
937	5555	1111	1111	5555	1111	1111	1111
938	5555	1111	5533	5555	1111	5555	1111
939	5555	1111	5533	1111	1111	5555	1111
940	4444	1111	4433	1111	2222	4444	1111
941	4444	1111	4433	1111	2222	4444	1111
942	4444	1111	4433	1111	1111	4444	1111
943	4444	1111	4433	1111	1111	4444	1111
944	4444	1111	4433	1111	1111	4444	1111
945	4444	1111	4433	1111	1111	4444	1111
946	4444	1111	4433	1111	1111	4444	1111
947	4444	1111	4433	1111	1111	4444	1111
948	4433	1111	4433	1111	1111	1111	1111
949	4433	1111	4433	1111	1111	1111	1111
950	4433	1111	4433	1111	1111	1111	1111
951	4444	1111	4433	1111	1111	4444	1111
952	4433	1111	4433	1111	1111	1111	1111
953	4433	1111	4433	1111	1111	1111	1111
954	4433	1111	4433	1111	1111	1111	1111
955	4433	1111	4433	1111	1111	1111	1111
956	4444	1111	4433	1111	1111	4444	1111
957	5555	1111	4433	1111	1111	5555	1111
958	5544	1111	5533	1111	1111	4444	1111
959	5555	1111	5533	1111	1111	5555	1111
960	4433	1111	4433	1111	1111	1111	1111
961	2222	1111	1111	2222	1111	1111	1111
962	2222	1111	1111	2222	1111	1111	1111
963	2222	1111	1111	2222	1111	1111	1111
964	2222	1111	1111	2222	1111	1111	1111
965	2222	1111	1111	2222	1111	1111	1111
966	2222	1111	1111	2222	1111	1111	1111
967	5544	4444	5544	2222	1111	2222	1111
968	5544	4444	5544	1111	1111	1111	1111
969	4422	1111	4422	1111	1111	1111	1111
970	5533	1111	5533	1111	1111	1111	1111
971	4422	1111	4422	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
972	4422	1111	4422	1111	1111	1111	1111
973	4422	1111	4422	1111	1111	1111	1111
974	5555	1111	4422	1111	1111	5555	1111
975	5555	1111	4422	1111	1111	5555	1111
976	4422	1111	4422	1111	1111	1111	1111
977	4422	1111	4422	1111	1111	1111	1111
978	5555	1111	4432	1111	1111	5555	1111
979	5555	1111	4432	1111	1111	5555	1111
980	5555	4444	4432	1111	2222	5555	1111
981	5555	1111	4422	1111	1111	5555	1111
982	5555	1111	4422	1111	1111	5555	1111
983	4422	1111	4422	1111	1111	1111	1111
984	4422	1111	4422	1111	1111	1111	1111
985	4422	1111	4422	1111	1111	1111	1111
986	5555	1111	1111	1111	1111	5555	1111
987	4444	1111	4433	1111	1111	4444	1111
988	4433	1111	4433	1111	1111	1111	1111
989	4433	1111	4433	1111	1111	1111	1111
990	1111	1111	1111	1111	1111	1111	1111
991	1111	1111	1111	1111	1111	1111	1111
992	1111	1111	1111	1111	1111	1111	1111
993	1111	1111	1111	1111	1111	1111	1111
994	4433	1111	4433	1111	1111	1111	1111
995	4433	1111	4433	1111	1111	1111	1111
996	1111	1111	1111	1111	1111	1111	1111
997	1111	1111	1111	1111	1111	1111	1111
998	1111	1111	1111	1111	1111	1111	1111
999	1111	1111	1111	1111	1111	1111	1111
1000	5555	1111	1111	1111	1111	5555	1111
1001	5555	1111	4422	1111	1111	5555	1111
1002	4444	1111	1111	1111	1111	4444	1111
1003	5555	1111	5533	5555	1111	5555	1111
1004	5555	1111	5533	5555	1111	5555	1111
1005	5555	1111	5533	1111	1111	5555	1111
1006	5555	1111	4433	1111	2222	5555	1111
1007	4444	1111	4433	1111	2222	4444	1111
1008	4433	1111	4433	1111	2222	3333	1111
1009	4444	1111	4433	1111	1111	4444	1111
1010	4444	1111	4433	1111	1111	4444	1111
1011	4444	1111	4433	1111	1111	4444	1111
1012	4444	1111	4433	1111	1111	4444	1111
1013	5555	1111	4433	1111	1111	5555	1111
1014	4444	1111	4433	1111	1111	4444	1111
1015	4433	1111	4433	1111	1111	1111	1111
1016	4433	1111	4433	1111	1111	1111	1111
1017	4433	1111	4433	1111	1111	1111	1111
1018	4433	1111	4433	1111	1111	1111	1111
1019	5544	1111	5533	1111	1111	4444	1111
1020	5555	1111	4433	1111	1111	5555	1111
1021	4433	1111	4433	1111	1111	2222	1111
1022	4433	1111	4433	1111	1111	2222	1111
1023	4433	1111	4433	1111	1111	1111	1111
1024	2222	1111	1111	2222	1111	1111	1111
1025	2222	1111	1111	2222	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> <u>(Sp,Su,F,W)</u>	<u>HUMAN USE</u> <u>(Sp,Su,F,W)</u>	<u>BIRD</u> <u>(Sp,Su,F,W)</u>	<u>MAMMAL</u> <u>(Sp,Su,F,W)</u>	<u>FISH</u> <u>(Sp,Su,F,W)</u>	<u>HABITAT</u> <u>(Sp,Su,F,W)</u>	<u>INVERT</u> <u>(Sp,Su,F,W)</u>
1026	2222	1111	1111	2222	1111	1111	1111
1027	2222	1111	1111	2222	1111	1111	1111
1028	2222	1111	1111	2222	1111	1111	1111
1029	2222	1111	1111	2222	1111	1111	1111
1030	2222	2222	1111	2222	1111	1111	1111
1031	5544	4444	5544	2222	1111	2222	1111
1032	4422	1111	4422	1111	1111	1111	1111
1033	4422	1111	4422	1111	1111	1111	1111
1034	4422	1111	4422	1111	1111	1111	1111
1035	4422	1111	4422	1111	1111	1111	1111
1036	4422	1111	4422	1111	1111	1111	1111
1037	5555	4444	4422	1111	1111	5555	1111
1038	5555	1111	4422	1111	1111	5555	1111
1039	4422	1111	4422	1111	1111	1111	1111
1040	4422	1111	4422	1111	1111	1111	1111
1041	4432	1111	4432	1111	1111	1111	1111
1042	5555	1111	4432	1111	1111	5555	1111
1043	4432	1111	4432	1111	1111	1111	1111
1044	5555	1111	4432	1111	1111	5555	1111
1045	5555	1111	4422	1111	1111	5555	1111
1046	4422	1111	4422	1111	1111	1111	1111
1047	4422	1111	4422	1111	1111	1111	1111
1048	5555	1111	1111	1111	1111	5555	1111
1049	5555	1111	1111	1111	1111	5555	1111
1050	5555	1111	1111	5555	1111	5555	1111
1051	5555	1111	1111	5555	1111	5555	1111
1052	5555	1111	1111	5555	1111	2222	1111
1053	5555	1111	1111	5555	1111	5555	1111
1054	5555	1111	1111	5555	1111	5555	1111
1055	5555	1111	4433	5555	2222	5555	1111
1056	4433	1111	4433	1111	2222	2222	1111
1057	4444	1111	4433	1111	2222	4444	1111
1058	4444	1111	4433	1111	1111	4444	1111
1059	4444	1111	4433	1111	1111	4444	1111
1060	4444	1111	4433	1111	1111	4444	1111
1061	5555	1111	4433	1111	1111	5555	1111
1062	5555	1111	5533	1111	1111	5555	1111
1063	4433	1111	4433	1111	1111	1111	1111
1064	4433	1111	4433	1111	1111	1111	1111
1065	4433	1111	4433	1111	1111	1111	1111
1066	4433	1111	4433	1111	1111	1111	1111
1067	4444	1111	4433	1111	1111	4444	1111
1068	5555	1111	4433	1111	1111	5555	1111
1069	5555	1111	4433	1111	1111	5555	1111
1070	4444	1111	4433	1111	1111	4444	1111
1071	4433	1111	4433	1111	1111	2222	1111
1072	2222	1111	1111	2222	1111	1111	1111
1073	2222	1111	1111	2222	1111	1111	1111
1074	2222	1111	1111	2222	1111	1111	1111
1075	2222	1111	1111	2222	1111	1111	1111
1076	2222	1111	1111	2222	1111	1111	1111
1077	2222	1111	1111	2222	1111	1111	1111
1078	5544	2222	5544	2222	1111	2222	1111
1079	4422	1111	4422	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
1080	4422	1111	4422	1111	1111	1111	1111
1081	4422	1111	4422	1111	1111	1111	1111
1082	4422	1111	4422	1111	1111	1111	1111
1083	5555	1111	4422	1111	1111	5555	1111
1084	5555	1111	4422	1111	1111	5555	1111
1085	4422	1111	4422	1111	1111	1111	1111
1086	4422	1111	4422	1111	1111	1111	1111
1087	4422	1111	4422	1111	1111	1111	1111
1088	4444	1111	4432	1111	1111	4444	1111
1089	5555	1111	4432	1111	1111	5555	1111
1090	4432	1111	4432	1111	1111	1111	1111
1091	5555	1111	4422	1111	1111	5555	1111
1092	5555	1111	4422	1111	1111	5555	1111
1093	4422	1111	4422	1111	1111	1111	1111
1094	4422	1111	4422	1111	1111	1111	1111
1095	1111	1111	1111	1111	1111	1111	1111
1096	1111	1111	1111	1111	1111	1111	1111
1097	5555	1111	1111	1111	1111	5555	1111
1098	5555	4444	1111	1111	1111	5555	1111
1099	5555	1111	1111	5555	1111	4444	1111
1100	5555	1111	1111	5555	1111	1111	1111
1101	5555	1111	1111	5555	1111	1111	1111
1102	5555	1111	4433	5555	1111	1111	1111
1103	4433	1111	4433	1111	1111	1111	1111
1104	4433	1111	4433	1111	1111	1111	1111
1105	4444	1111	4433	1111	1111	4444	1111
1106	4444	1111	4433	1111	1111	4444	1111
1107	4433	1111	4433	1111	1111	3333	1111
1108	5555	1111	4433	1111	1111	5555	1111
1109	5555	1111	4433	1111	1111	5555	1111
1110	4444	1111	4433	1111	1111	4444	1111
1111	4433	1111	4433	1111	1111	1111	1111
1112	4433	1111	4433	1111	1111	1111	1111
1113	4433	1111	4433	1111	1111	1111	1111
1114	5555	1111	4433	1111	1111	5555	1111
1115	5555	1111	4433	1111	1111	5555	1111
1116	5555	1111	4433	1111	1111	5555	1111
1117	4444	1111	4433	1111	1111	4444	1111
1118	4433	1111	4433	1111	1111	2222	1111
1119	4433	1111	4433	1111	1111	2222	1111
1120	2222	1111	1111	2222	1111	1111	1111
1121	2222	1111	1111	2222	1111	1111	1111
1122	2222	1111	1111	2222	1111	1111	1111
1123	2222	1111	1111	2222	1111	1111	1111
1124	2222	1111	1111	2222	1111	1111	1111
1125	2222	1111	1111	2222	1111	1111	1111
1126	5544	2222	5544	2222	1111	2222	1111
1127	5544	4444	5544	1111	1111	1111	1111
1128	4422	1111	4422	1111	1111	1111	1111
1129	4422	1111	4422	1111	1111	1111	1111
1130	4422	1111	4422	1111	1111	1111	1111
1131	4422	1111	4422	1111	1111	1111	1111
1132	5555	1111	4422	1111	1111	5555	1111
1133	5555	1111	4422	1111	1111	5555	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL</u> (Sp,Su,F,W)	<u>HUMAN USE</u> (Sp,Su,F,W)	<u>BIRD</u> (Sp,Su,F,W)	<u>MAMMAL</u> (Sp,Su,F,W)	<u>FISH</u> (Sp,Su,F,W)	<u>HABITAT</u> (Sp,Su,F,W)	<u>INVERT</u> (Sp,Su,F,W)
1134	4422	1111	4422	1111	1111	1111	1111
1135	4422	1111	4422	1111	1111	1111	1111
1136	4432	1111	4432	1111	1111	1111	1111
1137	5555	1111	4433	1111	1111	5555	1111
1138	5555	1111	4433	1111	2222	5555	1111
1139	5555	1111	4433	1111	1111	5555	1111
1140	5555	1111	4422	1111	1111	5555	1111
1141	4422	1111	4422	1111	1111	1111	1111
1142	4422	1111	4422	1111	1111	1111	1111
1143	1111	1111	1111	1111	1111	1111	1111
1144	1111	1111	1111	1111	1111	1111	1111
1145	1111	1111	1111	1111	1111	1111	1111
1146	1111	1111	1111	1111	1111	1111	1111
1147	1111	1111	1111	1111	1111	1111	1111
1148	1111	1111	1111	1111	1111	1111	1111
1149	1111	1111	1111	1111	1111	1111	1111
1150	4433	1111	4433	1111	1111	1111	1111
1151	4433	1111	4433	1111	1111	1111	1111
1152	4433	1111	4433	1111	1111	1111	1111
1153	4433	1111	4433	1111	1111	1111	1111
1154	4433	1111	4433	1111	1111	1111	1111
1155	4433	1111	4433	1111	1111	1111	1111
1156	4444	1111	4433	1111	1111	4444	1111
1157	4444	1111	4433	1111	1111	4444	1111
1158	4444	1111	4433	1111	1111	4444	1111
1159	4433	1111	4433	1111	1111	1111	1111
1160	4433	1111	4433	1111	1111	1111	1111
1161	4433	1111	4433	1111	1111	1111	1111
1162	4444	1111	4433	1111	1111	4444	1111
1163	4444	1111	4433	1111	1111	4444	1111
1164	4444	1111	4433	1111	1111	4444	1111
1165	4444	1111	4433	1111	1111	4444	1111
1166	5555	1111	4433	1111	1111	5555	1111
1167	4433	1111	4433	1111	1111	2222	1111
1168	4433	1111	4433	1111	1111	1111	1111
1169	4444	1111	4433	1111	1111	4444	1111
1170	4433	1111	4433	1111	1111	1111	1111
1171	4444	1111	4433	1111	1111	4444	1111
1172	2222	1111	1111	2222	1111	1111	1111
1173	2222	1111	1111	2222	1111	1111	1111
1174	2222	1111	1111	2222	1111	1111	1111
1175	2222	1111	1111	2222	1111	1111	1111
1176	2222	1111	1111	2222	1111	1111	1111
1177	2222	1111	1111	2222	1111	1111	1111
1178	2222	2222	1111	2222	1111	2222	1111
1179	5544	2222	5544	2222	1111	2222	1111
1180	4422	1111	4422	1111	1111	1111	1111
1181	4422	1111	4422	1111	1111	1111	1111
1182	4422	1111	4422	1111	1111	1111	1111
1183	4422	1111	4422	1111	1111	1111	1111
1184	4422	1111	4422	1111	1111	1111	1111
1185	5555	1111	4422	1111	1111	5555	1111
1186	4422	1111	4422	1111	1111	1111	1111
1187	4422	1111	4422	1111	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

<u>Grid-Cell #</u>	<u>FINAL (Sp,Su,F,W)</u>	<u>HUMAN USE (Sp,Su,F,W)</u>	<u>BIRD (Sp,Su,F,W)</u>	<u>MAMMAL (Sp,Su,F,W)</u>	<u>FISH (Sp,Su,F,W)</u>	<u>HABITAT (Sp,Su,F,W)</u>	<u>INVERT (Sp,Su,F,W)</u>
1188	4432	1111	4432	1111	1111	1111	1111
1189	5555	1111	4433	1111	2222	5555	1111
1190	5555	1111	5533	1111	2222	5555	1111
1191	5555	1111	4433	1111	2222	5555	1111
1192	4422	1111	4422	1111	1111	1111	1111
1193	4422	1111	4422	1111	1111	1111	1111
1194	4422	1111	4422	1111	1111	1111	1111
1195	4422	1111	4422	1111	1111	1111	1111
1196	4433	1111	4433	1111	1111	1111	1111
1197	5555	1111	4433	1111	1111	5555	1111
1198	5555	1111	4433	1111	1111	5555	1111
1199	5555	1111	4433	1111	1111	5555	1111
1200	4433	1111	4433	1111	1111	1111	1111
1201	4433	1111	4433	1111	1111	1111	1111
1202	4433	1111	4433	1111	1111	1111	1111
1203	4433	1111	4433	1111	1111	1111	1111
1204	4433	1111	4433	1111	1111	1111	1111
1205	4444	1111	4433	1111	1111	4444	1111
1206	5555	2222	4433	1111	1111	5555	1111
1207	5555	1111	4433	1111	1111	5555	1111
1208	2222	1111	1111	2222	1111	1111	1111
1209	2222	1111	1111	2222	1111	1111	1111
1210	2222	1111	1111	2222	1111	1111	1111
1211	2222	1111	1111	2222	1111	1111	1111
1212	2222	1111	1111	2222	1111	1111	1111
1213	2222	2222	1111	2222	1111	1111	1111
1214	5544	4444	5544	2222	1111	2222	1111
1215	4444	4444	4422	1111	1111	1111	1111
1216	4422	1111	4422	1111	1111	1111	1111
1217	4422	1111	4422	1111	1111	1111	1111
1218	4422	1111	4422	1111	1111	1111	1111
1219	4422	1111	4422	1111	1111	1111	1111
1220	5555	1111	4422	1111	2222	5555	1111
1221	5555	1111	4422	1111	2222	5555	1111
1222	4422	1111	4422	1111	1111	1111	1111
1223	4432	1111	4432	1111	1111	1111	1111
1224	4433	1111	4433	1111	1111	1111	1111
1225	5555	1111	4433	1111	2222	5555	1111
1226	5555	1111	4433	1111	1111	5555	1111
1227	5555	1111	4432	1111	1111	5555	1111
1228	4422	1111	4422	1111	1111	1111	1111
1229	4422	1111	4422	1111	1111	1111	1111
1230	5555	1111	4433	1111	1111	5555	1111
1231	4433	1111	4433	1111	1111	2222	1111
1232	4433	1111	4433	1111	1111	1111	1111
1233	4433	1111	4433	1111	1111	1111	1111
1234	4433	2222	4433	1111	1111	1111	1111
1235	4444	1111	4433	1111	1111	4444	1111
1236	5555	1111	4433	1111	1111	5555	1111
1237	5555	1111	4433	1111	1111	5555	1111
1238	5555	1111	4433	1111	1111	5555	1111
1239	2222	1111	1111	2222	1111	1111	1111
1240	2222	1111	1111	2222	1111	1111	1111
1241	2222	1111	1111	2222	1111	1111	1111

APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS BY SEASON

Grid-Cell #	FINAL (Sp,Su,F,W)	HUMAN USE (Sp,Su,F,W)	BIRD (Sp,Su,F,W)	MAMMAL (Sp,Su,F,W)	FISH (Sp,Su,F,W)	HABITAT (Sp,Su,F,W)	INVERT (Sp,Su,F,W)
1242	2222	1111	1111	2222	1111	1111	1111
1243	2222	1111	1111	2222	1111	1111	1111
1244	2222	1111	1111	2222	1111	1111	1111
1245	5544	2222	5544	2222	1111	2222	1111
1246	4444	4444	4422	1111	1111	1111	1111
1247	4444	4444	4422	1111	1111	1111	1111
1248	4422	1111	4422	1111	1111	1111	1111
1249	4422	1111	4422	1111	1111	1111	1111
1250	4422	1111	4422	1111	1111	1111	1111
1251	5555	1111	4422	1111	1111	5555	1111
1252	5555	1111	4422	1111	1111	5555	1111
1253	5555	1111	4422	1111	1111	5555	1111
1254	4422	1111	4422	1111	1111	1111	1111

[Statutory Authority: Chapter 90.48 RCW. 92-10-005 (Order 91-13), § 173-183-920, filed 4/23/92, effective 5/24/92.]

Chapter 173-200 WAC

WATER QUALITY STANDARDS FOR GROUND
WATERS OF THE STATE OF WASHINGTON

WAC

173-200-010	Introduction.
173-200-020	Definitions.
173-200-030	Antidegradation policy.
173-200-040	Criteria.
173-200-050	Enforcement limit.
173-200-060	Point of compliance.
173-200-070	Early warning value.
173-200-080	Evaluation.
173-200-090	Special protection areas.
173-200-100	Implementation and enforcement.

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:

$$\text{Ground Water Criteria (ug/l)} = \frac{\text{RISK} \times \text{BW} \times \text{LIFE} \times \text{UCF}}{\text{CPF} \times \text{DWIR} \times \text{DUR}}$$

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	
I. PRIMARY AND SECONDARY CONTAMINANTS AND RADIONUCLIDES		
A. PRIMARY CONTAMINANTS		
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. SECONDARY CONTAMINANTS		
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	
C. RADIONUCLIDES		
Gross Alpha Particle Activity	15	pico Curie/liter (pCi/l)
Gross Beta Particle Radioactivity		

Gross Beta Activity	50	pCi/l	2 Methylamine hydrochloride	0.5	ug/l
Tritium	20,000	pCi/l	4,4' Methylene bis(N,N'-dimethyl) aniline	2	ug/l
Strontium-90	8	pCi/l	Methylene chloride (dichloromethane)	5	ug/l
Radium 226 & 228	5	pCi/l	Mirex	0.05	ug/l
Radium -226	3	pCi/l	Nitrofurazone	0.06	ug/l
II. CARCINOGENS			N-Nitrosodiethanolamine	0.03	ug/l
Acrylamide	0.02	micrograms/liter ug/l	N-Nitrosodiethylamine	0.0005	ug/l
Acrylonitrile	0.07	ug/l	N-Nitrosodimethylamine	0.002	ug/l
Aldrin	0.005	ug/l	N-Nitrosodiphenylamine	17	ug/l
Aniline	14	ug/l	N-Nitroso-di-n-propylamine	0.01	ug/l
Aramite	3	ug/l	N-Nitrosopyrrolidine	0.04	ug/l
Arsenic*	0.05	(ug/l)	N-Nitroso-di-n-butylamine	0.02	ug/l
Azobenzene	0.7	ug/l	N-Nitroso-N-methylethylamine	0.004	ug/l
Benzene	1.0	ug/l	PAH	0.01	ug/l
Benzidine	0.0004	ug/l	PBBs	0.01	ug/l
Benzo(a)pyrene	0.008	ug/l	PCBs	0.01	ug/l
Benzotrichloride	0.007	ug/l	o-Phenylenediamine	0.005	ug/l
Benzyl chloride	0.5	ug/l	Propylene oxide	0.01	ug/l
Bis(chloroethyl)ether	0.07	ug/l	2,3,7,8-Tetrachlorodibenzo-p-dioxin	0.0000006	ug/l
Bis(chloromethyl)ether	0.0004	ug/l	Tetrachloroethylene (perchloroethylene)	0.8	ug/l
Bis(2-ethylhexyl) phthalate	6.0	ug/l	p,α,α,α-Tetrachlorotoluene	0.004	ug/l
Bromodichloromethane	0.3	ug/l	2,4 Toluenediamine	0.002	ug/l
Bromoform	5	ug/l	o-Toluidine	0.2	ug/l
Carbazole	5	ug/l	Toxaphene	0.08	ug/l
Carbon tetrachloride	0.3	ug/l	Trichloroethylene	3	ug/l
Chlordane	0.06	ug/l	2,4,6-Trichlorophenol	4	ug/l
Chlorodibromomethane	0.5	ug/l	Trimethyl phosphate	2	ug/l
Chloroform	7.0	ug/l	Vinyl chloride	0.02	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			
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	ug/l			
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			
Furmecyclox	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 Methylamine	0.2	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 173-201A WAC

WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF WASHINGTON

WAC

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WAC 173-201A-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 173-201A-030 through 173-201A-140 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. Compliance with the surface water quality standards of the state of Washington require compliance with chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington, and chapter 173-204 WAC, Sediment management standards.

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-010, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-020 Definitions. The following definitions are intended to facilitate the use of chapter 173-201A WAC:

"Acute conditions" are changes in the physical, chemical, or biologic environment which are expected or demonstrated to result in injury or death to an organism as a result of short-term exposure to the substance or detrimental environmental condition.

"AKART" is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term "best management practices," typically applied to nonpoint source pollution controls is considered a subset of the AKART requirement. "The Stormwater Management Manual for the Puget Sound Basin" (1992), may be used as a guideline, to the extent appropriate, for developing best management practices to apply AKART for storm water discharges.

"Background conditions" means the biological, chemical, and physical conditions of a water body, outside the area of influence of the discharge under consideration. Background sampling locations in an enforcement action would be up-gradient or outside the area of influence of the discharge. 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 up-gradient from each discharge. When assessing background

conditions in the headwaters of a disturbed watershed it may be necessary to use the background conditions of a neighboring or similar watershed as the reference conditions.

"Best management practices (BMP)" means physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges.

"Biological assessment" is an evaluation of the biological condition of a water body using surveys of aquatic community structure and function and other direct measurements of resident biota in surface waters.

"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 substances on the United States Environmental Protection Agency lists of A (known human) and B (probable human) carcinogens, and any substance which causes a significant increased incidence of benign or malignant tumors in a single, well conducted animal bioassay, consistent with the weight of evidence approach specified in the United States Environmental Protection Agency's Guidelines for Carcinogenic Risk Assessment as set forth in 51 FR 33992 et seq. as presently published or as subsequently amended or republished.

"Chronic conditions" are changes in the physical, chemical, or biologic environment which are expected or demonstrated to result in injury or death to an organism as a result of repeated or constant exposure over an extended period of time to a substance or detrimental environmental condition.

"Critical condition" is when the physical, chemical, and biological characteristics of the receiving water environment interact with the effluent to produce the greatest potential adverse impact on aquatic biota and existing or characteristic water uses. For steady-state discharges to riverine systems the critical condition may be assumed to be equal to the 7010 flow event unless determined otherwise by the department.

"Damage to the ecosystem" means any demonstrated or predicted stress to aquatic or terrestrial organisms or communities of organisms which the department reasonably concludes may interfere in the health or survival success or natural structure of such populations. This stress may be due to, but is not limited to, alteration in habitat or changes in water temperature, chemistry, or turbidity, and shall consider the potential build up of discharge constituents or temporal increases in habitat alteration which may create such stress in the long term.

"Department" means the state of Washington department of ecology.

"Director" means the director of the state of Washington department of ecology.

"Fecal coliform" means 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 twenty-four hours at 44.5 plus or minus 0.2 degrees Celsius.

"Geometric mean" means either the n th root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.

"Hardness" means a measure of the calcium and magnesium salts present in water. For purposes of this

chapter, hardness is measured in milligrams per liter and expressed as calcium carbonate (CaCO_3).

"Mean detention time" means the time obtained by dividing a reservoir's mean annual minimum total storage by the thirty-day ten-year low-flow from the reservoir.

"Migration or translocation" means any natural movement of an organism or community of organisms from one locality to another locality.

"Mixing zone" means that portion of a water body adjacent to an effluent outfall where mixing results in the dilution of the effluent with the receiving water. Water quality criteria may be exceeded in a mixing zone as conditioned and provided for in WAC 173-201A-100.

"Natural conditions" or "natural background levels" means surface water quality that was present before any human-caused pollution.

"Nonpoint source" means pollution that enters any waters of the state from any dispersed land-based or water-based activities, including but not limited to atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

"Permit" means a document issued pursuant to RCW 90.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

"pH" means the negative logarithm of the hydrogen ion concentration.

"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.

"Primary contact recreation" means 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.

"Secondary contact recreation" means 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.

"Storm water" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a storm water drainage system into a defined surface water body, or a constructed infiltration facility.

"Surface waters of the state" includes lakes, rivers, ponds, streams, inland waters, saltwaters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

"Temperature" means water temperature expressed in degrees Celsius ($^{\circ}\text{C}$).

"Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

"Upwelling" means the natural process along Washington's Pacific Coast where the summer prevailing northerly winds produce a seaward transport of surface water. Cold, deeper more saline waters rich in nutrients and low in dissolved oxygen, rise to replace the surface water. The cold oxygen deficient water enters Puget Sound and other coastal estuaries at depth where it displaces the existing deep water and eventually rises to replace the surface water. Such surface water replacement results in an overall increase in salinity and nutrients accompanied by a depression in dissolved oxygen. Localized upwelling of the deeper water of Puget Sound can occur year-round under influence of tidal currents, winds, and geomorphic features.

"USEPA" means the United States Environmental Protection Agency.

"Wildlife habitat" means waters of the state used by, or that directly or indirectly provide food support to, fish, other aquatic life, and wildlife for any life history stage or activity.

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-020, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-030 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 organism levels shall both not exceed a geometric mean value of 50 colonies/100 mL and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 100 colonies/100 mL.

(B) Marine water - fecal coliform organism levels shall both not exceed a geometric mean value of 14 colonies/100 mL, and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 43 colonies/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 may be degraded by up to 0.2 mg/L by human-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. When natural conditions exceed 16.0°C (freshwater) and 13.0°C (marine water), no temperature increases will be allowed which will raise the receiving water temperature by greater than 0.3°C.

Incremental temperature increases resulting from point source activities shall not, at any time, exceed $t=23/(T+5)$ (freshwater) or $t=8/(T-4)$ (marine water). Incremental temperature increases resulting from nonpoint source activities shall not exceed 2.8°C.

For purposes hereof, "t" represents the maximum permissible temperature increase measured at a mixing 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.

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a human-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 have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department (see WAC 173-201A-040 and 173-201A-050).

(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 organism levels shall both not exceed a geometric mean value of 100 colonies/100 mL, and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 200 colonies/100 mL.

(B) Marine water - fecal coliform organism levels shall both not exceed a geometric mean value of 14 colonies/100 mL, and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 43 colonies/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 may be degraded by up to 0.2 mg/L by human-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. When natural conditions exceed 18.0°C (freshwater) and 16.0°C (marine water), no temperature increases will be allowed which will raise the receiving water temperature by greater than 0.3°C.

Incremental temperature increases resulting from point source activities shall not, at any time, exceed $t=28/(T+7)$ (freshwater) or $t=12/(T-2)$ (marine water). Incremental temperature increases resulting from nonpoint source activities shall not exceed 2.8°C.

For purposes hereof, "t" represents the maximum permissible temperature increase measured at a mixing 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.

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a human-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 have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department (see WAC 173-201A-040 and 173-201A-050).

(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 organism levels shall both not exceed a geometric mean value of 200 colonies/100 mL, and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 400 colonies/100 mL.

(B) Marine water - fecal coliform organism levels shall both not exceed a geometric mean value of 100 colonies/100 mL, and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 200 colonies/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 may be degraded by up to 0.2 mg/L by human-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. When natural conditions exceed 21.0°C (freshwater) and 19.0°C (marine water), no temperature increases will be allowed which will raise the receiving water temperature by greater than 0.3°C.

Incremental temperature increases resulting from point source activities shall not, at any time, exceed $t=34/(T+9)$ (freshwater) or $t=16/(T)$ (marine water). Incremental temperature increases resulting from nonpoint source activities shall not exceed 2.8°C.

For purposes hereof, "t" represents the maximum permissible temperature increase measured at a mixing 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.

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) and 7.0 to 8.5 (marine water) with a human-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 have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely

affect public health, as determined by the department (see WAC 173-201A-040 and 173-201A-050).

(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 organism levels shall both not exceed a geometric mean value of 200 colonies/100 mL, and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 400 colonies/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 may be degraded by up to 0.2 mg/L by human-caused activities.

(iii) Temperature shall not exceed 22.0°C due to human activities. When natural conditions exceed 22.0°C, no temperature increases will be allowed which will raise the receiving water temperature by greater than 0.3°C.

Incremental temperature increases shall not, at any time, exceed $t=20/(T+2)$.

For purposes hereof, "t" represents the maximum permissible temperature increase measured at a mixing 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.

(iv) pH shall be within the range of 6.5 to 9.0 with a human-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 have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department (see WAC 173-201A-040 and 173-201A-050).

(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 organism levels shall both not exceed a geometric mean value of 50 colonies/100 mL, and not have more than 10 percent of all samples obtained for calculating the geometric mean value exceeding 100 colonies/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 below those which have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department (see WAC 173-201A-040 and 173-201A-050).

(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: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-030, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-040 Toxic substances. (1) Toxic substances shall not be introduced above natural background levels in waters of the state which have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department.

(2) The department shall employ or require chemical testing, acute and chronic toxicity testing, and biological assessments, as appropriate, to evaluate compliance with subsection (1) of this section and to ensure that aquatic communities and the existing and characteristic beneficial uses of waters are being fully protected.

(3) The following criteria shall be applied to all surface waters of the state of Washington for the protection of aquatic life. The department may revise the following criteria on a state-wide or waterbody-specific basis as needed to protect aquatic life occurring in waters of the state and to increase the technical accuracy of the criteria being applied. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the

provisions established in chapter 34.05 RCW, the Administrative Procedure Act. The department shall ensure there are early opportunities for public review and comment on proposals to develop revised criteria. Values are µg/L for all substances except Ammonia and Chloride which are mg/L:

Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Aldrin/Dieldrin	2.5a	0.0019b	0.71a	0.0019b
Ammonia (un-ionized NH3) hh	f,c	g,d	0.233h,c	0.035h,d
Arsenic ff	360.0c	190.0d	69.0c	36.0d,cc
Cadmium dd	i,c	j,d	37.2c	8.0d
Chlordane	2.4a	0.0043b	0.09a	0.004b
Chloride (Dissolved) k	860.0h,c	230.0h,d	-	-
Chlorine (Total Residual)	19.0c	11.0d	13.0c	7.5d
Chloropyrifos	0.083c	0.041d	0.011c	0.0056d
Chromium (Hex)	16.0c1	11.0d	1,100.0c,1	50.0d
Chromium (Tri) gg	m,c	n,d	-	-
Copper dd	o,c	p,d	2.5c	-
Cyanide ee	22.0c	5.2d	1.0c	-
DDT (and metabolites)	1.1a	0.001b	0.13a	0.001b
Dieldrin/Aldrin e	2.5a	0.0019b	0.71a	0.0019b
Endosulfan	0.22a	0.056b	0.034a	0.0087b
Endrin	0.18a	0.0023b	0.037a	0.0023b
Heptachlor	0.52a	0.0038b	0.053a	0.0036b
Hexachlorocyclohexane (Lindane)	2.0a	0.08b	0.16a	-
Lead dd	q,c	r,d	151.1c	5.8d
Mercury s, ff	2.4c	0.012d	2.1c	0.025d
Nickel dd	t,c	u,d	71.3c	7.9d
Parathion	0.065c	0.013d	-	-
Pentachlorophenol (PCP)	w,c	v,d	13.0c	7.9d
Polychlorinated Biphenyls (PCBs)	2.0b	0.014b	10.0b	0.030b
Selenium ff	20.0c	5.0d	300.0c	71.0d,x
Silver dd	y,a	-	1.2a	-
Toxaphene	0.73c,z	0.0002d	0.21c,z	0.0002d
Zinc dd	aa,c	bb,d	84.6c	76.6d

Notes to Table:

- a. An instantaneous concentration not to be exceeded at any time.
- b. A 24-hour average not to be exceeded.
- c. A 1-hour average concentration not to be exceeded more than once every three years on the average.
- d. A 4-day average concentration not to be exceeded more than once every three years on the average.
- e. Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.
- f. Shall not exceed the numerical value given by:

$$\frac{0.52}{(FT)(FPH)(2)}$$

where: FT = $10^{[0.03(20-TCAP)]}$; TCAP ≤ T ≤ 30

FT = $10^{[0.03(20-T)]}$; 0 ≤ T ≤ TCAP

FPH = 1; 8 ≤ pH ≤ 9

FPH = $\frac{1+10^{(7.4-pH)}}{1.25}$; 6.5 ≤ pH ≤ 8.0

TCAP = 20°C; Salmonids present.

TCAP = 25°C; Salmonids absent.

- g. Shall not exceed the numerical value given by:

$$\frac{0.80}{(FT)(FPH)(RATIO)}$$

where: RATIO = 16; 7.7 ≤ pH ≤ 9

RATIO = $\frac{24 \times 10^{(7.7-pH)}}{1+10^{(7.4-pH)}}$; 6.5 ≤ pH ≤ 7.7

where: FT and FPH are as shown in (f) above except:

TCAP = 15°C; Salmonids present.

TCAP = 20°C; Salmonids absent.

- h. Measured in milligrams per liter rather than micrograms per liter.
- i. $\leq (0.865)(e^{(1.128[\ln(\text{hardness})]-3.828)})$
- j. $\leq (0.865)(e^{(0.7852[\ln(\text{hardness})]-3.490)})$
- k. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.
- l. Salinity dependent effects. At low salinity the 1-hour average may not be sufficiently protective.
- m. $\leq e^{(0.8190[\ln(\text{hardness})] + 3.688)}$
- n. $\leq e^{(0.8190[\ln(\text{hardness})] + 1.561)}$
- o. $\leq (0.862)(e^{(0.9422[\ln(\text{hardness})] - 1.464)})$
- p. $\leq (0.862)(e^{(0.8545[\ln(\text{hardness})] - 1.465)})$
- q. $\leq (0.687)(e^{(1.273[\ln(\text{hardness})] - 1.460)})$
- r. $\leq (0.687)(e^{(1.273[\ln(\text{hardness})] - 4.705)})$
- s. If the four-day average chronic concentration is exceeded more than once in a three-year period, the edible portion of the consumed species should be analyzed. Said edible tissue concentrations shall not be allowed to exceed 1.0 mg/kg of methylmercury.
- t. $\leq (0.95)(e^{(0.8460[\ln(\text{hardness})] + 3.3612)})$
- u. $\leq (0.95)(e^{(0.8460[\ln(\text{hardness})] + 1.1645)})$
- v. $\leq e^{[1.005(\text{pH}) - 5.290]}$
- w. $\leq e^{[1.005(\text{pH}) - 4.830]}$
- x. The status of the fish community should be monitored whenever the concentration of selenium exceeds 5.0 µg/l in salt water.
- y. $\leq (0.531)(e^{(1.72[\ln(\text{hardness})] - 6.52)})$
- z. Channel Catfish may be more acutely sensitive.
- aa. $\leq (0.891)(e^{(0.8473[\ln(\text{hardness})] + 0.8604)})$
- bb. $\leq (0.891)(e^{(0.8473[\ln(\text{hardness})] + 0.7614)})$
- cc. Nonlethal effects (growth, C-14 uptake, and chlorophyll production) to diatoms (*Thalassiosira aestivalis* and *Skeletonema costatum*) which are common to Washington's waters have been noted at levels below the established criteria. The importance of these effects to the diatom populations and the aquatic system is sufficiently in question to persuade the state to adopt the USEPA National Criteria value (36 µg/L) as the state threshold criteria, however, wherever practical the ambient concentrations should not be allowed to exceed a chronic marine concentration of 21 µg/L.
- dd. These ambient criteria are based on the dissolved fraction (for cyanide criteria using the weak and dissociable method) of the metal. The department shall apply the criteria as total recoverable values to calculate effluent limits unless data is made available to the department clearly demonstrating the seasonal partitioning of the dissolved metal in the ambient water in relation to an effluent discharge. Metals criteria may be adjusted on a site-specific basis when data is made available to the department clearly demonstrating the effective use of the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA *Water Quality Standards Handbook*, December 1983, as supplemented or replaced. Information which is used to develop effluent limits based on applying metals partitioning studies or the water effects ratio approach shall be identified in the permit fact sheet developed pursuant to WAC 173-220-060 or 173-226-110, as appropriate, and shall be made available

for the public comment period required pursuant to WAC 173-220-050 or 173-226-130(3), as appropriate.

- ee. The criteria for cyanide is based on the weak and dissociable method in the 17th Ed. *Standard Methods for the Examination of Water and Wastewater*, 4500-CN I, and as revised (see footnote dd, above).
- ff. These criteria are based on the total-recoverable fraction of the metal.
- gg. Where methods to measure trivalent chromium are unavailable, these criteria are to be represented by total-recoverable chromium.
- hh. Tables for the conversion of total ammonia to un-ionized ammonia for freshwater can be found in the USEPA's *Quality Criteria for Water*, 1986. Criteria concentrations based on total ammonia for marine water can be found in USEPA *Ambient Water Quality Criteria for Ammonia (Saltwater)-1989*, EPA440/5-88-004, April 1989.

(4) *USEPA Quality Criteria for Water, 1986* shall be used in the use and interpretation of the values listed in subsection (1) of this section.

(5) Concentrations of toxic, and other substances with toxic propensities not listed in subsection (1) of this section shall be determined in consideration of *USEPA Quality Criteria for Water, 1986*, and as revised, and other relevant information as appropriate.

(6) Risk-based criteria for carcinogenic substances shall be selected such that the upper-bound excess cancer risk is less than or equal to one in one million.

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-040, filed 11/25/92, effective 12/26/92.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-201A-050 Radioactive substances. (1) 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 246-221-290 (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.

(2) Nothing in this chapter shall be interpreted to be applicable to those aspects of governmental regulation of radioactive waters which have been preempted from state regulation by the Atomic Energy Act of 1954, as amended, as interpreted by the United States Supreme Court in the cases of *Northern States Power Co. v. Minnesota* 405 U.S. 1035 (1972) and *Train v. Colorado Public Interest Research Group*, 426 U.S. 1 (1976).

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-050, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-060 General considerations. The following general guidelines shall apply to the water quality criteria and classifications set forth in WAC 173-201A-030 through 173-201A-140 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) In determining compliance with the fecal coliform criteria in WAC 173-201A-030, averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, shall not be permitted when such averaging would skew the data set so as to mask noncompliance periods.

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

(5) Waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, shall be conditioned so the discharges authorized will 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 the 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.

(6) No waste discharge permit shall be issued which results in a violation of established water quality criteria, except as provided for under WAC 173-201A-100 or 173-201A-110.

(7) 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.

(8) 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.

(9) 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: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-060, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-070 Antidegradation. 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:

(1) Existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses shall be allowed.

(2) 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.

(3) Water quality shall be maintained and protected in waters designated as outstanding resource waters in WAC 173-201A-080.

(4) Whenever waters are of a higher quality than the criteria assigned for said waters, the existing water quality shall be protected and pollution of said waters which will reduce the existing quality shall not be allowed, except in those instances where:

(a) It is clear, after satisfactory public participation and intergovernmental coordination, that overriding considerations of the public interest will be served;

(b) All wastes and other materials and substances discharged into said waters shall be provided with all known, available, and reasonable methods of prevention, control, and treatment by new and existing point sources before discharge. All activities which result in the pollution of waters from nonpoint sources shall be provided with all known, available, and reasonable best management practices; and

(c) When the lowering of water quality in high quality waters is authorized, the lower water quality shall still be of high enough quality to fully support all existing beneficial uses.

(5) Short-term modification of water quality may be permitted as conditioned by WAC 173-201A-110.

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-070, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-080 Outstanding resource waters.

Waters meeting one or more of the following criteria shall be considered for outstanding resource water designation. Designations shall be adopted in accordance with the provisions of chapter 34.05 RCW, Administrative Procedure Act.

(1) Waters in national parks, national monuments, national preserves, national wildlife refuges, national wilderness areas, federal wild and scenic rivers, national seashores, national marine sanctuaries, national recreation areas, national scenic areas, and national estuarine research reserves;

(2) Waters in state parks, state natural areas, state wildlife management areas, and state scenic rivers;

(3) Documented aquatic habitat of priority species as determined by the department of wildlife;

(4) Documented critical habitat for populations of threatened or endangered species of native anadromous fish;

(5) Waters of exceptional recreational or ecological significance.

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-080, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-100 Mixing zones. (1) The allowable size and location of a mixing zone and the associated effluent limits shall be established in discharge permits, general permits, or orders, as appropriate.

(2) A discharger shall be required to fully apply AKART prior to being authorized a mixing zone.

(3) Mixing zone determinations shall consider critical discharge conditions.

(4) No mixing zone shall be granted unless the supporting information clearly indicates the mixing zone would not have a reasonable potential to cause a loss of sensitive or

important habitat, substantially interfere with the existing or characteristic uses of the water body, result in damage to the ecosystem, or adversely affect public health as determined by the department.

(5) Water quality criteria shall not be violated outside of the boundary of a mixing zone as a result of the discharge for which the mixing zone was authorized.

(6) The size of a mixing zone and the concentrations of pollutants present shall be minimized.

(7) The maximum size of a mixing zone shall comply with the following:

(a) In rivers and streams, mixing zones, singularly or in combination with other mixing zones, shall comply with the most restrictive combination of the following (this size limitation may be applied to estuaries having flow characteristics that resemble rivers):

(i) Not extend in a downstream direction for a distance from the discharge port(s) greater than three hundred feet plus the depth of water over the discharge port(s), or extend upstream for a distance of over one hundred feet;

(ii) Not utilize greater than twenty-five percent of the flow; and

(iii) Not occupy greater than twenty-five percent of the width of the water body.

(b) In estuaries, mixing zones, singularly or in combination with other mixing zones, shall:

(i) Not extend in any horizontal direction from the discharge port(s) for a distance greater than two hundred feet plus the depth of water over the discharge port(s) as measured during mean lower low water; and

(ii) Not occupy greater than twenty-five percent of the width of the water body as measured during mean lower low water. For the purpose of this section, areas to the east of a line from Green Point (Fidalgo Island) to Lawrence Point (Orcas Island) are considered estuarine, as are all of the Strait of Georgia and the San Juan Islands north of Orcas Island. To the east of Deception Pass, and to the south and east of Admiralty Head, and south of Point Wilson on the Quimper Peninsula, is Puget Sound proper, which is considered to be entirely estuarine. All waters existing within bays from Point Wilson westward to Cape Flattery and south to the North Jetty of the Columbia River shall also be categorized as estuarine.

(c) In oceanic waters, mixing zones, singularly or in combination with other mixing zones, shall not extend in any horizontal direction from the discharge port(s) for a distance greater than three hundred feet plus the depth of water over the discharge port(s) as measured during mean lower low water. For the purpose of this section, all marine waters not classified as estuarine in (b)(ii) of this subsection shall be categorized as oceanic.

(d) In lakes, and in reservoirs having a mean detention time greater than fifteen days, mixing zones shall not be allowed unless it can be demonstrated to the satisfaction of the department that:

(i) Other siting, technological, and managerial options that would avoid the need for a lake mixing zone are not reasonably achievable;

(ii) Overriding considerations of the public interest will be served; and

(iii) All technological and managerial methods available for pollution reduction and removal that are economically

achievable would be implemented prior to discharge. Such methods may include, but not be limited to, advanced waste treatment techniques.

(e) In lakes, and in reservoirs having a mean detention time greater than fifteen days, mixing zones, singularly or in combination with other mixing zones, shall comply with the most restrictive combination of the following:

- (i) Not exceed ten percent of the water body volume;
- (ii) Not exceed ten percent of the water body surface area (maximum radial extent of the plume regardless of whether it reaches the surface); and
- (iii) Not extend beyond fifteen percent of the width of the water body.

(8) Acute criteria are based on numeric criteria and toxicity tests approved by the department, as generally guided under WAC 173-201A-040 (1) through (5), and shall be met as near to the point of discharge as practicably attainable. Compliance shall be determined by monitoring data or calibrated models approved by the department utilizing representative dilution ratios. A zone where acute criteria may be exceeded is allowed only if it can be demonstrated to the department's satisfaction the concentration of, and duration and frequency of exposure to the discharge, will not create a barrier to the migration or translocation of indigenous organisms to a degree that has the potential to cause damage to the ecosystem. A zone of acute criteria exceedance shall singularly or in combination with other such zones comply with the following maximum size requirements:

(a) In rivers and streams, a zone where acute criteria may be exceeded shall comply with the most restrictive combination of the following (this size limitation may also be applied to estuaries having flow characteristics resembling rivers):

- (i) Not extend beyond ten percent of the distance towards the upstream and downstream boundaries of an authorized mixing zone, as measured independently from the discharge port(s);
- (ii) Not utilize greater than two and one-half percent of the flow; and
- (iii) Not occupy greater than twenty-five percent of the width of the water body.

(b) In oceanic and estuarine waters a zone where acute criteria may be exceeded shall not extend beyond ten percent of the distance established in subsection (7)(b) of this section as measured independently from the discharge port(s).

(9) Overlap of mixing zones.

(a) Where allowing the overlap of mixing zones would result in a combined area of water quality criteria nonattainment which does not exceed the numeric size limits established under subsection (7) of this section, the overlap may be permitted if:

- (i) The separate and combined effects of the discharges can be reasonably determined; and
- (ii) The combined effects would not create a barrier to the migration or translocation of indigenous organisms to a degree that has the potential to cause damage to the ecosystem.

(b) Where allowing the overlap of mixing zones would result in exceedance of the numeric size limits established under subsection (7) of this section, the overlap may be allowed only where:

(i) The overlap qualifies for exemption under subsections (12) and (13) of this section; and

(ii) The overlap meets the requirements established in (a) of this subsection.

(10) Storm water:

(a) Storm water discharge from any "point source" containing "process wastewater" as defined in 40 C.F.R. Part 122.2 shall fully conform to the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section.

(b) Storm water discharges not described by (a) of this subsection may be granted an exemption to the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section, provided the discharger clearly demonstrates to the department's satisfaction that:

(i) All appropriate best management practices established for storm water pollutant control have been applied to the discharge.

(ii) The proposed mixing zone shall not have a reasonable potential to result in a loss of sensitive or important habitat, substantially interfere with the existing or characteristic uses of the water body, result in damage to the ecosystem, or adversely affect public health as determined by the department; and

(iii) The proposed mixing zone shall not create a barrier to the migration or translocation of indigenous organisms to a degree that has the potential to cause damage to the ecosystem.

(c) All mixing zones for storm water discharges shall be based on a volume of runoff corresponding to a design storm approved by the department. Exceedances from the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section due to precipitation events greater than the approved design storm may be allowed by the department, if it would not result in adverse impact to existing or characteristic uses of the water body or result in damage to the ecosystem, or adversely affect public health as determined by the department.

(11) Combined sewer overflows complying with the requirements of chapter 173-245 WAC, may be allowed an average once per year exemption to the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section, provided the discharge complies with subsection (4) of this section.

(12) Exceedances from the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section may be considered by the department in the following cases:

(a) For discharges existing prior to November 24, 1992, (or for proposed discharges with engineering plans formally approved by the department prior to November 24, 1992);

(b) Where altering the size configuration is expected to result in greater protection to existing and characteristic uses;

(c) Where the volume of water in the effluent is providing a greater benefit to the existing or characteristic uses of the water body due to flow augmentation than the benefit of removing the discharge, if such removal is the remaining feasible option; or

(d) Where the exceedance is clearly necessary to accommodate important economic or social development in the area in which the waters are located.

(13) Before an exceedance from the numeric size criteria in subsections (7) and (8) of this section and the overlap criteria in subsection (9) of this section may be allowed under subsection (12) of this section, it must clearly be demonstrated to the department's satisfaction, that:

(a) AKART appropriate to the discharge is being fully applied;

(b) All siting, technological, and managerial options which would result in full or significantly closer compliance that are economically achievable are being utilized; and

(c) The proposed mixing zone complies with subsection (4) of this section.

(14) Any exemptions granted to the size criteria under subsection (12) of this section shall be reexamined during each permit renewal period for changes in compliance capability. Any significant increase in capability to comply shall be reflected in the renewed discharge permit.

(15) The department may establish permit limits and measures of compliance for human health based criteria (based on lifetime exposure levels), independent of this section.

(16) Sediment impact zones authorized by the department pursuant to chapter 173-204 WAC, Sediment management standards, do not satisfy the requirements of this section.

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-100, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-110 Short-term modifications. (1)

The criteria and special conditions established in WAC 173-201A-030 through 173-201A-140 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, even though such activities may result in a temporary reduction of water quality conditions below those criteria and classifications established by this regulation. 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, and such modification shall not exceed a twelve-month period.

(2) In no case will any degradation of water quality be allowed if this degradation significantly interferes with or becomes injurious to existing water uses or causes long-term harm to the environment.

(3) Notwithstanding the above, 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:

(a) 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;

(b) Such herbicide application shall be in accordance with state of Washington department of agriculture regulations;

(c) 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.);

(d) 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:

(i) 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;

(ii) The appropriate regional offices of the departments of fisheries and wildlife shall be notified twenty-four hours prior to herbicide application; and

(iii) In the event of any fish kills, the departments of ecology, fisheries, and wildlife shall be notified immediately;

(e) The herbicide application shall be made at times so as to:

(i) Minimize public water use restrictions during weekends; and

(ii) Completely avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, Independence Day weekend, and Labor Day weekend;

(f) Any additional conditions as may be prescribed by the director or his/her designee.

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-110, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-120 General classifications. General classifications applying to various surface water bodies not specifically classified under WAC 173-201A-130 or 173-201A-140 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: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-120, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-130 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 the Maplewood Bridge (river mile 4.1).	Class A
(6) Cedar River and tributaries from the Maplewood Bridge (river mile 4.1) to Landsburg Dam (river mile 21.6).	Class AA

- (7) Cedar River and tributaries from Landsburg Dam (river mile 21.6) to headwaters. Special condition - no waste discharge will be permitted. Class AA
- (8) 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
- (9) 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
- (10) Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7). Class A
- (11) Chehalis River, from Rock Creek (river mile 106.7) to headwaters. Class AA
- (12) Chehalis River, south fork. Class A
- (13) Chewuch River. Class AA
- (14) Chiwawa River. Class AA
- (15) Cispus River. Class AA
- (16) Clearwater River. Class A
- (17) Cle Elum River. Class AA
- (18) Cloquallum Creek. Class A
- (19) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom. Class A
- (20) 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
- (21) 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
- (22) Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0). Class AA
- (23) Colville River. Class A
- (24) Coweeman River from mouth to Mulholland Creek (river mile 18.4). Class A
- (25) Coweeman River from Mulholland Creek (river mile 18.4) to headwaters. Class AA
- (26) Cowlitz River from mouth to base of Riffe Lake Dam (river mile 52.0). Class A
- (27) Cowlitz River from base of Riffe Lake Dam (river mile 52.0) to headwaters. Class AA
- (28) Crab Creek and tributaries. Class B
- (29) Decker Creek. Class AA
- (30) Deschutes River from mouth to boundary of Snoqualmie National Forest (river mile 48.2). Class A
- (31) Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters. Class AA
- (32) Dickey River. Class A
- (33) Dosewallips River and tributaries. Class AA
- (34) Duckabush River and tributaries. Class AA
- (35) Dungeness River from mouth to Canyon Creek (river mile 10.8). Class A
- (36) Dungeness River and tributaries from Canyon Creek (river mile 10.8) to headwaters. Class AA
- (37) 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
- (38) Elochoman River. Class A
- (39) Elwha River and tributaries. Class AA
- (40) Entiat River from Wenatchee National Forest boundary (river mile 20.5) to headwaters. Class AA
- (41) 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
- (42) Grays River from Grays River Falls (river mile 15.8) to headwaters. Class AA
- (43) Green River (Cowlitz County). Class AA
- (44) 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
- (45) 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
- (46) 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
- (47) Hama Hama River and tributaries. Class AA
- (48) 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
- (49) Hanaford Creek from east boundary of Sec. 25-T15N-R2W (river mile 4.1) to headwaters. Class A
- (50) Hoh River and tributaries. Class AA
- (51) 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
- (52) 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
- (53) Humptulips River, east fork from Olympic National Forest boundary (river mile 12.8) to headwaters. Class AA
- (54) Humptulips River, west fork from Olympic National Forest boundary (river mile 40.4) to headwaters. Class AA
- (55) Issaquah Creek. Class A
- (56) Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters. Class AA
- (57) Klickitat River from Little Klickitat River (river mile 19.8) to boundary of Yakima Indian Reservation. Class AA
- (58) 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
- (59) Lewis River, east fork, from Multon Falls (river mile 24.6) to headwaters. Class AA
- (60) Little Wenatchee River. Class AA
- (61) Methow River from mouth to Chewuch River (river mile 50.1). Class A
- (62) Methow River from Chewuch River (river mile 50.1) to headwaters. Class AA
- (63) 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
- (64) Mill Creek from 13th Street Bridge in Walla Walla (river mile 6.4) to Walla Walla Waterworks Dam (river mile 25.2). Class A
- (65) 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
- (66) Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters. Class AA

- (67) Naselle River from Naselle "Falls" (cascade at river mile 18.6) to headwaters. Class AA
- (68) Newaukum River. Class A
- (69) Nisqually River from mouth to Alder Dam (river mile 44.2). Class A
- (70) Nisqually River from Alder Dam (river mile 44.2) to headwaters. Class AA
- (71) Nooksack River from mouth to Maple Creek (river mile 49.7). Class A
- (72) Nooksack River from Maple Creek (river mile 49.7) to headwaters. Class AA
- (73) Nooksack River, south fork, from mouth to Skookum Creek (river mile 14.3). Class A
- (74) Nooksack River, south fork, from Skookum Creek (river mile 14.3) to headwaters. Class AA
- (75) Nooksack River, middle fork. Class AA
- (76) Okanogan River. Class A
- (77) Palouse River from mouth to south fork (Colfax, river mile 89.6). Class B
- (78) 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
- (79) 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
- (80) Pilchuck River from city of Snohomish Waterworks Dam (river mile 26.8) to headwaters. Class AA
- (81) Puyallup River from mouth to river mile 1.0. Class B
- (82) Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6). Class A
- (83) Puyallup River from Kings Creek (river mile 31.6) to headwaters. Class AA
- (84) Queets River and tributaries. Class AA
- (85) Quillayute River. Class AA
- (86) Quinault River and tributaries. Class AA
- (87) Salmon Creek (Clark County). Class A
- (88) Satsop River from mouth to west fork (river mile 6.4). Class A
- (89) Satsop River, east fork. Class AA
- (90) Satsop River, middle fork. Class AA
- (91) Satsop River, west fork. Class AA
- (92) Skagit River from mouth to Skiyou Slough-lower end (river mile 25.6). Class A
- (93) 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). Special condition - Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed 21°C due to human activities. When natural conditions exceed 21°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 AA
- (94) Skokomish River and tributaries. Class AA
- (95) Skookumchuck River from Bloody Run Creek (river mile 21.4) to headwaters. Class AA
- (96) Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2). Class A
- (97) Skykomish River from May Creek (above Gold Bar at river mile 41.2) to headwaters. Class AA
- (98) Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). Special condition: 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 $t=34/(T+9)$. Class A
- (a) 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 increases will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined. Class A
- (99) Snohomish River from mouth and east of longitude 122°13'40"W upstream to latitude 47°56'30"N (southern tip of Ebey Island at river mile 8.1). Special condition - fecal coliform organism levels shall both not exceed a geometric mean value of 200 colonies/100 mL and not have more than 10 percent of the samples obtained for calculating the mean value exceeding 400 colonies/100 mL. Class A
- (100) 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
- (101) Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1). Class A
- (102) Snoqualmie River, middle fork. Class AA
- (103) Snoqualmie River, north fork. Class AA
- (104) Snoqualmie River, south fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters. Class AA
- (105) Soleduck River and tributaries. Class AA
- (106) 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
- (107) 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
- (108) 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
- (109) Stehekin River. Class AA
- (110) Stillaguamish River from mouth to north and south forks (river mile 17.8). Class A
- (111) Stillaguamish River, north fork, from mouth to Squire Creek (river mile 31.2). Class A
- (112) Stillaguamish River, north fork, from Squire Creek (river mile 31.2) to headwaters. Class AA
- (113) Stillaguamish River, south fork, from mouth to Canyon Creek (river mile 33.7). Class A

- (114) Stillaguamish River, south fork, from Canyon Creek (river mile 33.7) to headwaters. Class AA
- (115) Sulphur Creek. Class B
- (116) Sultan River from mouth to Chaplain Creek (river mile 5.9). Class A
- (117) 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
- (118) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23). Class A
- (119) Tieton River. Class AA
- (120) Tolt River, south fork and tributaries from mouth to west boundary of Sec. 31-T26N-R9E (river mile 6.9). Class AA
- (121) 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
- (122) Touchet River, north fork from Dayton water intake structure (river mile 3.0) to headwaters. Class AA
- (123) Toutle River, north fork, from Green River to headwaters. Class AA
- (124) Toutle River, south fork. Class AA
- (125) Tucannon River from Umatilla National Forest boundary (river mile 38.1) to headwaters. Class AA
- (126) Twisp River. Class AA
- (127) Union River and tributaries from Bremerton Waterworks Dam (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted. Class AA
- (128) Walla Walla River from mouth to Lowden (Dry Creek at river mile 27.2). Class B
- (129) 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
- (130) Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to headwaters. Class AA
- (131) White River (Pierce-King counties) from Mud Mountain Dam (river mile 27.1) to headwaters. Class AA
- (132) White River (Chelan County). Class AA
- (133) Wildcat Creek. Class A
- (134) Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8). Class A
- (135) Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W). Class B
- (136) 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
- (137) 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
- (138) 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
- (139) Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9). Class A
- (140) Wynoochee River from Olympic National Forest boundary (river mile 45.9) to headwaters. Class AA
- (141) 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
- (142) Yakima River from Cle Elum River (river mile 185.6) to headwaters. Class AA

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-130, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-140 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, northeast of a line bearing 121° true from approximately 47°59'5"N and 122°13'44"W (southwest corner of the pier). 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°15'20"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) Totten Inlet and Little Skookum Inlet, west of longitude 122°5'32" (west side of Steamboat Island). Class AA
- (26) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8). Class A

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-140, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-150 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: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-150, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-160 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, 90.48.162, and 90.48.260.

(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 subsection (1) of this section.

(3) Nonpoint source and storm water pollution.

(a) Activities which generate nonpoint source pollution shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate nonpoint source pollution.

(b) Best management practices shall be applied so that when all appropriate combinations of individual best management practices are utilized, violation of water quality criteria shall be prevented. If a discharger is applying all best management practices appropriate or required by the department and a violation of water quality criteria occurs, the discharger shall modify existing practices or apply further water pollution control measures, selected or approved by the department, to achieve compliance with water quality criteria. Best management practices established in permits, orders, rules, or directives of the department shall be reviewed and modified, as appropriate, so as to achieve compliance with water quality criteria.

(c) Activities which contribute to nonpoint source pollution shall be conducted utilizing best management practices to prevent violation of water quality criteria. When applicable best management practices are not being implemented, the department may conclude individual activities are causing pollution in violation of RCW 90.48.080. In these situations, the department may pursue orders, directives, permits, or civil or criminal sanctions to gain compliance with the standards.

(d) Activities which cause pollution of storm water shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate storm water pollution. The consideration and control procedures in (b) and (c) of this subsection apply to the control of pollutants in storm water.

(4) Allowance for compliance schedules.

(a) Permits, orders, and directives of the department for existing discharges may include a schedule for achieving compliance with water quality criteria contained in this chapter. Such schedules of compliance shall be developed to ensure final compliance with all water quality-based effluent limits in the shortest practicable time. Decisions regarding whether to issue schedules of compliance will be made on a case-by-case basis by the department. Schedules of compliance may not be issued for new discharges. Schedules of compliance may be issued to allow for: (i) construction of necessary treatment capability; (ii) implementation of necessary best management practices; (iii) implementation of additional storm water best management practices for discharges determined not to meet water quality criteria following implementation of an initial set of best management practices; (iv) completion of necessary water quality studies; or (v) resolution of a pending water quality standards' issue through rule-making action.

(b) For the period of time during which compliance with water quality criteria is deferred, interim effluent limitations shall be formally established, based on the best professional judgment of the department.

(c) Prior to establishing a schedule of compliance, the department shall require the discharger to evaluate the possibility of achieving water quality criteria via nonconstruction changes (e.g., facility operation, pollution prevention). Schedules of compliance may in no case exceed ten years, and shall generally not exceed the term of any permit.

[Statutory Authority: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-160, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-170 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: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-170, filed 11/25/92, effective 12/26/92.]

WAC 173-201A-180 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.

(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.

(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: Chapter 90.48 RCW. 92-24-037 (Order 92-29), § 173-201A-180, filed 11/25/92, effective 12/26/92.]

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 existing on September 15, 1994, 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 222-12-046—Cumulative effect

WAC 222-12-070—Enforcement policy.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.

WAC 222-16-035—Wetland typing system.

WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.

WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.

WAC 222-22-010—Policy.

WAC 222-22-020—Watershed administrative units.

WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.

WAC 222-22-040—Watershed prioritization.

WAC 222-22-050—Level 1 watershed resource assessment.

WAC 222-22-060—Level 2 watershed resource assessment.

WAC 222-22-070—Prescription recommendation.

WAC 222-22-080—Approval of watershed analysis.

WAC 222-22-090—Use and review of watershed analysis.

WAC 222-22-100—Application review prior to watershed analysis.

WAC 222-24-010—Policy.

WAC 222-24-020 (2), (3), (4), (6)—Road location.

WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.

WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.

WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—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), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.

WAC 222-30-025—Green-up: Even-aged harvest size and timing.

WAC 222-30-030—Stream bank integrity.

WAC 222-30-040—Shade requirements to maintain stream temperature.

WAC 222-30-050 (1), (2), (3)—Felling and bucking.

WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.

WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.

WAC 222-30-080 (1), (2)—Landing cleanup.

WAC 222-30-100 (1)(a), (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, and application of pesticides.

WAC 222-38-030—Handling, storage, and application of fertilizers.

WAC 222-38-040—Handling, storage, and application of other forest chemicals.

[Statutory Authority: RCW 90.48.420 and 76.09.040. 94-17-011, § 173-202-020, filed 8/8/94, effective 9/8/94; 93-11-062, § 173-202-020, filed 5/13/93, effective 6/13/93; 93-01-091 (Order 92-51), § 173-202-020, filed 12/16/92, effective 1/16/93. Statutory Authority: Chapters 90.48 and 76.09

RCW. 92-14-098, § 173-202-020, filed 6/30/92, effective 8/1/92. 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 173-204 WAC

SEDIMENT MANAGEMENT STANDARDS

WAC

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PART I—GENERAL INFORMATION

WAC 173-204-100 Authority and purpose. (1) This chapter is promulgated under the authority of chapter 90.48 RCW, the Water Pollution Control Act; chapter 70.105D RCW, the Model Toxics Control Act; chapter 90.70 RCW, the Puget Sound Water Quality Authority Act; chapter 90.52 RCW, the Pollution Disclosure Act of 1971; chapter 90.54 RCW, the Water Resources Act of 1971; and chapter 43.21C RCW, the state Environmental Policy Act, to establish marine, low salinity and freshwater surface sediment management standards for the state of Washington.

(2) The purpose of this chapter is to reduce and ultimately eliminate adverse effects on biological resources and

significant health threats to humans from surface sediment contamination by:

(a) Establishing standards for the quality of surface sediments;

(b) Applying these standards as the basis for management and reduction of pollutant discharges; and

(c) Providing a management and decision process for the cleanup of contaminated sediments.

(3) Part III, Sediment quality standards of this chapter provides chemical concentration criteria, biological effects criteria, human health criteria, and other toxic, radioactive, biological, or deleterious substances criteria which identify surface sediments that have no adverse effects, including no acute or chronic adverse effects on biological resources and no significant health risk to humans, as defined in this regulation. The sediment quality standards provide a regulatory and management goal for the quality of sediments throughout the state.

(4) The sediment criteria of WAC 173-204-320 through 173-204-340 shall constitute surface sediment quality standards and be used to establish an inventory of surface sediment sampling stations where the sediments samples taken from these stations are determined to pass or fail the applicable sediment quality standards.

(5) Part IV, Sediment source control standards of this chapter shall be used as a basis for controlling the effects of point and nonpoint source discharges to sediments through the National Pollutant Discharge Elimination System (NPDES) federal permit program, state water quality management permit programs, issuance of administrative orders or other means determined appropriate by the department. The source control standards establish discharge sediment monitoring requirements and criteria for establishment and maintenance of sediment impact zones.

(6) Part V, Sediment cleanup standards of this chapter establishes administrative procedural requirements and criteria to identify, screen, rank and prioritize, and cleanup contaminated surface sediment sites. The sediment cleanup standards of WAC 173-204-500 through 173-204-590 shall be used pursuant to authorities established under chapters 90.48 and 70.105D RCW.

(7) This chapter establishes and defines a goal of minor adverse effects as the maximum level of sediment contamination allowed in sediment impact zones under the provisions of Part IV, Sediment source control standards and as the minimum degree of cleanup to be achieved in all cleanup actions under Part V, Sediment cleanup standards.

(8) Local ordinances establishing requirements for the designation and management of marine, low salinity and freshwater sediments shall not be less stringent than this chapter.

Note: All codes, standards, statutes, rules or regulations cited in this chapter are available for inspection at the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-100, filed 3/27/91, effective 4/27/91.]

WAC 173-204-110 Applicability. (1) The sediment quality standards of WAC 173-204-300 through 173-204-315, and 173-204-350, and the sediment cleanup standards

of WAC 173-204-500 through 173-204-580 shall apply to all surface sediments.

(2) The sediment quality standards of WAC 173-204-320, 173-204-330, and 173-204-340 shall apply to marine, low salinity and freshwater surface sediments, respectively.

(3) The source control standards of WAC 173-204-400 through 173-204-420 shall apply to each person's actions which exposes or resuspends surface sediments which exceed, or otherwise cause or potentially cause surface sediments to exceed, the applicable standards of WAC 173-204-320 through 173-204-340.

(4) The sediment recovery zone standards of WAC 173-204-590 shall apply to each person's cleanup action decision made pursuant to WAC 173-204-580 where the selected cleanup action leaves in place marine, low salinity, or freshwater sediments that exceed the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

(5) The sediment quality standards of WAC 173-204-320 through 173-204-340 shall not apply:

(a) Within a sediment impact zone as authorized by the department under WAC 173-204-415; or

(b) Within a sediment recovery zone as authorized by the department under WAC 173-204-590; or

(c) To particulates suspended in the water column; or

(d) To particulates suspended in a permitted effluent discharge.

(6) Nothing in this chapter shall constrain the department's authority to make appropriate sediment management decisions on a case-specific basis using best professional judgment and latest scientific knowledge for cases where the standards of this chapter are reserved or standards are not available.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-110, filed 3/27/91, effective 4/27/91.]

WAC 173-204-120 Antidegradation and designated use policies. (1) Antidegradation policy. The antidegradation policy of the state of Washington as generally guided by chapters 90.48 and 90.54 RCW, is applicable to any person's new or increased activity and shall apply to this chapter 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 shall be allowed.

(b) No degradation of existing sediment quality shall be allowed of waters constituting an outstanding national resource, such as waters of national and state parks and scenic and recreation areas, wildlife refuges, and waters of exceptional recreational or ecological significance.

(c) Whenever surface sediments are of a higher quality (i.e., lower chemical concentrations or adverse biological response) than the criteria assigned to said sediments, the existing surface sediment quality shall be protected and waste and other materials and substances shall not be allowed to contaminate such sediments or reduce the existing sediment quality thereof, except in those instances where:

(i) It is clear, after satisfactory public participation and intergovernmental coordination, that overriding considerations of the public interest will be served;

(ii) All wastes and other materials and substances proposed for discharge that may contaminate such sediments are provided with all known, available and reasonable methods of prevention, control, and treatment and/or best management practices;

(iii) The reduction of existing surface sediment quality is authorized by the department; and

(iv) Existing beneficial uses are maintained and protected, and no degradation which would interfere with and/or become injurious to existing sediment beneficial uses and/or causes long-term, irreparable harm to the environment is allowed.

(2) Designated use policy. The policy of the department and the purpose of this chapter shall be to manage waste discharges and sediment quality so as to protect existing beneficial uses and move towards attainment of designated beneficial uses as specified in section 101 (a)(2) of the federal Clean Water Act (33 USC 1251, et seq.) and chapter 173-201 WAC, the Water quality standards for surface waters of the state of Washington. This policy is applicable to any person's existing or proposed actions which may affect surface sediment quality.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-120, filed 3/27/91, effective 4/27/91.]

WAC 173-204-130 Administrative policies. The department shall implement this chapter in accordance with the following policies:

(1) The department shall seek to implement, and as necessary modify this chapter to protect biological resources and human health consistent with WAC 173-204-100(2). To implement the intent of this subsection, the department shall use methods that accurately reflect the latest scientific knowledge consistent with the definitions contained in WAC 173-204-200 (14) and (15), as applicable.

(2) At the interface between surface sediments, ground water or surface water, the applicable standards shall depend on which beneficial use is or could be adversely affected, as determined by the department. If beneficial uses of more than one resource are affected, the most restrictive standards shall apply.

(3) It shall be the goal of the department to modify this chapter so that methods such as confirmatory biological tests, sediment impact zone models, use of contaminated sediment site ranking models, etc., continue to accurately reflect the latest scientific knowledge as established through ongoing validation and refinement.

(4) Any person or the department may propose an alternate technical method to replace or enhance the application of a specific technical method required under this chapter. Using best professional judgment, the department shall provide advance review and approval of any alternate technical method proposed prior to its application. Application and use of alternate technical methods shall be allowed when the department determines that the technical merit of the resulting decisions will improve the department's ability to implement and meet the intent of this chapter as described

in WAC 173-204-100(2), and will remain consistent with the scientific intent of definitions contained in WAC 173-204-200 (14) and (15). The department shall maintain a record of the department's decisions concerning application for use of alternate technical methods pursuant to this subsection. The record shall be made available to the public on request.

(5) Intergovernmental coordination. The department shall ensure appropriate coordination and consultation with federally recognized Indian tribes and local, state, and federal agencies to provide information on and to implement this chapter.

(6) The department shall conduct an annual review of this chapter, and modify its provisions every three years, or as necessary. Revision to this chapter shall be made pursuant to the procedures established within chapter 34.05 RCW, the Administrative Procedure Act.

(7) Review of scientific information. When evaluating this chapter for necessary revisions, the factors the department shall consider include:

(a) New or additional scientific information which is available relating surface sediment chemical quality to acute or chronic adverse effects on biological resources as defined in WAC 173-204-200 (1) and (7);

(b) New or additional scientific information which is available relating human health risk to marine, low salinity, or freshwater surface sediment chemical contaminant levels;

(c) New or additional scientific information which is available relating levels of other toxic, radioactive, biological and deleterious substances in marine, low salinity, or freshwater sediments to acute or chronic adverse effects on biological resources, or to a significant health risk to humans;

(d) New state or federal laws which have established environmental or human health protection standards applicable to surface sediment; or

(e) Scientific information which has been identified for addition, modification or deletion by a scientific review process established by the department.

(8) Public involvement and education. The goal of the department shall be to provide timely information and meaningful opportunities for participation by the public in the annual review conducted by the department under subsection (7) of this section, and any modification of this chapter. To meet the intent of this subsection the department shall:

(a) Provide public notice of the department's decision regarding the results of its annual review of this chapter, including:

(i) The department's findings for the annual review factors identified in subsection (7) of this section;

(ii) The department's decision regarding the need for modification of this chapter based on its annual review; and

(iii) Identification of a time period for public opportunity to comment on the department's findings and decisions pursuant to this subsection.

(b) Provide public notice by mail or by additional procedures determined necessary by the department which may include:

(i) Newspaper publication;

(ii) Other news media;

(iii) Press releases;

(iv) Fact sheets;

(v) Publications;

(vi) Any other method as determined by the department.

(c) Conduct public meetings as determined necessary by the department to educate and inform the public regarding the department's annual review determinations and decisions.

(d) Comply with the rule making and public participation requirements of chapter 34.05 RCW, the Administrative Procedure Act, for any revisions to this chapter.

(9) Test sediments evaluated for compliance with the sediment quality standards of WAC 173-204-320 through 173-204-340 and/or the sediment impact zone maximum criteria of WAC 173-204-420 and/or the cleanup screening levels criteria of WAC 173-204-520 shall be sampled and analyzed using the Puget Sound Protocols or other methods approved by the department. Determinations made pursuant to this chapter shall be based on sediment chemical and/or biological data that were developed using an appropriate quality assurance/quality control program, as determined by the department.

(10) The statutory authority for decisions under this chapter shall be clearly stated in the decision documents prepared pursuant to this chapter. The department shall undertake enforcement actions consistent with the stated authority under which the action is taken. The process for judicial review of these decisions shall be pursuant to the statutes under which the action is being taken.

(11) When the department identifies this chapter as an applicable, or relevant and appropriate requirement for a federal cleanup action under the Comprehensive Environmental Response, Compensation and Liability Act, the department shall identify the entire contents of this chapter as the appropriate state requirement.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-130, filed 3/27/91, effective 4/27/91.]

PART II—DEFINITIONS

WAC 173-204-200 Definitions. For the purpose of this chapter, the following definitions shall apply:

(1) "Acute" means measurements of biological effects using surface sediment bioassays conducted for time periods that are relatively short in comparison to the life cycle of the test organism. Acute effects may include mortality, larval abnormality, or other endpoints determined appropriate by the department.

(2) "Amphipod" means crustacean of the Class Amphipoda, e.g., *Rhepoxynius abronius*.

(3) "Appropriate biological tests" means only tests designed to measure directly, or through established predictive capability, biologically significant adverse effects to the established or potential benthic or aquatic resources at a given location, as determined by rule by the department.

(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" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface sediments 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) "Bioassay" means a test procedure that measures the response of living plants, animals, or tissues to a sediment sample.

(7) "Chronic" means measurements of biological effects using sediment bioassays conducted for, or simulating, prolonged exposure periods of not less than one complete life cycle, evaluations of indigenous field organisms for long-term effects, assessment of biological effects resulting from bioaccumulation and biomagnification, and/or extrapolated values or methods for simulating effects from prolonged exposure periods. Chronic effects may include mortality, reduced growth, impaired reproduction, histopathological abnormalities, adverse effects to birds and mammals, or other endpoints determined appropriate by the department.

(8) "Contaminated sediment" means surface sediments designated under the procedures of WAC 173-204-310 as exceeding the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

(9) "Control sediment sample" means a surface sediment sample which is relatively free of contamination and is physically and chemically characteristic of the area from which bioassay test animals are collected. Control sediment sample bioassays provide information concerning a test animal's tolerance for stress due to transportation, laboratory handling, and bioassay procedures. Control sediment samples cannot exceed the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

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

(11) "Freshwater sediments" means surface sediments in which the sediment pore water contains less than or equal to 0.5 parts per thousand salinity.

(12) "Low salinity sediments" means surface sediments in which the sediment pore water contains greater than 0.5 parts per thousand salinity and less than 25 parts per thousand salinity.

(13) "Marine sediments" means surface sediments in which the sediment pore water contains 25 parts per thousand salinity or greater.

(14) "Minor adverse effects" means a level of effects that:

(a) Has been determined by rule by the department, except in cases subject to WAC 173-204-110(6); and

(b) Meets the following criteria:

(i) An acute or chronic adverse effect to biological resources as measured by a statistically and biologically significant response relative to reference in no more than one appropriate biological test as defined in WAC 173-204-200(3); or

(ii) A statistically and biologically significant response that is significantly elevated relative to reference in any appropriate biological test as defined in WAC 173-204-200(3); or

(iii) Biological effects per (b)(i) or (ii) of this subsection as predicted by exceedance of an appropriate chemical or

other deleterious substance standard, except where the prediction is overridden by direct biological testing evidence pursuant to (b)(i) and (ii) of this subsection; and

(c) Does not result in significant human health risk as predicted by exceedance of an appropriate chemical, biological, or other deleterious substance standard.

(15) "No adverse effects" means a level of effects that:

(a) Has been determined by rule by the department, except in cases subject to WAC 173-204-110(6); and

(b) Meets the following biological criteria:

(i) No acute or chronic adverse effects to biological resources as measured by a statistically and biologically significant response relative to reference in any appropriate biological test as defined in WAC 173-204-200(3); and

(ii) No acute or chronic adverse biological effect per (b)(i) of this subsection as predicted by exceedance of an appropriate chemical or other deleterious substance standard, except where the prediction is overridden by direct biological testing evidence pursuant to (b)(i) of this subsection; and

(iii) Does not result in significant human health risk as predicted by exceedance of an appropriate chemical, biological, or other deleterious substance standard.

(16) "Other toxic, radioactive, biological, or deleterious substances" means contaminants which are not specifically identified in the sediment quality standards chemical criteria of WAC 173-204-320 through 173-204-340 (e.g., organic debris, tributyltin, DDT, etc.).

(17) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, industry, private corporation, port district, special purpose district, irrigation district, unit of local government, state government agency, federal government agency, Indian tribe, or any other entity whatsoever.

(18) "Practicable" means able to be completed in consideration of environmental effects, technical feasibility and cost.

(19) "Puget Sound basin" or "Puget Sound" means:

(a) Puget Sound south of Admiralty Inlet, including Hood Canal and Saratoga Passage;

(b) The waters north to the Canadian border, including portions of the Strait of Georgia;

(c) The Strait of Juan de Fuca south of the Canadian border; and

(d) All the lands draining into these waters as mapped in water resources inventory areas numbers 1 through 19, set forth in water resources management program established pursuant to the Water Resources Act of 1971, chapter 173-500 WAC.

(20) "Puget Sound protocols" means *Puget Sound Estuary Program. 1986. Updated in 1989. Recommended Protocols for Measuring Selected Environmental Variables in Puget Sound, U.S. Environmental Protection Agency, Region 10, Seattle, WA (looseleaf)*, as amended.

(21) "Reference sediment sample" means a surface sediment sample which serves as a laboratory indicator of a test animal's tolerance to important natural physical and chemical characteristics of the sediment, e.g., grain size, organic content. Reference sediment samples represent the nonanthropogenically affected background surface sediment quality of the sediment sample. Reference sediment samples cannot exceed the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

(22) "Sediment impact zone" means an area where the applicable sediment quality standards of WAC 173-204-320 through 173-204-340 are exceeded due to ongoing permitted or otherwise authorized wastewater, storm water, or nonpoint source discharges and authorized by the department within a federal or state wastewater or storm water discharge permit, or other formal department authorization.

(23) "Sediment recovery zone" means an area where the applicable sediment quality standards of WAC 173-204-320 through 173-204-340 are exceeded as a result of historical discharge activities, and authorized by the department as a result of a cleanup decision made pursuant to WAC 173-204-580, Cleanup action decision.

(24) "Site units" means discrete subdivisions of an individual contaminated sediment site that are being evaluated for the purpose of establishing cleanup standards. Site units are based on consideration of unique locational, environmental, spatial, or other conditions determined appropriate by the department, e.g., cleanup under piers, cleanup in eel-grass beds, cleanup in navigational lanes.

(25) "Surface sediments" or "sediment(s)" means settled particulate matter located in the predominant biologically active aquatic zone, or exposed to the water column. Sediment(s) also includes settled particulate matter exposed by human activity (e.g., dredging) to the biologically active aquatic zone or to the water column.

(26) "Test sediment" means a sediment sample that is evaluated for compliance with the sediment quality standards of WAC 173-204-320 through 173-204-340 and/or the sediment impact zone maximum criteria of WAC 173-240-420 and/or the cleanup screening levels criteria of WAC 173-204-520.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-200, filed 3/27/91, effective 4/27/91.]

PART III—SEDIMENT QUALITY STANDARDS

WAC 173-204-300 Purpose. The sediment quality standards of WAC 173-204-320 through 173-204-340 include chemical concentration criteria, biological effects criteria, human health criteria, other toxic, radioactive, biological, or deleterious substances criteria, and nonanthropogenically affected sediment quality criteria which are used to identify sediments that have no adverse effects on biological resources, and correspond to no significant health risk to humans. Designation determinations using the sediment quality standards of WAC 173-204-320 through 173-204-340 shall be conducted as stipulated in WAC 173-204-310, Sediment quality standards designation procedures.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-300, filed 3/27/91, effective 4/27/91.]

WAC 173-204-310 Sediment quality standards designation procedures. Any person may use these procedures to determine a sediment's designation using the applicable sediment quality standards of WAC 173-204-320 through 173-204-340. Any person who designates test sediments using the procedures of this section shall meet the sampling and testing plan requirements of WAC 173-204-

600 and records management requirements of WAC 173-204-610. Test sediments designated using the procedures of this section shall be sampled and analyzed using the Puget Sound protocols or other methods approved by the department, and shall use an appropriate quality assurance/quality control program, as determined by the department. A sediment sample that passes the initial designation procedures is designated as complying with the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, until such time as any person or the department confirms the sediment designation as failing the applicable sediment quality standards of WAC 173-204-320 through 173-204-340. A sediment sample that fails the initial designation procedures is designated as not complying with the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, until such time as any person or the department confirms the sediment designation as passing the applicable sediment quality standards of WAC 173-204-320 through 173-204-340. A sediment sample that passes or fails the confirmatory designation procedures is designated as such under the procedures of WAC 173-204-310. Sediments shall be designated with the applicable sediment quality standards of WAC 173-204-320 through 173-204-340 as follows:

(1) Initial designation. Sediments that have been chemically analyzed for the applicable chemical concentration criteria of WAC 173-204-320 through 173-204-340 shall be designated as follows:

(a) Sediments with chemical concentrations equal to or less than all the applicable chemical and human health criteria are designated as having no adverse effects on biological resources, and not posing a significant health threat to humans, and pass the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

(b) Sediments with chemical concentrations which exceed any one applicable chemical or human health criterion in WAC 173-204-320 through 173-204-340 are designated as having adverse effects on biological resources or posing significant human health threats, and fail the sediment quality standards of WAC 173-204-320 through 173-204-340, pending confirmatory designation.

(2) Confirmatory designation. Any person or the department may confirm the designation of sediments which have either passed or failed initial designation procedures listed in subsection (1) of this section using the applicable biological testing of WAC 173-204-315, as required below. Sediment samples that pass all the required confirmatory biological tests are designated as passing the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, notwithstanding the sediment's previous initial designation under subsection (1) of this section. Any sediment sample which fails any one of the required confirmatory biological tests shall be designated as failing the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, notwithstanding the sediment's previous initial designation under subsection (1) of this section. The confirmatory biological test standards are described below.

(a) To confirm the designation of a sediment which either passed or failed any applicable chemical concentration criterion established in WAC 173-204-320 through 173-204-340, the sediment shall be tested for:

(i) Two of the acute effects biological tests described in the applicable standards of WAC 173-204-315; and

(ii) One of the chronic effects biological tests described in the applicable standards of WAC 173-204-315.

(b) Sediments with chemical concentrations which either passed or failed any applicable human health criterion of WAC 173-204-320 through 173-204-340 shall be eligible for confirmatory designation as follows: Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(3) Initial and confirmatory designation of sediments which contain other toxic, radioactive, biological, or deleterious substances. Sediments which contain other toxic, radioactive, biological, or deleterious substances, as defined in WAC 173-204-200(16), shall be designated by the department using the following procedures.

(a) The department shall:

(i) Identify individual contaminants of concern;

(ii) Identify appropriate and practicable sampling and analysis methodologies;

(iii) Identify test interpretation standards for initial and confirmatory designation; and

(iv) Identify acceptable levels of sediment contamination for sediments which contain other toxic, radioactive, biological, or deleterious substances.

(b) Where sediment containing other toxic, radioactive, biological or deleterious substances may also be contaminated by chemicals identified in WAC 173-204-320 through 173-204-340, the department shall require application of the appropriate tests and standards of WAC 173-204-320 through 173-204-340, as determined by the department, in addition to any requirements developed pursuant to (a) of this subsection.

(c) The department may use all or some of the sediment biological tests of WAC 173-204-320 through 173-204-340 to designate sediments with other toxic, radioactive, biological or deleterious substances in cases where those tests are technically appropriate, as determined by the department.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-310, filed 3/27/91, effective 4/27/91.]

WAC 173-204-315 Confirmatory marine sediment biological tests. (1) The following five acute and chronic effects biological tests shall be used to confirm designation of Puget Sound marine sediments using the procedures described in WAC 173-204-310(2). Use of alternate biological tests shall be subject to the review and approval of the department using the procedures of WAC 173-204-130(4).

(a) Acute effects tests.

(i) Amphipod: Ten-day mortality sediment bioassay for the Amphipod, i.e., *Rhepoxynius abronius*.

(ii) Larval: Any one of the following mortality/abnormality sediment bioassays:

(A) *Crassostrea gigas*, i.e., Pacific oyster;

(B) *Mytilus edulis*, i.e., Blue mussel;

(C) *Strongylocentrotus purpuratus*, i.e., Purple sea urchin; or

(D) *Dendraster excentricus*, i.e., Sand dollar.

(b) Chronic effects tests.

(i) Benthic infaunal abundance: Abundance of the following major taxa: Crustacea, Polychaeta, and Mollusca.

(ii) Juvenile polychaete: Twenty-day biomass of the juvenile polychaete *Neanthes arenaceodentata*; or

(iii) Microtox saline extract: Decreased luminescence from the bacteria *Photobacterium phosphoreum* after a fifteen minute exposure.

(2) Performance standards for control and reference sediment biological test results. The biological tests of this section shall not be considered valid unless test results for the appropriate control and reference sediments meet the performance standards of (a) through (e) of this subsection. The department may reject the results of a reference sediment biological test based on unacceptably high variability.

(a) Amphipod: The control sediment shall have less than ten percent mortality over the test period. The reference sediment shall have less than twenty-five percent mortality.

(b) Larval: The seawater control sample shall have less than fifty percent combined abnormality and mortality (i.e., a fifty percent normal survivorship at time-final).

(c) Benthic abundance: The reference benthic macroinvertebrate assemblage shall be representative of areas of Puget Sound removed from significant sources of contaminants, and to the extent possible shall have the following characteristics:

(i) The taxonomic richness of benthic macroinvertebrates and the abundances of higher taxonomic groups shall reflect seasonality and natural physical-chemical conditions (e.g., grain size composition and salinity of sediments, water depth) in a reference area, and not be obviously depressed as a result of chemical toxicity;

(ii) Normally abundant species that are known to be sensitive to chemical contaminants shall be present;

(iii) Normally rare species that are known to become abundant only under chemically disturbed conditions shall be rare or absent; and

(iv) The abundances of normally rare species that control community structure through physical modification of the sediment shall be similar to those observed at the test sediment site.

(d) Juvenile polychaete: The control sediment shall have less than ten percent mortality. The reference sediment shall have a mean biomass which is at least eighty percent of the mean biomass found in the control sediment.

(e) Microtox: Reserved: The department shall determine performance standards on a case-by-case basis as necessary to meet the intent of this chapter.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-315, filed 3/27/91, effective 4/27/91.]

WAC 173-204-320 Marine sediment quality standards. (1) Goal and applicability.

(a) The sediment quality standards of this section shall correspond to a sediment quality that will result in no adverse effects, including no acute or chronic adverse effects on biological resources and no significant health risk to humans.

(b) The marine sediment quality standards of this section shall apply to marine sediments located within Puget Sound as defined in WAC 173-204-200(19).

(c) Non-Puget Sound marine sediment quality standards. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(2) Chemical concentration criteria. The chemical concentrations in Table I establish the marine sediment quality standards chemical criteria for designation of sediments.

Table I
Marine Sediment Quality Standards
—Chemical Criteria¹

CHEMICAL PARAMETER	MG/KG DRY WEIGHT (PARTS PER MILLION (PPM) DRY)
ARSENIC	57
CADMIUM	5.1
CHROMIUM	260
COPPER	390
LEAD	450
MERCURY	0.41
SILVER	6.1
ZINC	410
CHEMICAL PARAMETER	MG/KG ORGANIC CARBON (PPM CARBON) ²
LPAH ³	370
NAPHTHALENE	99
ACENAPHTHYLENE	66
ACENAPHTHENE	16
FLUORENE	23
PHENANTHRENE	100
ANTHRACENE	220
2-METHYLNAPHTHALENE	38
CHEMICAL PARAMETER	MG/KG ORGANIC CARBON (PPM CARBON)
HPAH ⁴	960
FLUORANTHENE	160
PYRENE	1000
BENZ(A)ANTHRACENE	110
CHRYSENE	110
TOTAL BENZOFLUORANTHENES ⁵	230
BENZO(A)PYRENE	99
INDENO (1,2,3,-C,D) PYRENE	34
DIBENZO (A,H) ANTHRACENE	12
BENZO(G,H,I)PERYLENE	31
1,2-DICHLOROBENZENE	2.3
1,4-DICHLOROBENZENE	3.1
1,2,4-TRICHLOROBENZENE	0.81
HEXACHLOROBENZENE	0.38
DIMETHYL PHTHALATE	53
DIETHYL PHTHALATE	61
DI-N-BUTYL PHTHALATE	220
BUTYL BENZYL PHTHALATE	4.9
BIS (2-ETHYLHEXYL) PHTHALATE	47
DI-N-OCTYL PHTHALATE	58
DIBENZOFURAN	15
HEXACHLOROBUTADIENE	3.9
N-NITROSODIPHENYLAMINE	11
TOTAL PCB'S	12
CHEMICAL PARAMETER	UG/KG DRY WEIGHT (PARTS PER BILLION (PPB) DRY)
PHENOL	420
2-METHYLPHENOL	63
4-METHYLPHENOL	670
2,4-DIMETHYL PHENOL	29
PENTACHLOROPHENOL	360

BENZYL ALCOHOL	57
BENZOIC ACID	650

Table I Footnotes

- Where laboratory analysis indicates a chemical is not detected in a sediment sample, the detection limit shall be reported and shall be at or below the criteria value shown in this table. Where chemical criteria in this table represent the sum of individual compounds or isomers, and a chemical analysis identifies an undetected value for one or more individual compounds or isomers, the detection limit shall be used for calculating the sum of the respective compounds or isomers.
- The listed chemical parameter criteria represent concentrations in parts per million, "normalized," or expressed, on a total organic carbon basis. To normalize to total organic carbon, the dry weight concentration for each parameter is divided by the decimal fraction representing the percent total organic carbon content of the sediment.
- The LPAH criterion represents the sum of the following "low molecular weight polynuclear aromatic hydrocarbon" compounds: Naphthalene, Acenaphthylene, Acenaphthene, Fluorene, Phenanthrene, and Anthracene. The LPAH criterion is not the sum of the criteria values for the individual LPAH compounds as listed.
- The HPAH criterion represents the sum of the following "high molecular weight polynuclear aromatic hydrocarbon" compounds: Fluoranthene, Pyrene, Benz(a)anthracene, Chrysene, Total Benzofluoranthenes, Benzo(a)pyrene, Indeno(1,2,3,-c,d)pyrene, Dibenzo(a,h)anthracene, and Benzo(g,h,i)perylene. The HPAH criterion is not the sum of the criteria values for the individual HPAH compounds as listed.
- The TOTAL BENZOFLUORANTHENES criterion represents the sum of the concentrations of the "B," "J," and "K" isomers.

(3) Biological effects criteria. For designation of sediments pursuant to WAC 173-204-310(2), sediments are determined to have adverse effects on biological resources when any one of the confirmatory marine sediment biological tests of WAC 173-204-315(1) demonstrate the following results:

(a) Amphipod: The test sediment has a higher (statistically significant, t test, $p \leq 0.05$) mean mortality than the reference sediment and the test sediment mean mortality exceeds twenty-five percent, on an absolute basis.

(b) Larval: The test sediment has a mean survivorship of normal larvae that is less (statistically significant, t test, $p \leq 0.05$) than the mean normal survivorship in the reference sediment and the test sediment mean normal survivorship is less than eighty-five percent of the mean normal survivorship in the reference sediment (i.e., the test sediment has a mean combined abnormality and mortality that is greater than fifteen percent relative to time-final in the reference sediment).

(c) Benthic abundance: The test sediment has less than fifty percent of the reference sediment mean abundance of any one of the following major taxa: Crustacea, Mollusca or Polychaeta, and the test sediment abundance is statistically different (t test, $p \leq 0.05$) from the reference sediment abundance.

(d) Juvenile polychaete: The test sediment has a mean biomass of less than seventy percent of the reference sediment mean biomass and the test sediment biomass is statistically different (t test, $p \leq 0.05$) from the reference sediment biomass.

(e) Microtox: The mean light output of the highest concentration of the test sediment is less than eighty percent of the mean light output of the reference sediment, and the

two means are statistically different from each other (t test, $p \leq 0.05$).

(4) Marine sediment human health criteria. Reserved: The department may determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(5) Marine sediment other toxic, radioactive, biological, or deleterious substances criteria. Other toxic, radioactive, biological or deleterious substances in, or on, sediments shall be at or below levels which cause no adverse effects in marine biological resources, and below levels which correspond to a significant health risk to humans, as determined by the department. The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter pursuant to WAC 173-204-310(3).

(6) Nonanthropogenically affected sediment quality criteria. Whenever the nonanthropogenically affected sediment quality is of a lower quality (i.e., higher chemical concentrations, higher levels of adverse biological response, or posing a greater health threat to humans) than the applicable sediment quality standards assigned for said sediments by this chapter, the existing sediment chemical and biological quality shall be identified on an area-wide basis as determined by the department, and used in place of the sediment quality standards of WAC 173-204-320.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-320, filed 3/27/91, effective 4/27/91.]

WAC 173-204-330 Low salinity sediment quality standards. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-330, filed 3/27/91, effective 4/27/91.]

WAC 173-204-340 Freshwater sediment quality standards. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-340, filed 3/27/91, effective 4/27/91.]

WAC 173-204-350 Sediment quality standards inventory. (1) The department shall gather available data on sediments and produce an inventory of sediment sampling stations which pass or fail the applicable sediment quality standards of WAC 173-204-320 through 173-204-340. Sediment sampling stations which are evaluated for compliance with the sediment quality standards of WAC 173-204-320 through 173-204-340 and placed on the inventory shall be sampled and analyzed using the Puget Sound Protocols or other methods approved by the department, and shall use an appropriate quality assurance/quality control program, as determined by the department. The sediment quality standards inventory produced per this section shall be used by the department, and made available upon request to the

public and other federal, state, and local agencies for the following uses:

(a) To identify and target necessary source control activities, such as discharger monitoring, to eliminate adverse effects on biological resources and significant health threats to humans from sediment contamination;

(b) To identify contaminated sediment cleanup sites per the procedures in WAC 173-204-500 through 173-204-590;

(c) To establish sediment quality ambient monitoring program status and trends analyses and reports;

(d) To identify the sediment quality of areas proposed for dredging, in-water construction, and other actions requiring federal, state, and/or local permits; and

(e) To complete other uses consistent with the intent of this chapter, as determined by the department.

(2) Sources of data. Sediment biological and chemical data shall be gathered by the department for review to produce and update the sediment quality inventory on a biennial basis. Data sources include, but are not limited to:

(a) Sediment data collected by the department for the Puget Sound ambient monitoring program, compliance monitoring of permitted discharges, and special environmental investigations.

(b) Sediment data submitted to the U.S. Army Corps of Engineers in support of dredging permit applications.

(c) Sediment data collected to identify problem areas and needed source controls in Puget Sound as defined in WAC 173-204-200(19), other marine waters, and all low salinity and freshwater areas in Washington state.

(d) Sediment data used or collected in compliance with chapter 70.105D RCW, and the Model Toxics Control Act cleanup regulation, chapter 173-340 WAC.

(e) Sediment data used or collected in compliance with the federal Comprehensive Environmental Response, Compensation and Liability Act.

(f) Sediment data collected as a requirement of a National Pollutant Discharge Elimination System or state discharge permit.

(g) Sediment data derived from other studies including:

(i) Federally sponsored monitoring studies.

(ii) Special monitoring studies conducted by local and municipal governments, or private industry.

(iii) Data derived through Washington state department of natural resources administration of use authorizations.

(3) The inventory shall be updated and made available to the public on a biennial basis.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-350, filed 3/27/91, effective 4/27/91.]

PART IV—SEDIMENT SOURCE CONTROL

WAC 173-204-400 General considerations. (1) The standards of WAC 173-204-400 through 173-204-420 specify a process for managing sources of sediment contamination. These procedures include:

(a) Evaluating the potential for a waste discharge to create a sediment impact;

(b) Requiring application for a sediment impact zone authorization;

(c) Verifying whether a discharge has received all known, available and reasonable methods of prevention, control, and treatment prior to discharge, and/or application of best management practices;

(d) Analysis and verification of the potential sediment impact;

(e) Determining whether the sediment impact zone would meet maximum allowable contamination requirements;

(f) Evaluating the proposed sediment impact zone in consideration of locational criteria;

(g) Design and/or constrain the sediment impact zone to be as small, and with the least contamination, as practicable;

(h) Public review of the proposed sediment impact zone authorization;

(i) Issuance of the sediment impact zone authorization with provisions for maintenance and closure; and

(j) Reducing and eventually eliminating the sediment impact zone via renewals and modifications of a sediment impact zone authorization.

(2) Permits and other authorizations of wastewater, storm water, and nonpoint source discharges to surface waters of the state of Washington under authority of chapter 90.48 RCW shall be conditioned so that the discharge receives all known, available and reasonable methods of prevention, control, and treatment, and best management practices prior to discharge, as required by chapters 90.48, 90.52, and 90.54 RCW. The department shall provide consistent guidance on the collection, analysis and evaluation of wastewater, receiving-water, and sediment samples to meet the intent of this section using consideration of pertinent sections of the *Department of Ecology Permit Writers' Manual*, as amended, and other guidance approved by the department.

(3) As determined necessary, the department shall require any person who proposes a new discharge to evaluate the potential for the proposed discharge to cause a violation of the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

(4) As determined necessary, the department shall require existing permitted discharges to evaluate the potential for the permitted discharge to cause a violation of the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

(5) Within permits authorizing existing discharges to surface waters of the state of Washington, the department may specify appropriate locations and methodologies for the collection and analysis of representative samples of wastewater, receiving-water, and sediments to evaluate the potential for the discharge to cause a violation of the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

(6) In establishing the need for, and the appropriate, individual permit monitoring conditions, the department shall consider multiple factors relating to the potential for a discharge to cause a violation of the applicable sediment quality standards of WAC 173-204-320 through 173-204-340 including but not limited to:

(a) Discharge particulate characteristics;

(b) Discharge contaminant concentrations, flow, and loading rate;

(c) Sediment chemical concentration and biological effects levels;

(d) Receiving water characteristics;

(e) The geomorphology of sediments;

(f) Cost mitigating factors such as the available resources of the discharger; and

(g) Other factors determined necessary by the department.

(7) As determined necessary to ensure the wastewater discharge does not cause a violation of the applicable standards of WAC 173-204-320 through 173-204-340, except as authorized by the department under WAC 173-204-415, Sediment impact zones, the department shall stipulate permit terms and conditions which include wastewater discharge average and maximum mass loading per unit time, and wastewater discharge average and maximum chemical concentrations within new and existing facility permits authorizing wastewater discharges to surface waters of the state of Washington.

(8) As determined necessary, the department shall modify wastewater discharge permits whenever it appears the discharge causes a violation, or creates a substantial potential to cause a violation of the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, as authorized by RCW 90.48.520.

(9) To meet the intent of this section, the sediment quality standards of WAC 173-204-320 through 173-204-340 and the sediment impact zone standards of WAC 173-204-415 through 173-204-420 are not considered to be federal discharge permit effluent limits subject to antibacksliding requirements of the federal Clean Water Act. Discharge permit sediment monitoring and sediment impact zone compliance requirements may be used to establish effluent limits sufficient to meet the standards of this chapter.

(10) As determined necessary, the department shall use issuance of administrative actions under authority of chapters 90.48 or 70.105D RCW to implement this chapter.

(11) Wastewater dilution zones. Water quality mixing zones authorized by the department pursuant to chapter 173-201 WAC, Water quality standards for surface waters of the state of Washington, do not satisfy the standards of WAC 173-204-415, Sediment impact zones.

(12) For the sediment source control standards of WAC 173-204-400 through 173-204-420, any and all references to violation of, potential to violate, exceedance of, or potential to exceed the applicable standards of WAC 173-204-320 through 173-204-340 shall also apply to the antidegradation and designated use policies of WAC 173-204-120. Any exceedances or potential exceedances of the antidegradation or designated use policies of WAC 173-204-120 shall meet the applicable requirements of WAC 173-204-400 through 173-204-420.

(13) Under no circumstances shall the provisions of sediment source control standards WAC 173-204-400 through 173-204-420 be construed as providing for the relaxation of discharge permit requirements under other authorities including, but not limited to, chapter 90.48 RCW, the Water Pollution Control Act, chapter 90.54 RCW, the Water Resources Act of 1971, and the Federal Water Pollution Control Act of 1972 and amendments.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-400, filed 3/27/91, effective 4/27/91.]

WAC 173-204-410 Sediment quality goal and sediment impact zone applicability. (1) Goal and policies.

(a) It is the established goal of the department to manage source control activities to reduce and ultimately eliminate adverse effects on biological resources and significant health threats to humans from sediment contamination.

(b) The stated policy of the department shall be to only authorize sediment impact zones so as to minimize the number, size, and adverse effects of all zones, with the intent to eliminate the existence of all such zones whenever practicable. The department shall consider the relationship between environmental effects, technical feasibility and cost in determining whether it is practicable to minimize and/or eliminate sediment impact zones.

(c) The department shall implement the standards of WAC 173-204-400 through 173-204-420 so as to prevent the creation of new contaminated sediment cleanup sites identified under WAC 173-204-530(4).

(2) A sediment impact zone authorization issued by the department under the authority of chapter 90.48 RCW does not constitute authorization to trespass on lands not owned by the applicant. These standards do not address and in no way alter the legal rights, responsibilities, or liabilities of the permittee or landowner of the sediment impact zone for any applicable requirements of proprietary, real estate, tort, and/or other laws not directly expressed as a requirement of this chapter.

(3) Except as identified in subsection (6)(d) of this section, any person may apply for a sediment impact zone under the following conditions:

(a) The person's discharge is provided with all known, available and reasonable methods of prevention, control, and treatment, and meets best management practices as stipulated by the department; and

(b) The person's discharge activity exposes or resuspends sediments which exceed, or otherwise cause or potentially cause sediments to exceed the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, or the antidegradation policy standards of WAC 173-204-120 (1)(a) and (c) within a period of ten years from the later date of either the department's formal approval of the application for a sediment impact zone authorization or the starting date of the discharge.

(4) The department shall only authorize sediment impact zones for permitted wastewater and storm water discharges, and other discharges authorized by the department. The department shall authorize all sediment impact zones via discharge permits or other formal administrative actions.

(5) The department shall not limit the application, establishment, maintenance, or closure of an authorized sediment impact zone via consideration of sediment contamination determined by the department to be the result of unknown, unpermitted or historic discharge sources.

(6) As determined necessary by the department, any person with a permitted discharge shall be required to meet the standards of WAC 173-204-400 through 173-204-420, as follows:

(a) Any person with a new or existing permitted waste-

water discharge shall be required to meet the standards of WAC 173-204-400 through 173-204-420;

(b) Any person with a new or existing permitted industrial storm water discharge, regulated as process wastewater in National Pollutant Discharge Elimination System or state discharge permits, shall be required to meet the standards of WAC 173-204-400 through 173-204-420;

(c) Any person with a new or existing permitted storm water or nonpoint source discharge, which fully uses all known, available and reasonable methods of prevention, control, and treatment, and best management practices as stipulated by the department at the time of the person's application for a sediment impact zone, shall be required to meet the standards of WAC 173-204-400 through 173-204-420;

(d) Any person with a storm water discharge, existing prior to the adoption of this chapter, and determined by the department to not be fully using best management practices stipulated by the department at the time of the person's application for a permit from the department, shall be eligible for a sediment impact zone as follows:

(i) The department shall issue sediment impact zone authorizations with requirements for application of best management practices stipulated by the department on an approved time schedule. The sediment impact zone maximum criteria of WAC 173-204-420 shall not be applicable during the approved time schedule authorized by the department.

(ii) Sediment impact zones authorized by the department for permitted storm water discharges under the applicability provisions of subsection (6)(d) of this section shall be subject to cleanup action determinations made by the department pursuant to WAC 173-204-500 through 173-204-590 when the sediment impact zone maximum criteria of WAC 173-204-420 are exceeded within the authorized sediment impact zone.

(iii) The department shall identify and include best management practices required to meet the sediment impact zone design standards of WAC 173-204-415(4) as soon as practicable within sediment impact zone authorizations established for storm water discharges per WAC 173-204-410 (6)(d).

(7) Dredged material and fill discharge activities subject to authorization under Section 401 of the federal Clean Water Act via chapter 90.48 RCW and chapter 173-225 WAC, establishment of implementation procedures of application for certification, are not subject to the standards of WAC 173-204-415 but are subject to the standards of WAC 173-204-400 through 173-204-410 and 173-204-420 as follows:

(a) Requirements for dredging activities and disposal sites shall be established by the department using best available dredged material management guidelines and applicable federal and state rules. These guidelines shall include the Puget Sound dredged disposal analysis (PSDDA) dredged material testing and disposal requirements cited in:

(i) *Management Plan Report - Unconfined Open-Water Disposal Of Dredged Material, Phase I, (Central Puget Sound), June 1988, or as amended;*

(ii) *Management Plan Report - Unconfined Open-Water Disposal Of Dredged Material, Phase II, (North And South Puget Sound), September 1989, or as amended;* and

(iii) *Users Manual For Dredged Material Management In Puget Sound, November 1990, or as amended.*

(b) In coordination with other applicable federal and state and local dredged material management programs, the department may issue administrative orders to establish approved disposal sites, to specify disposal site use conditions, and to specify disposal site monitoring requirements.

(c) The department may authorize sediment impact zones for dredged material disposal via federal Clean Water Act Section 401 certification actions.

(d) As determined necessary by the department, the department may authorize sediment impact zones for dredged material disposal via administrative orders issued under authority of chapter 90.48 RCW. The department shall authorize sediment impact zones for all Puget Sound dredged disposal analysis disposal sites via administrative orders issued under authority of chapter 90.48 RCW.

(e) Administrative orders and certifications establishing sediment impact zones for dredged material disposal sites shall describe establishment, maintenance, and closure requirements for the authorized site, consistent with the requirements described in (a) of this subsection.

(8) The source control standards of WAC 173-204-400 through 173-204-420 are applicable in cases where the sediment quality standards of WAC 173-204-320 through 173-204-340 are reserved.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-410, filed 3/27/91, effective 4/27/91.]

WAC 173-204-415 Sediment impact zones. The purpose of this section is to set forth the standards for establishment, maintenance, and closure of sediment impact zones to meet the intent of sediment quality dilution zones authorized pursuant to RCW 90.48.520, except for sediment impact zones authorized under WAC 173-204-410(7). The department shall authorize all sediment impact zones via discharge permits or other formal administrative actions.

(1) General requirements. Authorization, modification and renewal of a sediment impact zone by the department shall require compliance with the following general requirements:

(a) Permits authorizing wastewater discharges to surface waters of the state of Washington under authority of chapter 90.48 RCW shall be conditioned so that the discharge receives:

(i) All known, available and reasonable methods of prevention, control, and treatment prior to discharge, as required by chapters 90.48, 90.52, and 90.54 RCW; and

(ii) Best management practices as stipulated by the department.

(b) The maximum area, and maximum chemical contaminant concentration and/or allowable maximum biological effect level within sediments assigned to a sediment impact zone shall be as authorized by the department, in accordance with the standards of this section.

(c) The department shall determine that the person's activity generating effluent discharges which require authorization of a sediment impact zone is in the public interest.

(d) The department shall determine that any person's activity generating effluent discharges which require authorization of a sediment impact zone has adequately addressed alternative waste reduction, recycling, and disposal options through application of all known, available and reasonable methods of prevention, control, and treatment to minimize as best practicable the volume and concentration of waste contaminants in the discharge.

(e) The area boundaries of the sediment impact zone established by the department shall include the minimum practicable surface area, not to exceed the surface area allowed under subsection (4) of this section.

(f) Adverse effects to biological resources within an authorized sediment impact zone shall be maintained at the minimum chemical contamination and biological effects levels practicable at all times. The department shall consider the relationship between environmental effects, technical feasibility and cost in determining the minimum practicable chemical contamination and biological effects levels. Adverse effects to biological resources within an authorized sediment impact zone shall not exceed a minor adverse effects level as a result of the discharge, as determined by the procedures of subsection (5) of this section.

(g) The operational terms and conditions for the sediment impact zone shall be maintained at all times.

(h) Final closure of the sediment impact zone shall be conducted in strict accordance with the department's sediment impact zone authorization.

(i) Documents authorizing a sediment impact zone shall require that the permitted discharge not result in a violation of the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, outside the area limits of the established zone.

(j) All applications to the department for sediment impact zone authorizations shall be subject to public notice, comment and hearing procedures defined but not limited to the applicable discharge permit or other formal administrative action requirements of chapter 43.21C RCW, the State Environmental Policy Act, chapter 197-11 WAC, SEPA rules, chapter 90.48 RCW, chapter 163-216 WAC, the State waste discharge permit program, and chapter 173-220 WAC, National Pollutant Discharge Elimination System Permit Program prior to issuance of the authorization. In determining the need for, location, and/or design of any sediment impact zone authorization, the department shall give consideration to all comments received during public review of the proposed sediment impact zone application.

(2) Application requirements.

(a) Whenever, in the opinion of the department, as a result of an ongoing or proposed effluent discharge, a person violates, shall violate, or creates a substantial potential to violate the sediment quality standards of WAC 173-204-320 through 173-204-340 as applicable within a period of ten years from the later date of either the department's evaluation of the ongoing discharge or the starting date of the proposed discharge, the department may require application for a sediment impact zone authorization under authority of chapter 90.48 RCW.

(b) Any person with a proposed or permitted effluent discharge shall apply to the department for authorization of a sediment impact zone when:

(i) The department requires the sediment impact zone application by written notification; or

(ii) The person independently identifies that the ongoing or proposed effluent discharge violates, shall violate, or creates a substantial potential to violate the applicable sediment quality standards of WAC 173-204-320 through 173-204-340 within a period of ten years from the later date of the person's evaluation of the ongoing discharge or the starting date of the proposed discharge, using the procedures of this section.

(c) As necessary, the department may require any person to submit a sediment impact zone application in multiple steps concurrent with its ongoing review and determination concerning the adequacy of the application. The application shall provide the sediment impact zone design information required in subsection (4) of this section and other such information the department determines necessary. The application shall also provide the legal location and landowner(s) of property proposed for use as, or potentially affected by, a sediment impact zone, and shall be accompanied by such other relevant information as the department may require. The department shall issue a written approval of the complete sediment impact zone application prior to or concurrent with authorizing a sediment impact zone.

(d) Submittal of an application to the department for authorization of a sediment impact zone under the terms and conditions of this section shall establish the applicant's interim compliance with requirements of chapter 90.48 RCW and this chapter, as determined by the department. The department may authorize an interim compliance period within a valid discharge permit or administrative order to ensure ultimate compliance with chapter 90.48 RCW and this chapter. The interim compliance period shall not continue beyond the date of issuance of a sediment impact zone authorization within a valid discharge permit issued by the department.

(e) Prior to authorization, the department shall make a reasonable effort to identify and notify all landowners, adjacent landowners, and lessees affected by the proposed sediment impact zone. The department shall issue a sediment impact zone notification letter to any person it believes to be a potentially affected landowner and other parties determined appropriate by the department. The notification letter shall be sent by certified mail, return receipt requested, or by personal service. The notification letter shall provide:

(i) The name of the person the department believes to be the affected landowner;

(ii) The names and addresses of other affected landowners to whom the department has sent a proposed sediment impact zone notification letter;

(iii) The name and address of the sediment impact zone applicant;

(iv) A general description of the location, size, and contamination level proposed for the sediment impact zone;

(v) The intention of the department to release all specific sediment impact zone application information to the public upon written request to the department;

(vi) The determination of the department concerning whether the proposed sediment impact zone application meets the standards of this section;

(vii) The intention of the department whether to authorize the proposed sediment impact zone; and

(viii) Notification that the affected landowners, adjacent landowners, and lessees may comment on the proposed sediment impact zone. Any comments on the proposed sediment impact zone authorization shall be submitted in writing to the department within thirty days from the date of receipt of the notification letter, unless the department provides an extension.

(f) Prior to authorization, the department shall issue a sediment impact zone notification letter to affected port districts, the Washington state department of natural resources marine lands division, the U.S. Army Corps of Engineers, and other parties determined appropriate by the department. The notification letter shall be sent by certified mail, return receipt requested, or by personal service. The notification letter shall provide the information required under (e) of this subsection.

(3) Locational considerations. The department shall require any person applying for a sediment impact zone to submit information concerning potential location considerations of the zone. The location of an authorized sediment impact zone shall avoid whenever possible and minimize adverse impacts to areas of special importance. Prior to authorization of a sediment impact zone, the department shall consider all pertinent information from the applicant, all affected parties, local, state and federal agencies, federally recognized Indian tribes, and the public concerning locational considerations, including but not limited to:

(a) Spawning areas;

(b) Nursery areas;

(c) Waterfowl feeding areas;

(d) Shellfish harvest areas;

(e) Areas used by species of economic importance;

(f) Tribal areas of significance;

(g) Areas determined to be ecologically unique;

(h) Water supply intake areas;

(i) Areas used for primary contact public recreation;

(j) High quality waters that constitute an outstanding national resource; and

(k) Areas where sediment quality is substantially better than levels necessary for protection of biological resources and human health.

(4) Design requirements. The location, areal limitations, and degree of effects allowed within an authorized sediment impact zone shall be determined by application of the department's sediment impact zone computer models "CORMIX" and/or "WASP 4," or an alternate sediment impact zone model(s) approved by the department under WAC 173-204-130(4), as limited by the standards of this section and the department's best professional judgment. The models shall be used by the department or by the discharger as required by the department, to estimate the impact of any person's wastewater or storm water discharge on the receiving water and sediment quality for a period of ten years from the later date of either the department's formal approval of the application for a sediment impact zone authorization or the starting date of the discharge.

(a) Data requirements. The discharger shall submit the following information to determine requirements for establishment and authorization of a sediment impact zone, as required by the department:

(i) Data reports and analyses results for all samples of wastewater or storm water, receiving water, and sediments collected by the discharger or other parties relating to evaluation of the potential effects of the permitted discharge, as required by WAC 173-204-400.

(ii) Data reports and analyses results determined necessary to:

(A) Apply discharge modeling to the permitted discharge; and

(B) To identify and evaluate potential alternative chemical and biological effects of the discharge on the receiving water and sediments; and

(C) To identify and evaluate potential alternatives to define the areal size and location of a sediment impact zone needed by the discharge.

(iii) Data reports and analyses results from the discharger's application of the "CORMIX" and/or "WASP 4" or an alternate sediment impact zone model(s) approved by the department under WAC 173-204-130(4), to the permitted discharge to identify and evaluate:

(A) Potential alternative chemical and biological effects of the discharge on the receiving water and sediments; and

(B) Potential alternatives for the areal distribution and location of a potential sediment impact zone required by the discharge.

(iv) Preferred alternative for closure of the potential sediment impact zone by active removal and/or natural recovery, and identified costs of the preferred closure method.

(b) Overlapping sediment impact zones. Overlapping sediment impact zones, as predicted by the "CORMIX" and/or "WASP 4" models or an alternate sediment impact zone model(s) approved by the department under WAC 173-204-130(4), and the department's best professional judgment, shall be authorized only as follows:

(i) The applicable sediment impact zone maximum criteria of WAC 173-204-420 shall not be exceeded as a result of the multiple discharge sediment impact zones overlap; and

(ii) If the department determines that the applicable chemical contaminant concentration and biological effects restrictions of WAC 173-204-420 would be exceeded as a result of the overlap of multiple discharge sediment impact zones, the department may authorize the sediment impact zones after:

(A) Application of a waste load allocation process to the individual permitted discharges to identify individual permit effluent limitations necessary to meet:

(I) The applicable chemical contaminant concentration and biological effects restrictions for sediment impact zones required by this section; and/or

(II) Storm water best management practices required by the department; and

(B) Establishment of individual permit compliance schedules for the multiple permitted discharges to ensure compliance with:

(I) The permit effluent limitations established by the department using the waste load allocation process and best professional judgment; and

(II) The standards of WAC 173-204-400 through 173-204-420.

(5) Maintenance requirements.

(a) The department shall review sediment impact zone monitoring conducted by the discharger to evaluate compliance with the department's sediment impact zone authorization and the standards of WAC 173-204-400 through 173-204-420. The department may require additional sediment impact zone monitoring when the department determines that any sediment sampling station within an authorized sediment impact zone exceeds the sediment impact zone maximum criteria of WAC 173-204-420 or violates the sediment impact zone authorization as a result of the discharge.

(b) Whenever the department can clearly demonstrate that, as a result of an effluent discharge, a discharger violates, shall violate, or creates a substantial potential to violate the department's sediment impact zone authorization, or the sediment impact zone maximum criteria of WAC 173-204-420, the department shall:

(i) Provide written notification and supporting documentation of the department's clear demonstration determination to the affected discharger;

(ii) Establish a reasonable time frame for the affected discharger to either submit a written statement and supporting documentation rebutting the department's clear demonstration determination, or accept the department's determination. The discharger may use the clear demonstration methods identified in (c) of this subsection for rebuttal of the department's clear demonstration; and

(iii) Provide written notification of the department's determination concerning approval or denial of the submitted clear demonstration rebuttal to the discharger.

(c) For the purpose of this section, a clear demonstration shall consist of:

(i) Use of the sediment impact zone model(s) "CORMIX" and/or "WASP 4" or other model(s) to demonstrate a discharge(s) is the source of the violation or potential violation; and

(ii) Use of one or more of the following methods to demonstrate a violation of the sediment impact zone authorization or the sediment impact zone maximum criteria of WAC 173-204-420:

(A) Direct sediment sampling. A violation of the sediment impact zone authorization and/or the sediment impact zone maximum criteria of WAC 173-204-420 is demonstrated when:

(I) The average chemical concentration for three stations within the sediment impact zone exceeds the sediment impact zone maximum criteria of WAC 173-204-420 due to the discharge source. This concentration average shall not include stations for which complete biological testing information shows that the biological effects requirements of WAC 173-204-420, or the authorized sediment impact zone if applicable, are met; or

(II) The biological effects at each of any three stations within the sediment impact zone exceed the sediment impact zone maximum biological effects criteria of WAC 173-204-420 or the authorized sediment impact zone as applicable, due to the discharge source; or

(B) Monitoring data which demonstrates a chemical contaminant concentration gradient toward the discharge source exists in sediments which violates the sediment impact zone authorization or the standards of WAC 173-204-420; or

(C) A trend analysis of the effluent chemical discharge quality and in-place sediment monitoring data which statistically demonstrates an ongoing violation or substantial potential to violate the sediment impact zone authorization or the standards of WAC 173-204-420; or

(D) Field depositional (e.g., sediment traps) and/or effluent particulate (e.g., centrifuge analysis) data which demonstrate an ongoing violation or substantial potential to violate the sediment impact zone authorization or the standards of WAC 173-204-420; or

(E) Mathematical or computer modeling which demonstrates an ongoing violation or substantial potential to violate the sediment impact zone authorization or the standards of WAC 173-204-420.

(d) The department's response to a clear demonstration of a violation or potential violation shall be to require maintenance activities in the following order:

(i) Require reanalysis of whether the discharger's effluent treatment complies with all known, available and reasonable methods of prevention, control, and treatment and best management practices based on the data used to establish the clear demonstration;

(ii) Alter the authorized sediment impact zone size and/or degree of effects consistent with the standards of this section and the results of direct sediment sampling;

(iii) Reduce impacts of the existing or potential violation by requiring additional discharge controls or additional sediment impact zone maintenance activities which can include, but are not limited to:

(A) Dredging and removal of sediments, solely for sediment impact zone maintenance needs or coordinated with maintenance dredging of commercially important areas, e.g., navigational lanes or ship berthing areas;

(B) Dredging, treatment, and replacement of sediments within the sediment impact zone; and/or

(C) Capping of sediments within the sediment impact zone;

(iv) Limit the quantity and/or quality of the existing permitted discharge; and/or

(v) Withdraw the department's sediment impact zone authorization and require final closure of the zone.

(e) All sediment impact zone maintenance actions conducted under this chapter shall provide for landowner review of the maintenance action plans prior to implementation of the action. In cases where the discharger is not able to secure access to lands subject to the sediment impact zone maintenance actions of this subsection, the department may facilitate negotiations or other proceedings to secure access to the lands. Requests for department facilitation of land access shall be submitted to the department in writing by the responsible discharger.

(6) Closure planning and requirements.

(a) The discharger shall select and identify a preferred method for closure of a sediment impact zone in the application required by WAC 173-204-415(2). Closure methods can include either active cleanup and/or natural recovery and

monitoring. The department shall incorporate the discharger's identified closure method in the sediment impact zone authorization.

(b) The department may require closure of authorized sediment impact zones when the department determines that:

(i) The discharger has violated the sediment impact zone maintenance standards of subsection (5) of this section; or

(ii) The department determines that:

(A) The wastewater or storm water discharge quality will not violate the applicable sediment quality standards of WAC 173-204-320 through 173-204-340; or

(B) A sediment impact zone is no longer needed or eligible under the standards of WAC 173-204-410 through 173-204-415.

(7) Modification of sediment impact zones. The department may modify sediment impact zone authorization requirements where the nature of a person's activity which generates, transports, disposes, prevents, controls, or treats effluent discharges has substantially changed and been demonstrated to the department's satisfaction. The modification may occur after consideration of the following:

(a) Reduction of effects. Assessment of the discharge activities and treatment methods shall be conducted by the discharger to demonstrate to the satisfaction of the department that:

(i) Elimination of the sediment impact zone is not practicable; and

(ii) Further reduction in any existing or proposed sediment impact zone area size and/or level of contamination or effects is not practicable in consideration of discharge requirements for all known, available and reasonable methods of prevention, control, and treatment, best management practices, and applicable waste reduction and recycling provisions.

(b) Alterations. There are substantial alterations or additions to the person's activity generating effluent discharges which require authorization of a sediment impact zone which occur after permit issuance and justify application of permit conditions different from, or absent in, the existing permit.

(c) New information. Sediment impact zones may be modified when new information is received by the department that was not available at the time of permit issuance that would have justified the application of different sediment impact zone authorization conditions.

(d) New regulations. The standards or regulations on which the permit was based have changed by amended standards, criteria, or by judicial decision after the permit was issued.

(e) Changes in technology. Advances in waste control technology that qualify as "all known, available and reasonable methods of prevention, control, and treatment" and "best management practices" shall be adopted as permit requirements, as appropriate, in all permits reissued by the department.

(8) Renewal of previously authorized sediment impact zones. Renewal of sediment impact zones previously authorized under the standards of WAC 173-204-410 and this section shall be allowed under the following conditions:

(a) The department determines the discharge activities and treatment methods meet all known, available and reasonable methods of prevention, control, and treatment and

best management practices as stipulated by the department; and

(b) The discharger demonstrates to the department's satisfaction that the discharge activities comply with the standards of WAC 173-204-400 through 173-204-420 and with the existing sediment impact zone authorization; and

(c) Reduction of effects. The discharger conducts an assessment of the permitted discharge activities and treatment methods and demonstrates to the department's satisfaction that:

(i) Elimination of the sediment impact zone is not practicable; and

(ii) A further reduction in any existing or proposed sediment impact zone area size and/or level of contamination is not practicable in consideration of discharge requirements for all known, available and reasonable methods of prevention, control, and treatment, best management practices, and applicable waste reduction and recycling provisions.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-415, filed 3/27/91, effective 4/27/91.]

WAC 173-204-420 Sediment impact zone maximum criteria. This section establishes minor adverse effects as the maximum chemical contaminant concentration, maximum health risk to humans, maximum biological effects level, maximum other toxic, radioactive, biological, or deleterious substance level, and maximum nonanthropogenically affected sediment quality level allowed within authorized sediment impact zones due to an existing or proposed discharge. If the department determines that the standards of this section are or will be exceeded as a result of an existing or proposed discharge(s), the department shall authorize a sediment impact zone or modify a sediment impact zone authorization consistent with the standards of WAC 173-204-400 through 173-204-420 such that individual permit effluent limitations, requirements, and compliance time periods are sufficient to meet the standards of this section as applicable.

(1) Applicability.

(a) The marine sediment impact zone maximum chemical criteria, and the marine sediment biological effects criteria, and the marine sediment human health criteria, and the marine sediment other toxic, radioactive, biological or deleterious substance criteria and the marine sediment nonanthropogenically affected sediment criteria of this section shall apply to marine sediments within Puget Sound.

(b) Non-Puget Sound marine sediment impact zone maximum criteria. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(c) Low salinity sediment impact zone maximum criteria. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(d) Freshwater sediment impact zone maximum criteria. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(2) Puget Sound marine sediment impact zone maximum chemical criteria. The maximum chemical concentration levels that may be allowed within an authorized sediment

impact zone due to a permitted or otherwise authorized discharge shall be at or below the chemical levels stipulated in Table II, Sediment Impact Zone Maximum Chemical Criteria, except as provided for by the marine sediment biological effects restrictions of subsection (3) of this section, and any compliance time periods established under WAC 173-204-410 (6)(d) and 173-204-415.

Table II

Puget Sound Marine Sediment Impact Zones
Maximum Chemical Criteria¹

CHEMICAL PARAMETER	MG/KG DRY WEIGHT (PARTS PER MILLION (PPM) DRY)
ARSENIC	93
CADMIUM	6.7
CHROMIUM	270
COPPER	390
LEAD	530
MERCURY	0.59
SILVER	6.1
ZINC	960
CHEMICAL PARAMETER	MG/KG ORGANIC CARBON (PPM CARBON) ²
LPAH ³	780
NAPHTHALENE	170
ACENAPHTHYLENE	66
ACENAPHTHENE	57
FLUORENE	79
PHENANTHRENE	480
ANTHRACENE	1200
2-METHYLNAPHTHALENE	64
CHEMICAL PARAMETER	MG/KG ORGANIC CARBON (PPM CARBON)
HPAH ⁴	5300
FLUORANTHENE	1200
PYRENE	1400
BENZ(A)ANTHRACENE	270
CHRYSENE	460
TOTAL BENZOFLUORANTHENES ⁵	450
BENZO(A)PYRENE	210
INDENO (1,2,3,-C,D) PYRENE	88
DIBENZO (A,H) ANTHRACENE	33
BENZO(G,H,I)PERYLENE	78
1,2-DICHLOROBENZENE	2.3
1,4-DICHLOROBENZENE	9
1,2,4-TRICHLOROBENZENE	1.8
HEXACHLOROBENZENE	2.3
DIMETHYL PHTHALATE	53
DIETHYL PHTHALATE	110
DI-N-BUTYL PHTHALATE	1700
BUTYL BENZYL PHTHALATE	64
BIS (2-ETHYLHEXYL) PHTHALATE	78
DI-N-OCTYL PHTHALATE	4500
DIBENZOFURAN	58
HEXACHLOROBUTADIENE	6.2
N-NITROSODIPHENYLAMINE	11
TOTAL PCB'S	65
CHEMICAL PARAMETER	UG/KG DRY WEIGHT (PARTS PER BILLION (PPB) DRY)
PHENOL	1200
2-METHYLPHENOL	63
4-METHYLPHENOL	670
2,4-DIMETHYL PHENOL	29
PENTACHLOROPHENOL	690
BENZYL ALCOHOL	73
BENZOIC ACID	650

Table II Footnotes

- 1 Where laboratory analysis indicates a chemical is not detected in a sediment sample, the detection limit shall be reported and shall be at or below the criteria value shown in this table. Where chemical criteria in this table represent the sum of individual compounds or isomers, and a chemical analysis identifies an undetected value for one or more individual compounds or isomers, the detection limit shall be used for calculating the sum of the respective compounds or isomers.
- 2 The listed chemical parameter criteria represent concentrations in parts per million, "normalized," or expressed, on a total organic carbon basis. To normalize to total organic carbon, the dry weight concentration for each parameter is divided by the decimal fraction representing the percent total organic carbon content of the sediment.
- 3 The LPAH criterion represents the sum of the following "low molecular weight polynuclear aromatic hydrocarbon" compounds: Naphthalene, Acenaphthylene, Acenaphthene, Fluorene, Phenanthrene, and Anthracene. The LPAH criterion is not the sum of the criteria values for the individual LPAH compounds as listed.
- 4 The HPAH criterion represents the sum of the following "high molecular weight polynuclear aromatic hydrocarbon" compounds: Fluoranthene, Pyrene, Benz(a)anthracene, Chrysene, Total Benzofluoranthenes, Benzo(a)pyrene, Indeno(1,2,3-c,d)pyrene, Dibenzo(a,h)anthracene, and Benzo(g,h,i)perylene. The HPAH criterion is not the sum of the criteria values for the individual HPAH compounds as listed.
- 5 The TOTAL BENZOFLUORANTHENES criterion represents the sum of the concentrations of the "B," "J," and "K" isomers.

(3) Puget Sound marine sediment impact zone maximum biological effects criteria. The maximum biological effects level that may be allowed within an authorized sediment impact zone shall be at or below a minor adverse biological effects level. The acute and chronic effects biological tests of WAC 173-204-315(1) may be used to determine compliance with the minor adverse biological effects restriction within an authorized sediment impact zone as follows:

(a) When using biological testing to determine compliance with the maximum biological effects criteria within a sediment impact zone, a person shall select and conduct any two acute effects tests and any one chronic effects test.

(b) The biological tests shall not be considered valid unless test results for the appropriate control and reference sediment samples meet the performance standards described in WAC 173-204-315(2).

(c) The sediment impact zone maximum biological effects level is established as that level below which any two of the biological tests in any combination exceed the criteria of WAC 173-204-320(3), or one of the following biological test determinations is made:

(i) Amphipod: The test sediment has a higher (statistically significant, t test, $p \leq 0.05$) mean mortality than the reference sediment and the test sediment mean mortality is more than thirty percent higher than the reference sediment mean mortality, on an absolute basis; or

(ii) Larval: The test sediment has a mean survivorship of normal larvae that is less (statistically significant, t test, $p \leq 0.05$) than the mean normal survivorship in the reference sediment sample and the test sediment mean normal survivorship is less than seventy percent of the mean normal survivorship in the reference sediment (i.e., the test sediment has a mean combined abnormality and mortality that is greater than thirty percent relative to time-final in the reference sediment); or

(iii) Benthic abundance: The test sediment has less than fifty percent of the reference sediment mean abundance of any two of the following major taxa: Crustacea, Mollusca or Polychaeta and the test sediment abundances are statistically different (t test, $p \leq 0.05$) from the reference sediment abundances; or

(iv) Juvenile polychaete: The test sediment has a mean biomass of less than fifty percent of the reference sediment mean biomass and the test sediment biomass is statistically different (t test, $p \leq 0.05$) from the reference sediment biomass.

(4) Puget Sound marine sediment impact zone maximum human health criteria. Reserved: The department may determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(5) Puget Sound marine sediment impact zone maximum other toxic, radioactive, biological, or deleterious substances criteria. Other toxic, radioactive, biological or deleterious substances in, or on, sediments shall be below levels which cause minor adverse effects in marine biological resources, or which correspond to a significant health risk to humans, as determined by the department. The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(6) Puget Sound marine sediment impact zone maximum nonanthropogenically affected sediment criteria. Whenever the nonanthropogenically affected sediment quality is of a lower quality (i.e., higher chemical concentrations, higher levels of adverse biological response, or posing a higher threat to human health) than the applicable sediment impact zone maximum criteria established under this section, the existing sediment chemical and biological quality shall be identified on an area-wide basis as determined by the department, and used in place of the standards of WAC 173-204-420.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-420, filed 3/27/91, effective 4/27/91.]

PART V—SEDIMENT CLEANUP STANDARDS

WAC 173-204-500 Sediment cleanup decision process and policies. (1) The standards of WAC 173-204-500 through 173-204-590 are procedures which specify a cleanup decision process for managing contaminated sediments. These procedures include:

(a) Screening sediment station clusters of potential concern;

(b) Conducting hazard assessments to identify cleanup sites;

(c) Ranking sites identified in (b) of this subsection;

(d) Determining the appropriate site cleanup authority;

(e) Conducting a site cleanup study;

(f) Determining the site-specific cleanup standard;

(g) Selecting a site cleanup action; and

(h) Where necessary, authorizing a cleanup site sediment recovery zone.

(2) Under this chapter, the department may require or take those actions necessary to implement the standards of WAC 173-204-500 through 173-204-580 for all contaminat-

ed sediment stations on the inventory identified in WAC 173-204-350.

(3) The cleanup process and procedures under this chapter and under other laws may be combined. The department may initiate a cleanup action under this chapter and may upon further analysis determine that another law is more appropriate, or vice versa.

(4) It is the policy of the department to manage sediment cleanup actions towards the goal of reducing and ultimately eliminating adverse effects on biological resources and significant health threats to humans from sediment contamination. To achieve this goal, the department will pursue sediment cleanup decisions and cleanup standards that are as close as practicable to the sediment quality standards of WAC 173-204-320 through 173-204-340, including the consideration of net environmental effects, cost and technical feasibility. The department shall only authorize sediment recovery zones so as to minimize the number, size and adverse effects of all zones, with the intent to eliminate the existence of all such zones whenever practicable.

(5) The department shall endeavor to make sediment cleanup decisions in an expeditious manner, as soon as all needed information is available, consistent with the availability of department resources and the priority of the cleanup site.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-500, filed 3/27/91, effective 4/27/91.]

WAC 173-204-510 Screening sediment station clusters of potential concern. (1) Using the sediment quality standards inventory of WAC 173-204-350, the department shall analyze the sediment sampling data to identify station clusters of potential concern and station clusters of low concern per the standards of this section. Station clusters of potential concern shall be further evaluated using the hazard assessment standards of WAC 173-204-530. Station clusters of low concern shall remain on the inventory and no further cleanup action determinations shall be taken by the department until the stations are reexamined per subsection (5) of this section.

(2) A station cluster is defined as any number of stations from the inventory of WAC 173-204-350 that are determined to be contiguous. For the purpose of identifying a station cluster of potential concern per the procedures of this subsection, three stations with the highest contaminant concentration for any particular contaminant or the highest degree of biological effects as identified in WAC 173-204-520 are selected from a station cluster. This procedure may be repeated for multiple chemicals identified in WAC 173-204-520, recognizing that the three stations with the highest concentration for each particular contaminant may be different and the respective areas for all chemicals may overlap. The department shall review the inventory of WAC 173-204-350 to identify station clusters of potential concern via the following process:

(a) Identify if available, the three stations within a station cluster with the highest concentration of each chemical contaminant identified in WAC 173-204-520, Cleanup screening levels criteria; and

(b) For each contaminant identified in (a) of this subsection, determine the average concentration for the contaminant at the three stations identified in (a) of this subsection; and

(c) Identify if available, three stations within the station cluster with the highest level of biological effects for the biological tests identified in WAC 173-204-315(1); and

(d) If the average contaminant concentration for any three stations identified in (a) of this subsection, exceeds the applicable cleanup screening level in WAC 173-204-520, then the station cluster is defined as a station cluster of potential concern; and

(e) If the biological effects at each of the three stations from (c) of this subsection exceeds the cleanup screening level in WAC 173-204-520, then the station cluster is defined as a station cluster of potential concern; and

(f) If neither of the conditions of (d) or (e) of this subsection apply, then the station cluster is defined as a station cluster of low concern; and

(g) If the department determines that any three stations within a station cluster exceed the sediment cleanup screening levels human health criteria or the other toxic, radioactive, biological, or deleterious substances criteria or the nonanthropogenically affected criteria of WAC 173-204-520, then the station cluster is defined as a station cluster of potential concern.

(3) Notification. When a station cluster of potential concern has been identified, the department shall issue notification to the landowners, lessees, onsite dischargers, adjacent dischargers, and other persons determined appropriate by the department prior to the department's conducting a hazard assessment as defined in WAC 173-204-530.

(4) No further cleanup action determinations shall be taken with station clusters of low concern until the inventory of WAC 173-204-350 is updated and the stations reexamined per subsection (5) of this section. Station clusters of low concern shall receive no further consideration for active cleanup, unless new information indicates an increase of chemical contamination at the stations in question. Station clusters of low concern shall be evaluated by the department for improved source control and/or monitoring requirements of this chapter.

(5) The department may at any time reexamine a station or group of stations to reevaluate and identify station clusters of potential concern following the procedures of subsection (2) of this section when new information demonstrates to the department's satisfaction that reexamination actions are necessary to fulfill the purposes of WAC 173-204-500 through 173-204-590.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-510, filed 3/27/91, effective 4/27/91.]

WAC 173-204-520 Cleanup screening levels criteria.

(1) Applicability.

(a) The marine sediment cleanup screening levels chemical criteria, and the marine sediment biological effects criteria, and the marine sediment other toxic, radioactive, biological, or deleterious substance criteria, and the marine sediment nonanthropogenically affected criteria of this section shall apply to marine sediments within Puget Sound.

The cleanup screening levels establish minor adverse effects as the level above which station clusters of potential concern are defined, and at or below which station clusters of low concern are defined, per the procedures identified in WAC 173-204-510(2). The cleanup screening levels also establish the levels above which station clusters of potential concern are defined as cleanup sites, per the procedures identified in WAC 173-204-530, Hazard assessment. The criteria in Table III and this section also establish minor adverse effects as the Puget Sound marine sediment minimum cleanup level to be used in evaluation of cleanup alternatives per the procedures of WAC 173-204-560, and selection of a site cleanup standard(s) per the procedures of WAC 173-204-570.

(b) Non-Puget Sound marine sediment cleanup screening levels and minimum cleanup levels criteria. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(c) Low salinity sediment cleanup screening levels and minimum cleanup levels criteria. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(d) Freshwater sediment cleanup screening levels and minimum cleanup levels criteria. Reserved: The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(2) Puget Sound marine sediment cleanup screening levels and minimum cleanup levels chemical criteria. The chemical concentration criteria in Table III establish the Puget Sound marine sediment cleanup screening levels and minimum cleanup levels chemical criteria.

Table III

Puget Sound Marine Sediment
Cleanup Screening Levels
and
Minimum Cleanup Levels—
Chemical Criteria¹

CHEMICAL PARAMETER	MG/KG DRY WEIGHT (PARTS PER MILLION (PPM) DRY)
ARSENIC	93
CADMIUM	6.7
CHROMIUM	270
COPPER	390
LEAD	530
MERCURY	0.59
SILVER	6.1
ZINC	960

CHEMICAL PARAMETER	MG/KG ORGANIC CARBON (PPM CARBON) ²
LPAH ³	780
NAPHTHALENE	170
ACENAPHTHYLENE	66
ACENAPHTHENE	57
FLUORENE	79
PHENANTHRENE	480
ANTHRACENE	1200
2-METHYLNAPHTHALENE	64

CHEMICAL PARAMETER	MG/KG ORGANIC CARBON (PPM CARBON)
HPAH ⁴	5300
FLUORANTHENE	1200
PYRENE	1400

BENZ(A)ANTHRACENE	270
CHRYSENE	460
TOTAL BENZOFLUORANTHENES ⁵	450
BENZO(A)PYRENE	210
INDENO (1,2,3,-C,D) PYRENE	88
DIBENZO (A,H) ANTHRACENE	33
BENZO(G,H,I)PERYLENE	78
1,2-DICHLOROBENZENE	2.3
1,4-DICHLOROBENZENE	9
1,2,4-TRICHLOROBENZENE	1.8
HEXACHLOROBENZENE	2.3
DIMETHYL PHTHALATE	53
DIETHYL PHTHALATE	110
DI-N-BUTYL PHTHALATE	1700
BUTYL BENZYL PHTHALATE	64
BIS (2-ETHYLHEXYL) PHTHALATE	78
DI-N-OCTYL PHTHALATE	4500
DIBENZOFURAN	58
HEXACHLOROBUTADIENE	6.2
N-NITROSODIPHENYLAMINE	11
TOTAL PCB'S	65

CHEMICAL PARAMETER	UG/KG DRY WEIGHT (PARTS PER BILLION (PPB) DRY)
PHENOL	1200
2-METHYLPHENOL	63
4-METHYLPHENOL	670
2,4-DIMETHYL PHENOL	29
PENTACHLOROPHENOL	690
BENZYL ALCOHOL	73
BENZOIC ACID	650

Table III Footnotes

- Where laboratory analysis indicates a chemical is not detected in a sediment sample, the detection limit shall be reported and shall be at or below the criteria value shown in this table. Where chemical criteria in this table represent the sum of individual compounds or isomers, and a chemical analysis identifies an undetected value for one or more individual compounds or isomers, the detection limit shall be used for calculating the sum of the respective compounds or isomers.
- The listed chemical parameter criteria represent concentrations in parts per million, "normalized," or expressed, on a total organic carbon basis. To normalize to total organic carbon, the dry weight concentration for each parameter is divided by the decimal fraction representing the percent total organic carbon content of the sediment.
- The LPAH criterion represents the sum of the following "low molecular weight polynuclear aromatic hydrocarbon" compounds: Naphthalene, Acenaphthylene, Acenaphthene, Fluorene, Phenanthrene, and Anthracene. The LPAH criterion is not the sum of the criteria values for the individual LPAH compounds as listed.
- The HPAH criterion represents the sum of the following "high molecular weight polynuclear aromatic hydrocarbon" compounds: Fluoranthene, Pyrene, Benz(a)anthracene, Chrysene, Total Benzo(a)fluoranthenes, Benzo(a)pyrene, Indeno(1,2,3,-c,d)pyrene, Dibenzo(a,h)anthracene, and Benzo(g,h,i)perylene. The HPAH criterion is not the sum of the criteria values for the individual HPAH compounds as listed.
- The TOTAL BENZOFLUORANTHENES criterion represents the sum of the concentrations of the "B," "J," and "K" isomers.

(3) Puget Sound marine sediment cleanup screening levels and minimum cleanup level biological criteria. The biological effects criteria of this subsection establish the Puget Sound marine sediment cleanup screening level, and the Puget Sound marine sediment minimum cleanup level criteria.

(a) The acute and chronic effects biological tests of WAC 173-204-315(1) shall be used to:

(i) Identify the Puget Sound marine sediment cleanup screening level for the purpose of screening sediment station

clusters of potential concern using the procedures of WAC 173-204-510(2); and

(ii) Identify the Puget Sound marine sediment cleanup screening level for the purpose of identifying station clusters of low concern and/or cleanup sites using the hazard assessment procedures of WAC 173-204-530(4); and/or

(iii) Identify the Puget Sound marine sediment minimum cleanup level to confirm minimum cleanup level determinations using the procedures of WAC 173-204-570(3).

(b) When using biological testing to determine if station clusters exceed the cleanup screening level or to identify the minimum cleanup level for a contaminated site, test results from at least two acute effects tests and one chronic effects test shall be evaluated.

(c) The biological tests shall not be considered valid unless test results for the appropriate control and reference sediment samples meet the performance standards described in WAC 173-204-315(2).

(d) The cleanup screening level and minimum cleanup level is exceeded when any two of the biological tests exceed the criteria of WAC 173-204-320(3); or one of the following test determinations is made:

(i) Amphipod: The test sediment has a higher (statistically significant, t test, $p \leq 0.05$) mean mortality than the reference sediment and the test sediment mean mortality is more than thirty percent higher than the reference sediment mean mortality, on an absolute basis.

(ii) Larval: The test sediment has a mean survivorship of normal larvae that is less (statistically significant, t test, $p \leq 0.05$) than the mean normal survivorship in the reference sediment and the test sediment mean normal survivorship is less than seventy percent of the mean normal survivorship in the reference sediment (i.e., the test sediment has a mean combined abnormality and mortality that is greater than thirty percent relative to time-final in the reference sediment).

(iii) Benthic abundance: The test sediment has less than fifty percent of the reference sediment mean abundance of any two of the following major taxa: Crustacea, Mollusca or Polychaeta and the test sample abundances are statistically different (t test, $p \leq 0.05$) from the reference abundances.

(iv) Juvenile polychaete: The test sediment has a mean biomass of less than fifty percent of the reference sediment mean biomass and the test sediment biomass is statistically different (t test, $p \leq 0.05$) from the reference sediment biomass.

(4) Puget Sound marine sediment cleanup screening levels and minimum cleanup levels human health criteria. Reserved: The department may determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(5) Puget Sound marine sediment cleanup screening levels and minimum cleanup levels other toxic, radioactive, biological, or deleterious substances criteria. Other toxic, radioactive, biological, or deleterious substances in, or on, sediments shall be at or below levels which cause minor adverse effects in marine biological resources, or which correspond to a significant health risk to humans, as determined by the department. The department shall determine on a case-by-case basis the criteria, methods, and procedures necessary to meet the intent of this chapter.

(6) Puget Sound marine sediment cleanup screening levels and minimum cleanup levels nonanthropogenically affected sediment criteria. Whenever the nonanthropogenically affected sediment quality is of a lower quality (i.e., higher chemical concentrations, higher levels of adverse biological response, or posing a higher threat to human health) than the applicable cleanup screening levels or minimum cleanup levels criteria established under this section, the existing sediment chemical and biological quality shall be identified on an area-wide basis as determined by the department, and used in place of the standards of WAC 173-204-520.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-520, filed 3/27/91, effective 4/27/91.]

WAC 173-204-530 Hazard assessment. (1) Purpose. A hazard assessment shall be performed to gather existing and available information to further characterize each station cluster of potential concern identified per WAC 173-204-510.

(2) Hazard assessment requirements. Onsite dischargers, lessees, landowners, and adjacent dischargers shall submit, upon the department's request, all existing and available information that would enable the department to:

(a) Determine the concentration and/or areal extent and depth of sediment contamination at the station cluster of potential concern by:

(i) Identifying the contaminants exceeding the applicable sediment quality standards of WAC 173-204-320 through 173-204-340;

(ii) Identifying individual stations within the station cluster of potential concern which exceed the sediment cleanup screening levels criteria of WAC 173-204-520;

(iii) Identifying the level of toxicity to the applicable biological test organisms of WAC 173-204-320 through 173-204-340;

(iv) Determining where the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, for any given contaminant, is met;

(v) Determining if concentrations of chemicals exist that potentially present a significant threat to human health;

(vi) Defining the location where the minimum cleanup level as defined in WAC 173-204-570 is met.

(b) Identifying and characterizing the present and historic source or sources of the contamination.

(c) Identifying the location of sediment impact zones authorized under WAC 173-204-415.

(d) Identifying sensitive resources in the vicinity of the station cluster of potential concern.

(e) Providing other information as determined necessary by the department for ranking sites under WAC 173-204-540.

(3) The department shall also compile existing and available information from other federal, state, and local governments that pertain to the topics in subsection (2) of this section.

(4) To identify cleanup sites, the department shall use all available information of acceptable quality gathered from the hazard assessment to evaluate station clusters of potential concern identified pursuant to WAC 173-204-510(2). For

the purpose of identifying a cleanup site per the procedures of this subsection, three stations with the highest contaminant concentration for any particular contaminant or the highest degree of biological effects as identified in WAC 173-204-520 are selected from a station cluster of potential concern. This procedure may be repeated for multiple chemicals identified in WAC 173-204-520, recognizing that the three stations with the highest concentration for each particular contaminant may be different and the respective areas for all chemicals may overlap. The department shall review the list of station clusters of potential concern to identify cleanup sites via the following process:

(a) Identify if available, three stations within the station cluster of potential concern with the highest level of biological effects for the biological tests identified in WAC 173-204-315(1).

(b) Station clusters of potential concern where the level of biological effects for any three stations within the station cluster of potential concern exceeds the cleanup screening levels of WAC 173-204-520(3) shall be defined as cleanup sites.

(c) Identify if available, the three stations within a station cluster of potential concern with the highest concentration of each chemical contaminant identified in WAC 173-204-520, Cleanup screening levels criteria. For the purpose of identifying a cleanup site per the procedures of this subsection, stations that meet the biological standards of WAC 173-204-520(3) shall not be included in the evaluation of chemical contaminant concentrations.

(d) For each contaminant identified in (c) of this subsection, determine the average concentration for the contaminant at the three stations identified in (c) of this subsection.

(e) Station clusters of potential concern for which any average chemical concentration identified in (d) of this subsection exceeds the cleanup screening level chemical criteria of Table III shall be defined as cleanup sites.

(f) After completion of the hazard assessment, if neither of the conditions of (b) or (e) of this subsection apply, then the station cluster is defined as a station cluster of low concern.

(g) Station clusters of potential concern where the department determines that any three stations within the station cluster of potential concern exceed the sediment cleanup screening levels human health criteria or the other toxic, radioactive, biological, or deleterious substances criteria or the nonanthropogenically affected criteria of WAC 173-204-520, shall be defined as cleanup sites.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-530, filed 3/27/91, effective 4/27/91.]

WAC 173-204-540 Ranking and list of sites. (1) Purpose. The department shall prepare and maintain a list of contaminated sediment sites in the order of their relative hazard ranking. From this list, the department shall select sites where action shall be taken.

(2) Site ranking. The department shall evaluate each cleanup site identified by the procedures in WAC 173-204-530 on a consistent basis using the procedure described in *Sediment Ranking System ("SEDRANK")*, January 1990, and

all additions and revisions thereto or other procedures approved by the department. The purpose of ranking is to estimate, based on technical information compiled during the hazard assessment procedures in WAC 173-204-530, the relative potential risk posed by the site to human health and the environment. Information obtained during hazard assessment, plus any additional data specified in "SEDRANK," shall be included in the site hazard ranking evaluation.

(3) Considerations in ranking. In conducting sediment site ranking, the department shall assess both human health hazard and ecological hazard, and consider chemical toxicity, affected resources, and site characteristics for both types of hazards. The department shall also use best professional judgment and other information as necessary on a case-by-case basis to conduct site ranking.

(4) Site reranking. The department may, at its discretion, rerank a site. To rerank a site, the department shall use any additional information within the scope of the hazard ranking evaluation criteria and best professional judgment to establish that a significant change in rank should result.

(5) List of ranked sites.

(a) Contaminated sediment sites that are ranked via "SEDRANK" shall be placed on a list in the order of their relative hazard ranking. The list shall describe the current status of cleanup action at each site and be updated on an annual basis. The department may change a site's status to reflect current conditions on a more frequent basis. The status for each site shall be identified as one or more of the following:

(i) Sites awaiting cleanup action;

(ii) Sites where voluntary, incidental, partial or department initiated cleanup actions, as defined in WAC 173-204-550, are in progress;

(iii) Sites where a cleanup action has been completed and confirmational monitoring is underway;

(iv) Sites with sediment recovery zones authorized under WAC 173-204-590; and/or

(v) Other categories established by the department.

(b) The department shall routinely publish and make the list available to be used in conjunction with a review of ongoing and proposed regulatory actions to determine where and when a cleanup action should be taken. The department shall also make the list available to landowners and dischargers at or near listed sites, and to the public.

(6) Site delisting.

(a) The department may remove a site from the list only after it has determined that:

(i) All cleanup actions except confirmational monitoring have been completed and compliance with the site cleanup study and report and cleanup standard(s) has been achieved; or

(ii) The listing of the site was erroneous.

(b) A site owner or operator may request that a site be removed from the list by submitting a petition to the department. The petition shall state the reason for the site delisting request, and as determined appropriate by the department, shall include thorough documentation of all investigations performed, all cleanup actions taken, and all compliance monitoring data and results to demonstrate to the department's satisfaction that the site cleanup standards have been achieved. The department may require payment of costs incurred, including an advance deposit, for review and

verification of the work performed. The department shall review such petitions, however the timing of the review shall be at its discretion and as resources may allow.

(c) The department shall maintain a record of sites that have been removed from the list under (a) of this subsection. This record shall be made available to the public on request.

(7) Relisting of sites. The department may relist a site which has previously been removed if it determines that the site requires further cleanup action.

(8) Delisting notice. The department shall provide public notice and an opportunity to comment when the department proposes to remove a site from the list.

(9) Relationship to hazardous sites list. The department may additionally evaluate cleanup sites on the site list developed under subsection (5) of this section for possible inclusion on the hazardous sites list published under WAC 173-340-330.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-540, filed 3/27/91, effective 4/27/91.]

WAC 173-204-550 Types of cleanup and authority.

(1) Purpose. The department acknowledges that cleanups of contaminated sediment sites can occur under the authority of chapter 90.48 or 70.105D RCW. Sediment cleanups may also be initiated by the federal government pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This section describes the department's role in department initiated and other cleanup actions.

(2) The department shall use best professional judgment and other information as necessary on a case-by-case basis to determine the appropriate administrative authority for conducting, or requiring contaminated sediment cleanup actions based on, but not limited to, the following considerations:

(a) Source of contaminants requiring cleanup including spills, dredging actions, and wastewater and/or storm water discharges;

(b) Significance of contamination threat to human health and the environment including the degree of contamination and types and number of contaminants;

(c) Public perception concerning the contaminant threat to human health and the environment;

(d) Personal or corporate financial status of the landowner(s) and/or discharger(s);

(e) Enforcement compliance history of the landowner(s) and/or discharger(s);

(f) Status of existing or pending federal, state, or local legal orders or administrative actions; and

(g) Size of cleanup action proposed or determined necessary.

(3) The types of cleanup actions below establish scenarios recognized by the department which may occur to effect cleanup of contaminated sediment sites. All of these types of cleanup actions shall be subject to administrative review and approval of the department under chapters 90.48 and/or 70.105D RCW.

(a) Department initiated cleanup. Department initiated cleanup actions occur when the department uses its authority under chapter 90.48 and/or 70.105D RCW to conduct or

require and/or otherwise effect cleanup to meet the intent of this chapter.

(b) Voluntary cleanup. Voluntary cleanup actions are initiated by parties other than the department. The department shall encourage voluntary cleanup actions whenever possible, and as early as possible, to meet the intent of this chapter.

(c) Incidental cleanup. Incidental cleanup actions are conducted when other state or federally permitted activities are ongoing in and/or around the contaminated sediment site. Early coordination of incidental cleanup actions with the department is encouraged to meet the intent of this chapter, chapter 70.105D RCW, and chapter 90.48 RCW, as appropriate.

(d) Partial cleanup. Partial cleanup actions may be conducted when completion of cleanup study requirements under WAC 173-204-560 has identified and proposed discrete site units and cleanup standards, the department has approved the selection of the partial cleanup alternative per the standards of WAC 173-204-580, and the department has determined that awaiting action or decision on conducting a complete site cleanup would have a net detrimental effect on the environment or human health.

(e) CERCLA cleanup. Pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act, the department may identify chapter 173-204 WAC as an applicable state requirement for cleanup actions conducted by the federal government.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-550, filed 3/27/91, effective 4/27/91.]

WAC 173-204-560 Cleanup study. (1) Purpose.

This section describes cleanup study plan and report standards which meet the intent of cleanup actions required under authority of chapter 90.48 and/or 70.105D RCW, and/or this chapter. Cleanup actions required under authority of chapter 70.105D RCW shall also meet all standards of chapter 173-340 WAC, the Model Toxics Control Act cleanup regulation. The cleanup study plan and report standards in this chapter include activities to collect, develop, and evaluate sufficient information to enable consideration of cleanup alternatives and selection of a site-specific sediment cleanup standard prior to making a cleanup decision. Each person performing a cleanup action to meet the intent of this chapter shall submit a cleanup study plan and cleanup study report to the department for review and written approval prior to implementation of the cleanup action. The department may approve the cleanup study plan as submitted, may approve the cleanup study plan with appropriate changes or additions, or may require preparation of a new cleanup study plan.

(2) Scope of cleanup study plan. The scope of a cleanup study plan shall depend on the specific site informational needs, the site hazard, the type of cleanup action proposed, and the authority cited by the department to require cleanup. In establishing the necessary scope of the cleanup study plan, the department may consider cost mitigation factors, such as the financial resources of the person(s) responsible for the cleanup action. In all cases sufficient information must be collected, developed, and

evaluated to enable the appropriate selection of a cleanup standard under WAC 173-204-570 and a cleanup action decision under WAC 173-204-580. The sediment cleanup study plan shall address:

- (a) Public information/education;
- (b) Site investigation and cleanup alternatives evaluation;
- (c) Sampling plan and recordkeeping; and
- (d) Site safety.

(3) Cleanup study plan public information/education requirements. The cleanup study plan shall encourage coordinated and effective public involvement commensurate with the nature of the proposed cleanup action, the level of public concern, and the existence of, or potential for adverse effects on biological resources and/or a threat to human health. The cleanup study plan shall address proposed activities for the following subjects:

- (a) When public notice will occur, the length of the comment periods accompanying each notice, the potentially affected vicinity, and any other areas to be provided notice;
- (b) Where public information repositories will be located to provide site information to the public;
- (c) Methods for identifying the public's concerns, e.g., interviews, questionnaires, community group meetings, etc.;
- (d) Methods for providing information to the public, e.g., press releases, public meetings, fact sheets, etc.;
- (e) Coordination of public participation requirements mandated by other federal, state, or local laws;
- (f) Amendments to the planned public involvement activities; and
- (g) Any other elements that the department determines to be appropriate for inclusion in the cleanup study plan.

(4) Cleanup study plan site investigation and cleanup alternatives evaluation requirements. The content of the cleanup study plan for the site investigation and cleanup alternatives evaluation is determined by the type of cleanup action selected as defined under WAC 173-204-550. As determined by the department, the cleanup study plan shall address the following subjects:

(a) General site information. General information, including: Project title; name, address, and phone number of project coordinator; legal description of the cleanup site; area and volume dimensions of the site; present owners and operators of contaminant source discharges to site; chronological listing of past owners and operators of contaminant source discharges to the site and their respective operational history; and other pertinent information determined by the department.

(b) Site conditions map. An existing site conditions map which illustrates site features as follows:

- (i) Property boundaries.
- (ii) The site boundary defined by the individual contaminants exceeding the applicable sediment quality standards of WAC 173-204-320 through 173-204-340 at the point where the concentration of the contaminant would meet the:
 - (A) Cleanup objective; and
 - (B) Minimum cleanup level; and
 - (C) Recommended cleanup standards.
- (iii) Surface and subsurface topography.
- (iv) Surface and subsurface structures.
- (v) Utility lines.
- (vi) Navigation lanes.

(vii) Current and ongoing sediment sources.

(viii) Other pertinent information determined by the department.

(c) Site investigation. Sufficient investigation to characterize the distribution of sediment contamination present at the site, and the threat or potential threat to human health and the environment. Where applicable to the site, these investigations shall address the following:

(i) Surface water and sediments. Investigations of surface water hydrodynamics and sediment transport mechanisms to characterize significant hydrologic features such as: Site surface water drainage patterns, quantities and flow rates, areas of sediment erosion and deposition including estimates of sedimentation rates, and actual or potential contaminant migration routes to and from the site and within the site. Sufficient surface water and sediment sampling shall be performed to adequately characterize the areal and vertical distribution and concentrations of contaminants. Properties of sediments which are likely to influence the type and rate of contaminant migration, or are likely to affect the ability to implement alternative cleanup actions shall be characterized;

(ii) Geology and ground water system characteristics. Investigations of site geology and hydrogeology to adequately characterize the physical properties and distribution of sediment types, and the characteristics of ground water flow rate, ground water gradient, ground water discharge areas, and ground water quality data which may affect site cleanup alternatives evaluations;

(iii) Climate. Information regarding local and regional climatological characteristics which are likely to affect surface water hydrodynamics, ground water flow characteristics, and migration of sediment contaminants such as: Seasonal patterns of rainfall; the magnitude and frequency of significant storm events; prevailing wind direction and velocity;

(iv) Land use. Information characterizing human populations exposed or potentially exposed to sediment contaminants released from the site and present and proposed uses and zoning for shoreline areas contiguous with the site; and

(v) Natural resources and ecology. Information to determine the impact or potential impact of sediment contaminants from the site on natural resources and ecology of the area such as: Sensitive environment, local and regional habitat, plant and animal species, and other environmental receptors.

(d) Sediment contaminant sources. A description of the location, quantity, areal and vertical extent, concentration and sources of active and inactive waste disposal and other sediment contaminant discharge sources which affect or potentially affect the site. Where determined relevant by the department, the following information shall be obtained by the department from the responsible discharger:

- (i) The physical and chemical characteristics, and the biological effects of site sediment contaminant sources;
- (ii) The status of source control actions for permitted and unpermitted site sediment contaminant sources; and
- (iii) A recommended compliance time frame for known permitted and unpermitted site sediment contaminant sources which affect or potentially affect implementation of the timing and scope of the site cleanup action alternatives.

(e) Human health risk assessment. The current and potential threats to human health that may be posed by sediment site contamination shall be evaluated using a risk assessment procedure approved by the department.

(f) Cleanup action alternatives. Each cleanup study plan shall include an evaluation of alternative cleanup actions that protect human health and the environment by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route. The number and types of alternatives to be evaluated shall take into account the characteristics and complexity of the site.

(i) The proposed site cleanup alternatives may include establishment of site units, as defined in WAC 173-204-200(24), with individual cleanup standards within the range required by WAC 173-204-570, based on site physical characteristics and complexity, and cleanup standard alternatives established on consideration of cost, technical feasibility, and net environmental impact.

(ii) The proposed site cleanup alternatives may include establishment of a sediment recovery zone as authorized under WAC 173-204-590, Sediment recovery zones. Establishment or expansion of a sediment recovery zone shall not be used as a substitute for active cleanup actions, when such actions are practicable and meet the standards of WAC 173-204-580. The cleanup study plan shall include the following information for evaluation of sediment recovery zone alternatives:

(A) The time period during which a sediment recovery zone is projected to be necessary based on source loading and net environmental recovery processes;

(B) The legal location and landowner(s) of property proposed as a sediment recovery zone;

(C) Operational terms and conditions including, but not limited to proposed confirmational monitoring actions for discharge effluent and/or receiving water column and/or sediment chemical monitoring studies and/or bioassays to evaluate ongoing water quality, sediment quality, and biological conditions within and adjacent to the proposed or authorized sediment recovery zone to confirm source loading and recovery rates in the proposed sediment recovery zone.

(D) Potential risks posed by the proposed sediment recovery zone to human health and the environment;

(E) The technical practicability of elimination or reduction of the size and/or degree of chemical contamination and/or level of biological effects within the proposed sediment recovery zone; and

(F) Current and potential use of the sediment recovery zone, surrounding areas, and associated resources that are, or may be, affected by releases from the zone.

(G) The need for institutional controls or other site use restrictions to reduce site contamination risks to human health.

(iii) A phased approach for evaluation of alternatives may be required for certain sites, including an initial screening of alternatives to reduce the number of potential remedies for the final detailed evaluation. The final evaluation of cleanup action alternatives that pass the initial screening shall consider the following factors:

(A) Overall protection of human health and the environment, time required to attain the cleanup standard(s), and on-site and off-site environmental impacts and risks to human health resulting from implementing the cleanup alternatives;

(B) Attainment of the cleanup standard(s) and compliance with applicable federal, state, and local laws;

(C) Short-term effectiveness, including protection of human health and the environment during construction and implementation of the alternative; and

(D) Long-term effectiveness, including degree of certainty that the alternative will be successful, long-term reliability, magnitude of residual, biological and human health risk, and effectiveness of controls for ongoing discharges and/or controls required to manage treatment residues or remaining wastes cleanup and/or disposal site risks;

(g) Ability to be implemented. The ability to be implemented including the potential for landowner cooperation, consideration of technical feasibility, availability of needed off-site facilities, services and materials, administrative and regulatory requirements, scheduling, monitoring requirements, access for construction, operations and monitoring, and integration with existing facility operations and other current or potential cleanup actions;

(h) Cost, including consideration of present and future direct and indirect capital, operation, and maintenance costs and other foreseeable costs;

(i) The degree to which community concerns are addressed;

(j) The degree to which recycling, reuse, and waste minimization are employed; and

(k) Environmental impact. Sufficient information shall be provided to fulfill the requirements of chapter 43.21C RCW, the State Environmental Policy Act. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated shall be included.

(5) Cleanup study plan — sampling plan and record-keeping requirements. The cleanup study plan shall address proposed sampling and recordkeeping activities to meet the standards of WAC 173-204-600, Sampling and testing plan standards, and WAC 173-204-610, Records management, and the standards of this section.

(6) Cleanup study plan site safety requirements. The cleanup study plan shall address proposed activities to meet the requirements of the Occupational Safety and Health Act of 1970 (29 U.S.C. Sec. 651 et seq.) and the Washington Industrial Safety and Health Act (chapter 49.17 RCW), and regulations promulgated pursuant thereto. These requirements are subject to enforcement by the designated federal and state agencies. Actions taken by the department under this chapter do not constitute an exercise of statutory authority within the meaning of section (4)(b)(1) of the Occupational Safety and Health Act.

(7) Cleanup study report. Each person performing a cleanup action to meet the intent of this chapter shall submit a cleanup study report to the department for review and written approval of a cleanup decision prior to implementation of the cleanup action. The sediment cleanup study report shall include the results of cleanup study site investigations conducted pursuant to subsection (4) of this section, and preferred and alternate cleanup action proposals based on the results of the approved cleanup study plan.

(8) Sampling access. In cases where the person(s) responsible for cleanup is not able to secure access to sample sediments on lands subject to a cleanup study plan approved by the department, the department may facilitate negotiations or other proceedings to secure access to the lands. Requests for department facilitation of land access for sampling shall be submitted to the department in writing by the person(s) responsible for the cleanup action study plan.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-560, filed 3/27/91, effective 4/27/91.]

WAC 173-204-570 Sediment cleanup standards. (1) Applicability and purpose. This section establishes the sediment cleanup standards requirements for cleanup actions required under authority of chapter 90.48 and/or 70.105D RCW, and/or this chapter, and describes the process to determine site-specific cleanup standards.

(2) Cleanup objective. The sediment cleanup objective shall be to eliminate adverse effects on biological resources and significant health threats to humans from sediment contamination. The sediment cleanup objective for all cleanup actions shall be the sediment quality standards as defined in WAC 173-204-320 through 173-204-340, as applicable. The sediment cleanup objective identifies sediments that have no acute or chronic adverse effects on biological resources, and which correspond to no significant health risk to humans, as defined in this chapter.

(3) Minimum cleanup level. The minimum cleanup level is the maximum allowed chemical concentration and level of biological effects permissible at the cleanup site to be achieved by year ten after completion of the active cleanup action.

(a) The minimum cleanup levels criteria of WAC 173-204-520 shall be used in evaluation of cleanup alternatives per the procedures of WAC 173-204-560, and selection of a site cleanup standard(s) per the procedures of this section.

(b) The Puget Sound marine sediment minimum cleanup level is established by the following:

(i) Sediments with chemical concentrations at or below the chemical criteria of Table III shall be determined to meet the minimum cleanup level, except as provided in (b)(iv) of this subsection; and

(ii) Sediments with chemical concentrations that are higher than the chemical criteria of Table III shall be determined to exceed the minimum cleanup level, except as provided in (b)(iii) of this subsection; and

(iii) Sediments with biological effects that do not exceed the levels of WAC 173-204-520(3) shall be determined to meet the minimum cleanup level; and

(iv) Sediments with biological effects that exceed the levels of WAC 173-204-520(3) shall be determined to exceed the minimum cleanup level; and

(v) Sediments which exceed the sediment minimum cleanup level human health criteria or the other toxic, radioactive, biological, or deleterious substances criteria or the nonanthropogenically affected criteria of WAC 173-204-520 as determined by the department, shall be determined to exceed the minimum cleanup level.

(4) Sediment cleanup standard. The sediment cleanup standards are established on a site-specific basis within an

allowable range of contamination. The lower end of the range is the sediment cleanup objective as defined in subsection (2) of this section. The upper end of the range is the minimum cleanup level as defined in subsection (3) of this section. The site specific cleanup standards shall be as close as practicable to the cleanup objective but in no case shall exceed the minimum cleanup level. For any given cleanup action, either a site-specific sediment cleanup standard shall be defined, or multiple site unit sediment cleanup standards shall be defined. In all cases, the cleanup standards shall be defined in consideration of the net environmental effects (including the potential for natural recovery of the sediments over time), cost and engineering feasibility of different cleanup alternatives, as determined through the cleanup study plan and report standards of WAC 173-204-560.

(5) All cleanup standards must ensure protection of human health and the environment, and must meet all legally applicable federal, state, and local requirements.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-570, filed 3/27/91, effective 4/27/91.]

WAC 173-204-580 Cleanup action decision. (1) Each person performing a cleanup action to meet the intent of this chapter shall comply with the standards of WAC 173-204-560(7), Cleanup study report. Except for cleanups conducted under chapter 70.105D RCW, the department shall review each cleanup study report and issue a written approval of one or more of the cleanup action alternatives described in the cleanup study report, or issue a written disapproval of all alternatives described in the cleanup study report. The department's approval of one or more cleanup study report cleanup action alternatives shall constitute the cleanup decision and shall be referenced in one or more permit or administrative authorities established under chapter 90.48 or 70.105D RCW, Section 401 of the federal Clean Water Act, chapter 173-225 WAC, establishment of implementation procedures of application for certification, or other administrative authorities available to the department. The department may approve the cleanup alternative recommended in the cleanup study report, may approve a different alternative discussed in the report, or may approve an alternative(s) with appropriate conditions. The department's disapproval of all cleanup study report cleanup action alternatives shall be issued by certified mail, return receipt requested, to the cleanup action proponent(s). The procedures for department review of the cleanup study report and selection of a cleanup action under chapter 70.105D RCW shall be in accordance with the procedures of chapter 173-340 WAC.

(2) All cleanup actions conducted under this chapter shall meet the following requirements:

(a) Receive department review and written approval of the preferred and/or alternate cleanup actions and necessary sediment recovery zones proposed in the cleanup study report prior to implementing a cleanup action(s);

(b) Achieve a degree of cleanup that is protective of human health and the environment;

(c) Achieve compliance with applicable state, federal, and local laws;

(d) Achieve compliance with site cleanup standards;

(e) Achieve compliance with sediment source control requirements pursuant to WAC 173-204-400 through 173-204-420, if necessary;

(f) Provide for landowner review of the cleanup study plan and report, and consider public concerns raised during review of the draft cleanup report; and

(g) Provide adequate monitoring to ensure the effectiveness of the cleanup action.

(3) Cleanup time frame.

(a) The cleanup action selected shall provide for a reasonable time frame for completion of the cleanup action, based on consideration of the following factors:

(i) Potential risks posed by the site to biological resources and human health;

(ii) Practicability of achieving the site cleanup standards in less than a ten-year period;

(iii) Current use of the site, surrounding areas, and associated resources that are, or may be, affected by the site contamination;

(iv) Potential future use of the site, surrounding areas, and associated resources that are, or may be, affected by the site contamination;

(v) Likely effectiveness and reliability of institutional controls;

(vi) Degree of, and ability to control and monitor, migration of contamination from the site; and

(vii) Natural recovery processes which are expected to occur at the site that will reduce concentrations of contaminants.

(b) The department may authorize cleanup time frames that exceed the ten-year period used in deriving the site cleanup standards of WAC 173-204-570(4) where cleanup actions are not practicable to accomplish within a ten-year period.

(4) In evaluating cleanup action alternatives, the department shall consider:

(a) The net environmental effects of the alternatives, including consideration of residual effects, recovery rates, and any adverse effects of cleanup construction or disposal activities;

(b) The relative cost-effectiveness of the alternatives in achieving the approved site cleanup standards; and

(c) The technical effectiveness and reliability of the alternatives.

(5) Public participation. The department shall provide opportunity for public review and comment on all cleanup action study plans, reports, and decisions reviewed and approved by the department, for cleanup actions conducted under this chapter.

(6) Land access. In cases where the person(s) responsible for cleanup is not able to secure access to lands subject to a cleanup action decision made pursuant to this section, the department may facilitate negotiations or other proceedings to secure access to the lands. Requests for department facilitation of land access shall be submitted to the department in writing by the person(s) named in the cleanup action approval.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-580, filed 3/27/91, effective 4/27/91.]

WAC 173-204-590 Sediment recovery zones. (1)

The purpose of this section is to set forth the requirements for establishment and monitoring of sediment recovery zones to meet the intent of sediment quality dilution zones authorized pursuant to RCW 90.48.520. The standards of this section are applicable to cleanup action decisions made pursuant to WAC 173-204-580 where selected actions leave in place marine, low salinity, or freshwater sediments that exceed the applicable sediment quality standards of WAC 173-204-320 through 173-204-340.

(2) General requirements. Authorization of a sediment recovery zone by the department shall require compliance with the following general requirements:

(a) The department shall provide specific authorization for a sediment recovery zone within the written approval of the cleanup study report and cleanup decision required under WAC 173-204-580.

(b) The time period during which a sediment recovery zone is authorized by the department shall be so stated in the department's written approval of the cleanup study report and cleanup decision.

(c) The department's written sediment recovery zone authorization shall identify the legal location and landowners of property proposed as a sediment recovery zone.

(d) Operational terms and conditions for the authorized sediment recovery zone pursuant to subsection (5) of this section shall be maintained at all times.

(e) Where cleanup is not practicable pursuant to the analysis under WAC 173-204-570(4), sediment recovery zones may be authorized for periods in excess of ten years.

(3) A sediment recovery zone authorization issued by the department under the authority of chapter 90.48 or 70.105D RCW, or other administrative means available to the department, does not constitute authorization to trespass on lands not owned by the applicant. These requirements do not address, and in no way alter, the legal rights, responsibilities, or liabilities of the permittee or landowner of the sediment recovery zone for any applicable requirements of proprietary, real estate, tort, and/or other laws not directly expressed as a requirement of this chapter.

(4) Prior to authorization, the department shall make a reasonable effort to identify and notify all landowners affected by the proposed sediment recovery zone. The department shall issue a sediment recovery zone notification letter to any person it believes to be a potentially affected landowner and other parties determined appropriate by the department. The notification letter shall be sent by certified mail, return receipt requested, or by personal service. The notification letter shall provide:

(a) The name of the person the department believes to be the affected landowner; and

(b) The names of other affected landowners to whom the department has sent a proposed sediment recovery zone notification letter; and

(c) The name of the sediment recovery zone applicant; and

(d) A general description of the proposed sediment recovery zone including the chemical(s) of concern by name and concentration, and the area of affected sediment; and

(e) The determination of the department concerning whether the proposed sediment recovery zone application meets the standards of this section; and

(f) The intention of the department whether to authorize the proposed sediment recovery zone; and

(g) Notification that the affected landowner may comment on the proposed sediment recovery zone. Any landowner comments shall be submitted in writing to the department within thirty days from the date of receipt of the notification letter, unless the department provides an extension.

(5) As determined necessary by the department, operational terms and conditions for the sediment recovery zone may include completion and submittal to the department of discharge effluent and/or receiving water column and/or sediment chemical monitoring studies and/or bioassays to evaluate ongoing water quality, sediment quality, and biological conditions within and adjacent to the proposed or authorized sediment recovery zone.

(6) The department shall review all data or studies conducted in accordance with a sediment recovery zone authorization to ensure compliance with the terms and conditions of the authorization and the standards of this section. Whenever, in the opinion of the department, the operational terms and conditions of a sediment recovery zone or the standards of this section are violated or there is a potential to violate the sediment recovery zone authorization or the standards of this section, or new information or a reexamination of existing information indicates the sediment recovery zone is no longer appropriate, the department may at its discretion:

(a) Require additional chemical or biological monitoring as necessary;

(b) Revise the sediment recovery zone authorization as necessary to meet the standards of this section;

(c) Require active contaminated sediment maintenance actions including additional cleanup in accordance with the standards of WAC 173-204-500 through 173-204-580; and/or

(d) Withdraw the department's authorization of the sediment recovery zone.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-590, filed 3/27/91, effective 4/27/91.]

PART VI—SAMPLING AND TESTING PLANS/ RECORDKEEPING

WAC 173-204-600 Sampling and testing plan standards. (1) Applicability. These standards apply to:

(a) Any person who samples sediments to determine compliance with this chapter;

(b) Any person who makes application to the department for authorization of a sediment impact zone under the standards of WAC 173-204-400 through 173-204-420; and

(c) Any person who samples sediments consistent with cleanup action plans approved and cleanup actions conducted under this chapter.

(2) All applicable persons shall at a minimum, develop, keep, and abide by a sediment sampling and testing plan. The sampling and testing plan shall be available for inspection at the request of the department. Sediment sampling and testing plans shall identify sampling dates, sample types, sample depths, sample composites, sample locations, sample positioning methods, sampling personnel, sampling equip-

ment and methods, a description of methods of chemical analysis and biological testing, and quality assurance/quality control procedures.

(3) Sediment sampling locations and procedures and testing protocols and interpretations shall be those included in the Puget Sound protocols as amended and/or other methods approved by the department.

(4) The department reserves the right to revise these sampling and testing protocols when:

(a) The Puget Sound protocols are modified or updated per the approval of the department; or

(b) The department determines the Puget Sound protocols are not applicable to, or appropriate for analysis of sediment chemical contamination in any given case.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-600, filed 3/27/91, effective 4/27/91.]

WAC 173-204-610 Records management. (1) Applicability. These standards apply to:

(a) Any person who samples sediments to determine compliance with this chapter;

(b) Any person who makes application to the department for authorization of a sediment impact zone under the standards of WAC 173-204-400 through 173-204-420.

(2) All applicable persons shall keep sediment sampling and testing records as follows:

(a) Sediment sampling and testing plans which identify sampling dates, sample types, sample composites, sample locations, sample depths, sample positioning method, sampling personnel, sampling equipment and methods, quality assurance/quality control plans, and sampling procedures.

(b) Sediment removal records which identify removal dates, dredging contractor/equipment, volume of sediment removed, analytical data generated during the sediment removal process, and sediment disposal location(s).

(c) Records and results of sediment analyses conducted in accordance with this chapter, or as required under activities authorized under chapter 173-225 WAC, establishment of implementation procedures of application for certification.

(d) Records and results of inspections conducted as required under chapter 173-225 WAC, establishment of implementation procedures of application for certification.

(e) Sediment treatment records.

(f) Sediment onsite capping records.

(g) Sediment disposal records which identify sediment disposal location(s), onsite operating records, sediment volumes, disposal site property owner(s), and the chemical/biological nature of effluent discharges from the disposal location including the name, location, and quality of the receiving water.

(3) All sediment records as required under subsection (2) of this section must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(4) All sediment records as required in this section shall be maintained for a period not less than ten years after the issuance, modification, or renewal of the applicable permit,

or administrative order, or certification, or cleanup site delisting under WAC 173-204-540(6), whichever is greater.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-610, filed 3/27/91, effective 4/27/91.]

WAC 173-204-620 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

[Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. 91-08-019 (Order 90-41), § 173-204-620, filed 3/27/91, effective 4/27/91.]

Chapter 173-205 WAC WHOLE EFFLUENT TOXICITY TESTING AND LIMITS

WAC

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WAC 173-205-010 Purpose. The purpose of this chapter is to establish a procedure for deriving whole effluent toxicity limits in accordance with RCW 90.48.520, 40 CFR 122.44(d), and 40 CFR 122.44(e) for inclusion into National Pollutant Discharge Elimination System (NPDES) permits to protect aquatic life through the implementation of all known, available, and reasonable methods of prevention, control and treatment of toxicants and through the attainment of state water quality standards. The goal of this chapter is the eventual elimination of the discharge of toxics in toxic amounts.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-010, filed 10/6/93, effective 11/6/93.]

WAC 173-205-020 Definitions. "Acute critical effluent concentration" means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned in accordance with WAC 173-201A-100. The boundary may be based on distance or a percentage of flow. Where no zone of acute criteria exceedance is allowed, the acute critical effluent concentration shall be one hundred percent effluent.

"Acute statistical power standard" means that the maximum acceptable difference in survival that is not statistically significant between the control and the acute

critical effluent concentration is twenty-nine percent. In order to determine if a whole effluent toxicity test with results that are not statistically significant meets the acute statistical power standard:

1. Subtract the mean survival across the replicates in the acute critical effluent concentration from the mean survival across the replicates in the control.

2. Divide this difference between the mean survivals by the mean survival across the control replicates.

3. Multiply the result by one hundred and express the product as a percent difference in survival.

4. If the percent difference in survival is equal to or less than twenty-nine percent, then the whole effluent toxicity test has met the power standard.

"Acute toxicity test" means a toxicity test with the death of test organisms as the measured response.

"Chronic critical effluent concentration" means the maximum concentration of effluent during critical conditions at the boundary of the mixing zone assigned in accordance with WAC 173-201A-100. The boundary may be based on distance or a percentage of flow. Where no mixing zone is allowed, the chronic critical effluent concentration shall be one hundred percent effluent.

"Chronic statistical power standard" means that the maximum acceptable difference in response that is not statistically significant between the control and the acute or chronic critical effluent concentration is thirty-nine percent. The chronic statistical power standard does not apply to Fisher's Exact Test. In order to determine if a whole effluent toxicity test with results that are not statistically significant meets the chronic statistical power standard:

1. Subtract the mean of the responses across the replicates in the acute or chronic critical effluent concentration from the mean of the responses across the replicates in the control.

2. Divide this difference between the mean responses by the mean response across the control replicates.

3. Multiply the result by one hundred and express the product as a percent difference in response.

4. If the percent difference in response is equal to or less than thirty-nine percent, then the whole effluent toxicity test has met the power standard.

"Chronic toxicity test" means a toxicity test which measures a sublethal effect such as failed fertilization, development, growth, or reproduction. Organism survival is also a measured endpoint in some chronic toxicity tests.

"Critical conditions" means those circumstances when the physical, chemical, and biological characteristics of the receiving water environment interact with the effluent to produce the greatest potential adverse impact on aquatic biota and existing and characteristic water uses.

"Department" means the department of ecology of the state of Washington.

"EC₅₀" (effective concentration, fifty percent) means the effluent concentration estimated to cause an adverse effect in fifty percent of the test organisms in a toxicity test involving a series of dilutions of effluent.

"Effluent characterization" means, for whole effluent toxicity, establishing the baseline toxicity level by toxicity testing using multiple species on effluent samples taken over the seasons of one year. The effluent characterization

toxicity test results shall also be used to determine the need for water quality-based whole effluent toxicity limits.

"Effluent screening tests" are full duration whole effluent toxicity tests that are conducted as a screen for toxicity in one hundred percent effluent or some other high concentration of effluent. No other effluent concentrations (except the control) are tested until toxicity has been detected in the effluent screening test.

"Hypothesis testing" means the mathematical technique for comparing the average response of the replicates of an effluent concentration to the average response of the control replicates at the end of a toxicity test in order to determine if there is a statistically significant difference in response within a level of certainty such as ninety-five percent or ninety-nine percent. For purposes of this chapter, Fisher's Exact Test is used as a hypothesis test for analyzing survival in the cladoceran survival and reproduction test.

"IC₅₀" (inhibition concentration, fifty percent) means the effluent concentration estimated to cause a fifty percent reduction in a biological function in a toxicity test involving a series of dilutions of effluent.

"LC₅₀" (lethal concentration, fifty percent) means the effluent concentration estimated to cause death in fifty percent of the test organisms in a toxicity test involving a series of dilutions.

"Multiple species" toxicity testing means conducting separate toxicity tests using different species on the same effluent sample in order to assess its effect on a broad range of organisms such as fish, invertebrates, or plants.

"NOEC" means the "no observed effect concentration" which is the highest concentration of effluent in a toxicity test shown to have no statistically significant adverse effects when compared to an appropriate control.

"Point estimates" are estimates of the concentration of effluent resulting in a specified level of effect and are determined either graphically or statistically from the concentration-response relationship determined from a toxicity test having a series of dilutions.

"Rapid screening test" means a screening toxicity test on one hundred percent effluent or some other high concentration of effluent in order to detect unanticipated increases in toxicity. Examples of rapid screening tests include twenty-four hour EPA acute tests, acute toxicity tests using rotifers produced from cysts, bacterial bioluminescence tests, and two-day life cycle tests with rotifers.

"Reasonable potential" under this chapter means that the department has determined, in accordance with 40 CFR 122.44 (d)(v) and based on a whole effluent toxicity performance standard, that the effluent could cause in-stream toxicity in violation of WAC 173-201A-040(1).

"Species rotation" means the switching to a different toxicity test from the list in a discharge permit for each effluent monitoring sample according to a rotation schedule set by the department.

"Statistically significant" under this chapter means establishing that a difference in response between a control and an effluent concentration is likely due to toxicity and not variability. The statistical technique for making this determination shall be Fisher's Exact Test or a one-tailed hypothesis test specified or approved by the department. These hypothesis tests shall be conducted at the ninety-five percent confidence level although the department may approve tests

at the ninety-nine percent confidence level if the statistical power of the test will not be adversely affected.

"Technology-based controls" means methods for the treatment, prevention, or control of pollutants such as best management practices, biological treatment, physical-chemical treatment, use of nontoxic process chemicals, secondary containment for spills, control of site run-on/run-off, equipment maintenance, equipment operation, implementing site-specific pollution prevention plans, and any other technique with the same goals.

"Toxicity identification/reduction evaluation" means the process for determining the effective control of effluent toxicity by identifying the toxicant and/or its source, and developing a method to reduce toxicity by source control or treatment.

"Toxicity test" means a direct measurement of the adverse effect of a substance in a controlled test using living organisms. In the context of this rule, "toxicity test" and "whole effluent toxicity test" are synonymous.

"Whole effluent toxicity" means the total toxic effect of an effluent measured directly with a toxicity test so that the interactions of all toxicants present in the effluent are assessed.

"Whole effluent toxicity performance standard" means a level of effluent toxicity that is consistently so much lower than is necessary to meet state water quality standards (chapter 173-201A WAC) that no reasonable potential exists to violate the water quality standards. For acute toxicity, the performance standard is the median survival in one hundred percent effluent being equal to or greater than eighty percent and no individual test result showing less than sixty-five percent survival in one hundred percent effluent. For chronic toxicity, the performance standard is no chronic toxicity test demonstrating a statistically significant difference in response between the control and a test concentration equal to the acute critical effluent concentration. For permittees that are ineligible for an approved mixing zone, the performance standard will equal or be close to equal (in the case of acute toxicity) the water quality-based effluent toxicity limit.

"Whole effluent toxicity test" means a toxicity test on an effluent.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-020, filed 10/6/93, effective 11/6/93.]

WAC 173-205-030 Applicability. The requirements in this chapter shall apply to all NPDES permits issued by the department of ecology (department).

(1) The department shall evaluate all NPDES permit applications in accordance with WAC 173-205-040 to determine if the discharge needs an effluent characterization for toxicity as described in WAC 173-205-050.

(2) In accordance with WAC 173-205-050 and 173-205-130, the department shall describe in the permit the circumstances under which whole effluent toxicity limits will be applied to the discharge in order to meet:

(a) The requirement for all known, available, and reasonable methods of prevention, control, and treatment of toxicants; or

(b) Appropriate water quality standards.

(3) The determination to require or not to require whole effluent toxicity characterization in a permit shall be explained in the fact sheet of the permit prepared pursuant to WAC 173-220-060.

(4) The department may delay effluent characterization for whole effluent toxicity for existing facilities that are under a compliance schedule in a permit, administrative order, or other legally enforceable mechanism to implement technology-based controls or to achieve compliance with water quality-based effluent limits.

(5) The department may require whole effluent toxicity testing or rapid screening testing as a condition of permit application, as a condition of an NPDES permit, or as a regulatory order.

(a) If an effluent characterization for whole effluent toxicity as described in WAC 173-205-050(1) has been conducted as a condition of permit application, then the permit issued in response to that application shall not contain a requirement for effluent characterization provided that all determinations required by this chapter can be made to the department's satisfaction.

(b) If an effluent characterization for whole effluent toxicity which meets the requirements of WAC 173-205-050(1) has been conducted in a previous permit, permit application, or administrative order, then subsequent permits shall not contain a requirement for effluent characterization provided that all determinations required by this chapter can be made to the department's satisfaction and unless WAC 173-205-060 applies.

(6) The department may conduct or require permittees to conduct toxicity tests on ambient water or may use or require permittees to use ambient water as dilution water in order to facilitate the determination of compliance with WAC 173-201A-100.

(7) A toxicity test conducted on effluent samples taken by parties other than the permittee can be used to make any determination required by this chapter or in a permit issued in accordance with this chapter as long as all appropriate sampling, toxicity testing, and QA/QC requirements specified in the permit have been followed.

(8) The department shall require permittees that have not been assigned a whole effluent toxicity limit because of the determination in WAC 173-205-050 (2)(a), or 173-205-120(1) to conduct as a part of the application for permit renewal at least one toxicity test on a fish, an invertebrate, and any appropriate plant unless the permittee has been monitoring with rapid screening tests required in accordance with WAC 173-205-120(2).

(9) Permittees may conduct any toxicity test using a full dilution series provided that all of the testing and information requirements of this chapter and the permit are met, including using the statistical analysis specified in the permit.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-030, filed 10/6/93, effective 11/6/93.]

WAC 173-205-040 Determining the need for effluent characterization. (1) A discharge from a facility is considered to have a risk for aquatic toxicity and to need an effluent characterization for acute and chronic whole effluent toxicity if the facility or discharge meet any of the following criteria:

(a) Uses, stores, produces as a product or waste, or transfers any hazardous substance listed in 40 CFR 302.4 with a statutory code of 1 or 2 (referring to Sections 311(b)(4) or 307(a) of the Clean Water Act) unless:

(i) The permittee demonstrates to the department's satisfaction that the facility is designed and managed so that these substances are kept physically separated at all times, including spills or any other accidental release, from any part of the wastewater collection, treatment, or discharge system; or

(ii) The amount of any hazardous substance at the facility is never more than the statutory reportable quantity listed in 40 CFR 302.4;

(b) Discharges in its effluent any toxic pollutant listed in Appendix D of 40 CFR Part 122 for which there are no water quality criteria for aquatic life protection listed in 40 CFR 131.36 (b)(1) or WAC 173-201A-040(3);

(c) Belongs to an industry category identified in 40 CFR Part 122, Appendix A;

(d) Is a municipal sewage collection and treatment system which receives a discharge from any industry category identified in 40 CFR Part 403, Appendix C;

(e) Except for permittees with whole effluent toxicity limits or permittees that have no whole effluent toxicity limit because of the determination in WAC 173-205-120(1), any facility which exceeded the acute or chronic whole effluent toxicity performance standard within the last five years;

(f) Any facility with suspected toxicity because of apparent damage to aquatic biota; or

(g) Any other discharger that the department determines has the potential to discharge toxics in toxic amounts.

(2) The following types of discharges are excluded from requirements for whole effluent toxicity characterization unless subsection (1) of this section applies:

(a) Once-through noncontact cooling water without biocides;

(b) Drinking water treatment plant effluent;

(c) Dewatering of sand or gravel mining operations;

(d) Sump pump discharges of ground water or rain water only;

(e) Construction dewatering;

(f) Discharges from fish hatcheries and other aquaculture;

(g) Seafood processors; or

(h) Any other discharge that the department determines does not have the potential to contain toxics in toxic amounts.

(3) A chronic whole effluent toxicity characterization is not necessary in any permit if the effluent has been or will be characterized for acute whole effluent toxicity and if the discharge receives at least one thousand to one dilution at the edge of a mixing zone assigned in accordance with WAC 173-201A-100.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-040, filed 10/6/93, effective 11/6/93.]

WAC 173-205-050 Effluent testing for toxicity. (1) The department shall require dischargers meeting the risk definition of WAC 173-205-040(1) to characterize the effluent for toxicity during permit application or during the first year of the permit term.

(a) Each effluent sample during effluent characterization shall be tested for toxicity using multiple species which shall at a minimum include a fish, an invertebrate, and, if deemed appropriate by the department, a plant.

(b) The sampling frequency during effluent characterization and compliance monitoring shall be at least twice per year and sampling shall be timed to cover the seasonal extremes of the year such as wet-dry or cold-hot.

(c) The duration of an acute toxicity test performed for effluent characterization or compliance monitoring shall be forty-eight hours for an invertebrate and ninety-six hours for a fish.

(d) For effluent characterization and compliance monitoring, the department shall use toxicity tests published in 40 CFR Part 136, in EPA toxicity test manuals, or those methods approved by the department considering the following criteria:

(i) The existence of a detailed written description of the test method;

(ii) Interlaboratory comparisons of the method;

(iii) Adequate testing with complex wastes such as wastewater;

(iv) Measurement of an effect that is clearly adverse to the production of the species such as reduced survival or growth, abnormal development, or failed reproduction; and

(v) Use of test organisms that represent taxonomic families native to the state.

(e) Toxicity testing for effluent characterization under this section, compliance monitoring as described in WAC 173-205-070, and additional monitoring as described in WAC 173-205-090 or 173-205-120 (2)(d) shall be performed by laboratories accredited by the department for the specific toxicity test in accordance with chapter 173-50 WAC.

(f) Upon request, the department may approve the performance of toxicity tests for effluent characterization or compliance monitoring for publicly owned treatment works discharging less than one-half million gallons per day and small businesses as defined in RCW 43.31.025(4) as effluent screening tests using one hundred percent effluent for the acute toxicity tests and the acute critical effluent concentration for the chronic toxicity tests.

(i) If an acute one hundred percent effluent screening test demonstrates less than eighty percent survival, the test shall be repeated as soon as possible on a fresh sample using the full dilution series test described in the permit or regulatory order.

(ii) The chronic screening tests shall be expected to have no statistically significant difference in response between the acute critical effluent concentration and the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department, or the test shall be repeated as soon as possible on a fresh sample using the full dilution series test described in the permit or regulatory order. The chronic effluent screening tests shall also meet the chronic statistical power standard.

(2) Effluent characterization shall be used to establish:

(a) Whether a reasonable potential under 40 CFR 122.44 (d)(v) for acute or chronic toxicity exists which would require a whole effluent toxicity limit.

(i) If at the end of effluent characterization the median survival in one hundred percent effluent is less than eighty percent, or if any individual test result shows less than sixty-

five percent survival in one hundred percent effluent, then a reasonable potential for acute conditions in the receiving water has been demonstrated, and the whole effluent acute toxicity limit described in WAC 173-205-070 shall be applied to the discharge.

(ii) If during effluent characterization any chronic toxicity test using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department demonstrates a statistically significant difference in response between the control and the acute critical effluent concentration, then a reasonable potential for chronic conditions in the receiving water has been demonstrated, and the whole effluent chronic toxicity limit described in WAC 173-205-070 shall be applied to the discharge.

(iii) If the acute critical effluent concentration is unknown during effluent characterization, all chronic toxicity tests shall determine the NOEC for comparison to the acute critical effluent concentration when it becomes available.

(A) The determination of these NOECs shall comply with the chronic statistical power standard.

(B) If effluent characterization is completed and neither the acute critical effluent concentration nor the chronic critical effluent concentration is known, then the department may require the permittee to continue the toxicity testing as conducted in effluent characterization except using single species tests rather than multiple species tests.

(b) The permittee shall analyze the toxicity test data during effluent characterization to establish a baseline toxicity level by calculating appropriate point estimates such as the LC₅₀, the IC₅₀, or the EC₅₀.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-050, filed 10/6/93, effective 11/6/93.]

WAC 173-205-060 Additional effluent characterizations. (1) A permittee that has not been assigned a whole effluent toxicity limit because of attaining the performance standards described in WAC 173-205-050 (2)(a) or 173-205-120(1) will not be required to conduct a new effluent characterization in accordance with WAC 173-205-050(1) unless the department determines that:

(a) The permittee has made changes to processes, materials, or treatment that could result in an increase in effluent toxicity.

(b) A municipal sewage collection and treatment system has experienced the addition of any new source as defined in 40 CFR 403.3(k) that belongs in any industry category identified in 40 CFR Part 403, Appendix C and cannot demonstrate that the new source is nontoxic or that the pretreatment program and local limits are adequate to control toxicity from the new source.

(c) The average dry weather flow volume has changed by ten percent or more due to changes in plant processes, production changes, or increases in the number of users. Changes in flow volume due to water conservation measures would not indicate a need for a new characterization unless this resulted in a final effluent containing a higher concentration of potentially toxic pollutants.

(2) It is the responsibility of the permittee to demonstrate to the department's satisfaction that no change has occurred to the facility which would cause or increase effluent toxicity.

(a) The permittee must make this demonstration as soon as possible after any change listed in subsection (1) of this section has occurred but under no circumstances later than the time of application for permit renewal.

(b) Toxicity testing by the permittee shall be accepted as a demonstration that such facility changes have not increased effluent toxicity providing that the department has approved the number and types of toxicity tests performed.

(c) The department may accept other demonstrations that toxicity has not increased based on other scientific disciplines such as chemistry.

(3) An increase in effluent toxicity is assumed to have occurred and a new effluent characterization shall be required if toxicity in excess of a performance standard has been demonstrated during:

(a) Toxicity testing conducted in accordance with WAC 173-205-030(8); or

(b) Toxicity testing conducted in response to a rapid screening test as required by WAC 173-205-120 (2)(d).

(4) A permittee does not need a new effluent characterization for acute or chronic toxicity if the discharge is being routinely monitored for compliance with a whole effluent toxicity limit using species rotation. This determination only applies to the type of toxicity (acute or chronic) covered by the whole effluent toxicity limit.

(5) A permittee may be required to further characterize effluent toxicity if a new toxicity test method has been approved pursuant to WAC 173-205-050 (1)(d) that, in the opinion of the department, should replace one of or supplement an existing toxicity test in the permit because it:

(a) May be more sensitive to effluent toxicity; or

(b) Has a closer ecological or taxonomic relationship to receiving water species.

(6) Only the new toxicity test method is needed for effluent characterization in the case of a new toxicity test being approved.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-060, filed 10/6/93, effective 11/6/93.]

WAC 173-205-070 Monitoring for compliance with whole effluent toxicity limits. (1) A discharge is in compliance with the narrative water quality standard for acute toxicity when the most recent acute toxicity test has shown no statistically significant difference in response between the acute critical effluent concentration and a control.

(a) Acute toxicity testing shall be performed using one hundred percent effluent, the acute critical effluent concentration, and a control.

(b) The acute critical effluent concentrations in a whole effluent toxicity test shall be compared to the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department.

(c) If a statistically significant difference in response is determined between the control and the acute critical effluent concentration in an acute toxicity test, then the effluent has failed the test for compliance with the whole effluent acute toxicity limit and the permittee shall immediately begin the process described in WAC 173-205-090.

(d) The compliance test for acute toxicity shall be considered to be a maximum daily discharge permit limita-

tion.

(2) A discharge is in compliance with the narrative water quality standard for chronic toxicity when the most recent chronic toxicity test has shown no statistically significant difference in response between the chronic critical effluent concentration and a control.

(a) Chronic toxicity testing shall be performed using the acute critical effluent concentration, the chronic critical effluent concentration, and a control.

(b) The chronic critical effluent concentrations in a whole effluent toxicity test shall be compared to the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department.

(c) If a statistically significant difference in response is determined between the control and the chronic critical effluent concentration in a chronic toxicity test, then the effluent has failed the test for compliance with the whole effluent chronic toxicity limit and the permittee shall immediately begin the process described in WAC 173-205-090.

(d) The compliance test for chronic toxicity shall be considered to be a maximum daily discharge permit limitation.

(3) During compliance monitoring, the one hundred percent effluent concentration in an acute test and the acute critical effluent concentration in a chronic test shall be performed in order to assess the attainment of the performance standards in accordance with WAC 173-205-120(1).

(4) Toxicity tests conducted for monitoring for compliance with whole effluent toxicity limits shall meet, as appropriate, the acute or chronic statistical power standards. If a whole effluent toxicity test does not meet appropriate statistical power standard, then the effluent shall immediately be resampled and the toxicity test repeated with the number of replicates increased in order to meet the statistical power standard.

(5) The permittee shall provide the department with all information and records required in the permit in order to evaluate toxicity test results to determine their adequacy for effluent characterization, compliance monitoring, effluent screening tests, or rapid screening tests.

(a) The result of the most recent reference toxicant test conducted by the laboratory for that toxicity test method shall accompany each whole effluent toxicity test result.

(b) Every reference toxicant test shall be conducted on a minimum of five dilutions.

(c) The response in all replicates at every effluent concentration and the control shall be reported for all tests analyzed by hypothesis testing so that the department can check for compliance with statistical power standards and for anomalous test results which should not be used for the compliance determinations in this chapter.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-070, filed 10/6/93, effective 11/6/93.]

WAC 173-205-080 Samples for whole effluent toxicity testing. (1) All samples taken for whole effluent toxicity testing shall be handled as specified in the permit and in any EPA manuals referenced in the permit.

(a) No attempts shall be made before or during the whole effluent toxicity test to modify the sample to remove or otherwise change any toxicant except as provided in subsection (3) of this section.

(b) Except as provided in subsection (3) of this section, no attempts shall be made before or during the whole effluent toxicity test to adjust the hardness, dissolved oxygen, pH, or any other physical or chemical property of the sample, dilution water, or test solutions except as required in the toxicity test method, in the permit, or in appropriate EPA manuals.

(c) For those permittees who received permits prior to the effective date of this chapter, the department may approve in writing the request of a permittee to modify samples, dilution water, or test solutions as long as such modifications meet the intent of this chapter.

(2) Except as provided in subsection (3) of this section, the department shall require that samples for whole effluent toxicity testing be taken just before the chlorinator for dischargers who meet all of the following:

(a) Add chlorine to treated effluent for the purpose of disinfection;

(b) Have received effluent limits based on the water quality criteria for chlorine; and

(c) Are developing or implementing plans to achieve compliance with the chlorine limits.

(3) If any permittee has begun implementing a plan to install dechlorination, then the sample may, as specified by the department, be chemically dechlorinated by a similar method before whole effluent toxicity testing.

(4) The whole effluent toxicity test shall be run on an unmodified sample of final effluent if the effluent can meet effluent limits based on the water quality criteria for chlorine.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-080, filed 10/6/93, effective 11/6/93.]

WAC 173-205-090 Response to noncompliance with whole effluent toxicity limits. (1) If a toxicity test result fails the compliance test described in WAC 173-205-070, then the permittee shall take a new sample as soon as possible for retesting and begin additional monitoring unless the permittee chooses the option in subsection (4) of this section.

(a) If the noncompliance was with an acute toxicity limit, the additional monitoring shall be conducted weekly for four weeks using the same toxicity test as in the failed compliance test or shall be conducted on the next four discharge events in the case of an intermittent discharge.

(b) If the noncompliance was with a chronic toxicity limit, the additional monitoring shall be conducted monthly for three months using the same toxicity test as in the failed compliance test or shall be conducted on the next three discharge events in the case of an intermittent discharge.

(c) This additional monitoring shall be conducted the same as in effluent characterization and shall determine the LC₅₀, IC₅₀, or EC₅₀, as appropriate, and measure compliance with the permit limit.

(d) If the permittee believes that the compliance test failure will be identified by the department as an anomalous test result in accordance with WAC 173-205-070 (5)(c), the

permittee may send the department notification with the compliance test result that the compliance test result might be anomalous and that the permittee intends to take only one additional sample for toxicity testing and wait for notification from the department before completing the additional monitoring required in this subsection.

(i) The notification must identify the reason for considering the compliance test result to be anomalous.

(ii) The permittee shall take the additional sample and retest as soon as possible after receiving the compliance test result.

(iii) The additional test result shall replace the compliance test result upon determination by the department that the compliance test result was anomalous.

(iv) The permittee shall complete all of the additional monitoring required by this subsection as soon as possible after notification by the department that the compliance test result was not anomalous.

(v) If the additional sample fails the compliance test, then the permittee shall proceed without delay to complete all of the additional monitoring required by this subsection.

(e) The department may determine any compliance test result to be anomalous regardless of whether it was accompanied by permittee notification that it may be anomalous.

(f) The department may notify a permittee to take another sample for toxicity testing because a compliance test result was anomalous and could not be used to determine compliance in accordance with this section.

(2) Any permittee failing the compliance test for a whole effluent toxicity limit shall take all reasonable actions to achieve compliance including conducting a toxicity identification/reduction evaluation as defined in WAC 173-205-100.

(3) The discharger shall return to the original monitoring frequency after conducting the additional monitoring described in subsection (1) of this section.

(4) The permittee may proceed directly to a toxicity identification/reduction evaluation and not perform the additional testing.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-090, filed 10/6/93, effective 11/6/93.]

WAC 173-205-100 Toxicity identification/reduction evaluations. (1) If only the routine compliance monitoring toxicity test which initiated the additional monitoring described in WAC 173-205-090 fails the compliance test, then the toxicity can be considered as transient and the discharger shall:

(a) Search all recent facility records which might explain the transient toxicity (operating records, monitoring results, inspection records, spill reports, weather records, production records, etc.); and

(b) Submit a report to the department on the possible causes and preventive measures for the transient toxicity within thirty days of the last additional sample.

(2) If any toxicity test fails the compliance test described in WAC 173-205-070 during the additional monitoring conducted in accordance with WAC 173-205-090(1), then the permittee shall submit a plan to the department within sixty days of the last additional sample for a toxicity identification/reduction evaluation.

(a) As a part of this plan, the permittee may request that the department allow up to six months before beginning the investigation outlined in the EPA manuals for facility personnel to attempt to control the most likely sources of toxicity through efforts such as changes in plant operation, replacement of a toxic material used in the facility, or improvement of best management practices.

(i) The department shall approve the request in writing.

(ii) The department approval may be sent to the permittee before completion of the review of the toxicity identification/reduction evaluation plan.

(b) The toxicity identification/reduction evaluation plan shall be based on procedures in the latest versions of the EPA guidance documents for conducting toxicity reduction evaluations or toxicity identification evaluations.

(i) The toxicity identification/reduction evaluation plan need not include any procedure from the EPA manuals that is not necessary to the goal of controlling the discharge of whole effluent toxicity by the permittee.

(ii) The department may approve any modifications or additions to the EPA procedures that will improve the ability to identify or reduce toxicity.

(c) The permittee shall submit to the department a toxicity identification/reduction evaluation plan revised in accordance with department comments within thirty days after receipt of department comments.

(3) The permittee shall implement the toxicity identification/reduction evaluation plan immediately upon notification by the department of plan approval.

(4) The department may allow a reduction in compliance monitoring for whole effluent toxicity limits during a toxicity identification/reduction evaluation if:

(a) Effluent toxicity is being regularly measured and reported to the department; and

(b) The department determines that the toxicity identification/reduction evaluation is being conducted in a timely manner.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-100, filed 10/6/93, effective 11/6/93.]

WAC 173-205-110 Interruption of a toxicity identification/reduction evaluation. (1) If, in performing a toxicity identification/reduction evaluation, four consecutive acute or chronic toxicity samples taken over at least one month are not sufficiently toxic to perform the toxicity identification/reduction evaluation, then the department may approve the interruption of the toxicity identification/reduction evaluation and require that:

(a) The permittee returns to the monitoring frequency specified in the permit.

(b) Sufficient sample volume be taken each time to allow the lab to perform both a toxicity test and begin a toxicity identification/reduction evaluation.

(c) The extra sample shall be stored at four degrees Celsius in the dark while the toxicity test is being performed.

(d) A toxicity identification/reduction evaluation shall begin as soon as the whole effluent toxicity test demonstrates noncompliance with the limit.

(e) Samples may be discarded from storage after completion of the toxicity test if the whole effluent toxicity limit was not violated.

(2) If toxicity testing shows compliance with whole effluent toxicity limits for one year after interruption of the toxicity identification/reduction evaluation, then the permittee may cease taking the extra sample.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-110, filed 10/6/93, effective 11/6/93.]

WAC 173-205-120 Permit limit removed for attainment of a whole effluent toxicity performance standard. (1) Whole effluent toxicity limits assigned pursuant to WAC 173-205-050(2) are eligible for removal upon permit renewal if:

(a) The permittee has demonstrated compliance with the whole effluent toxicity performance standard associated with that limit for a minimum of three consecutive test years following effluent characterization or for an entire subsequent permit term; and

(b) The permittee has not made any changes within the last three years which would otherwise require additional effluent characterization pursuant to WAC 173-205-060.

(2) The department may condition the nonassignment of a whole effluent toxicity limit for a permittee that has attained a performance standard described in WAC 173-205-050 (2)(a), or subsection (1) of this section on routine monitoring with a rapid screening test.

(a) Before making such condition, the department shall consider the potential for treatment system upsets, control equipment failures, spills, accidental releases to the wastewater system, and any other event which could result in a toxic discharge.

(i) Chemical monitoring may be required to assess increases in effluent toxicity if it:

(A) Can account for the potential sources of toxicity; and

(B) Is associated with water quality-based effluent limits or any other permit mechanism that requires a response to increases in effluent toxicity.

(ii) Rapid screening tests shall be required if the department determines there is the potential for an event at the facility which could result in a toxic discharge that would otherwise go unnoticed.

(b) Rapid screening tests for acute toxicity shall be expected to have a maximum mortality proportion of twenty hundredths in one hundred percent effluent.

(i) The mortality proportion shall be calculated by subtracting the number of test organisms living in one hundred percent effluent at the end of the test from the number of test organisms living in the control and dividing the result by the number of test organisms living in the control.

(ii) The one hundred percent effluent test concentration and the control shall have equal numbers of test organisms.

(c) Rapid screening tests for chronic toxicity shall be expected to have no statistically significant difference in response between the acute critical effluent concentration and the control using the method in Appendix H of EPA/600/4-89/001 or an equivalent method approved by the department. Rapid screening tests for chronic toxicity must meet the chronic statistical power standard.

(d) Whenever a rapid screening test result fails to achieve the standard of (b) or (c) of this subsection, the

permittee shall be required to immediately retest with all of the acute or chronic toxicity tests used in the last permit with whole effluent toxicity testing.

(e) The results of the acute or chronic toxicity tests conducted in response to a rapid screening test shall be evaluated by the department to determine the need for new whole effluent toxicity characterization requirements in the next permit or the need for immediate administrative orders to implement the regulatory process which begins in WAC 173-205-090.

(f) All rapid screening tests shall be performed by laboratories accredited by the department in accordance with chapter 173-50 WAC.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-120, filed 10/6/93, effective 11/6/93.]

WAC 173-205-130 Performance-based limits for acute whole effluent toxicity. (1) In accordance with RCW 90.48.520 and 40 CFR 122.44(e), the department shall evaluate all applications for an NPDES permit to determine whether the applicant is applying all known, available, and reasonable methods of prevention, control, and treatment of toxicants.

(2) The department may place the whole effluent toxicity performance standard for acute toxicity into permits as a limit on a case-by-case basis pursuant to 40 CFR § 125.3 (d)(3).

(a) In determining compliance with an acute whole effluent toxicity limit based on the performance standard, a minimum of three toxicity tests shall be used in calculating the median.

(b) For the first two toxicity tests conducted to determine compliance with the performance standard-based acute whole effluent toxicity limit, compliance shall be determined as a minimum of sixty-five percent survival in one hundred percent effluent.

(3) The department may establish performance-based limits for whole effluent toxicity for an entire category of dischargers. Any such limit applied to an entire category of dischargers shall be accomplished by rule making.

[Statutory Authority: Chapter 90.48 RCW and 40 CFR 122.44. 93-20-110 (Order 91-54), § 173-205-130, filed 10/6/93, effective 11/6/93.]

Chapter 173-208 WAC

GRANT OF AUTHORITY SEWERAGE SYSTEMS

WAC

173-208-010	Authority.
173-208-020	Purpose.
173-208-030	Declaration of policy.
173-208-040	Definitions.
173-208-050	Applications for authorization.
173-208-060	Delegation procedure.
173-208-070	Scope of authorization.
173-208-080	Permits under authorized programs.
173-208-090	Conformity with department rules.
173-208-100	Withdrawal of authorization.
173-208-110	Requirement of program review.
173-208-120	Appeal.

WAC 173-208-010 Authority. RCW 90.48.165 empowers the department of ecology, as successor to the

water pollution control commission to grant to any city, town, or municipal corporation operating a sewerage system including treatment facilities the authority to issue permits for the discharge of wastes into such system, provided that the department finds to its satisfaction that the sewerage system and inspection and control program operated and conducted by the city, town, or municipal corporation will protect the public interest in the quality of the state's water as provided in the Water Pollution Control Act, chapter 90.48 RCW. Permits for the discharge of wastes into publicly operated sewerage systems are required for commercial or industrial operations by virtue of RCW 90.48.160.

[Order DE 75-10, § 173-208-010, filed 4/30/75.]

WAC 173-208-020 Purpose. The purpose of this chapter is to set forth the procedures and criteria for the granting of authority for the administration of the permit program of RCW 90.48.160 as it pertains to waste discharges into publicly operated sewerage systems to the governing bodies of cities, towns, and municipal corporations operating such sewerage systems and receiving into them industrial and commercial wastes as hereinafter defined.

[Order DE 75-10, § 173-208-020, filed 4/30/75.]

WAC 173-208-030 Declaration of policy. (1) The department encourages qualified cities, towns, and other municipal corporations to apply for a grant of authority to conduct and operate a permit system for the regulation of commercial and industrial waste discharges into their sewerage systems in accordance with RCW 90.48.165.

(2) The department is committed to the policy of maintaining the highest possible standards of water quality within the state in compliance with the basic aims expressed in RCW 90.48.010 and national policies and goals expressed by the Federal Water Pollution Control Act Amendments of 1972, (FWPCAA). The implementation of a permit issuance program by any city, town, or municipal corporation shall be continuously evaluated by the department for compliance with these policies, aims, and goals.

(3) In compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES), as provided for in the FWPCAA, the department shall maintain its enforcement of compliance of effluent limitation standards upon publicly owned or operated treatment works under their NPDES permits. Under such permit, any municipality granted authority hereunder to administer a permit program as hereinafter defined shall continue to be primarily responsible for its effluent quality according to the terms of such NPDES permit.

[Order DE 75-10, § 173-208-030, filed 4/30/75.]

WAC 173-208-040 Definitions. As used in this chapter:

(1) "Applicant" shall mean that municipality applying to the department for authority to administer the permit program pursuant to RCW 90.48.165.

(2) "Application for authorization" shall mean that application submitted by a municipality seeking permit-issuing authority pursuant to RCW 90.48.165.

(3) "Application to discharge" shall mean that information required from a discharger in acquiring a permit to discharge commercial and industrial wastes into a municipal sewerage system.

(4) "Commercial and industrial wastes" shall mean the wastes, whether solid or liquid, from any commercial or industrial operation, other than domestic sewage.

(5) "Department" shall mean the department of ecology.

(6) "Discharge" shall mean any commercial or industrial operation which results in the disposal of solid or liquid waste material into a sewerage system operated by a municipality which discharges into the public waters of the state.

(7) "Enforcement action" shall mean any administrative or judicial action initiated to achieve compliance with the conditions of a discharge permit, regulations of the department, and water pollution control laws of this state or of the federal government.

(8) "Municipality" shall mean any city, town, or municipal corporation established according to the applicable laws of this state.

(9) "Permit" shall mean the official authorization to dispose of commercial and industrial wastes into waters, to include all regulatory constraints and conditions described therein, issued to a discharger.

(10) "Permit program" shall mean the process of granting or denying by municipalities, authorized as herein provided, of approval of applications to discharge into the sewerage system of such municipalities, the monitoring and inspection of dischargers, and the taking of appropriate enforcement action.

(11) "Sewerage system" shall mean any system operated by a municipality for the collection, transfer, treatment, and disposal of sewage.

[Order DE 75-10, § 173-208-040, filed 4/30/75.]

WAC 173-208-050 Applications for authorization.

No particular form shall be required for an application for authorization. No such decision shall be made on any such application, however, unless the applicant supplies to the department:

(1) A request from the municipality seeking authority to conduct a permit program for the discharge of commercial and industrial wastes into its sewerage system in accordance with state and federal water pollution control laws, regulations, and policies as now exist or are hereafter amended.

(2) A listing of all self-monitoring and reporting procedures to be required, and inspection and other regulatory control criteria and procedures applicant intends to use in administering the permit program.

(3) An estimate of the financial resources the applicant will commit to the permit program on an annual basis and the sources of funding therefor.

(4) A commitment showing the number of personnel who will be assigned to the permit program, either on a full-time or part-time basis, broken down by person-years or person-hours or other appropriate measure of personnel usage, and assurances that such personnel commitment is or will be adequately funded.

(5) An assurance that the background, experience and continuing training of personnel to be assigned to the permit

program will be sufficient to achieve and maintain the goals and policies of state and federal water pollution control acts.

(6) A copy of the actual or proposed municipal ordinance or resolution intended for use in establishing and conducting the proposed waste discharge permit system.

(7) An outline of the procedures to be used in processing individual permit applications.

(8) Copies of the application for permit and of the proposed permit format.

(9) A description of enforcement procedures to be followed.

(10) A list of all potential dischargers into the sewerage system which will require permits pursuant to any delegation hereunder.

(11) If the applicant is the recipient of a federal grant for any phase of treatment works construction to be utilized by the discharger, it shall demonstrate to the department that it has adopted a system of charges to assure that each discharger shall pay a proportionate share of the costs of operation and maintenance of any waste treatment services provided by the applicant, and further demonstrate that it has made provision for the payment to the applicant by dischargers of that portion of the cost of construction of such treatment works which is allocable to the treatment of commercial and industrial wastes to the extent attributable to the federal share of the cost of construction.

(12) Any additional information required by the department.

[Order DE 75-10, § 173-208-050, filed 4/30/75.]

WAC 173-208-060 Delegation procedure. (1) Upon receipt of any application for authorization, the department shall review such application, and if necessary, require additional information to make a determination thereon.

(2) Upon notification by the department that all information required by it has been received, the applicant shall twice publish notice of the application for authorization in a newspaper of general circulation in the area to which the request relates, providing thirty days for written comments on the request to be received by the department. Such notice shall be in a form provided by the department. In addition to such publication, a copy of such notice shall be mailed by the applicant to the governing body of each sewer district and of general purpose government, all or a portion of which lies within the jurisdictional boundaries to which the request relates.

(3) After review of the completed application and of comments timely received in response to the notice provided for above, the department shall either deny the request, giving its reasons therefor, find that there is sufficient public interest to warrant holding a public hearing on the application, or issue an order approving the same in whole or in part.

(4) If a public hearing is held upon proper notice, the department shall afford interested parties the opportunity to present their views on the application, and, upon review of all information gathered, shall either deny the application or issue an order approving the same.

(5) Any approval order issued by the department hereunder shall contain conditions and restrictions relative to the administration of the permit program and shall be binding

upon the municipality so long as such approval remains in effect. Said approval order may subsequently be altered or amended in whole or in part to reflect changes in applicable laws, regulations, or policies relating to water pollution control. The department shall give the municipality thirty days notice of any contemplated amendments, unless an emergency precludes the giving of such notice, and will invite comments from the municipality.

[Order DE 75-10, § 173-208-060, filed 4/30/75.]

WAC 173-208-070 Scope of authorization. (1) Authority granted hereunder shall be limited to the administration of the permit program within applicant's jurisdictional boundaries as now existing or as hereafter changed.

(2) Grants of authority to municipalities hereunder shall be limited to the conduct of a permit program for the discharge of commercial and industrial wastes into a sewerage system and shall confer no authority to issue permits for the discharge of such wastes into surface or groundwaters of the state. Administration of permit requirements for waste discharges other than commercial and industrial wastes entering a sewerage system, shall remain solely with the department.

(3) No authorization made hereunder shall be construed as limiting or abridging the powers or abrogating the duties required of the department. The department may initiate appropriate enforcement action against a municipality to whom authority has been granted hereunder, or against any discharger for violations of any requirements of chapter 90.48 RCW, the FWPCA, or regulations thereunder.

[Order DE 75-10, § 173-208-070, filed 4/30/75.]

WAC 173-208-080 Permits under authorized programs. Any municipality to which permit authority has been granted hereunder may use its own application and permit forms when the same have been approved by the department.

[Order DE 75-10, § 173-208-080, filed 4/30/75.]

WAC 173-208-090 Conformity with department rules. (1) It is contemplated that various applicants may present to the department differing regulatory criteria designed to cope with particular local needs and conditions. For the purposes of determining whether an applicant intends to administer the permit program in accordance with applicable state and federal laws, regulations, and policies, the department shall evaluate proposed regulatory criteria on the basis of whether such criteria, if implemented, would be at least as stringent as state or federal requirements.

(2) All implementing ordinances or resolutions shall contain a proviso requiring that the permit program as administered by any municipality be revised, as necessary and to the satisfaction of the department, to conform with any changes in applicable rules and regulations which may be adopted by the department or the federal government subsequent to the effective date of the grant of authority. All amendments of implementing ordinances or resolutions shall be submitted to the department for approval prior to passage.

(3) Any municipality granted authority hereunder to administer a permit program shall adhere to, as a minimum re-

quirement 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

173-216-010	Purpose.
173-216-020	Policy enunciated.
173-216-030	Definitions.
173-216-040	Authorization required.
173-216-050	Discharges not subject to permits.
173-216-060	Prohibited discharges.
173-216-070	Application for a permit.
173-216-080	Confidentiality of information.
173-216-090	Public notice.
173-216-100	Public hearings.
173-216-110	Permit terms and conditions.
173-216-120	Transfer of a permit.
173-216-125	Monitoring.
173-216-130	Modification, suspension, and revocation of permits.
173-216-140	Relationship with NPDES permits.
173-216-150	Delegation of authority to issue permits for discharges into sewer systems.

WAC 173-216-010 Purpose. (1) The purpose of this chapter is to implement a state permit program, applicable to the discharge of waste materials from industrial, commercial, and municipal operations into ground and surface waters of the state and into municipal sewerage systems. However, this regulation does not apply to the following:

(a) The injection of fluids through wells which are regulated by the Underground injection control program, chapter 173-218 WAC.

(b) The point source discharge of pollutants into navigable waters of the state which are regulated by the National Pollutant Discharge Elimination System (NPDES) Permit Program, chapter 173-220 WAC.

(c) The discharge of pollutants into waters of the state which are regulated by the Waste discharge general permit program, chapter 173-226 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 90.48 RCW. 93-10-099 (Order 92-55), § 173-216-010, filed 5/5/93, effective 5/19/93. 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) "General permit" means a permit which covers multiple dischargers within a designated geographical area, in lieu of individual permits being issued to each discharger.

(8) "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).

(9) "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.

(10) "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.

(11) "NPDES" means National Pollutant Discharge Elimination System permit program under section 402 of FWPCA.

(12) "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.

(13) "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.

(14) "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.

(15) "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.

(16) "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.

(17) "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.

(18) "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).

(19) "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.

(20) "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.

(21) 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 90.48 RCW. 93-10-099 (Order 92-55), § 173-216-030, filed 5/5/93, effective 5/19/93. 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, chapter 173-220 or 173-226 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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-216-040, filed 5/5/93, effective 5/19/93. 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 noncompliance, 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 which are otherwise subject to the permit requirements of this chapter but which are covered under a general permit issued pursuant to chapter 173-226 WAC.

(g) 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 246-272 WAC which is administered by the Washington state department of health.

(h) 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 246-272 WAC which is administered by the Washington state department of health.

(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 90.48 RCW. 93-10-099 (Order 92-55), § 173-216-050, filed 5/5/93, effective 5/19/93. 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 173-224 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 90.48 RCW. 93-10-099 (Order 92-55), § 173-216-070, filed 5/5/93, effective 5/19/93. 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.

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.

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;

(c) Settleable solids;

(d) Conductivity, except that conductivity shall be accredited if the laboratory must otherwise be registered or accredited;

(e) pH, except that pH shall be accredited if the laboratory must otherwise be registered or accredited; and

(f) Parameters which are used solely for internal process control.

[Statutory Authority: RCW 43.21A.230. 93-20-011 (Order 92-53), § 173-216-125, filed 9/22/93, effective 10/23/93; 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.

(3) Any permit issued under this chapter shall remain in effect until terminated in writing by the department, except that continuation of an expired permit (pursuant to RCW 90.48.200), shall terminate upon coverage under a general permit issued pursuant to chapter 173-226 WAC.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-216-130, filed 5/5/93, effective 5/19/93. 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.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-216-140, filed 5/5/93, effective 5/19/93. Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-073 (Order DE 83-29), § 173-216-140, filed 11/18/83.]

WAC 173-216-150 Delegation of authority to issue permits for discharges into sewer systems. Qualified cities, towns, and other municipal corporations who administer a local permit program shall fulfill the requirements of chapter 173-208 WAC and 40 CFR Part 403.

[Statutory Authority: Chapter 43.21A RCW. 86-06-040 (Order 86-03), § 173-216-150, filed 3/4/86.]

Chapter 173-218 WAC UNDERGROUND INJECTION CONTROL PROGRAM

WAC

173-218-010	Purpose.
173-218-020	Policy enunciated.
173-218-030	Definitions.
173-218-040	Authorization required.
173-218-050	Class I injection wells.
173-218-060	Class II injection wells.
173-218-070	Class III injection wells.
173-218-080	Class IV injection wells.
173-218-090	Class V injection wells.
173-218-100	Permit terms and conditions.
173-218-110	Enforcement.

WAC 173-218-010 Purpose. (1) The purpose of this chapter is to set forth the procedures and practices applicable to the injection of fluids through wells.

(2) Permits issued in accordance with the provisions of this chapter are designed:

(a) To satisfy the intent and requirements of Part C of the Federal Safe Drinking Water Act (SDWA) 42 U.S.C. § 300h et seq. as authorized by RCW 43.21A.445 and of the Water Pollution Control Act, chapter 90.48 RCW; and

(b) To preserve and protect ground waters, including underground sources of drinking water, for existing and future beneficial uses.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-010, filed 2/29/84.]

WAC 173-218-020 Policy enunciated. (1) It shall be the policy of the department of ecology in carrying out the purposes of this chapter:

(a) To maintain the highest possible standards to prevent the injection of fluids that may endanger ground waters

which are obtainable for beneficial uses or which contain fewer than 10,000 mg/L of total dissolved solids;

(b) To require the use of all known, available, and reasonable methods to prevent and control the discharge of fluids and waste fluids into the waters of the state;

(c) To protect public health and welfare through preservation and protection of the quality of the state's ground waters.

(2) Consistent with this policy:

(a) The disposal of waste fluids from industrial, commercial, or municipal sources into wells will not be authorized by the department, except that existing operations are authorized providing these operations satisfy the standards and requirements of this chapter;

(b) The department will act to prevent the disposal of waste fluids that present a risk to human health, including the potential, chronic effects of lifetime exposure to waste fluids.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-020, filed 2/29/84.]

WAC 173-218-030 Definitions. (1) "Beneficial uses" shall include, among others, uses for domestic water, irrigation, fish, shellfish, game, and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

(2) "Class I injection well" means a well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within 1/4-mile of the well bore, an USDW.

(3) "Class II injection well" means a well used to inject fluids:

(a) Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those waters are classified as dangerous wastes at the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(4) "Class III injection well" means a well used for extraction of minerals, including but not limited to the injection of fluids for:

(a) In-situ production of uranium or other metals that have not been conventionally mined;

(b) Mining of sulfur by Frasch process; or

(c) Solution mining of salts or potash.

(5) "Class IV injection well" means a well used to inject dangerous or radioactive waste fluids.

(6) "Class V injection well" means all injection wells not included in Classes I, II, III, or IV.

(7) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides or any residues or containers of such substances, which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means (Hazardous Waste Disposal Act, chapter 70.105 RCW).

(8) "Department" means department of ecology.

(9) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

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

(11) "Injection well" means a "well" that is used for the subsurface emplacement of fluids.

(12) "New injection well" means an injection well that is proposed subsequent to the effective date of this chapter.

(13) "Person" includes any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(14) "Radioactive waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 Code of Federal Regulations Part 20, Appendix B, Table II, Column 2.

(15) "SDWA" means Part C of the Federal Safe Drinking Water Act, 42 U.S.C. § 300f et seq.

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

(17) "Waste fluid" means any discarded, abandoned, unwanted, or unrecovered fluid(s), except the following are not waste fluids for the purposes of this chapter:

(a) Discharges into the ground or ground water of return flow, unaltered except for temperature, from a ground water heat pump used for space heating or cooling: *Provided*, That such discharges do not have significant potential, either individually or collectively, to affect ground water quality or beneficial uses;

(b) Discharges of stormwater that are not contaminated or potentially contaminated by industrial or commercial sources.

(18) "Well" means a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-030, filed 2/29/84.]

WAC 173-218-040 Authorization required. No fluids may be injected through wells except as authorized pursuant to this chapter.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-040, filed 2/29/84.]

WAC 173-218-050 Class I injection wells. (1) New Class I injection wells are prohibited.

(2) All persons operating an existing Class I injection well operation must apply to the department for approval to operate within one year of the effective date of this chapter.

(3) The department will accept, process, and act upon the application in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-050, filed 2/29/84.]

WAC 173-218-060 Class II injection wells. (1) Any person, who proposes to conduct or is conducting a Class II injection well operation, as defined in WAC 173-218-030 (3)(a), must notify the oil and gas conservation committee (OGCC) in accordance with the provisions of general rules, chapter 344-12 WAC.

(2) The department shall perform review, evaluation, and approval in accordance with the provisions of general rules, chapter 344-12 WAC.

(3) The department shall process a Class II injection well application, as defined in WAC 173-218-030 (3)(a), in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

(4) At present, there appears to be no reasonable likelihood that approval will be sought for a Class II injection well for either enhanced recovery of oil or natural gas or for storage of liquid hydrocarbons; therefore, Class II injection wells as defined in 173-218-030 (3)(b) and (3)(c) are not authorized. If it appears likely that approval will be sought for either of these types of injection wells, these regulations will be amended to include an appropriate regulatory program.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-060, filed 2/29/84.]

WAC 173-218-070 Class III injection wells. At present, there appears to be no reasonable likelihood that approval will be sought for a Class III injection well; therefore, Class III injection wells are not authorized. If it appears likely that approval will be sought for a Class III injection well, these regulations will be amended to include an appropriate regulatory program.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-070, filed 2/29/84.]

WAC 173-218-080 Class IV injection wells. Class IV injection wells are prohibited regardless of proximity to USDW.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-080, filed 2/29/84.]

WAC 173-218-090 Class V injection wells. (1) All new Class V injection wells that inject industrial, municipal,

or commercial waste fluids into or above an USDW are prohibited.

(2) All persons operating an existing Class V injection well, that inject industrial, commercial, or municipal waste fluids into or above an USDW, must apply to the department for approval to operate within one year of the effective date of this regulation. The department will accept, process, and act upon the application in accordance with the procedures and practices of the State waste discharge permit program, chapter 173-216 WAC.

(3) All other Class V injection well owners and operators must notify the department of the location of injection wells within one year of approval of the state underground injection control program by the United States Environmental Protection Agency. The notification shall be on a form as prescribed by the department and will include the information needed to satisfy the requirements of 40 Code of Federal Regulations Part 146.52.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-090, filed 2/29/84.]

WAC 173-218-100 Permit terms and conditions.

(1) Any permit issued by the department shall specify conditions necessary to prevent and control injection of fluids into the waters of the state, including the following, whenever applicable:

(a) All known, available, and reasonable methods of prevention, control, and treatment;

(b) Applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982); and

(c) Any conditions necessary to preserve and protect USDW.

(2) Any injection well that causes or allows the movement of fluid into an USDW that may result in a violation of any primary drinking water standard under 40 Code of Federal Regulations Part 141 or that may otherwise adversely affect the beneficial use of an USDW is prohibited.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-100, filed 2/29/84.]

WAC 173-218-110 Enforcement. (1) For violations of this chapter, the department shall have the remedies available in the Water Pollution Control Act, chapter 90.48 RCW, and all other applicable statutes.

(2) All injection well operations not operated in accordance with the provisions of this chapter, that cause or tend to cause entry of fluids into the waters of the state as a result of a violation of these provisions, constitutes pollution of the waters of the state in violation of RCW 90.48.080.

[Statutory Authority: RCW 43.21A.445. 84-06-023 (Order DE 84-02), § 173-218-110, filed 2/29/84.]

Chapter 173-220 WAC

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-220-045	General permits. [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.] Repealed by 93-10-099 (Order 92-55), filed 5/5/93, effective 5/19/93. Statutory Authority: Chapter 90.48 RCW.
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.

WAC 173-220-010 Purpose. The purpose of this chapter is to establish a state individual 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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-010, filed 5/5/93, effective 5/19/93. 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 permit issued pursuant to this chapter or as authorized by a general permit issued pursuant to chapter 173-226 WAC.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-020, filed 5/5/93, effective 5/19/93. 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 a 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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-030, filed 5/5/93, effective 5/19/93. 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 depart-

ment, (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 under 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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-040, filed 5/5/93, effective 5/19/93. 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 173-220-050 Public notice. (1) Public notice of every draft permit determination regarding an individual 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) 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) Notice shall be mailed to any person upon request; and

(c) 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. 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) 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) 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) 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

(g) 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, and final permits.

(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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-050, filed 5/5/93, effective 5/19/93. 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 determina-

tion. 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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-060, filed 5/5/93, effective 5/19/93. 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 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, 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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-070, filed 5/5/93, effective 5/19/93. 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. 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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-090, filed 5/5/93, effective 5/19/93. 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;

(h) The name and address of each applicant whose proposed discharge will be considered at the hearing;

(i) The name of waterway to which each discharge is made and the location of each discharge on the waterway.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-100, filed 5/5/93, effective 5/19/93. 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 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: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-110, filed 5/5/93, effective 5/19/93. 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.

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.

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;
- (iii) Settleable solids;

(iv) Conductivity, except that conductivity shall be accredited if the laboratory must otherwise be registered or accredited;

(v) pH, except that pH shall be accredited if the laboratory must otherwise be registered or accredited; and

(vi) Parameters which are used solely for internal process control.

[Statutory Authority: RCW 43.21A.230. 93-20-011 (Order 92-53), § 173-220-210, filed 9/22/93, effective 10/23/93; 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. Individual permits are subject to appeals as specified in chapter 43.21B RCW.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-220-225, filed 5/5/93, effective 5/19/93. 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

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173-222-030	Discharge categories.
173-222-040	Complexity factors.
173-222-050	Permit fees.
173-222-060	Permit fee payment.
173-222-070	Periodic review.
173-222-080	Public notice.
173-222-090	Public hearings.
173-222-100	Agency initiated modifications.
173-222-110	Appeals.

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
Permit Issuance								
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

Wastewater Discharge Permit Fees

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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
Permit Reissuance								
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
Substantial Modification								
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 computation and 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 business 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. RCW 90.48.465 authorizes the department to base fees on factors related to the complexity of permit issuance and compliance and to charge fees to fully recover, but not exceed the costs of the permit program based on expenses incurred in the issuance and comprehensive administration of state waste discharge and NPDES permits. Fee amounts contained in this chapter represent the department's true estimate of fee eligible permit program costs and reflect the department's commitment to fully recover all eligible expenses. The department shall continue to examine the feasibility of adopting, when applicable, alternative permit fee systems. Any alternative fee system, such as variable permit fees, shall ensure continued full recovery of eligible program costs and may be based on pollutant loading and toxicity and may be designed to encourage recycling and reduction of the quantity of pollutants.

[Statutory Authority: Chapter 90.48 RCW. 92-03-131 (Order 91-45), § 173-224-015, filed 1/21/92, effective 2/21/92. 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 or applying for a state waste discharge or NPDES permit issued by the department pursuant to RCW 90.48.160, 90.48.162, 90.48.200 or 90.48.260, including persons holding permits that remain in effect under WAC 173-216-040, 173-220-180(5), or 173-226-050. This chapter does not apply when a wastewater discharge permit is written for a state conducted remedial action under the Model Toxics Control Act. That is, ecology will not charge itself for wastewater discharge permits written for sites where the agency is conducting a cleanup.

[Statutory Authority: Chapter 90.48 RCW. 94-10-027 (Order 93-08), § 173-224-020, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-020, filed 1/21/92, effective 2/21/92. 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.]

WAC 173-224-030 Definitions. "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock and/or the production of concrete and/or asphalt.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

"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.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbls/d" means barrels per day of feedstock for petroleum refineries.

"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.

"Combined food processing waste treatment facility" means a facility which treats wastewater from more than one separately permitted food processor and receives no domestic wastewater or waste from industrial sources other than food processing.

"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.

"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.

"Concentrated animal feeding operation" means an "animal feeding operation" which meets the criteria in Appendix B of 40 CFR 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

"Crane" means a machine used for the hoisting and lifting of ship hulls.

"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 direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"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.

"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.

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"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.

"Flavor extraction" means the recovery of flavors or essential oils from organic products by steam distillation.

"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, beer 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.

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Inactive sites" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation offsite for processing, use, or sale and still be considered an inactive site. This definition can be found in ecology's *National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water and Storm Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations*.

"Industrial facility" means any facility not included in definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's baseline industrial storm water general permit or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"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.

"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.

"Municipal 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.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

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 municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"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.

"Noncontact cooling water with additives" means water used for cooling that comes into contact with corrosives.

"Noncontact cooling water without additives" 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 without additives 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.

"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(2).

"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.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation,

partnership, association, firm, individual, or any other entity whatever.

"RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"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.

"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.

"State waste discharge permit" means a permit required under RCW 98.48.260.

"Storm water" means an industrial operation discharging storm water runoff as defined in 40 CFR 122.26 (b)(14) or facilities who are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

[Statutory Authority: Chapter 90.48 RCW. 94-10-027 (Order 93-08), § 173-224-030, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-030, filed 1/21/92, effective 2/21/92. 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) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

INDUSTRIAL FACILITY CATEGORIES	ANNUAL PERMIT FEE
Aluminum Alloys	\$9,960.00
Aluminum and Magnesium Reduction Mills	
a. NPDES Permit	58,736.00
b. State Permit	29,368.00
Aluminum Forming	29,879.00
Aggregate Production	
a. Mining Activities	
1. Mining, screening, washing and/or crushing	1,714.00
2. Inactive Sites	

A. Single site	379.00
B. Single Owner/multiple site (fee per site)	
i. 1 site will pay	379.00
ii. Additional sites 2 - < 6 will pay	214.00
iii. Additional sites 6 - < 11 will pay	143.00
iv. Additional sites 11 and greater will pay	71.00

The final fee for single owner/multiple inactive sites is the total sum of all the subcategories.

b. Asphalt Production	
1. 0 - < 50,000 tons/yr.	714.00
2. 50,000 - < 300,000 tons/yr.	1,714.00
3. 300,000 tons/yr. and greater	2,143.00
c. Concrete Production	
1. 0 - < 25,000 cu. yds/yr.	714.00
2. 25,000 - < 200,000 cu. yds/yr.	1,714.00
3. 200,000 cu. yds/yr. and greater	2,143.00

The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and/or concrete and/or asphalt production categories.

Aquaculture	
a. Finfish hatching and rearing	2,988.00
b. Shellfish hatching	102.00

Boat Yards	
a. With storm water only discharge	255.00
b. All others	511.00

Coal Mining and Preparation	
a. < 200,000 tons per year	3,984.00
b. 200,000 - < 500,000 tons per year	8,964.00
c. 500,000 - < 1,000,000 tons per year	15,935.00
d. 1,000,000 tons per year and greater	29,879.00

Combined Industrial Waste Treatment	
a. < 10,000 gpd	1,992.00
b. 10,000 - < 50,000 gpd	4,980.00
c. 50,000 - < 100,000 gpd	9,960.00
d. 100,000 - < 500,000 gpd	19,919.00
e. 500,000 gpd and greater	29,879.00

Combined Food Processing Waste Treatment Facilities	9,960.00
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Combined Sewer Overflow System	
a. < 50 acres	1,992.00
b. 50 - < 100 acres	4,980.00
c. 100 - < 500 acres	5,976.00
d. 500 acres and greater	7,968.00

Commercial Laundry	255.00
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Concentrated Animal Feeding Operation (Including dairies)	
a. < 200 Animal Units	102.00
b. 200 - < 400 Animal Units	255.00
c. 400 - < 600 Animal Units	511.00
d. 600 - < 800 Animal Units	766.00
e. 800 Animal Units and greater	1,022.00

Crop Preparing	
a. 0 - < 1,000 bins/yr.	199.00
b. 1,000 - < 5,000 bins/yr.	398.00
c. 5,000 - < 10,000 bins/yr.	797.00
d. 10,000 - < 15,000 bins/yr.	1,594.00
e. 15,000 - < 20,000 bins/yr.	2,639.00
f. 20,000 - < 25,000 bins/yr.	3,685.00
g. 25,000 - < 50,000 bins/yr.	4,929.00
h. 50,000 - < 75,000 bins/yr.	5,478.00
i. 75,000 - < 100,000 bins/yr.	6,374.00
j. 100,000 - < 125,000 bins/yr.	7,968.00
k. 125,000 - < 150,000 bins/yr.	9,960.00
l. 150,000 bins/yr. and greater	11,952.00

Facilities Not Otherwise Classified	
a. < 1,000 gpd	996.00
b. 1,000 - < 10,000 gpd	1,992.00
c. 10,000 - < 50,000 gpd	4,980.00
d. 50,000 - < 100,000 gpd	7,968.00
e. 100,000 - < 500,000 gpd	15,935.00

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f. 500,000 - < 1,000,000 gpd	19,919.00	h. 2,500,000 - < 5,000,000 gpd	13,445.00
g. 1,000,000 gpd and greater	29,879.00	i. 5,000,000 gpd and greater	15,935.00
Flavor Extraction		Nonferrous Metals Forming	9,960.00
a. Steam Distillation	102.00	Ore Mining	
Food Processing		a. Ore Mining	1,992.00
a. < 1,000 gpd	996.00	b. Ore mining w/physical concentration processes	3,984.00
b. 1,000 - < 10,000 gpd	2,540.00	c. Ore mining with physical and chemical concentration processes	15,935.00
c. 10,000 - < 50,000 gpd	4,532.00	Organic Chemicals Manufacturing	
d. 50,000 - < 100,000 gpd	7,121.00	a. Fertilizer	9,960.00
e. 100,000 - < 250,000 gpd	9,960.00	b. Aliphatic	19,919.00
f. 250,000 - < 500,000 gpd	13,097.00	c. Aromatic	29,879.00
g. 500,000 - < 750,000 gpd	16,433.00	Petroleum Refining	
h. 750,000 - < 1,000,000 gpd	19,919.00	a. < 10,000 bbls/d	19,919.00
i. 1,000,000 - < 2,500,000 gpd	24,401.00	b. 10,000 - < 50,000 bbls/d	39,839.00
j. 2,500,000 - < 5,000,000 gpd	27,389.00	c. 50,000 bbls/d and greater	79,677.00
k. 5,000,000 gpd and greater	29,879.00	Photofinishers	
Fuel and Chemical Storage		a. < 1,000 gpd	797.00
a. < 50,000 bbls	966.00	b. 1,000 gpd and greater	1,992.00
b. 50,000 - < 100,000 bbls	1,992.00	Power and/or Steam Plants	
c. 100,000 - < 500,000 bbls	4,980.00	a. Steam Generation - Nonelectric	3,984.00
d. 500,000 bbls and greater	9,960.00	b. Hydroelectric	3,984.00
Hazardous Waste Clean Up Sites		c. Nonfossil Fuel	5,976.00
a. Leaking Underground Storage Tanks (LUST)		d. Fossil Fuel	15,935.00
1. State Permits	2,613.00	Pulp, Paper and Paper Board	
2. NPDES Permits Issued pre 7/1/94	2,613.00	a. Fiber Recyclers	9,960.00
3. NPDES Permits Issued post 7/1/94	5,225.00	b. Paper Mills	19,919.00
b. NonLUST Sites		c. Groundwood Pulp Mills	
1. 1 or 2 Contaminants of concern	5,108.00	1. < 300 tons per day	29,879.00
2. > 2 Contaminants of concern	10,215.00	2. > 300 tons per day	59,758.00
Ink Formulation and Printing		d. Chemical Pulp Mills w/o Chlorine Bleaching	79,677.00
a. Commercial Print Shops	1,532.00	e. Chemical Pulp Mills w/Chlorine Bleaching	89,637.00
b. Newspapers	2,554.00	Radioactive Effluents and Discharges (RED)	
c. Box Plants	4,086.00	a. < 3 waste streams	19,281.00
d. Ink Formulation	5,108.00	b. 3 - < 8 waste streams	33,463.00
Inorganic Chemicals Manufacturing		c. 8 waste streams and greater	55,116.00
a. Lime Products	4,980.00	RCRA Corrective Action Sites	14,000.00
b. Fertilizer	5,976.00	Seafood Processing	
c. Peroxide	7,968.00	a. < 1,000 gpd	996.00
d. Alkaline Earth Salts	9,960.00	b. 1,000 - < 10,000 gpd	2,540.00
e. Metal Salts	13,943.00	c. 10,000 - < 50,000 gpd	4,532.00
f. Acid Manufacturing	19,919.00	d. 50,000 - < 100,000 gpd	7,121.00
g. Chlor-alkali	39,839.00	e. 100,000 gpd and greater	9,960.00
Iron and Steel		Shipyards	
a. Foundries	9,960.00	a. Per crane, travel lift, small boat lift	1,992.00
b. Mills	19,919.00	b. Per drydock under 250 in length	1,992.00
Metal Finishing		c. Per graving dock	1,992.00
a. < 1,000 gpd	1,195.00	d. Per marine way	2,988.00
b. 1,000 - < 10,000 gpd	1,992.00	e. Per sycrolift	2,988.00
c. 10,000 - < 50,000 gpd	4,980.00	f. Per drydock over 250 ft in length	3,984.00
d. 50,000 - < 100,000 gpd	9,960.00	The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.	
e. 100,000 - < 500,000 gpd	19,919.00	Solid Waste Sites (nonstorm water)	
f. 500,000 gpd and greater	29,879.00	a. Nonputrescible	3,984.00
Noncontact Cooling Water with Additives		b. < 50 acres	7,968.00
a. < 1,000 gpd	623.00	c. 50 - < 100 acres	15,935.00
b. 1,000 - < 10,000 gpd	1,245.00	d. 100 - < 250 acres	19,919.00
c. 10,000 - < 50,000 gpd	1,868.00	e. 250 acres and greater	29,879.00
d. 50,000 - < 100,000 gpd	4,358.00	Storm Water (Unless specifically categorized elsewhere.)	
e. 100,000 - < 500,000 gpd	7,470.00	a. Individual Industrial Permits	
f. 500,000 - < 1,000,000 gpd	10,583.00	1. < 50 acres	1,992.00
g. 1,000,000 - < 2,500,000 gpd	13,695.00	2. 50 - < 100 acres	3,984.00
h. 2,500,000 - < 5,000,000 gpd	16,806.00	3. 100 - < 500 acres	5,976.00
i. 5,000,000 gpd and greater	19,919.00	4. 500 acres and greater	7,968.00
Noncontact Cooling Water Without Additives		b. Facilities covered under the Baseline Industrial Storm Water General Permit	265.00
a. < 1,000 gpd	498.00	c. Construction activities covered under the	
b. 1,000 - < 10,000 gpd	996.00		
c. 10,000 - < 50,000 gpd	1,494.00		
d. 50,000 - < 100,000 gpd	3,486.00		
e. 100,000 - < 500,000 gpd	5,976.00		
f. 500,000 - < 1,000,000 gpd	8,466.00		
g. 1,000,000 - < 2,500,000 gpd	10,956.00		

Baseline Industrial Storm Water General Permit	265.00
Textile Mills	39,839.00
Timber Products	
a. Log Storage	1,992.00
b. Veneer	3,984.00
c. Sawmills	7,968.00
d. Hardwood, Plywood	13,943.00
e. Wood Preserving	19,919.00
Vegetable/Bulb Washing Facilities	
a. < 1,000 gpd	66.00
b. 1,000 - < 5,000 gpd	132.00
c. 5,000 - < 10,000 gpd	263.00
d. 10,000 - < 20,000 gpd	527.00
e. 20,000 and greater	873.00
Vehicle Maintenance and Freight Transfer	
a. < 0.5 acre	1,992.00
b. 0.5 - < 1.0 acre	3,984.00
c. 1.0 acre and greater	5,976.00
Water Plants	
a. Potable water treatment	2,490.00
Wineries	
a. < 500 gpd	204.00
b. 500 - < 750 gpd	408.00
c. 750 - < 1,000 gpd	815.00
d. 1,000 - < 2,500 gpd	1,630.00
e. 2,500 - < 5,000 gpd	2,598.00
f. 5,000 gpd and greater	3,566.00

(a) Facilities other than those in the aggregate production, crop preparing, shipyard, or RCRA categories which operate within several fee categories or subcategories shall be charged from that category or subcategory with the highest fee.

(b) Facilities with existing fee structures that obtain coverage under a general permit other than the industrial and municipal storm water general permits shall be charged a permit fee equaling 70% of the fee category in which they would otherwise belong.

(c) The total annual permit fee for a water treatment plant that primarily serves residential customers shall 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.

(d) Crop preparation and aggregate production permittees are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the information form shall be completed and returned to the department within thirty days after it is mailed to the permittee by the department. Failure to provide this information could result in permit termination.

(i) Information submitted 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; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(e) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(f) Where no clear industrial facility category exists for placement of a permittee, the department may elect to place the permittee in a category with dischargers or permittees that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(g) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department is commencing cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(h) Any permit holder with the exception of inactive aggregate operations who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee which they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee shall be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(i) Fees for inactive aggregate sites that become active will be prorated to reflect the number of days the facility is active during the fiscal year. Facilities that become active more than once in a fiscal year shall pay the full annual fee.

(j) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(k) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) 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) Residential	Annual Permit Fee
Equivalents	
(RE)	
< 250,000	\$1.23 per RE
> 250,000	\$.74 per RE

(ii) In addition to the municipal annual permit fee, a biosolids surcharge amounting to five percent of the annual

permit fee will also be assessed for municipalities who do not incinerate their sludge.

(iii) Municipal storm water permit annual fee for only the entities listed below will be:

Name of Entity	Annual Fee
King County	\$ 22,688.00
Snohomish County	22,688.00
Pierce County	22,688.00
Tacoma, City of	22,688.00
Seattle, City of	22,688.00
Department of Transportation	22,688.00

Facilities listed in (a)(iii) of this subsection shall pay an annual fee for fiscal year 1994 and fiscal year 1995 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.

(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, (i.e., 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, (i.e., 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.

(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:

Permitted Flows	Annual Permit Fee
.1 MGD and Greater	\$4,980.00
.05 MGD to < .1 MGD	1,992.00
.0008 MGD to < .05 MGD	996.00
< .0008 MGD	299.00

Privately-owned domestic wastewater facilities shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit.

(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.

(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. Failure to return the form could result in permit termination. 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; or

(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.

[Statutory Authority: Chapter 90.48 RCW. 94-10-027 (Order 93-08), § 173-224-040, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-040, filed 1/21/92, effective 2/21/92. 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 computation and payments. (1) 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 within forty-five 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.

(2) Permit fee computation for individual permits. 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 accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information which could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department.

(3) Permit fee computation for general permits. Computation of fees for permittees covered under a general permit (with the exception of permittees covered under the baseline industrial storm water general permit) begins at the end of the permit application coverage period, regardless of the date of submission of the notice of intent. Any facility that is an existing operation requiring general permit coverage but that does not apply for a permit during the permit application coverage period will, in addition to paying fees beginning at the end of the application coverage period, be assessed a late charge of up to twenty-five percent of the annual permit fee depending upon the degree of lateness. The late charge will be calculated as follows: The number of days late divided by three hundred sixty-five (number of days in the state fiscal year) multiplied by the annual fee assessed.

(4) Permit fees for sand and gravel (aggregate) general permittees will be assessed as in subsection (3) of this section and:

(a) A mining facility that is active for three months or more during the state fiscal year will be considered active for the full year for fee purposes. A mining facility that is active for less than three months shall have their fee prorated dependent upon the actual time the facility is active and inactive.

(b) Inactive sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt will be based on the average of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the notice of intent for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water and Storm Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(5) Fees for crop preparation general permittees will be assessed as in subsection (3) of this section and will be computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(6) Permittees covered under the baseline industrial storm water general permit before July 1, 1993, will have their annual permit fees calculated beginning on July 1, 1993. Facilities that are existing operations prior to July 1, 1993, and apply for permit coverage after July 1, 1993, will be assessed the annual permit fee beginning on July 1, 1993. Facilities submitting their notice of intent after January 1, 1994, will also be assessed a late charge of up to twenty-five percent of the annual fee assessed depending upon the degree of lateness. The late charge will be calculated as described in subsection (2) of this section. Construction

activities receiving coverage under the baseline industrial storm water general permit after July 1, 1993, will be assessed a permit fee beginning upon the permit issuance date. Construction storm water permits terminated during the fiscal year will have their fees prorated as follows:

(a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;

(b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;

(c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and

(d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.

(7) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained coverage under the baseline industrial storm water general permit shall not pay a permit fee for coverage under the baseline industrial storm water general permit.

(8) 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.

(9) 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 98503-0210.

(10) In the event a check is returned due to insufficient funds, the permit fee shall be deemed to be unpaid.

(11) Penalty due on delinquent accounts. The department may charge permit holders a penalty on fee charges that have not been paid by the due date indicated on the billing statement at the rates of:

(a) Ten percent of the assessed fee for the first thirty days late;

(b) Fifteen percent of the assessed fee for between thirty-one days late and sixty days late; and

(c) Twenty-five percent of the assessed fee for between sixty-one days late and ninety days late.

Failure to pay fees and penalties after ninety days may result in termination of the permit or the exercise of such other legal or equitable remedies that ecology is authorized to carry out including, but not limited to, the assessment of additional penalties. Civil penalties issued by the department may be sufficiently large to offset the economic benefit gained from nonpayment of fees and to deter continued operation and/or nonpayment. Payment of civil penalties shall not be deemed as payment of fees, nor shall payment of fees after assessment of penalties be deemed as a cause for reducing the penalty. Nothing herein shall be interpreted as restricting the authority of the department to exercise its other enforcement remedies as authorized by law.

[Statutory Authority: Chapter 90.48 RCW. 94-10-027 (Order 93-08), § 173-224-050, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-050, filed 1/21/92, effective 2/21/92. 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 business 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 annual sales of one million dollars or less of the goods or services produced using the processes regulated by the waste discharge permit; and

(d) Pay an annual wastewater discharge permit fee greater than five hundred dollars.

(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; or

(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 fifty percent of the assessed annual permit fee.

(5) If due to special economic circumstances the annual permit fee assessed a small business imposes an extreme hardship, the small business may request an extreme hardship fee reduction. The small business must provide sufficient evidence to support its claim of an extreme hardship. The factors which the department may consider in whether an 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 the average annual

profits. In no case will a permit fee be reduced below one hundred dollars.

[Statutory Authority: Chapter 90.48 RCW. 94-10-027 (Order 93-08), § 173-224-090, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-090, filed 1/21/92, effective 2/21/92. 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 each fiscal year's first billing 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 RCW 90.48.465, 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 RCW 90.48.465. Any person feeling aggrieved by the administrative appeals decision made by the department regarding their permit fee may obtain review thereof by filing an appeal with the Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903, within thirty days of receipt of the department's decision. In addition, a copy of the appeal must be served on the Department of Ecology, Attention: Water Quality Program, PO Box 47696, Olympia, Washington 98504-7696, within thirty days of receipt. These procedures are consistent with the provisions of chapter 43.21B RCW and the rules and regulations adopted thereunder.

[Statutory Authority: Chapter 90.48 RCW. 94-10-027 (Order 93-08), § 173-224-100, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-100, filed 1/21/92, effective 2/21/92. 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 chapter 173-223 WAC shall continue to be obligated to pay such fees and amounts.

[Statutory Authority: Chapter 90.48 RCW. 92-03-131 (Order 91-45), § 173-224-120, filed 1/21/92, effective 2/21/92. 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 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 173-226 WAC WASTE DISCHARGE GENERAL PERMIT PROGRAM

WAC

173-226-010	Purpose.
173-226-020	Permit required.
173-226-030	Definitions.
173-226-040	Relationship to chapters 173-216 and 173-220 WAC.
173-226-050	General permit coverage.
173-226-060	General permit preparation—Preliminary determination.
173-226-070	Permit effluent limitations.
173-226-080	Other terms and conditions.
173-226-090	Monitoring, recording, and reporting.
173-226-100	Prohibited discharges.
173-226-110	Fact sheets.
173-226-120	Economic impact analysis.
173-226-130	Public notice.
173-226-140	Notice to other government agencies.
173-226-150	Public hearings.
173-226-160	Public access to information.
173-226-170	Issuance of general permits.
173-226-180	Compliance schedules.
173-226-190	Appeals.
173-226-200	Applications for coverage under a general permit.
173-226-210	Transfer of permit coverage.
173-226-220	Duration and replacement of permits.
173-226-230	Modification and revocation of general permits.
173-226-240	Revocation of coverage under a general permit.
173-226-250	Enforcement.

WAC 173-226-010 Purpose. The purpose of this chapter is to establish a state general permit program, applicable to the discharge of pollutants, wastes, and other materials to waters of the state, including discharges to municipal sewerage systems. Permits issued under this chapter are designed to satisfy the requirements for discharge permits under sections 307 and 402(b) of the federal Water Pollution Control Act (33 U.S.C. §1251) and the state law governing water pollution control (chapter 90.48 RCW).

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-010, filed 5/5/93, effective 5/19/93.]

WAC 173-226-020 Permit required. No pollutants shall be discharged to waters of the state from any point source, except as authorized by an individual permit issued

pursuant to chapters 173-216 and 173-220 WAC, or as authorized through coverage under a general permit issued pursuant to this chapter. Coverage under a valid general permit issued prior to the existence of this chapter will satisfy the permit requirements of this section.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-020, filed 5/5/93, effective 5/19/93.]

WAC 173-226-030 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) "Application for coverage" means a form developed by, or approved by the department, which is used by a discharger to apply for coverage under a general permit.

(3) "Best management practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

(5) "Director" means the director of the department of ecology or the director's authorized representative.

(6) "Discharge of pollutant" and "discharge of pollutants" mean the addition of any pollutant or combination of pollutants to waters of the state, respectively.

(7) "Discharger" means the owner or operator of any operation, facility, or activity subject to regulation under chapter 90.48 RCW.

(8) "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.

(9) "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.

(10) "Effluent limitation" means any restriction established by the department or the administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents discharged from point sources into waters of the state.

(11) "FWPCA" means the federal Water Pollution Control Act, as amended, 33 U.S.C. §1251 et seq.

(12) "Existing operation" means an operation that is not a new operation.

(13) "General permit" means a permit that covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

(14) "Individual permit" means a permit for a single point source or a single facility.

(15) "Municipal sewerage system" means a publicly owned domestic wastewater facility or privately owned domestic wastewater facility that is under contract to a municipality.

(16) "New operation" means an operation that begins activities that result in a discharge, or a potential discharge to waters of the state on or after the effective date of the general permit.

(17) "Notice of intent" means an application for a general permit, a request for coverage under a general permit, or a registration form for a general permit.

(18) "NPDES" means the National Pollutant Discharge Elimination System.

(19) "Permit" means an authorization, license, or equivalent control document issued by the director to implement this chapter.

(20) "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.

(21) "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.

(22) "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.

(23) "Regional administrator" means the regional administrator of Region X of the Environmental Protection Agency (EPA) or his/her authorized representative.

(24) "Sediment standards" means the state of Washington's Sediment management standards (chapter 173-204 WAC).

(25) "Small business" has the meaning given in RCW 43.31.025(4).

(26) "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.

(27) "Waters of the state" means all waters defined as "surface waters of the state" and all waters defined as "waters of the state" in RCW 90.48.020.

(28) "Water quality standards" means the state of Washington's water quality standards for ground waters of the state (chapter 173-200 WAC) and the state of Washington's water quality standards for surface waters of the state (chapter 173-201A WAC).

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-030, filed 5/5/93, effective 5/19/93.]

WAC 173-226-040 Relationship to chapters 173-216 and 173-220 WAC. This chapter defines a waste discharge general permit program within Washington state. Chapters 173-216 and 173-220 WAC define and establish permit

programs for the development and issuance of individual permits.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-040, filed 5/5/93, effective 5/19/93.]

WAC 173-226-050 General permit coverage. (1) The director may issue general permits to satisfy any or all of the waste water discharge permit requirements of chapter 90.48 RCW and the FWPCA.

(2) The director may issue general permits to cover categories of dischargers for geographic areas as described under subsection (3) 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.

(3) General permits may be written to cover the following within a described area:

- (a) Storm water sources; or
- (b) Categories of dischargers that meet all of the following requirements:
 - (i) Involve the same or substantially similar types of operations;
 - (ii) Discharge the same or substantially similar types of wastes;
 - (iii) Require the same or substantially similar 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.

(4) 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 noncompliance, 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 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 246-272 WAC which is administered by the Washington state department of health.

(f) 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 246-272 WAC which is administered by the Washington state department of health.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-050, filed 5/5/93, effective 5/19/93.]

WAC 173-226-060 General permit preparation—Preliminary determination. (1) For all general permits, the department shall make a preliminary determination to develop a general permit. Interested persons may petition the director requesting that a category of dischargers be considered for the development of a general permit. The department shall respond to such a petition within ninety days of receipt.

(2) The department shall provide public notice of all preliminary determinations to develop a general permit pursuant to WAC 173-226-130(1).

(3) In the event that the department determines not to develop a general permit after publishing a preliminary determination pursuant to WAC 173-226-130(2), the department shall provide public notice to that effect in the same manner as the preliminary determination public notice was provided.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-060, filed 5/5/93, effective 5/19/93.]

WAC 173-226-070 Permit effluent limitations. Any general permit issued by the department shall apply and insure compliance with all of the following, whenever applicable:

(1) Technology-based treatment requirements and standards reflecting all known, available, and reasonable methods of prevention, treatment, and control required under RCW 90.48.010, 90.48.520, 90.52.040, and 90.54.020 may be imposed through any or all of the following methods:

(a) Effluent limitations and standards promulgated pursuant to sections 301, 302, 306, and 307 of the FWPCA;

(b) Discharge standards contained in chapters 173-221 and 173-221A WAC;

(c) On a case-by-case basis under section 402 of the FWPCA; and/or

(d) Through the use of best management practices.

(2) Water quality-based effluent limitations.

(a) Water quality-based effluent limitations shall be incorporated into a general permit if such limitations are necessary to comply with chapter 173-200 and/or 173-201A WAC for the majority of the dischargers intended to be covered under the general permit and:

(i) The department determines that the use of a general permit rather than individual permits is appropriate; and

(ii) The conditions of coverage contained in WAC 173-226-050 are met.

(b) Water quality-based effluent limitations must control all pollutants or pollutant parameters which the department determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion of state ground or surface water quality standards.

(3) Any more stringent limitations or requirements, including those necessary to:

(a) Meet water quality standards, sediment 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;

(b) Meet any federal law or regulation other than the FWPCA or regulations thereunder;

(c) Implement 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;

(d) Prevent or control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or materials handling or storage;

(e) Meet the permit by rule provisions of the state dangerous waste regulation, WAC 173-303-802 (4) or (5);

(f) Comply with a plan approved pursuant to section 208(b) of the FWPCA; and/or

(g) Meet such conditions as the department determines are necessary to carry out the provisions of the FWPCA, prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306, and 307 of the FWPCA.

(4) In addition to the other applicable requirement of this chapter, general permits authorizing the discharge into a municipal sewerage system shall satisfy the applicable pretreatment requirements of the FWPCA.

(5) Requirements pursuant to other laws, including the state's Hazardous Waste Management Act (chapter 70.105 RCW), the Solid Waste Management—Reduction and Recycling Act (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;

(6) In the application of effluent standards and limitations, water and sediment quality standards and other legally applicable requirements pursuant to subsections (1) through (4) of this section, each general 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;

(c) If a dilution zone is authorized, pursuant to chapter 173-201A WAC, within which water quality standards are modified, the dimensions of such dilution zone; and

(d) If a sediment impact zone is authorized within which sediment quality standards are modified pursuant to chapter 173-204 WAC, the dimensions of such sediment impact zone.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-070, filed 5/5/93, effective 5/19/93.]

WAC 173-226-080 Other terms and conditions. (1)

In addition to the requirements of WAC 173-226-070, 173-226-090, and 173-226-180, each general permit shall require:

(a) All discharges authorized by the general permit shall be consistent with the terms and conditions of the permit.

(b) Any facility expansions, production increases, or process modifications that would result in new or increased discharges of pollutants causing effluent limitations in the general permit to be exceeded or beyond which was reported in the application for coverage, must be reported to the department by submission of a new application or supplement thereto.

(c) Unless notified to the contrary by the department all notices submitted pursuant to (b) of this subsection shall comply with the application requirements of WAC 173-226-200(3).

(d) Any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the general permit shall constitute a violation of the terms and conditions of the general permit.

(e) The director may terminate coverage under a general permit for cause. Cases where coverage under a general permit may be terminated include, but are not limited to, those contained in WAC 173-226-240(1).

(f) The director may require any discharger to apply for and obtain an individual permit, or to apply for and obtain coverage under another more specific general permit.

(g) 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 but are not limited to those contained in WAC 173-226-230.

(h) The permittee shall allow the department or its authorized representative, upon the presentation of credentials and such other documents as may be required by law, 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;

(ii) To have access to, and to 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/or

(iv) To sample any discharge of pollutants.

(i) The permittee shall at all times properly operate and maintain any facilities or systems of control to achieve compliance with the terms and conditions of the general 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.

(j) The discharge of pollutants resulting from activities not covered under the general permit for which the discharger has requested coverage, shall be a violation of the terms and conditions of the general permit.

(2) General permits shall specify the contents of the application for coverage, the deadlines for submitting applications for coverage, the date(s) and/or the process by which coverage is granted, and the criteria for coverage.

(3) Any discharger authorized by a general permit may request to be excluded from coverage under the general permit by applying for and being issued 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.

(4) 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.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-080, filed 5/5/93, effective 5/19/93.]

WAC 173-226-090 Monitoring, recording, and reporting. (1) Monitoring.

(a) Any discharge authorized by a general 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 but are not limited to:

(i) Flow (in gallons per day or other appropriate units);

(ii) All pollutants on which limitations have been placed pursuant to WAC 173-226-070;

(iii) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) that are subject to reduction or elimination under the terms and conditions of the permit;

(iv) Pollutants that the department finds could have a significant impact on the quality of waters and sediments of the state; and

(v) 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 that reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant.

(c) Monitoring for compliance with limitations imposed pursuant to WAC 173-226-070 shall be no less than once per year.

(d) 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.

(e) Monitoring of intake water, influent to treatment facilities, internal waste streams, and/or receiving waters may be required by the department, to verify compliance with net discharge limitations or removal requirements, to verify that

proper waste treatment or control practices are being maintained, or to determine the effects of the discharge on the waters and sediments of the state.

(2) Recording of monitoring activities and results. Any general permit which requires monitoring of an authorized discharge shall require that:

(a) The permittee maintain records of all information resulting from any monitoring activities required as a condition of the application for, or as a condition of coverage under a general 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 retain for a minimum of five years any records of monitoring activities and all results of those activities 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 department may require the permittee to periodically report on the proper reporting form, the monitoring results obtained pursuant to monitoring requirements in a general permit. In addition to the required reporting form, the department may require submission of such other reports as it determines to be necessary.

(b) Monitoring reports shall be signed by:

(i) In the case of corporations, a responsible corporate officer or 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, a general partner.

(iii) In the case of a sole proprietorship, the proprietor.

(iv) In the case of a municipal, state, or other public facility, either a principal executive officer, ranking elected official, or other duly authorized employee.

(4) Except as provided in subsection (5) of this section, all monitoring data required as a condition of a general permit, or required as part of an application for coverage under a general permit shall be prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC within one year of first being covered under a general permit or by July 1, 1995, whichever is later.

(5) The following parameters need not be accredited or registered:

(a) Flow;

(b) Temperature;

(c) Settleable solids;

(d) Conductivity, except that conductivity shall be accredited if the laboratory must otherwise be registered or accredited;

(e) pH, except that pH shall be accredited if the laboratory must otherwise be registered or accredited; and

(f) Parameters which are used solely for internal process.

[Statutory Authority: RCW 43.21A.230. 93-20-011 (Order 92-53), § 173-226-090, filed 9/22/93, effective 10/23/93. Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-090, filed 5/5/93, effective 5/19/93.]

WAC 173-226-100 Prohibited discharges. (1) No general permit issued by the department shall authorize any person to:

(a) Discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of the state;

(b) Discharge any pollutants that the Secretary of the Army acting through the Chief, Corps of Engineers, finds would substantially impair anchorage and navigation;

(c) Discharge any pollutant 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;

(d) Discharge any pollutant in conflict with plans or amendment thereto approved pursuant to section 208(b) of the FWPCA;

(e) Discharge any pollutant subject to a toxic pollutant discharge prohibition under section 307 of the FWPCA; or

(f) Discharge any dangerous waste as defined in the Dangerous waste regulations, chapter 173-303 WAC, into a subsurface disposal system such as a well or drainfield.

(2) The following discharges to municipal sewerage systems are also prohibited:

(a) Waste materials that pass through the treatment works untreated or interfere with its operation or performance;

(b) Liquids, solids, or gases that, by reason of their nature or quantity, are or may be sufficient either alone or by interaction to:

(i) Cause fire or explosion;

(ii) Create a public nuisance or hazard to life;

(iii) Prevent entry into the sewers for their maintenance and repair; or

(iv) Be injurious in any other way to the operation of the system or the operating personnel;

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the system;

(d) 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;

(e) Wastewater that 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;

(f) Waste materials, including, but not limited to, 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;

(g) Any other discharge prohibited by federal or state law or regulation; and

(h) 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):

- (i) Noncontact cooling water in significant volumes;
- (ii) Storm water and other direct inflow sources;
- (iii) Waste waters significantly affecting system hydraulic loading that do not require treatment or would not be afforded a significant degree of treatment by the system.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-100, filed 5/5/93, effective 5/19/93.]

WAC 173-226-110 Fact sheets. (1) The department shall prepare a fact sheet for every draft general permit determination. Such fact sheets shall summarize the following:

- (a) The type of facility or activity which is the subject of the general permit;
- (b) The geographical area for which the general permit is valid;
- (c) The criteria for which coverage under a general permit will be approved;
- (d) A listing or some other means of identifying the facilities proposed to be covered under the general permit;
- (e) The information required by WAC 173-226-200(3), to be submitted as part of the application for coverage under the general permit;
- (f) The effluent characteristics for the category of dischargers being authorized under the general permit, including the following:

(i) The average rate or frequency of the proposed discharge;

- (ii) For thermal discharges, the average summer and winter temperatures; and
- (iii) The average and estimated range 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;

(g) The effluent standards and limitations applied;

(h) The applicable water quality standards, including identification of the uses for which receiving waters have been classified;

- (i) The conditions in the proposed general permit;
- (j) The legal and technical grounds for the conditions contained in the general permit, including:

(i) 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;

(ii) An explanation of how the conditions meet the water quality standards of chapters 173-200 and 173-201A WAC; and

(iii) An explanation of how the conditions meet the sediment standards contained in chapter 173-204 WAC;

(k) If a dilution zone is authorized, pursuant to chapter 173-201A WAC, within which water quality standards are modified:

- (i) A description of the allowed dilution zone;
- (ii) The legal basis for providing a dilution zone; and

(iii) The technical basis for allowing a dilution zone and the basis for determining the size of the dilution zone;

(l) Any compliance schedules proposed as part of the general permit or as a part of the application process pursuant to WAC 173-226-180 and 173-226-200;

(m) How the draft permit addresses use or disposal of residual solids generated by wastewater treatment;

(n) 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 173-226-130(3), including the date and time after which public comments will not be considered by the department in formulating the final determination on the draft general permit;

(ii) The time and place of the public hearing(s); and

(iii) Any other procedures by which the public may participate in the formulation of the final determination; and

(o) A summary of the economic impact analysis required by WAC 173-226-120, including any mitigation proposed pursuant to WAC 173-226-120(2) for small business.

(2) The department shall provide copies of general permit fact sheets to any interested person upon request.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-110, filed 5/5/93, effective 5/19/93.]

WAC 173-226-120 Economic impact analysis. (1) The department shall prepare an economic impact analysis on all draft general permits which are intended to directly cover small business. The economic impact analysis shall be prepared on the draft general permit for which public notice is being provided pursuant to WAC 173-226-130(3).

(2) The purpose of the economic impact analysis is to reduce the economic impact of the general permit on small business by doing one or more of the following when it is legal and feasible in meeting the stated objectives of the FWPCA and chapter 90.48 RCW:

(a) Establishing differing compliance or reporting requirements or timetables for small businesses;

(b) Clarifying, consolidating, or simplifying the compliance and reporting requirements under the general permit for small businesses;

(c) Establishing performance rather than design standards;

(d) Exempting small businesses from parts of the general permit.

(3) The contents of an economic impact analysis of a proposed general permit shall include, at a minimum, the following:

(a) A brief description of the compliance requirements of the general permit, including:

(i) The minimum technology based treatment requirements identified as necessary under WAC 173-226-070;

(ii) The monitoring requirements contained in the general permit;

(iii) The reporting and recordkeeping requirements; and

(iv) Any plan submittal requirements;

(b) The estimated costs of compliance, based upon existing data for facilities intended to be covered under the

general permit. Costs shall include, consistent with subsection (2) of this section the following:

- (i) The costs associated with (a) of this subsection; and
- (ii) The costs of equipment, supplies, labor, and any increased administrative costs;

(c) A comparison, to the greatest extent possible, of the cost of compliance for small businesses with the cost of compliance for the largest ten percent of the facilities intended to be covered under the general permit. The economic impact analysis shall use one or more of the following as a basis for comparing costs:

- (i) Cost per employee;
- (ii) Cost per hour of labor;
- (iii) Cost per one hundred dollars of sales.

(4) The following compliance costs associated with a general permit shall not be included in the economic impact analysis:

(a) The costs necessary to comply with chapters 173-200, 173-201, 173-204, and 173-224 WAC; and

(b) The costs associated with requirements of the general permit which result from conformity or compliance, or both, with federal law or regulations.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-120, filed 5/5/93, effective 5/19/93.]

WAC 173-226-130 Public notice. The department shall provide public notice of all preliminary determinations to develop a general permit, all determinations not to develop a general permit after publishing such a preliminary determination, all draft general permit determinations, and the issuance of a final general permit. All public notices shall be circulated in a manner designed to inform interested and potentially affected persons of the proposed general permit.

(1) The department shall provide public notice of all preliminary determinations to develop a general permit as follows:

(a) The public notice shall be circulated within the geographical area of the proposed general permit. Such notice may include any or all of the following:

(i) Publishing, as a paid advertisement or legal notice, the department's preliminary determination in one or more major local newspapers throughout the area of proposed coverage;

(ii) Issuance of news releases, focus sheets, or newsletters;

(iii) Publication in the *State Register*;

(b) The department shall request comments on whether a general permit is appropriate for the proposed category of dischargers or whether individual permits are necessary;

(c) The public notice shall provide an opportunity for any interested or potentially affected party to submit information on dischargers proposed to be covered under a general permit including:

(i) Any documented information on the characteristics of the discharge including effluent quantity, quality, and any receiving water impacts. Information may be from an individual facility or be representative of the category as a whole; and

(ii) Any other relevant information;

(d) The department shall add the name of any person upon request to a general permit specific mailing list to receive information and notices related to the development of the general permit.

(2) In the event that the department determines not to develop a general permit after publishing a preliminary determination pursuant to subsection (1) of this section, the department shall provide public notice to that effect.

(3) The department shall provide public notice of every draft general permit as follows:

(a) The notice shall be circulated throughout the geographical area covered by the general permit. Such circulation may include any or all of the following:

(i) Posting for a period of thirty days in post offices, public libraries, and public places within the geographical area covered by the general permit;

(ii) Publishing the notice as a paid advertisement, display advertisement, or legal notice, in one or more major local newspapers of general circulation serving the area covered by the general permit;

(iii) Issuance of news releases, focus sheets, or newsletters.

(b) Notice shall be mailed to any person upon request, including all persons on the general permit specific mailing list established pursuant to subsection (1)(d) of this section and all persons on the mailing lists established pursuant to WAC 173-220-050 (1)(d).

(c) At least thirty days before the public hearing on the general permit the department shall have the following published in the *State Register*:

(i) The public notice contents contained in (f) of this subsection;

(ii) A reference to the relevant sections of chapter 90.48 RCW as the statutory authority for issuing the general permit;

(iii) The date on which the agency intends to issue the general permit;

(iv) A short explanation of the permit, its purpose, and anticipated effects; and

(v) A summary of the economic impact analysis required in WAC 173-226-120.

(d) The department shall provide a period of not less than thirty days following the last publication of the public notice, during which time interested persons may submit their written views on a draft general permit determination. All written comments submitted during the comment period shall be retained by the department and considered in the formulation of its final determination with respect to the draft general permit. The period for comment may be extended at the discretion of the department.

(e) The department shall make available during the public comment period:

(i) The draft general permit;

(ii) The fact sheet on the draft general permit required pursuant to WAC 173-226-110;

(iii) The economic impact analysis required pursuant to WAC 173-226-120;

(iv) A copy of the proposed application for coverage; and

(v) The notice required pursuant to WAC 173-226-130 (3)(c).

(f) The contents of the draft general permit public notice shall, at a minimum, summarize the following:

(i) The name, address, and phone number of the agency issuing the public notice;

(ii) The type of facilities and activities which are the subject of the general permit;

(iii) The geographical area for which the general permit is valid;

(iv) The criteria for which coverage under a general permit will be approved;

(v) A listing or some other means of generally identifying the facilities proposed to be covered under the general permit;

(vi) The tentative determination to issue a general permit;

(vii) The procedures for the formulation of final determinations, including the thirty-day comment period required by (d) of this subsection and any other means by which interested persons may comment upon those determinations;

(viii) The date, time, and place when public hearings will be held on the draft general permit;

(ix) The address and phone number of state premises at which interested persons may obtain further information; and

(x) The date and time after which comments will not be considered by the department in formulating the final determination on the draft general permit.

(4) The department shall provide public notice of the issuance of a final general permit as follows:

(a) The notice of general permit issuance shall be circulated in a manner similar to that used to circulate the notice on the draft general permit in subsection (3)(a) of this section and shall be published in the *State Register*; and

(b) The notice of general permit issuance shall be provided to all persons on the general permit specific mailing list established pursuant to subsection (1)(d) of this section and all persons on the mailing lists established pursuant to WAC 173-220-050 (1)(d).

(c) The public notice of the issuance of a general permit shall contain:

(i) The name, address, and phone number of the agency issuing the public notice;

(ii) The type of facilities and activities which are the subject of the general permit;

(iii) The geographical area for which the general permit is valid;

(iv) The criteria for which coverage under a general permit will be approved;

(v) A listing or some other means of generally identifying the facilities proposed to be covered under the general permit;

(vi) A summary of the application process by which eligible dischargers may obtain coverage under the general permit;

(vii) An explanation of any changes to the final general permit, other than editing changes, and the principal reasons for adopting the changes;

(viii) A notice that the terms and conditions of the general permit may be appealed only by filing an appeal with the pollution control hearings board and by serving it

upon the department within thirty days, and the process for doing so as contained in RCW 43.21B.310; and

(ix) The date after which the general permit shall be effective. The effective date of a general permit shall be no sooner than thirty days after the publication in the *State Register* of the public notice required pursuant to (a) of this subsection. (5) For new operations, or for operations previously under permit for which an increase in volume or change in the character of the effluent is requested over that which was previously authorized, only:

(a) The applicant for coverage under a general permit shall cause notice to be circulated within the geographical area of the proposed discharge. Such circulation shall include:

(i) Publishing twice a notice in a newspaper of general circulation within the county in which the discharge is proposed to be made; and

(ii) Any other method the department may direct.

(b) The notice published pursuant to (a) of this subsection shall contain:

(i) The name, address, and location of the facility requesting coverage under the general permit;

(ii) The applicant's activities or operations that result in a discharge (e.g., storm water, fish farming, gravel washing);

(iii) The name of the general permit under which coverage is being requested; and

(iv) The statement: "Any person desiring to present their views to the department of ecology regarding this application may do so in writing within thirty days of the last date of publication of this notice. Comments shall be submitted to the department of ecology. Any person interested in the department's action on this application may notify the department of their interest within thirty days of the last date of publication of this notice."

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-130, filed 5/5/93, effective 5/19/93.]

WAC 173-226-140 Notice to other government agencies. The department shall notify other appropriate government agencies of each draft general permit determination and shall provide such agencies an opportunity to submit their written views and recommendations. Such notification for NPDES and combined NPDES/state waste discharge general permits only, shall include the following:

(1) Transmission of the fact sheet, application form, and draft general permit to the regional administrator for comment or objection. The regional administrator shall be provided ninety days to comment on the draft permit prior to issuance by the department unless an alternative time period is mutually agreed on by the director and the regional administrator.

(2) Immediately following issuance, the department shall transmit a copy of every fact sheet, application form, and general permit along with any and all terms, conditions, requirements, or documents which are a part of the general permit or which affect the authorization by the general permit, of the discharge of pollutants, to the regional administrator.

(3) At the time of issuance of the public notices pursuant to WAC 173-226-130 (1)(a), (3)(a), and (4)(a) the department shall transmit the public notices to any other

states whose waters may be affected by the issuance of the general permit. Each affected state shall be afforded an opportunity to submit written comments pursuant to WAC 173-226-130 (1)(b) and (3)(d), 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 or comments.

(4) Unless waived by the respective agency, the public notices issued pursuant to WAC 173-226-130 (1)(a), (2), (3)(a), and (4)(a) 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, health, natural resources, wildlife, and social and health services, the office of archaeology and historic preservation, 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.

(5) A copy of any written agreement between the department and an agency identified in subsection (4) of this section which waives the receipt of public notices shall be forwarded to the regional administrator and shall be made available upon request to the public for inspection and copying.

(6) Copies of public notices issued pursuant to WAC 173-226-130 (1)(a), (2), (3)(a), and (4)(a) 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 or comment on the draft general permit pursuant to WAC 173-226-130 (1)(b) and (3)(d).

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-140, filed 5/5/93, effective 5/19/93.]

WAC 173-226-150 Public hearings. (1) The department shall hold one or more public hearing(s) on all draft general permits. The public hearing shall be held during the public comment period provided pursuant to WAC 173-226-130 (3)(d).

(2) The date, time, and place will be at the discretion of the department provided:

(a) At least thirty days is provided between the time the public notice is published pursuant to WAC 173-226-130 (3)(a) and (c), and the time the hearing is held; and

(b) The hearing location is within the geographical area covered by the general permit.

(3) For new operations or for operations previously under permit for which an increase in volume or change in the character of the effluent has occurred only, any interested person may request a public hearing within thirty days of the last date of publication of the public notice required pursuant to WAC 173-226-130(5).

(a) All requests for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

(b) The department shall only consider issues regarding the general permits applicability or nonapplicability to the

discharger when considering the need to hold a public hearing.

(4) The department shall cause a record to be made of all hearings required pursuant to this section. The record may be stenographic, mechanical, or electronic.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-150, filed 5/5/93, effective 5/19/93.]

WAC 173-226-160 Public access to information. (1) In accordance with chapter 42.17 RCW and its published policy describing disclosure of public records, the department shall make identifiable public records relating to all general permits available to the public for inspection and copying.

(2) The department shall designate a general permit coordinator for each general permit. The coordinator shall:

(a) Have knowledge of the general permit being prepared;

(b) Maintain the records associated with the development of the general permit including the general permit file required pursuant to subsection (3) of this section;

(c) Be identified as the department contact in public notices regarding the general permit.

(3) The department shall prepare a general permit development file for each issued general permit. The general permit development file shall be available for public inspection subject to the provisions of this section. The general permit development file shall contain:

(a) Copies of all public notices required pursuant to WAC 173-226-130;

(b) A copy of the fact sheet required pursuant to WAC 173-226-110 and any other documents not readily available to the public which were used in developing the terms and conditions of the general permit;

(c) Copies of the draft and final general permits, the economic impact analysis, and the application for coverage;

(d) All written comments received during the public comment period required pursuant to WAC 173-226-130(3), on the draft general permit, fact sheet, economic impact analysis, and application for coverage;

(e) The record of public hearings produced pursuant to WAC 173-226-150(4); and

(f) The response to comments prepared pursuant to WAC 173-226-170(1).

(4) Pursuant to chapter 42.17 RCW, the department shall provide, upon request, any information submitted as part of an application for coverage under a general permit.

(5) The department shall add the name of any person, upon request, to a mailing list to receive notices of department actions associated with a general permit.

(6) The department shall provide facilities for the inspection of information relating to general 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, identifiable public records be honored promptly.

(7) Pursuant to chapters 42.17, 43.21A, 70.105, and 90.52 RCW, the department shall protect any information

(other than information on the effluent) contained in applications 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.

(8) Any information accorded confidential status, whether or not contained in an application form, shall be disclosed, upon request, to the regional administrator.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-160, filed 5/5/93, effective 5/19/93.]

WAC 173-226-170 Issuance of general permits. (1)

At the close of the public comment period required pursuant to WAC 173-226-130 (3)(d) the department shall prepare a response to all relevant comments received (both written and oral) and shall briefly describe any changes, other than editing changes, and the principal reasons for making the changes to the draft general permit.

(2) General permits shall be deemed issued upon signing by the director or by a person delegated the authority to issue general permits pursuant to chapter 173-06 WAC.

(3) The department shall provide public notice of the issuance of all final general permits pursuant to WAC 173-226-130 (4)(a).

(4) General permits become effective thirty days after the date of publication in the *State Register* of the public notice required pursuant to WAC 173-226-130 (4)(a) unless a later date is specified by the department.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-170, filed 5/5/93, effective 5/19/93.]

WAC 173-226-180 Compliance schedules. (1) The

department may establish schedules and permit conditions as necessary to achieve compliance with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements contained in a general permit in any or all of the following ways:

(a) As a condition or schedule in a general permit;

(b) In an administrative order issued pursuant to chapter 90.48 RCW; and

(c) By any other method deemed appropriate by the department.

(2) Schedules of compliance shall reflect the shortest reasonable period of time necessary to achieve compliance consistent with the guidelines and requirements of the FWPCA.

(3) 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 that 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.

(4) 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 each interim or final requirement.

(5) If a permittee fails or refuses to comply with an interim or final requirement contained in a general permit, or as submitted as part of an application for coverage under a general permit, such noncompliance shall constitute a violation of the general permit for which the department may revoke coverage under the general permit or take direct enforcement action pursuant to chapter 90.48 RCW.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-180, filed 5/5/93, effective 5/19/93.]

WAC 173-226-190 Appeals. (1) The terms and

conditions of a general permit as they apply to the appropriate class of dischargers are subject to appeal within thirty days of issuance of a general permit in accordance with chapter 43.21B RCW.

(2) The terms and conditions of a general permit, as they apply to an individual discharger, are appealable, within thirty days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to that individual discharger.

(3) The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under the general permit. If the terms and conditions of a general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to the department for consideration of issuance of an individual permit or permits.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-190, filed 5/5/93, effective 5/19/93.]

WAC 173-226-200 Applications for coverage under a general permit. (1) Following the public notice by the

department of the issuance of a general permit, or at an alternate date as designated by the department, all dischargers who desire to be covered under the general permit shall notify the department of that fact on a form prescribed by the department no later than the following, unless a shorter application period is allowed in the general permit under which coverage is requested:

(a) For existing operations, applications for coverage shall be submitted no later than ninety days after the issuance date of the general permit under which coverage is requested;

(b) For new operations, applications for coverage shall be submitted no later than one hundred eighty days prior to the commencement of the activity that may result in the discharge to waters of the state.

(2) Unless specified otherwise in the general permit under which coverage is requested or the department responds in writing, coverage of a discharger under a general permit will automatically commence on the later of the following:

(a) The effective date of the general permit;

(b) The thirty-first day following the end of the thirty-day comment period required by WAC 173-226-130(4);

(c) The thirty-first day following receipt by the department of a completed application for coverage under a general permit; or

(d) A date specified by the department in the general permit.

(3) All applications for coverage under a general permit shall:

(a) Contain information necessary for adequate program implementation;

(b) Contain the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving streams;

(c) Bear a certification of correctness;

(d) Be signed:

(i) In the case of corporations, by a responsible corporate officer.

(ii) In the case of a partnership, by a general partner.

(iii) In the case of sole proprietorship, by the proprietor.

(iv) In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official; and

(e) Include any other information deemed relevant by the department.

(f) For new operations, or for operations for which an increase in volume of wastes or change in character of effluent is requested over that previously authorized, applications for coverage shall also contain:

(i) A certification by the applicant that the public notice requirements of WAC 173-226-130(5) have been met; and

(ii) A certification by the applicant that the applicable SEPA requirements under chapter 197-11 WAC have been met.

(4) The department shall develop an application form for each general permit and shall make the application form available during the draft general permit public notice period. The department shall provide the application form to the regional administrator along with the draft and final general permit as required in WAC 173-226-140.

(5) 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.

(6) Where the department has determined that a discharger should not be covered under a general permit, it shall respond in writing within sixty days of receipt of an application 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 under the general permit to become effective.

(7) When an individual permit is issued to a discharger otherwise subject to a general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

(8) Coverage under a general permit 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 this subsection.

(9) Coverage under a general permit for domestic wastewater facilities that are owned by nonpublic entities and under contract to a public entity, shall be issued to the public entity.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-200, filed 5/5/93, effective 5/19/93.]

WAC 173-226-210 Transfer of permit coverage.

Coverage under a general permit is automatically transferred to a new discharger if:

(1) A written, signed 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

(2) The director does not notify the old and new discharger of the director's intent to revoke coverage under the general permit. If this notice is not given, the transfer is effective on the date specified in the agreement mentioned in subsection (1) of this section.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-210, filed 5/5/93, effective 5/19/93.]

WAC 173-226-220 Duration and replacement of permits. (1) General permits shall be issued for fixed terms not exceeding five years from the effective date.

(2) All permittees covered under a general permit shall submit a new application for coverage under a general permit or an application for an individual permit at least one hundred eighty days prior to the expiration date of the general permit under which the permittee is covered.

(3) When a permittee has made timely and sufficient application for the renewal of coverage under a general permit, an expiring general permit remains in effect and enforceable until:

(a) The application has been denied;

(b) A replacement permit has been issued by the department; or

(c) The expired general permit has been canceled by the department.

(4) Coverage under an expired general permit for permittees who fail to submit a timely and sufficient application shall expire on the expiration date of the general permit.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-220, filed 5/5/93, effective 5/19/93.]

WAC 173-226-230 Modification and revocation of general permits. (1) A general permit may be modified, revoked and reissued, or terminated, during its term for cause including, but not limited to, the following:

(a) A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under the general permit;

(b) Effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or chapter 90.48 RCW, for the category of dischargers covered under the general permit;

(c) A water quality management plan containing requirements applicable to the category of dischargers covered under the general permit is approved;

(d) Information is obtained which indicates that cumulative effects on the environment from dischargers covered under the general permit are unacceptable; or

(e) A toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the FWPCA for a toxic pollutant which is more stringent than any limitation upon such pollutant in the permit.

(2) In the event that the director has determined to modify or revoke, in whole or in part, a general permit pursuant to subsection (1) of this section the director shall notify, in writing, all dischargers covered under the general permit. The notification shall include:

(a) The reason(s) why the general permit is being revoked or modified;

(b) The process for appealing the determination pursuant to RCW 43.21B.310;

(c) An application form and a time limit for submitting the application; and

(d) Any other information determined to be relevant by the department.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-230, filed 5/5/93, effective 5/19/93.]

WAC 173-226-240 Revocation of coverage under a general permit. (1) The director may terminate coverage under a general permit for cause. Cases where coverage under a general permit may be terminated include, but are not limited to, the following:

(a) Violation of any term or condition of the general permit;

(b) Obtaining coverage under a general permit by misrepresentation or failure to disclose fully all relevant facts;

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(d) A determination that the permitted activity endangers human health, safety, or the environment, or contributes to water or sediment quality standards violations;

(e) Incorporation of an approved local pretreatment program into a municipality's permit;

(f) Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(5);

(g) Failure or refusal of the permittee to allow entry as required in RCW 90.48.090; or

(h) Nonpayment of permit fees assessed pursuant to RCW 90.48.465.

(2) The director may require any discharger to apply for and obtain an individual permit, or to apply for and obtain coverage under another more specific general permit. In cases where the director requires any discharger to apply for an individual permit, or for another general permit, the discharger must be notified in writing that another permit is required. This notice shall include a statement of why another permit is being required, an application form, and a time limit for submitting the application.

(3) Any interested person may petition the director to require a discharger authorized by a general permit to apply for and obtain an individual permit.

(4) Any discharger authorized by a general permit may request to be excluded from coverage under a 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.

(5) Where the department has determined that a discharger should no longer be covered under a general permit it shall notify the discharger in writing stating the reason(s) why coverage is no longer appropriate, and any actions required of the discharger in order for coverage under the general permit to remain effective.

(6) The discharger shall have thirty days to respond to any notification provided pursuant to subsection (5) of this section before coverage under a general permit shall be automatically revoked.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-240, filed 5/5/93, effective 5/19/93.]

WAC 173-226-250 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 general permits or conditions thereof without the necessity of a prior revocation of coverage under the general 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 general permit, and otherwise be able to investigate, inspect, or monitor any suspected violations of water quality standards, or effluent standards and limitations, or of general permit 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 general 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; or

(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.

[Statutory Authority: Chapter 90.48 RCW. 93-10-099 (Order 92-55), § 173-226-250, filed 5/5/93, effective 5/19/93.]

Chapter 173-230 WAC
CERTIFICATION OF OPERATORS OF
WASTEWATER TREATMENT PLANTS

WAC

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DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

173-230-060	Applications. [Order 73-30, § 173-230-060, filed 11/9/73.] Repealed by 82-09-056 (Order DE 82-07), filed 4/16/82. Statutory Authority: Chapter 70.95B RCW.
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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 classifica-

tions 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 nonrenewable. 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

Group IV	High school diploma plus four years college	4 years
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(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 fifty dollars. Applications for certification by reciprocity will be accepted for processing only when accompanied by a fee of fifty dollars.

(2) Except as provided under WAC 173-230-070(4), applications for reexamination will be accepted for process-

ing only when accompanied by an application fee of fifty 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 thirty dollars for each year of renewal.

(5) All receipts hereunder shall be paid into the state general fund.

[Statutory Authority: RCW 70.95B.090 (1) and (2) and chapter 70.95B RCW. 91-13-058 (Order 90-61), § 173-230-090, filed 6/17/91, effective 7/18/91. 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, grinders, etc. 1
 - (f) Plant pumping 3
- (5) **PRIMARY TREATMENT UNITS**
 - (a) Imhoff tanks, spirogesters, Clarigesters, etc. 3
 - (b) Primary clarifiers 5
 - (c) Primary clarifiers utilizing settling aid chemicals 9
- (6) **SECONDARY TREATMENT UNITS**
 - (a) Trickling filter (without recirculation) 5
 - (b) Trickling filter (with recirculation) 7
 - (c) Activated sludge
 - (i) Mechanical aeration 8
 - (ii) Diffused or dispersed air 10
 - (iii) Oxidation ditch 8
 - (iv) Pure oxygen 13
 - (d) Stabilization ponds 5
 - (e) Stabilization ponds with aeration 7
 - (f) Secondary clarifiers 5
- (7) **TERTIARY TREATMENT UNITS**
 - (a) Polishing pond 2
 - (b) Land disposal of effluent 5
 - (c) Chemical treatment for phosphorus removal 5
 - (d) Activated carbon beds (with carbon regeneration) 10
 - (e) Activated carbon beds (without carbon regeneration) 8
 - (f) Sand or mixed-media filters 4
 - (g) Other nutrient removal processes following secondary treatment 10
- (8) **DISINFECTION** 4
- (9) **SLUDGE TREATMENT**
 - (a) Sludge digesters (anaerobic) 4
 - (i) If heated, add 3
 - (ii) If mechanically or gas mixed, add 2
 - (b) Sludge digesters (aerobic) 6
 - (c) Drying beds or evaporation lagoons 2
 - (d) Thickener clarifier 5
 - (e) Vacuum filter 7
 - (f) Centrifuge 7
 - (g) Incinerator 10
 - (h) Utilizing digester gas for other than heating purposes 3

When a wastewater treatment plant handles a complex waste or a unique treatment process that is not reflected in the classification system, the director upon recommendations of the board may establish a classification consistent with the intent of the above classification system.

[Statutory Authority: RCW 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

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 173-240-105 Form—Certificate of construction of water pollution control facilities. [Statutory Authority: RCW 90.48.110, 79-02-033 (Order DE 78-10), § 173-240-105, filed 1/23/79. Formerly chapter 372-20 WAC.] Repealed by 83-23-063 (Order DE 83-30), filed 11/16/83. Statutory Authority: Chapters 43.21A and 90.48 RCW.

WAC 173-240-010 Purpose and scope. The purpose of this chapter is to implement RCW 90.48.110. The department interprets "plans and specifications" as mentioned in RCW 90.48.110 as including "engineering reports," "plans and specifications," and "general sewer plans," all as defined in WAC 173-240-020. This chapter also includes provisions for review and approval of proposed methods of operation and maintenance.

[Statutory Authority: Chapters 43.21A and 90.48 RCW, 83-23-063 (Order DE 83-30), § 173-240-010, filed 11/16/83. Statutory Authority: RCW 90.48.110, 79-02-033 (Order DE 78-10), § 173-240-010, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-020 Definitions. (1) "Approval" means written approval.

(2) "Construction quality assurance plan" means a plan describing the methods by which the professional engineer in responsible charge of inspection of the project will determine that the facilities were constructed without

significant change from the department approved plans and specifications.

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

(4) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration or surface waters as may be present.

(5) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present. In the case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from:

(a) A septic tank system with subsurface sewage treatment and disposal and an ultimate design capacity exceeding fourteen thousand five hundred gallons per day at any common point; or

(b) A mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity exceeding three thousand five hundred gallons per day at any common point.

Where the proposed system utilizing subsurface disposal has received a state construction grant or a federal construction grant under the Federal Water Pollution Control Act as amended, such system is a "domestic wastewater facility" regardless of size.

(6) "Engineering report" means a document which thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130. In the case of a domestic wastewater facility project, the report describes the recommended financing method.

The facility plan described in federal regulation 40 CFR 35 is an "engineering report." This federal regulation describes the Environmental Protection Agency's municipal wastewater construction grants program.

(7) "General sewer plan" means the:

(a) Sewerage general plan adopted by counties under chapter 36.94 RCW; or

(b) Comprehensive plan for a system of sewers adopted by sewer districts under chapter 56.08 RCW; or

(c) Plan for a system of sewerage adopted by cities under chapter 35.67 RCW; or

(d) Comprehensive plan for a system of sewers adopted by water districts under chapter 57.08 RCW; or

(e) Plan for sewer systems adopted by public utility districts under chapter 54.16 RCW and port districts under chapter 53.08 RCW.

(f) The "general sewer plan" is a comprehensive plan for a system of sewers adopted by a local government entity. The plan includes the items specified in each respective statute. It includes the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, local service areas and a general description of the collection system to serve those areas. The plan also includes preliminary engineering in adequate detail to assure technical feasibility, provides for the method of distributing the cost

and expense of the sewer system, and indicates the financial feasibility of plan implementation.

(8) "Industrial wastewater" means the water or liquid carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated stormwater and also leachate from solid waste facilities.

(9) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of industrial wastewater.

(10) "Owner" means the state, county, city, town, federal agency, corporation, firm, company, institution, person or persons, or any other entity owning a domestic or industrial wastewater facility.

(11) "Plans and specifications" means the detailed drawings and specifications used in the construction or modification of domestic or industrial wastewater facilities. Except as otherwise allowed, plans and specifications are preceded by an approved engineering report. For some industrial facilities final conceptual drawings for all or parts of the system may be substituted for plans and specifications with the permission of the department.

(12) "Sewerage system" means a system of sewers and appurtenances for the collection, transportation, pumping, treatment and disposal of domestic wastewater together with such industrial waste as may be present. By definition a sewerage system is a "domestic wastewater facility."

(13) "Sewer line extension" shall mean any pipe added or connected to an existing sewerage system, together with any pump stations: *Provided*, That the term does not include gravity side sewers which connect individual building or dwelling units to the sewer system when these side sewers are less than one hundred fifty feet in length and not over six inches in diameter.

(14) "Subsurface sewage treatment and disposal" means the physical, chemical, or bacteriological treatment and disposal of domestic wastewater within the soil profile by placement beneath the soil surface in trenches, beds, seepage pits, mounds, or fills.

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

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-020, filed 11/16/83. Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-020, filed 1/23/79. Formerly WAC 372-20-010.]

DOMESTIC WASTEWATER FACILITIES

WAC 173-240-030 Submission of plans and reports.

(1) Prior to the construction or modification of domestic wastewater facilities, engineering reports and plans and specifications for the project shall be submitted to and approved by the department, except as noted in WAC 173-240-030(5).

(2) All reports and plans and specifications shall be submitted by the owner or his authorized representative

consistent with a compliance schedule issued by the department or at least sixty days prior to the time approval is desired.

(3) Construction or modification of domestic wastewater facilities shall conform to the following schedule of tasks unless otherwise modified by these regulations:

- (a) Submission and approval of engineering report;
- (b) Submission and approval of plans and specifications;
- (c) Submission and approval of construction quality assurance plan;
- (d) Submission and approval of draft operation and maintenance manual;
- (e) Declaration of completion of construction by the project engineer; and
- (f) Submission of complete operation and maintenance manual.

(4) Where two or more years has lapsed since approval of the engineering report or plans and specifications and construction has not begun, it may be necessary to update that document to reflect changed conditions such as: Water quality, services availability, regulatory requirements, or engineering technology.

(5) If the local government entity has received department approval of a general sewer plan and standard design criteria, engineering reports and plans and specifications for sewer line extensions, including pump stations, need not be submitted for approval. In this case the entity need only provide a description of the project and written assurance that the extension is in conformance with the general sewer plan. However in the following situations specific department approval is necessary for sewer line extensions prior to construction:

- (a) The proposed sewers, or pump stations involve installation of overflows or bypasses; or
- (b) The proposed sewers, pump or lift stations discharge to an overloaded treatment, collection, or disposal facility.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-030, filed 11/16/83. Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-030, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-035 Restrictions—Subsurface disposal systems. (1) Domestic wastewater facilities utilizing subsurface sewage treatment and disposal, as defined in WAC 173-240-020(5), are prohibited except under those extraordinary circumstances where no other reasonable alternatives exist and providing:

- (2) The facility is owned, operated, and maintained by a public entity, except as noted in WAC 173-240-104; and
- (3) Adequate facility construction oversight is provided by the public entity; and
- (4) The proposed project is consistent with local health and land use regulations; and

(5) Loading rates do not exceed 1,570 gallons per day per acre of gross land area in medium sands or finer grained soils and shall not exceed 900 gallons per day per acre of gross land in coarser grained soils or other soils where conditions are such that adequate treatment is not provided. For the purposes of this section gross land area is defined as the contiguous land area of a proposed development which might include the centerline of adjoining road or street right-of-ways.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-035, filed 11/16/83.]

WAC 173-240-040 Review standards. (1) The department will review general sewer plans, engineering reports, plans and specifications, and operation and maintenance manuals for domestic wastewater facilities to ascertain that the proposed facilities will be designed, constructed, operated, and maintained to meet effluent limitations and other requirements of an NPDES or state waste discharge permit, if applicable, and to meet the policies and requirements of chapters 90.48 and 90.54 RCW pertaining to prevention and control of pollution of waters of the state.

(2) In addition to the above, the department will review documents submitted pursuant to this chapter to ascertain that they are reasonably consistent with the appropriate sections of the state of Washington, "Criteria for sewage works design." Additional references may include, but are not limited to, the following:

(a) Manuals of Practice, Water Pollution Control Federation.

(b) Manuals of Engineering Practice, American Society of Civil Engineering.

(c) Standard Specifications for Municipal Public Works Construction, American Public Works Association.

(d) Considerations for Preparation of Operation and Maintenance Manuals, United States Environmental Protection Agency.

(e) Process Design Manuals, United States Environmental Protection Agency.

(f) Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability, United States Environmental Protection Agency.

(g) Design Manual: Onsite Wastewater Treatment and Disposal Systems, U.S.E.P.A. October 1980.

(h) Guidelines for Larger On-Site Sewage Disposal Systems, Washington State Department of Social and Health Services and Department of Ecology.

[Statutory Authority: Chapters 43.21A and 90.48 RCW. 83-23-063 (Order DE 83-30), § 173-240-040, filed 11/16/83. Statutory Authority: RCW 90.48.110. 79-02-033 (Order DE 78-10), § 173-240-040, filed 1/23/79. Formerly chapter 372-20 WAC.]

WAC 173-240-050 General sewer plan. (1) All general sewer plans required of any governmental agency prior to providing sewer service are "plans" within the requirements of RCW 90.48.110. Three copies of the proposed general sewer plan and each amendment to it shall be submitted to and approved by the department prior to its implementation.

(2) The general sewer plan shall be sufficiently complete so that engineering reports can be developed from it without substantial alterations of concept and basic considerations.

(3) The general sewer plan shall include the following information together with any other relevant data as requested by the department. To satisfy the requirements of the local government jurisdiction, additional information may be necessary.

(a) The purpose and need for the proposed plan.

(b) A discussion of who will own, operate, and maintain the system(s).

(c) The existing and proposed service boundaries.

(d) Layout map including the following:

(i) Boundaries. The boundary lines of the municipality or special district to be sewer, 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.

- 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.]

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

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.]

Please return completed form to the department of ecology office checked below.

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

173-245-080	Requirement for certified operator.
173-245-084	Ownership and operation and maintenance.
173-245-090	Schedule updates—Monitoring—Reporting.

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.

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 AND INDUSTRIAL WASTEWATER FACILITIES

173-245-080	Requirement for certified operator.
173-245-084	Ownership and operation and maintenance.
173-245-090	Schedule updates—Monitoring—Reporting.

WAC 173-240-160 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

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173-245-010	Purpose and scope.
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173-245-070	Declaration of construction completion.
173-245-075	Form—Declaration of construction of water pollution control facilities.

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/l/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.)

cial 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 173-255 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 173-270 WAC

PUGET SOUND HIGHWAY RUNOFF PROGRAM

WAC

173-270-010	Purpose, authority, and applicability.
173-270-020	Definitions.
173-270-030	Best management practices.
173-270-040	Vegetation management program.
173-270-050	New construction.
173-270-060	Existing facilities.
173-270-070	Monitoring.
173-270-080	Reporting.
173-270-090	Enforcement.
173-270-100	Severability.

WAC 173-270-010 Purpose, authority, and applicability. (1) Purpose. The purpose of this chapter is to:

- (a) Control highway runoff into waters of the state to the maximum extent possible under state law;
- (b) Establish procedures and criteria for WSDOT's highway runoff program mandated by the Puget Sound water quality management plan pursuant to chapter 90.70 RCW; and
- (c) Provide for appropriate consultation and coordination with tribes, local governments, and other interested and affected parties.

(2) Authority. The authority for this chapter is provided by chapters 90.48 and 90.70 RCW.

(3) Applicability. This chapter applies to all state highway rights of way in the Puget Sound basin which WSDOT owns or controls by long-term lease or easement, or for which WSDOT has maintenance responsibility. This chapter is applicable subject to the availability of appropriated funds or other funding sources.

Note: Copies of statutes and administrative rules incorporated by reference as a part of this chapter are available at ecology offices in Lacey, Washington during regular business hours.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-010, filed 5/21/91, effective 6/21/91.]

WAC 173-270-020 Definitions. The definitions in this section apply to this chapter unless the context requires otherwise.

(1) "Average daily traffic" or "ADT" means the total traffic volume during a given time period (in whole days) greater than one day and less than one year divided by the number of days in that time period. ADT is determined by WSDOT.

(2) "Best management practices" or "BMPs" means physical, structural, and/or managerial practices that when used singly or in combination prevent or reduce pollution of water and have been approved by ecology. BMPs are listed and described in the manual defined in subsection (9) of this section.

(3) "Broadcast application" means a uniform application of pesticides to an entire area.

(4) "Buffer zone" means the minimum distance that a pesticide is permitted to be applied from a physical feature or sensitive area.

(5) "Capital improvement program plan" means a schedule of permanent physical structural improvements budgeted to fit financial resources.

(6) "Ecology" means the Washington state department of ecology.

(7) "EPA" means the U.S. Environmental Protection Agency.

(8) "Experimental BMP" means any treatment or methodology proposed for treatment of highway runoff that is not in the highway runoff manual, defined in subsection (9) of this section, and is being studied by WSDOT and/or ecology for adoption as a BMP.

(9) "Highway runoff manual" means the manual adopted by WSDOT and approved by ecology that contains BMPs to prevent or reduce pollution, and described in WAC 173-270-030.

(10) "Integrated pest management" or "IPM" means the selection, integration, and implementation of pest control that consists of: Prevention of pest problems; monitoring and evaluation of pests, damage and results of treatment; acknowledgment of population levels of pests that can be tolerated based on legal, economic, health, or aesthetic thresholds; use of natural control agents in an ecosystem; reliance to the maximum extent possible on nonhazardous biological, mechanical, and cultural treatment of pests; application of pesticides in a manner that minimizes damage to the ecosystem's natural controls and integrity; and use of pesticides only after all other methods have been evaluated.

(11) "Local government" means a county, city, town, or special purpose district that has authority to manage stormwater.

(12) "New construction" means the addition of one or more lanes, ramps, bridges, or other major structures to an existing state highway or the construction of a new state highway.

(13) "Pest" means any form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director of the WSDA may declare by regulation to be a

pest, including but not limited to, any insect, other arthropod, fungus, rodent, nematode, mollusk, or weed.

(14) "Pest treatment" means mechanical, biological, cultural, or chemical procedures or methods to manage, control, or reduce the influence of a pest.

(15) "Pesticide" means as defined by chapter 17.21 RCW, the Washington Pesticide Act, and regulated by the United States Environmental Protection Agency and WSDA.

(16) "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 use, or to livestock, wild animals, birds, fish, or other aquatic life.

(17) "Puget Sound basin" means the waters of Puget Sound south of Admiralty Inlet including Hood Canal and Saratoga Passage; the waters north to the Canadian border, including portions of the Strait of Georgia; the Strait of Juan de Fuca south of the Canadian border; and all land draining into these waters as mapped in WAC 173-500-040 Water resource inventory areas numbers 1 through 19.

(18) "Quality assurance and control plan" means a collection of policies, objectives, principles, and procedures for attaining data of known and accepted quality and establishes standards of performance for sampling, monitoring, and measurement.

(19) "Sensitive area" means an area or that due to its ground or surface water characteristics may be adversely affected or altered directly or indirectly by pollution and requires special vegetation management, stormwater management, or other practices.

(20) "Spot treatment" means the application of pesticides to a selected individual area or species.

(21) "Stormwater management manual" means the technical manual prepared by ecology for use by local governments and WSDOT that contains BMPs to prevent or reduce pollution in stormwater.

(22) "Stormwater treatment" means chemical, biological, or mechanical procedures or structural methods to remove, reduce, or neutralize pollution.

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

(24) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are identified and delineated by the *"Federal Manual for Identifying Jurisdictional Wetlands"* dated January 19, 1989.

(25) "WSDA" means the Washington state department of agriculture.

(26) "WSDOT" means the Washington state department of transportation.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-020, filed 5/21/91, effective 6/21/91.]

WAC 173-270-030 Best management practices. (1) Approved manual required. Six months after the effective date of ecology's stormwater management manual or six months after the effective date of this chapter, whichever is later, WSDOT shall submit to ecology a highway runoff manual. If WSDOT proposes to adopt a manual other than ecology's stormwater management manual as its highway runoff manual, WSDOT shall formally consult with the tribes and local governments about the contents of the highway runoff manual. The highway runoff manual shall be consistent with ecology's stormwater management manual and shall be adopted by WSDOT only after obtaining ecology's approval. After obtaining ecology's approval, WSDOT shall use the highway runoff manual to direct stormwater management for its existing and new facilities and rights of way in the Puget Sound basin.

(2) Amendments to manual.

(a) Ecology initiates amendments. If ecology amends its stormwater management manual to change or add a BMP or other technical requirement that applies to highways, ecology shall notify WSDOT in writing and send WSDOT a copy of the amendment. This notification shall include ecology's determination as to whether the highway runoff manual complies with the amendment. If the highway runoff manual does not comply with the amendment, WSDOT shall submit proposed amendments within sixty days unless ecology agrees to a time extension. Such proposed amendment shall be subject to ecology's review and approval.

(b) WSDOT initiates amendments. Amendments proposed by WSDOT to the approved highway runoff manual shall be submitted to ecology for review and approval. WSDOT shall formally consult with affected tribes and local governments during the development of proposed amendments. Ecology shall review and approve, conditionally approve or deny the proposed amendments within sixty days from the submittal date.

(3) More stringent standards.

(a) WSDOT shall use the minimum standards established in the highway runoff manual but may use more stringent standards.

(b) When a state highway is located in the jurisdiction of a local government that is required by ecology to utilize more stringent standards to protect the quality of receiving waters, WSDOT shall comply with the same standards to promote uniform stormwater treatment.

(c) WSDOT shall comply with standards identified in watershed action plans for WSDOT rights of ways as required by WAC 400-12-570.

(4) Project coordination. WSDOT shall consult with appropriate tribes and local governments and evaluate local conditions for design, construction, and maintenance of stormwater facilities as indicated in WSDOT's utilities manual. Other agencies and organizations that have an interest or expertise in stormwater may also be consulted. WSDOT, tribes, and local governments are encouraged to jointly develop and maintain stormwater facilities.

(5) Contents of manual. The highway runoff manual shall include, but not be limited to, the following:

(a) BMPs for the control of erosion and sedimentation from construction sites, including standards for operation and maintenance;

(b) Hydrologic analysis procedures, including selection of design storms and estimation of runoff;

(c) Design, operation, and maintenance standards for retention and/or detention facilities and conveyance systems that shall emphasize systems which maximize water quality benefits as well as water quantity control, such as inclusion of biofiltration techniques where practicable;

(d) BMPs for the control of pests, excluding weed control which shall be addressed in the vegetation management program described in WAC 173-270-040;

(e) BMPs for the selection and use of deicing chemicals and traction grit which, as a minimum, shall consist of the following: (i) Traction grit particles should be as large as suitable for application on highways for traction purposes because large particles are less readily transported into waters of the state; (ii) selection and use of deicing chemicals shall include consideration of potential effects on water quality and the beneficial uses of potentially affected waters; (iii) stockpiles containing deicing chemicals shall be investigated for existing and potential water quality problems; and (iv) stockpiles that have an identified problem shall be covered, curbed, diked, placed on an impervious surface, and/or located so runoff can not carry dissolved chemicals into waters of the state; and

(f) BMPs for waste disposal from highway runoff system maintenance.

(6) Experimental BMPs.

(a) WSDOT request. WSDOT may request in writing that ecology approve the use of an experimental BMP for one or several sites. The request shall include, but need not be limited to, a description of: (i) The experimental BMP; (ii) why the experimental BMP is being requested; (iii) why the BMPs in the highway runoff manual are not appropriate; (iv) applicable construction techniques; (v) the site or sites at which use of the experimental BMP is proposed; (vi) the characteristics of the site or sites; (vii) design criteria for the experimental BMP; (viii) maintenance procedures; (ix) cost estimates; (x) monitoring procedures; (xi) the time needed for monitoring; (xii) the anticipated results; (xiii) if appropriate, an approved BMP that could be used if the experimental BMP fails; and (xiv) consultation with interested and affected parties including tribes, local governments, and contiguous property owners.

(b) Ecology review and approval. After reviewing WSDOT's request, ecology may approve, conditionally approve, or deny the use of the experimental BMP for specific sites. Any approval shall be for a period of time not to exceed four years unless ecology determines, upon request and justification by WSDOT, that unusual circumstances justify a longer time period.

(c) Evaluation criteria. In evaluating an experimental BMP, ecology shall consider factors it deems appropriate, including, but not limited to: The experimental BMP's effectiveness in protecting water quality and beneficial uses; its reliability, cost, ease of construction; and maintenance requirements.

(d) BMP status. Before ecology's authorization for WSDOT's use of the experimental BMP expires, WSDOT shall consult with affected tribes, local governments, or

property owners. WSDOT shall document the results of the experimental BMP and shall determine whether to request amendment of the highway runoff manual to include the experimental BMP as an approved BMP. Before ecology's authorization expires, WSDOT shall either request an amendment to the highway runoff manual under subsection (2)(b) of this section or inform ecology in writing that it is not proposing to amend the highway runoff manual to include the BMP. Based upon the predicted results in the original request, monitoring data and other information relevant to WSDOT's request, ecology shall determine whether an experimental BMP that is not proposed to be included in the highway runoff manual shall be replaced with an approved BMP.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-030, filed 5/21/91, effective 6/21/91.]

WAC 173-270-040 Vegetation management program. (1) General. The purposes of vegetation management in highway rights of way are to establish and maintain stable plant communities that resist encroachment by undesirable plants, noxious weeds, and other pests; meet WSDOT operational, health, natural resources, and environmental standards; be cost effective; and protect the public investment with minimal negative impacts on the environment.

(2) Program required. WSDOT shall prepare and implement a vegetation management program for all state highways within the Puget Sound basin. WSDOT shall obtain ecology's preliminary approval of the program before WSDOT conducts a public hearing. WSDOT shall formally consult with the tribes and local governments during preparation of the proposed program. After the public hearing, WSDOT shall obtain ecology's approval before WSDOT adopts the program. The program shall be adopted by September 30, 1991. WSDOT and ecology shall review the program at least every two years beginning September 30, 1993. Either ecology or WSDOT may initiate amendment of the program. Amendments shall be prepared, approved, and adopted in accordance with the procedures of this subsection for the initial development of the vegetation management program.

(3) Contents of program.

(a) The vegetation management program shall include, but need not be limited to vegetation management policies; technical guidelines; procedures to implement policies and guidelines; and roadside management plan procedures and standards.

(b) Vegetation management policies. These policies, at a minimum, shall address:

(i) Operational, aesthetic, and environmental standards;

(ii) Integrated pest management;

(iii) Coordination between WSDOT and local governments, abutting property owners, and tribes, including public notification, option to maintain by contiguous property owner and the option to maintain by a preferred management technique of the contiguous property owner;

(iv) Recordkeeping;

(v) Training and education for vegetation management employees; and

(vi) Testing for pesticides at storage, loading, and mixing areas and, if necessary, in ground water and nearby surface water that may be contaminated by or affected by pesticides.

(c) Technical guidelines. These guidelines, at a minimum, shall address:

(i) Integrated pest management which shall address monitoring, establishing injury levels, setting action levels, selecting treatment, and evaluating treatment.

(A) Monitoring. Monitoring guidelines shall provide for: Identification of the potential pest and/or problem and sensitive areas; and observation of the vegetation on the site, or the site itself for potential pest problems at regular intervals. The schedule and methods of monitoring shall be appropriate to minimize the severity of damage caused by the pest.

(B) Establishing injury levels. Guidelines for establishing injury levels shall provide for determination of when a pest is likely to cause significant damage and require action to prevent unacceptable damage or public safety problems. Accurate records shall be kept so adequate data is available to make decisions. A problem shall be noted before any action is taken.

(C) Setting action levels. Guidelines for setting action levels shall provide for prioritization of target species and determination of when to initiate action so that unacceptable injury levels are not reached.

(D) Selecting treatment. Selection of pest treatment strategies and tactics shall provide for safety of highway users; protect the environment and human health; and provide for the stewardship of the public investment. This shall include an effort to minimize the use of chemical controls.

(E) Evaluating treatment. After pest treatment, the site shall be inspected to determine whether the pest treatment had the desired results. Adequate time shall be provided for the pest treatment to function before it is evaluated. If the pest treatment did not have the desired results, the treatment may be modified. Desired results may be examined to determine if they were realistic and/or appropriate;

(ii) Measures to reduce the amount of pesticides used to the least possible including measures to reduce the use of any state restricted use pesticides on WSDA's list for the protection of ground water found in WAC 16-228-164;

(iii) Criteria for the selection of pesticides that shall include, but not be limited to, target specificity, toxicity, persistence, migration characteristics, time of application and site conditions of treatment area, including slope and permeability;

(iv) Procedures for sampling and analysis for pesticide contamination in storage, loading, and mixing areas and, if appropriate, ground water and surface water with the use of Puget Sound protocols for sediment sampling of marine sediment for EPA priority pollutants is recommended where appropriate;

(v) A spill cleanup plan;

(vi) Methods for safe transportation of pesticides;

(vii) A recordkeeping system on pesticide use, including format;

(viii) Criteria for the identification of sensitive areas;

(ix) Buffer zones to protect waters of the state, public and private supply wells and watersheds, irrigation ditches, ecology regulated areas, and sensitive areas;

(x) Pesticide storage including a requirement that pesticides shall be stored in a secure building with an impermeable floor and controlled drains;

(xi) Vegetation selection in accordance with WSDOT's design manual with emphasis given to reduced maintenance; and

(xii) Vegetation management personnel training and education.

(d) Procedures for the implementation of the policies and guidelines.

(e) Procedures and standards for the preparation and implementation of roadside management plans for specific segments of state highway to assist WSDOT field crews manage state highway rights of way according to the approved vegetation management policies and technical guidelines. WSDOT shall consult with affected tribes, local governments, and other interested parties during preparation of these procedures and standards. WSDOT shall consult with affected tribes, local governments, and other interested parties during preparation of roadside management plans. These plans, at a minimum, shall address:

(i) Goals and objectives;

(ii) Identification of sensitive areas and minimum buffer zones;

(iii) Maintenance activities;

(iv) Budget estimates; and

(v) Evaluation methods and standards.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-040, filed 5/21/91, effective 6/21/91.]

WAC 173-270-050 New construction. WSDOT shall incorporate BMPs in all new construction projects for which design is started after the effective date of this chapter. For projects that are being designed or constructed when this chapter becomes effective, WSDOT shall implement BMPs to the maximum extent practicable to protect water quality. If the cost of constructing water quality BMPs makes a project that is being designed when this chapter becomes effective impracticable, then such BMPs shall be retrofitted at a later date. WSDOT shall submit water pollution control plans to ecology for review and approval for new construction and shall obtain other appropriate authorizations prior to construction.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-050, filed 5/21/91, effective 6/21/91.]

WAC 173-270-060 Existing facilities. (1) Inventory required. WSDOT shall prepare and maintain an inventory of all state highways in the Puget Sound basin. The purpose of the inventory is to determine where water quality BMPs need to be installed, to assist identification of priority projects, and to provide a basis for the evaluation of the program. WSDOT shall begin its inventory on highways with an ADT of fifty thousand or greater. The inventory and rating of highways with an ADT of less than fifty thousand shall be sufficient to provide projects for the six-year capital improvement program plan.

(2) Contents of inventory. The inventory shall be developed for homogeneous highway segments and shall include, but not be limited to:

(a) Highway segment identification including name, location, type, traffic volume classification, local government(s) with jurisdiction, interested tribes, and WSDOT district;

(b) Status of stormwater management as follows: (i) BMPs are present and/or a local government is receiving and/or treating the highway runoff; (ii) BMPs are feasible or the local government will receive and/or treat highway runoff; or (iii) BMPs are not practicable; and

(c) Name of any water quality project completed since the effective date of this chapter, length of project, year of construction, and cost.

(3) Priority rating and ranking.

(a) WSDOT shall establish an annual project priority list for each WSDOT district within the Puget Sound basin. For each fiscal year WSDOT shall select needed improvements for each district inventoried as required by subsection (1) of this section. WSDOT shall divide these needed improvements into projects, considering funds available but in no case less than one project per year in each district unless all needed projects are completed.

(b) Priority rating criteria. WSDOT shall develop a priority rating and ranking system and submit it to ecology for concurrence.

(c) Priority ranking. WSDOT, using the priority ratings and rankings prepared using the system required in subsection (2)(b) of this section, shall determine which projects are to be implemented in each WSDOT district during the fiscal year. WSDOT may modify this ranking for good reason including the participation in a joint project proposed by a local government or tribe.

(4) Capital improvement program plan.

(a) The capital improvement program plan is to promote efficient use of resources, to coordinate projects, to aid compliance with the long-range program targets set forth in subsection (5) of this section and to ensure that difficult projects and those that require lengthy lead time are constructed in a reasonable time.

(b) WSDOT shall prepare a biennially updated water quality capital improvement program plan. WSDOT shall consult with ecology, tribes, and local governments throughout the planning process including the inventory. The capital improvement program plan shall be for a six-year period and include the following:

(i) An inventory of potential projects for the six-year period, including fiscal, technical, work force, legislative requirements, restrictions, and an initial evaluation of their relative priority;

(ii) A schedule for potential execution of projects in a long-range program list which considers priority relationships of projects coupled with legislative, fiscal, technical, and work force restrictions;

(iii) Selection of projects for early action from this schedule; and

(iv) Formal adoption by WSDOT after public review.

(c) Ecology shall review the proposed WSDOT capital improvement program plan and submit written comments to WSDOT before public review and again before adoption by WSDOT.

(d) After a public hearing, WSDOT shall adopt the capital improvement program plan after making appropriate revisions deemed necessary by public input.

(5) Long-range program.

(a) WSDOT shall complete all practicable BMP projects or transmit highway runoff to tribes or local governments for stormwater treatment for highways with an ADT of fifty thousand and greater by December 31, 2005, and for other highways by December 31, 2015.

(b) At least every six years WSDOT and ecology shall evaluate these target dates. Ecology or WSDOT may initiate revision of the target dates. In evaluating any proposed revision of a target date, ecology and WSDOT are to consider factors including, but not limited to, the number and projected costs of the projects yet to be completed, the degree of difficulty to construct the remaining sites, the projected level of funding, any revisions to the state water quality standards and any revisions to the manual required by WAC 173-270-030(1).

(6) Negotiations. Before transmitting to or requesting treatment of highway runoff by a tribe, local government or property owner, WSDOT shall negotiate with the tribe, local government, or property owner. WSDOT shall provide relevant information that shall include, but not be limited to, existing agreements to accept highway runoff, characteristics of the highway runoff, the reasons WSDOT is not treating the runoff on its own right of way and any proposed financial considerations for quality and/or quantity control.

(7) Disposal sites. WSDOT shall prepare an inventory, by district and maintenance area, of all sites, including all known inactive sites, where WSDOT disposes highway sweepings and sediments from stormwater facilities maintenance activities. Inventory information for WSDOT owned and leased sites and sites WSDOT for which has an easement shall include a scaled map illustrating property boundaries and the extent of the fill area, and where possible, an estimate of the volume of the fill present.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-060, filed 5/21/91, effective 6/21/91.]

WAC 173-270-070 Monitoring. (1) BMP effectiveness monitoring.

(a) Monitoring procedures. WSDOT shall formulate and implement monitoring procedures for each type of BMP employed. The procedures shall include a quality assurance and control plan.

(b) Waivers. After application by WSDOT, ecology may grant a waiver from monitoring a BMP if ecology determines there is adequate knowledge about the BMP's water quality performance.

(2) Pesticide monitoring. WSDOT shall formulate a pesticide monitoring policy, including but not limited to, threshold determination and frequency of monitoring. WSDOT also shall formulate procedures for monitoring pesticides, including the use of benthic organisms.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-070, filed 5/21/91, effective 6/21/91.]

WAC 173-270-080 Reporting. (1) Biennial report required. WSDOT shall prepare and submit to ecology a

report by September 30 of each odd-numbered year beginning September 30, 1991.

(2) Content of report. The biennial report shall include, but is not limited to:

(a) Monitoring report for both approved and experimental BMPs and pesticides describing monitoring procedures and interpreting results. Included may be recommendations to improve monitoring procedures, findings on which BMPs are the most effective, combinations of BMPs that optimize pollution removal, and recommendations for experimental BMPs;

(b) A pesticide usage inventory, including (i) the amount of pesticides by product by pounds of active ingredient applied for shoulder residual, landscaped areas, brush control, general weed control, noxious weed control, spot treatment and broadcast application by district, area, highway segment, and if feasible, by county and (ii) an analysis and interpretation shall be included with the data;

(c) Storage, loading, and mixing area soil and ground water contamination report for the presence of pesticides, including any cleanup efforts required, proposed, or completed since the adoption of this chapter;

(d) A deicing chemicals and traction grit usage report including:

(i) Product and quantities of deicing chemicals used in the Puget Sound basin by WSDOT district and maintenance area including chemical properties and known effects upon water quality;

(ii) Stockpile locations, with quantities of traction grit abrasive and deicing chemicals used during each season;

(iii) Cleanup practices to prevent or lessen traction grit and deicing chemical entry into waters of the state;

(iv) Locations prohibiting use of deicing chemicals or specific products due to water quality considerations;

(v) Training of personnel;

(vi) Experiments conducted on new products or procedures and experiments that WSDOT proposes;

(e) BMP maintenance report. Reports that shall submit BMP maintenance reports to ecology that shall include, but are not limited to:

(i) Dates that segments of state highway BMPs are inspected and/or maintained;

(ii) The general condition of BMPs;

(iii) Maintenance accomplished;

(iv) The need to reconstruct any BMPs;

(v) Any evaluation of a BMP type;

(vi) Estimated cost to maintain a BMP;

(vii) Suggested improvements to BMPs or their maintenance procedures; and

(viii) Training of personnel;

(f) Inventory for state highways with a fifty thousand ADT or greater required by WAC 173-270-060(1);

(g) Priority list for state highways with less than fifty thousand ADT required by WAC 173-270-060(3);

(h) Capital improvement program required by WAC 173-270-060(4);

(i) Inventory of all WSDOT highway disposal sites required by WAC 173-270-060(6);

(j) Status of roadside management plans by district and maintenance area; and

(k) A summary of the negotiations required by WAC 173-270-060(6).

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-080, filed 5/21/91, effective 6/21/91.]

WAC 173-270-090 Enforcement. Water quality requirements of this chapter shall be enforced through all methods available to ecology, including, but not limited to, those described in chapter 90.48 RCW. For all nonwater quality shortfalls WSDOT shall submit written explanation to ecology, together with proposed remedies.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-090, filed 5/21/91, effective 6/21/91.]

WAC 173-270-100 Severability. If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.

[Statutory Authority: Chapters 90.48 and 90.70 RCW. 91-11-091 (Order 91-06), § 173-270-100, filed 5/21/91, effective 6/21/91.]

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 noncommercial 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 nonhazardous 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 reapply 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 exempt from all certification fees.

[Statutory Authority: Chapter 70.95D RCW. 91-12-040 (Order 91-30), § 173-300-070, filed 6/4/91, effective 7/5/91. 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.

(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.]

Chapter 173-303 WAC

DAINGEROUS WASTE REGULATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-303-275	Transfer facilities (or collection facilities). [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-275, filed 2/10/82.] Repealed by 84-14-031 (Order DE 84-22), filed 6/27/84. Statutory Authority: Chapter 70.105 RCW.
173-303-284	Notice of intent. [Statutory Authority: Chapter 70.105 RCW. 88-07-039 (Order 87-37), § 173-303-284, filed 3/11/88.] Repealed by 88-18-083 (Order 88-29), filed 9/6/88. Statutory Authority: Chapter 70.105 RCW.
173-303-285	Location standards. [Statutory Authority: Chapter 70.105 RCW. 88-07-039 (Order 87-37), § 173-303-285, filed 3/11/88.] Repealed by 88-18-083 (Order 88-29), filed 9/6/88. Statutory Authority: Chapter 70.105 RCW.
173-303-286	Performance standards. [Statutory Authority: Chapter 70.105 RCW. 88-07-039 (Order 87-37), § 173-303-286, filed 3/11/88.] Repealed by 88-18-083 (Order 88-29), filed 9/6/88. Statutory Authority: Chapter 70.105 RCW.
173-303-420	Siting standards. [Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-420, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-420, filed 3/11/88; 87-14-029 (Order DE-87-4), § 173-303-420, filed 6/26/87. Statutory Authority: RCW 70.105.200 through 70.105.270. 87-03-014 (Order 86-37), § 173-303-420, filed 1/13/87. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-420, filed 4/18/84.] Repealed by 90-20-016, filed 9/21/90, effective 10/22/90. Statutory Authority: RCW 43.21A.080 and 70.105.210, et seq.
173-303-901	Response to requests for public records. [Statutory Authority: Chapter 70.105 RCW. 88-07-039 (Order 87-37), § 173-303-901, filed 3/11/88.] Repealed by 88-18-083 (Order 88-29), filed 9/6/88. Statutory Authority: Chapter 70.105 RCW.

WAC 173-303-010 Purpose. This regulation implements chapter 70.105 RCW, the Hazardous Waste Management Act of 1976 as amended in 1980 and 1983, and implements, in part, chapter 70.105A RCW, and Subtitle C of Public Law 94-580, the Resource Conservation and Recovery Act, which the legislature has empowered the department to implement. The purposes of this regulation are to:

- (1) Designate those solid wastes which are dangerous or extremely hazardous to the public health and environment;
- (2) Provide for surveillance and monitoring of dangerous and extremely hazardous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely;
- (3) Provide the form and rules necessary to establish a system for manifesting, tracking, reporting, monitoring, recordkeeping, sampling, and labeling dangerous and extremely hazardous wastes;
- (4) Establish the siting, design, operation, closure, post-closure, financial, and monitoring requirements for dangerous and extremely hazardous waste transfer, treatment, storage, and disposal facilities;
- (5) Establish design, operation, and monitoring requirements for managing the state's extremely hazardous waste disposal facility;

(6) Establish and administer a program for permitting dangerous and extremely hazardous waste management facilities; and

(7) Encourage recycling, reuse, reclamation, and recovery to the maximum extent possible.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-010, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-010, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-010, filed 2/10/82. Formerly WAC 173-302-010.]

WAC 173-303-016 Identifying solid waste. (1) Purpose and applicability.

(a) The purpose of this section is to identify those materials that are and are not solid wastes.

(b)(i) The definition of solid waste contained in this section applies only to wastes that also are dangerous for purposes of the regulations implementing chapter 70.105 RCW. For example, it does not apply to materials (such as nondangerous scrap, paper, textiles, or rubber) that are not otherwise dangerous wastes and that are recycled.

(ii) This section identifies only some of the materials which are solid wastes and dangerous wastes under chapter 70.105 RCW. A material which is not defined as a solid waste in this section, or is not a dangerous waste identified or listed in this section, is still a solid waste and a dangerous waste for purposes of these sections if reason and authority exists under chapter 70.105 RCW and WAC 173-303-960. Within the constraints of chapter 70.105 RCW, this shall include but not be limited to any material that: Is accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or, due to the dangerous constituent(s) in it, when used or reused would pose a threat to public health or the environment.

(c) Certain materials are solid wastes but are excluded from the requirements of this chapter by WAC 173-303-071.

(2) The following terms are used and shall have the meanings as defined in WAC 173-303-040:

- (a) Boiler
 - (b) By-product
 - (c) Incinerator
 - (d) Industrial furnace
 - (e) Reclaim
 - (f) Recover
 - (g) Recycle
 - (h) Used or reused (see reuse or use)
 - (i) Sludge
 - (j) Scrap metal
 - (k) Spent material
- (3) Definition of solid waste.

(a) A solid waste is any discarded material that is not excluded by WAC 173-303-017(2) or that is not excluded by variance granted under WAC 173-303-017(5).

(b) A discarded material is any material which is:

(i) Abandoned, as explained in subsection (4) of this section; or

(ii) Recycled, as explained in subsection (5) of this section; or

(iii) Considered inherently waste-like, as explained in subsection (6) of this section.

(4) Materials are solid waste if they are abandoned by being:

(a) Disposed of; or

(b) Burned or incinerated; or

(c) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(5) Materials are solid wastes if they are recycled—or accumulated, stored, or treated before recycling—as specified in (a) through (d) of this subsection.

(a) Used in a manner constituting disposal. Materials noted with a "*" in column 1 of Table 1 are solid wastes when they are:

(i)(A) Applied to or placed on the land in a manner that constitutes disposal; or

(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-090 or 173-303-100 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(b) Burning for energy recovery. Materials noted with a "*" in column 2 of Table 1 are solid wastes when they are:

(i) Burned to recover energy;

(ii) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).

However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-090 or 173-303-100 are not solid wastes if they are themselves fuels.

(c) Reclaimed. Materials noted with a "*" in column 3 of Table 1 are solid wastes when reclaimed.

(d)(i) Accumulated speculatively. Materials noted with a "*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

(ii) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the seventy-five percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under WAC 173-303-071 (3)(n) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

TABLE 1

	Use constituting disposal WAC 173-303- 016 (5)(a)	Energy recovery/ fuel WAC 173-303- 016 (5)(b)	Reclamation WAC 173-303- 016 (5)(c)	Speculative accumulation WAC 173-303- 016 (5)(d)
Spent materials	(*)	(*)	(*)	(*)
Commercial chemical products	(*)	(*)	—	—
By-products listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
Sludges listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic ¹ or criteria ²	(*)	(*)	—	(*)
Sludges exhibiting a characteristic ¹ or criteria ²	(*)	(*)	—	(*)
Scrap metal	(*)	(*)	(*)	(*)

Note: The terms "spent materials," "sludges," "by-products," and "scrap metal" are defined in WAC 173-303-040.

1 The characteristics of dangerous waste are described in WAC 173-303-090.

2 The dangerous waste criteria are described in WAC 173-303-100.

(6) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

(a) Dangerous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

(b) The department will use the following criteria to add wastes to (a) of this subsection:

(i)(A) The materials are ordinarily disposed of, burned, or incinerated; or

(B) The materials contain toxic constituents listed in WAC 173-303-9905 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

(ii) The material may pose a substantial hazard to human health or the environment when recycled.

(7) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-016, filed 12/8/93, effective 1/8/94. Statutory

Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-016, file 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-016, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-016, filed 6/27/84.]

WAC 173-303-017 Recycling processes involving solid waste. (1) The purpose of this section is to identify those materials that are and are not solid wastes when recycled. Certain materials, as described in subsection (2) of this section, would not typically be considered to involve waste management and are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to the recycling requirements of WAC 173-303-120.

(2) General categories of materials that are not solid waste when recycled.

(a) Except as provided in subsection (3) of this section, materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product provided the materials are not being reclaimed; or

(ii) Used or reused as effective substitutes for commercial products; or

(iii) Returned to the original process from which they are generated without first being reclaimed. The material must be returned as a substitute for raw material feedstock, and the process must use raw materials as principal feedstocks.

(b) Except as provided in subsection (3) of this section, the department has determined that the following materials when used as described are not solid wastes:

(i) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process;

(ii) Spent pickle liquor which is reused in wastewater treatment at a facility holding a national pollutant discharge elimination system (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(iii) Spent sulfuric acid used to produce virgin sulfuric acid.

(3) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (as described in subsection (2)(a) of this section):

(a) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(b) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(c) Materials accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii); or

(d) Materials listed in WAC 173-303-016(6); or

(e) Any materials that the department determines are being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment.

(4) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclu-

sion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(5) Variances from classification as a solid waste.

(a) In accordance with the standards and criteria in (b) of this subsection and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that the following recycled materials are not solid wastes:

(i) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in WAC 173-303-016 (5)(d)(ii));

(ii) Materials that are reclaimed and then reused within the original primary production process in which they were generated;

(iii) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;

(iv) State-only dangerous materials (not regulated as hazardous wastes (defined in WAC 173-303-040) by EPA) which serve as an effective substitute for a commercial product or raw material.

(b) Standards and criteria for variances from classification as a solid waste.

(i) The department may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The department's decision will be based on the following standards and criteria:

(A) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);

(B) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five percent of the volume accumulated at the beginning of the year;

(C) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(D) The extent to which the material is handled to minimize loss;

(E) Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original primary production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(A) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(B) The prevalence of the practice on an industry-wide basis;

(C) The extent to which the material is handled before reclamation to minimize loss;

(D) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(E) The location of the reclamation operation in relation to the production process;

(F) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(G) Whether the person who generates the material also reclaims it;

(H) Other relevant factors.

(iii) The department may grant requests for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

(A) The degree of processing the material has undergone and the degree of further processing that is required;

(B) The value of the material after it has been reclaimed;

(C) The degree to which the reclaimed material is like an analogous raw material;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The extent to which the reclaimed material is handled to minimize loss;

(F) Other relevant factors.

(iv) The department may grant requests for a variance from classifying as a solid waste those materials that serve as an effective substitute for a commercial product or raw material, when such material is not regulated as hazardous waste (defined in WAC 173-303-040) by EPA, if the materials are recycled in a manner such that they more closely resemble products or raw materials rather than wastes. This determination will be based on the following factors:

(A) The effectiveness of the material for the claimed use;

(B) The degree to which the material is like an analogous raw material or product;

(C) The extent to which the material is handled to minimize loss or escape to the environment;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The time period between generating the material and its recycling;

(F) Other factors as appropriate.

(6) Variance to be classified as a boiler.

In accordance with the standards and criteria in WAC 173-303-040 (definition of "boiler"), and the procedures in subsection (7) of this section the department may determine on a case-by-case basis that certain enclosed devices using

controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in WAC 173-303-040, after considering the following criteria:

(a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and

(c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(d) The extent to which exported energy is utilized; and

(e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and

(f) Other factors, as appropriate.

(7) Procedures for variances from classification as a solid waste or to be classified as a boiler.

The department will use the following procedures in evaluating applications for variances from classification as a solid waste or applications to classify particular enclosed flame combustion devices as boilers:

(a) The applicant must apply to the department. The application must address the relevant criteria contained in subsections (5)(b) or (6) of this section.

(b) The department will evaluate the application and issue a draft public notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The department will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at its discretion. The department will issue a final decision after receipt of comments and after the hearing (if any), and this decision may not be appealed to the department.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-017, file 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-017, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-017, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-017, filed 6/27/84.]

WAC 173-303-020 Applicability. Except as expressly provided elsewhere herein, this chapter 173-303 WAC shall apply to all persons who handle dangerous wastes and solid wastes that may designate as dangerous wastes including, but not limited to:

(1) Generators;

(2) Transporters;

(3) Owners and operators of dangerous waste recycling, transfer, storage, treatment, and disposal facilities; and

(4) The operator of the state's extremely hazardous waste management facility.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-020, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-020, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-020, filed 2/10/82. Formerly WAC 173-302-020.]

WAC 173-303-030 Abbreviations. The following abbreviations are used in this regulation.

- (1) ASTM - American Society for Testing Materials
- (2) APHA - American Public Health Association
- (3) CDC - Center for Disease Control
- (4) CFR - Code of Federal Regulations
- (5) DOT - Department of Transportation
- (6) °C - degrees Celsius
- (7) DW - dangerous waste
- (8) DWS - drinking water standards of the Safe Drinking Water Act
- (9) EHW - extremely hazardous waste
- (10) EP - extraction procedure
- (11) EPA - Environmental Protection Agency
- (12) °F - degrees Fahrenheit
- (13) g - gram
- (14) IARC - International Agency for Research on Cancer
- (15) kg - kilogram (one thousand grams)
- (16) L - liter
- (17) lb - pound
- (18) LC₅₀ - lethal concentration 50 percent kill
- (19) LD₅₀ - lethal dose 50 percent kill
- (20) M - molar (gram molecular weights per liter of solution)
- (21) mg - milligram (one thousandth of a gram)
- (22) NFPA - National Fire Protection Association
- (23) NIOSH - National Institute for Occupational Safety and Health
- (24) pH - negative logarithm of the hydrogen ion concentration
- (25) POTW - publicly owned treatment works
- (26) ppm - parts per million (weight/weight)
- (27) RCRA - Resource Conservation and Recovery Act
- (28) RCW - Revised Code of Washington
- (29) TLM₉₆ - toxic limit median, 96 hours
- (30) TSD facility - transfer, treatment, storage, or disposal facility
- (31) UBC - Uniform Building Code
- (32) UFC - Uniform Fire Code
- (33) USCG - United States Coast Guard
- (34) USGS - United States Geological Survey
- (35) WAC - Washington Administrative Code
- (36) % - percent
- (37) # - number

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-030, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-030, filed 2/10/82. Formerly WAC 173-302-030.]

WAC 173-303-040 Definitions. When used in this regulation, the following terms have the meanings given below.

"Aboveground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Active life" of a facility means the period from the initial receipt of dangerous waste at the facility until the department receives certification of final closure.

"Active portion" means that portion of a facility which is not a closed portion, and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

The effective date of the waste's designation by 40 CFR Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. (See also "closed portion" and "inactive portion.")

"Acutely hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column, including those wastes mixed with source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of dangerous waste from its point of generation to a storage or treatment tank(s), between dangerous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.

"Aquatic LC₅₀" (same as TLM₉₆) means a concentration in mg/L (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warm water species of fish such as *Lepomis macrochirus* (bluegill) or *Pimephales promelas* (flathead minnow), or cold water species such as salmonidae, when using the testing method described in WAC 173-303-110.

"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.

"Asbestos containing waste material" means any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.

"Batch" means any waste which is generated less frequently than once a month.

"Berm" means the shoulder of a dike.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

"By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Carcinogenic" means a material known to contain a substance which has sufficient or limited evidence as a human or animal carcinogen as listed in both IARC and either IRIS or HEAST.

"Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

"Closure" means the requirements placed upon all TSD facilities to ensure that all such facilities are closed in an acceptable manner (see also "post-closure").

"Commercial chemical product or manufacturing chemical intermediate" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.

"Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and shall include, but not be limited to, limes, gypsum, and manipulated animal manures and vegetable compost. The commercial fertilizer must be registered with the state or local agency regulating the fertilizer in the locale in which the fertilizer is being sold or applied.

"Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980 and 1983, and chapter 70.105A RCW, or regulations issued under authority of state law, which seeks to require compliance, or which is in the nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Management Act. A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

"Component" means either the tank or ancillary equipment of a tank system.

"Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste or dangerous waste constituents which could threaten the public health or environment.

"Contract" means the written agreement signed by the department and the state operator.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the director pursuant to WAC 173-303-646 (4), (5), and (6) for the purpose of implementing the corrective action requirements of WAC 173-303-646(2). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

"Corrosion expert" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents that have caused a waste to be a dangerous waste under this chapter.

"Dangerous waste management unit" is a contiguous area of land on or in which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing dangerous waste constituents in the same area. Examples of dangerous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter. The abbreviation "DW" will refer only to that part of the regulated universe which is not extremely hazardous waste. (See also "extremely hazardous waste," "hazardous waste," and "mixed waste" definitions.)

"Department" means the department of ecology.

"Dermal LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a

group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

"Designated facility" means the facility designated by the generator on the manifest to receive a dangerous waste shipment and which is authorized pursuant to this chapter or RCRA to recycle or manage dangerous waste.

"Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

"Director" means the director of the department of ecology or his designee.

"Discharge" or "dangerous waste discharge" means the accidental or intentional release of hazardous substances, dangerous waste or dangerous waste constituents such that the substance, waste or a waste constituent may enter or be emitted into the environment.

"Disposal" means the discharging, discarding, or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land, air, or water.

"Domestic sewage" means untreated sanitary wastes that pass through a sewer system to a publicly owned treatment works (POTW) for treatment.

"Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are dangerous wastes only because they exhibit the corrosivity characteristics defined in WAC 173-303-090 or are listed in WAC 173-303-081, or in 173-303-082 only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel.

"Environment" means any air, land, water, or ground water.

"EPA/state identification number" or "EPA/state ID#" means the number assigned by EPA or by the department of ecology to each generator, transporter, and TSD facility.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of dangerous waste and that is in operation, or for which installation has commenced on or prior to February 3, 1989. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 CFR Part

261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state, and local statutes, regulations, and ordinances and either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligation, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Extremely hazardous waste" means those dangerous and mixed wastes designated in WAC 173-303-070 through 173-303-100 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous and mixed wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

"Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combination of them). Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "TSD facility," "dangerous waste facility" or "waste management facility" shall be used interchangeably. For the purposes of implementing corrective action imposed pursuant to WAC 173-303-646 (2) or (3), the term facility has the following meaning: All contiguous property under the control of an owner or operator seeking or required to have a permit under the provisions of chapter 70.105 RCW or chapter 173-303 WAC, including the definition of facility at RCW 70.105D.020(3).

"Final closure" means the closure of all dangerous waste management units at the facility in accordance with all applicable closure requirements so that dangerous waste management activities under WAC 173-303-400 and 173-303-600 through 173-303-670 are no longer conducted at the facility. Areas only subject to generator standards WAC 173-303-170 through 173-303-230 need not be included in final closure.

"Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

"Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

"Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

"Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

"Ground water" means water which fills voids below the land surface and in the earth's crust.

"Halogenated hydrocarbons" (HH) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, iodine, or astatine. The requirements of this chapter apply to only those halogenated hydrocarbons which can be obtained using the testing method described in WAC 173-303-110, testing methods, and which are persistent dangerous wastes.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

"Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous and/or mixed waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW." (See also "dangerous waste" and "extremely hazardous waste" definitions.)

"Ignitable waste" means a dangerous waste that exhibits the characteristic of ignitability described in WAC 173-303-090(5).

"Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste after:

The effective date of the waste's designation, for wastes designated under 40 CFR Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

"Independent qualified registered professional engineer" means a person who is licensed by the state of Washington, or a state which has reciprocity with the state of Washington as defined in RCW 18.43.100, and who is not an employee of the owner or operator of the facility for which construction or modification certification is required. A qualified professional engineer is an engineer with expertise in the specific area for which a certification is given.

"Industrial-furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy; cement kilns, lime kilns, aggregate kilns, phosphate kilns, blast furnaces, smelting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces), titanium dioxide chloride process oxidation reactors, coke ovens, methane reforming furnaces, combustion devices used in the recovery of sulfur values from spent sulfuric acid, and pulping liquor recovery furnaces. The department may decide to add devi-

ces to this list on the basis of one or more of the following factors:

The device is designed and used primarily to accomplish recovery of material products;

The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;

The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

The device burns or reduces raw materials to make a material product;

The device is in common industrial use to produce a material product; and

Other factors, as appropriate.

"Infectious waste" means organisms or materials listed in WAC 173-303-083, infectious dangerous wastes.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" in this section whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"Inhalation LC₅₀" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours or less, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805.

"Land disposal" means placement on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a: Landfill; surface impoundment; waste pile; injection well; land treatment facility; salt dome or salt bed formation; underground mine or cave; concrete vault; bunker; or miscellaneous unit.

"Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, or an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

"Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste will remain after the facility is closed, this practice is disposal.

"Leachable inorganic waste" means solid dangerous waste (i.e., passes paint filter test) that is not an organic/carbonaceous waste and exhibits the toxicity characteristic

(dangerous waste numbers D004 to D011, only) under WAC 173-303-090(8).

"Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of dangerous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of dangerous waste into the secondary containment structure.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or berms of a surface impoundment, waste pile, or landfill.

"Major facility" means a facility or activity classified by the department as major.

"Manifest" means the shipping document, prepared in accordance with the requirements of WAC 173-303-180, which is used to identify the quantity, composition, origin, routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

"Manufacturing process unit" means a unit which is an integral and inseparable portion of a manufacturing operation, processing a raw material into a manufacturing intermediate or finished product, reclaiming spent materials or reconditioning components.

"Miscellaneous unit" means a dangerous waste management unit where dangerous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, corrective action management unit, temporary unit, underground injection well with appropriate technical standards under 40 CFR Part 146, or unit eligible for a research, development, and demonstration permit under WAC 173-303-809.

"Mixed waste" means a dangerous, extremely hazardous, or acutely hazardous waste that contains both a nonradioactive hazardous component and, as defined by 10 CFR 20.3, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of dangerous waste and for which installation has commenced after February 3, 1989; except, however, for purposes of WAC 173-303-640 (4)(g)(ii) and 173-303-400(3), a new tank system is one for which construction commences after February 3, 1989. (See also "existing tank system.")

"New TSD facility" means a facility which began operation or for which construction commenced after

November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

"NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

"Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

"Off-specification used oil fuel" means used oil fuel that exceeds any specification level described in Table 1 in WAC 173-303-515.

"Onground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

"On-site" means the same, geographically contiguous, or bordering property. Travel between two properties divided by a public right of way, and owned, operated, or controlled by the same person, shall be considered on-site travel if: The travel crosses the right of way at a perpendicular intersection; or, the right of way is controlled by the property owner and is inaccessible to the public.

"Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

"Oral LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

"Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

"Partial closure" means the closure of a dangerous waste management unit in accordance with the applicable closure requirements of WAC 173-303-400 and 173-303-600 through 173-303-670 at a facility that contains other active dangerous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other dangerous waste management unit, while other units of the same facility continue to operate.

"Permit" means an authorization which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations. Permits must be issued by one of the following:

The department, pursuant to this chapter;

United States EPA, pursuant to 40 CFR Part 270; or

Another state authorized by EPA, pursuant to 40 CFR Part 271.

"Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a danger-

ous waste permit if it meets the requirements of the provision.

"Persistence" means the quality of a material which retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions.

"Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the department of agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the department of agriculture by regulation. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

"Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is used for treatment or storage.

"Plasma arc incinerator" means any enclosed device using a high intensity electrical discharge or arc as a source of heat and which is not listed as an industrial furnace.

"Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

"Polycyclic aromatic hydrocarbons" (PAH) means those hydrocarbon molecules composed of two or more benzene rings. For the purposes of this chapter, the PAH of concern for designation are only those PAH with more than three and less than seven fused benzene rings.

"Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also "closure.")

"Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

"Reactive waste" means a dangerous waste that exhibits the characteristic of reactivity described in WAC 173-303-090(7).

"Reclaim" means to process a material in order to recover useable products, or to regenerate the material. Reclamation is the process of reclaiming.

"Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

"Recycle" means to use, reuse, or reclaim a material.

"Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

January 26, 1983 for wastes regulated by 40 CFR Part 261;

October 31, 1984 for wastes designated only by this chapter and not regulated by 40 CFR Part 261; or

The date six months after a waste is newly identified by amendments to 40 CFR Part 261 or this chapter which cause the waste to be regulated.

"Release" means any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of dangerous wastes, or dangerous constituents as defined at WAC 173-303-646 (1)(c), into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing dangerous wastes or dangerous constituents and includes the definition of release at RCW 70.105D.020(10).

"Remediation waste" means all solid or dangerous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, which contain listed dangerous wastes, or which themselves exhibit a dangerous waste characteristic or criteria, that are managed for the purpose of implementing corrective action requirements imposed pursuant to WAC 173-303-646 (2) or (3). For a given facility, remediation wastes may originate only from within the facility boundary, except that remediation waste may include wastes managed in implementing corrective action in accordance with WAC 173-303-646 (2)(b) for releases extending beyond the facility boundary.

"Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

"Reuse or use" means to employ a material either:

As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

"Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

"Satellite accumulation area" means a location at or near any point of generation where hazardous waste is initially accumulated in containers (during routine operations) prior to consolidation at a designated ninety-day accumulation area or storage area. The area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes into the satellite containers.

"Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this chapter.

"Scrap metal" means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

"Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity tests of either WAC 173-303-090 (6)(a)(ii) or (b).

"Solid waste management unit" or "SWMU" means any discernible location at a facility, as defined for the purposes of corrective action, where solid wastes have been placed at any time, irrespective of whether the location was intended for the management of solid or dangerous waste. Such locations include any area at a facility at which solid wastes, including spills, have been routinely and systematically released. Such units include regulated units as defined by chapter 173-303 WAC.

"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 designated as dangerous waste only by this chapter and not designated as hazardous waste by 40 CFR Part 261.

"Special waste" means any dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is not a regulated hazardous waste under 40 CFR Part 261, and that is designated as only DW in WAC 173-303-090 or 173-303-100. Any solid waste that is EHW or that is regulated by the United States EPA as hazardous waste cannot be a special waste.

"Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

"Stabilization" and "solidification" means a technique that limits the solubility and mobility of dangerous waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

"State-only dangerous waste" means a waste designated only by this chapter, chapter 173-303 WAC, and is not regulated as a hazardous waste under 40 CFR Part 261.

"State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

"Storage" means the holding of dangerous waste for a temporary period. "Accumulation" of dangerous waste, by the generator on the site of generation, is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

"Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serves to collect dangerous waste for transport to dangerous waste storage, treatment, or disposal facilities.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made

excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed primarily of nonearthen materials to provide structural support.

"Tank system" means a dangerous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Temporary unit" or "TU" means a tank or container unit used temporarily for the treatment or storage of remediation waste, that is designated by the director pursuant to WAC 173-303-646(7) for the purpose of implementing the corrective action requirements of WAC 173-303-646 (2) or (3).

"Thermal treatment" means the treatment of dangerous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the dangerous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

"TLm₉₆" means the same as "Aquatic LC₅₀."

"Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste or dangerous waste constituents into the environment during treatment.

"Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held for ten days or less during the normal course of transportation.

"Transportation" means the movement of dangerous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of dangerous waste.

"Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

"Treatability study" means a study in which a dangerous waste is subjected to a treatment process to determine: Whether the waste is amenable to the treatment process; what pretreatment (if any) is required; the optimal process conditions needed to achieve the desired treatment; the efficiency of a treatment process for a specific waste or wastes; or the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the exemptions contained in WAC 173-303-071 (3)(r) and (s), are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of dangerous waste.

"Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, with the exception of compacting, repackaging, and sorting as allowed under WAC 173-303-400(2) and 173-303-600(3).

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

"Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 (2)(b), containers.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

"Underground tank" means a device meeting the definition of "tank" in this section whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating dangerous waste without posing a threat of release of dangerous waste to the environment.

"Unsaturated zone" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding ground water to wells or springs. It includes lower aquifers that are hydraulically interconnected with this aquifer within the facility property boundary.

"Used oil" means oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities.

"Waste water treatment unit" means a device that:

Is part of a waste water treatment facility which is subject to regulation under either:

Section 402 or section 307(b) of the Federal Clean Water Act; or

Chapter 90.48 RCW, State Water Pollution Control Act, provided that the waste treated at the facility is a state-only dangerous waste; and

Handles dangerous waste in the following manner:

Receives and treats or stores an influent waste water; or

Generates and accumulates or treats or stores a waste water treatment sludge; and

Meets the definition of tank or tank system in this section.

"Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

"Zone of engineering control" means an area under the control of the owner/operator that, upon detection of a dangerous waste release, can be readily cleaned up prior to the release of dangerous waste or dangerous constituents to ground water or surface water.

Any terms used in this chapter which have not been defined in this section shall have either the same meaning as set forth in Title 40 CFR Parts 260, 264, 270, and 124 or else shall have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the singular include the plural, and words in the plural include the singular.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-040, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-040, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-040, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-040, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-040, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-040, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-040, filed 2/10/82. Formerly WAC 173-302-040.]

WAC 173-303-045 References to EPA's hazardous waste and permit regulations. Any references in this chapter to any parts, subparts, or sections from EPA's hazardous waste regulations, including 40 CFR Parts 260 through 280 and Part 124, shall be in reference to those rules as they existed on July 1, 1993. Copies of the appropriate referenced federal requirements are available upon request from the department.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-045, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-045, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-045, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-045, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-045, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-045, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-045, filed 2/10/82.]

WAC 173-303-050 Department of ecology cleanup authority. The department may conduct or contract for the removal of dangerous wastes or hazardous substances where there has been or is a potential for discharge or release, regardless of quantity or concentration, which could pose a threat to public health or the environment.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-050, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-050, filed 2/10/82. Formerly WAC 173-302-060.]

WAC 173-303-060 Notification and identification numbers. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who owns or operates a dangerous waste TSD facility shall have a current EPA/state identification number (EPA/state ID#). Any person who offers a dangerous waste to a transporter or to a dangerous waste TSD facility which does not have an EPA/state ID#, or whose EPA/state ID# has been cancelled or withdrawn, shall be in violation of this regulation.

(2) Every person who must have an EPA/state ID#, and who has not already received his ID#, must notify the department by obtaining and completing a Washington state notification of dangerous waste activities, Form 2, and submitting the completed form to the department. Any person already assigned an EPA/state ID# must submit a revised notification Form 2 to the department prior to any changes to his company's name, mailing address, ownership, physical location, or type of dangerous waste activity. Any

change in location will require the issuance of a new EPA/state ID#. An EPA/state ID# may not be used at new company locations. Notification of dangerous waste activities, Form 2 and instructions for its completion may be obtained by contacting the department.

(3) Any person with an EPA/state ID# may request that his ID# be withdrawn if he will no longer be handling dangerous waste at the site the ID# has been assigned to. Any person whose ID# has been withdrawn must notify the department before he uses the ID# at any later date. Notification must be in writing, except in the case of emergencies (e.g., fires, spills, etc.) such notification may be provided by telephone first, and followed within one week by a written notification. Withdrawal will only be granted when all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(4) Any person with an EPA/state ID# may request that his ID# be cancelled if he will no longer occupy the site. Notification must be in writing. An EPA/state ID# shall be considered cancelled only after issuance of written confirmation by the department and when all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC 173-303-070(8), 173-303-220, and 173-303-390. Any person that has withdrawn or cancelled their ID# and received confirmation from the department must submit an annual report for the calendar year in which their request was approved.

[Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-060, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-060, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-060, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-060, filed 2/10/82.]

WAC 173-303-070 Designation of dangerous waste.

(1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

(b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter or by the department. Any person who must determine whether or not his solid waste is designated must follow the procedures set forth in subsection (3) of this section. Any person who determines by these procedures that his waste is designated DW or EHW shall be subject to all applicable requirements of this chapter.

(2)(a) Once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i) The generator has been able to accurately describe the variability or uniformity of the waste over time, and has been able to obtain demonstration samples which are representative of the waste's variability or uniformity; and

(ii)(A) It does not exhibit any of the characteristics of WAC 173-303-090; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083, it also has been exempted pursuant to WAC 173-303-910(3); or

(iii) If originally designated only through WAC 173-303-100, it does not exhibit any of the criteria of WAC 173-303-100.

Such solid waste shall include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation run-off. Precipitation run-off will not be considered a dangerous waste if it can be shown that the run-off has not been contaminated with the dangerous waste, or that the run-off is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the run-off does not exhibit any of the criteria or characteristics described in WAC 173-303-100.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(3) Designation procedures.

(a) To determine whether or not a waste is designated a person shall check the waste against the following sections, and in the following order:

(i) First, Discarded chemical products, WAC 173-303-081;

(ii) Second, Dangerous waste sources, WAC 173-303-082;

(iii) Third, Dangerous waste characteristics, WAC 173-303-090; and

(iv) Fourth, Dangerous waste criteria, WAC 173-303-100.

(b) A person shall check each section, in the order set forth, until he determines whether the waste is designated as a dangerous waste. Once the waste is designated through the lists, characteristics, or criteria he need not determine any other designations for the waste, except as required by subsection (4) or (5) of this section, or for the purposes of compliance with the federal land disposal restrictions, as adopted by reference in WAC 173-303-140. If the designation procedures identify a waste as both EHW and DW (e.g., a waste may be DW for corrosivity and EHW for toxicity characteristic), the waste must be designated EHW. If a person has checked the waste against each section and the waste is not designated, then the waste is not subject to the requirements of chapter 173-303 WAC.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW shall comply with the requirements of WAC 173-303-072.

(c) For the purpose of determining if a solid waste is a dangerous waste as identified in WAC 173-303-080 through 173-303-100, a person shall either:

(i) Test the waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110; or

(ii) Apply knowledge of the waste in light of the materials or the process used, when:

(A) Such knowledge can be demonstrated to be sufficient for determining whether or not it designated and/or designated properly; and

(B) All data and records supporting this determination in accordance with WAC 173-303-210(3) are retained on-site.

(4) Testing required. Notwithstanding any other provisions of this chapter, the department may require any person to test a waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110 to determine whether or not the waste is designated under the dangerous waste lists, characteristics, or criteria, WAC 173-303-080 through 173-303-100. Such testing may be required if the department has reason to believe that the waste would be designated DW or EHW by the dangerous waste lists, characteristics, or criteria, or if the department has reason to believe that the waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW). If a person, pursuant to the requirements of this subsection, determines that the waste is a dangerous waste or that its designation must be changed, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base a requirement to test a waste on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another persons' already designated DW or EHW;

(c) Evidence that the persons' waste has historically been a DW or EHW;

(d) Evidence or information about a person's manufacturing materials or processes which indicate that the wastes may be DW or EHW; or

(e) Evidence that the knowledge or test results a person has regarding a waste is not sufficient for determining whether or not it designated and/or designated properly.

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, WAC 173-303-080 through 173-303-082, or characteristics, WAC 173-303-090, and has knowledge that the waste also exhibits any of the dangerous waste characteristics, WAC 173-303-090, or that the waste also meets any of the dangerous waste criteria, WAC 173-303-100, then he shall also designate the waste in accordance with those dangerous waste characteristics, or criteria, or both.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, he shall use all the dangerous waste numbers which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria. For example, if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the dangerous waste numbers of D001 and WP01. This shall not be construed as requiring a person to designate his waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is fully subject to the requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or criteria of this chapter is a dangerous waste. Small quantity

generators who produce dangerous waste below the QEL are subject to certain requirements described in subsection (8) of this section.

(b) Aggregated waste quantities. A person may be generating, accumulating, or storing more than one kind of dangerous waste identified by this chapter. In such cases, the person must consider the aggregate quantity of his wastes when determining whether or not his waste amounts exceed the specific quantity exclusion limits (QEL). Waste quantities must be aggregated for all wastes with common QEL's. For the purposes of this subsection, when aggregating waste quantities, a person shall include in his calculation dangerous wastes produced by on-site treatment or recycling of dangerous wastes and dangerous wastes being accumulated or stored. For example, if a person generates, accumulates, or stores 300 pounds of an ignitable waste and 300 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (600 pounds) exceeds their common QEL of 220 pounds. On the other hand, if a person generates, accumulates, or stores one pound of an EHW discarded chemical product and 300 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 220 pounds, respective QEL's). However, the total quantity of dangerous waste (QEL 220 pounds) and extremely hazardous waste (QEL 2.2 pounds) may not equal or exceed 220 pounds. Additional guidance on aggregating waste quantities is available from the department.

(c) The following are categories of waste that are excluded from the quantity determination and need not be aggregated as required by (b) of this subsection when calculating total waste quantities.

(i) Dangerous waste that is recycled and that is excluded from regulation under WAC 173-303-120 (2)(a), (3)(c), (e), or (f) is not included in the quantity determinations of this section and is not subject to any requirements of this section.

(ii) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

(8) Small quantity generators.

(a) A person is a small quantity generator and is subject to the requirements of this subsection if his waste is designated under subsection (3) of this section, and the quantity of waste that he generates, accumulates, or stores (or the aggregated quantity if he generates more than one kind of waste) does not equal or exceed the quantity exclusion limit for such waste (or wastes) as listed in WAC 173-303-081(2), 173-303-082(2), and 173-303-090(4). If a person generates, accumulates, or stores any dangerous wastes that exceed the QEL, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. For example, if a person generates four pounds of an EHW discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 220 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste. A small quantity generator may accumulate such listed or characteristic waste on-site, however when the quantity (or aggregate quantity) on-site at any time equals or exceeds the quantity exclusion limit for such waste (or wastes) he will not be a small quantity generator and will be subject to all applicable requirements of this chapter. A small quantity generator

who generates, accumulates, or stores waste in excess of the quantity exclusion limit and becomes subject to the full requirements of this chapter cannot again be a small quantity generator until after all dangerous waste on-site at the time he became fully regulated have been removed, treated, or disposed.

(b) A small quantity generator will not be subject to the requirements of this chapter if he or she:

(i) Complies with subsections (1), (2), (3), and (4) of this section; and

(ii) Either treats or disposes of the dangerous waste in an on-site facility, or ensures delivery to an off-site facility, either of which is:

(A) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

(C) Permitted to manage moderate-risk waste under chapter 173-304 WAC (Minimum functional standards for solid waste handling), operated in accordance with state and local regulations, and consistent with the applicable local hazardous waste plan that has been approved by the department;

(D) A facility that beneficially uses or reuses, or legitimately recycles or reclaims the dangerous waste, or that treats the waste prior to such recycling activities;

(E) Permitted to manage municipal or industrial solid waste in accordance with state or local regulations, or in accordance with another state's solid waste laws if the waste is sent out of state; or

(F) A publicly owned treatment works (POTW) provided that the small quantity generator complies with the provisions of the domestic sewage exclusion found in WAC 173-303-071 (3)(a); and

(iii) Submits an annual report in accordance with WAC 173-303-220 if he has obtained an EPA/state identification number pursuant to WAC 173-303-060.

(c) If a small quantity generator's wastes are mixed with used oil, the mixture is subject to WAC 173-303-510 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also regulated if it is destined to be burned for energy recovery.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-070, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 93-02-050 (Order 92-32), § 173-303-070, filed 1/5/93, effective 2/5/93. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-070, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-070, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-070, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-070, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-070, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-070, filed 2/10/82.]

WAC 173-303-071 Excluded categories of waste.

(1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs,

or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter shall comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, 173-303-145, and 173-303-960:

(a)(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 CFR Part 403.5; and

(D) The waste prior to mixing with domestic sewage shall not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in WAC 173-303-090, and shall not meet the dangerous waste criteria for toxic dangerous waste, persistent dangerous waste, or for carcinogenic dangerous waste under WAC 173-303-100, unless the waste is treatable in the publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment. Owners or operators of certain wastewater treatment facilities managing dangerous wastes may qualify for a permit-by-rule pursuant to WAC 173-303-802(5);

(c) Household wastes, including household waste that has been collected; transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-100(6). For the purposes of this exclusion, asphaltic materials means materials intended and used for structural and construction purposes (e.g., roads, dikes, paving) which are produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Treated wood waste and wood products including:

(i) Arsenical-treated wood that fails the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D004 through D017 only), or which fails any state criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use.

(ii) Wood treated with other preservatives provided such treated wood is, within one hundred eighty days after becoming waste:

(A) Disposed of at a landfill that is permitted in accordance with WAC 173-304-460, minimum functional standards for solid waste handling, or chapter 173-351 WAC, criteria for municipal solid waste landfills, and provided that such wood is neither a listed waste under WAC 173-303-9903 and 173-303-9904 nor a TCLP waste under WAC 173-303-090(8); or

(B) Sent to a facility that will legitimately treat or recycle the treated wood waste, and manage any residue in accordance with that state's dangerous waste regulations; or

(C) Sent off-site to a permitted TSD facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through WAC 173-303-845. In addition, creosote-treated wood is excluded when burned for energy recovery in an industrial furnace or boiler that has an order of approval issued pursuant to RCW 70.94.152 by ecology or a local air pollution control authority to burn creosote treated wood.

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60 and that are dangerous either because they fail the test for toxicity characteristic (WAC 173-303-090(8), Dangerous waste codes D018 through D043 only) or because they are designated only by this chapter and not designated by 40 CFR Part 261, are exempt from regulation under this chapter except for WAC 173-303-505 through 173-303-525, and 173-303-960;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when, using EPA's PCB testing method 600/4-81-045, the waste can be shown to contain less than one part per million (ppm) PCB or when, using ASTM method D 4059-86, the waste can be shown to contain less than two parts per million (ppm) PCB;

(iii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are:

(A) Stored in a manner equivalent to the requirements of 40 CFR 761.65; and

(B) Within one year of removal from service, disposed of either in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75, in a high efficiency boiler that complies with 40 CFR 761.60 (a)(2)(iii) or (a)(3)(iii), or in a facility otherwise approved in accordance with 40 CFR 761.60(e);

(l) Samples:

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemptions in (l)(i) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(AA) The sample collector's name, mailing address, and telephone number;

(BB) The laboratory's name, mailing address, and telephone number;

(CC) The quantity of the sample;

(DD) The date of shipment;

(EE) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (l)(i) of this subsection;

(m) Asbestos wastes or asbestos containing wastes which would be designated only as respiratory carcinogens by WAC 173-303-100, and any other inorganic wastes which are designated only under WAC 173-303-100 because they are respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61;

(n) Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-

treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(v), (vi), (vii), (viii), or (ix). These wastes are not excluded if they exhibit one or more of the dangerous waste criteria;

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) A generator complies with the requirements of chapter 173-303 WAC for any residues (e.g., sludges, filters, etc.) produced from the collection, reclamation, and reuse of the secondary materials.

(r) Treatability study samples.

(i) Except as provided in (r)(ii) of this subsection, persons who generate or collect samples for the purpose of conducting treatability studies as defined in WAC 173-303-040 are not subject to the requirements of WAC 173-303-180, 173-303-190, and 173-303-200 (1)(a), nor are such samples included in the quantity determinations of WAC 173-303-070 (7) and (8) and 173-303-201 when:

(A) The sample is being collected and prepared for transportation by the generator or sample collector; or

(B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study; or

(D) The sample or waste residue is being transported back to the original generator from the laboratory or testing facility.

(ii) The exemption in (r)(i) of this subsection is applicable to samples of dangerous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any dangerous waste, 1 kg of acutely hazardous waste, or 250 kg of soils, water,

or debris contaminated with acutely hazardous waste for each process being evaluated for each generated waste stream; and

(B) The mass of each sample shipment does not exceed 1000 kg of dangerous waste, 1 kg of acutely hazardous waste, or 250 kg of soils, water, or debris contaminated with acutely hazardous waste; and

(C) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of (r)(ii)(C)(I) or (II) of this subsection are met.

(I) The transportation of each sample shipment complies with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(II) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(AA) The name, mailing address, and telephone number of the originator of the sample;

(BB) The name, address, and telephone number of the laboratory or testing facility that will perform the treatability study;

(CC) The quantity of the sample;

(DD) The date of shipment; and

(EE) A description of the sample, including its dangerous waste number.

(D) The sample is shipped, within ninety days of being generated or of being taken from a stream of previously generated waste, to a laboratory or testing facility which is exempt under (s) of this subsection or has an appropriate final facility permit or interim status; and

(E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

(I) Copies of the shipping documents;

(II) A copy of the contract with the facility conducting the treatability study;

(III) Documentation showing:

(AA) The amount of waste shipped under this exemption;

(BB) The name, address, and EPA/state identification number of the laboratory or testing facility that received the waste;

(CC) The date the shipment was made; and

(DD) Whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required under (r)(ii)(E)(III) of this subsection in its annual report.

(iii) The department may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in (r)(ii)(A) of this subsection, for up to an additional 500 kg of nonacute hazardous waste, 1 kg of acute hazardous waste, and 250 kg of soils, water, or debris contaminated with acute hazardous waste or for up to an additional 10,000 kg of wastes regulated only by this chapter and not regulated by 40 CFR Part 261, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process;

or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in (r)(i) and (ii)(B) of this subsection. The generator or sample collector must apply to the department where the sample is collected and provide in writing the following information:

(A) The reason the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;

(B) Documentation accounting for all samples of dangerous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

(D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(E) Such other information that the department considers necessary.

(s) Samples undergoing treatability studies at laboratories and testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to chapter 70.105 RCW) are not subject to the requirements of this chapter, except WAC 173-303-050, 173-303-145, and 173-303-960 provided that the conditions of (s)(i) through (xiii) of this subsection are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to (s)(i) through (xiii) of this subsection. Where a group of MTUs are located at the same site, the limitations specified in (s)(i) through (xiii) of this subsection apply to the entire group of MTUs collectively as if the group were one MTU.

(i) No less than forty-five days before conducting treatability studies the laboratory or testing facility notifies the department in writing that it intends to conduct treatability studies under this subsection.

(ii) The laboratory or testing facility conducting the treatability study has an EPA/state identification number.

(iii) No more than a total of 250 kg of "as received" dangerous waste is subjected to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(iv) The quantity of "as received" dangerous waste stored at the laboratory or testing facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water, or debris contaminated with acutely hazardous waste or 1 kg of acutely hazardous waste. This quantity limitation does not include:

(A) Treatability study residues; and

(B) Treatment materials (including nondangerous solid waste) added to "as received" dangerous waste.

(v) No more than ninety days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.

(vi) The treatability study does not involve the placement of dangerous waste on the land or open burning of dangerous waste.

(vii) The laboratory or testing facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

(A) The name, address, and EPA/state identification number of the generator or sample collector of each waste sample;

(B) The date the shipment was received;

(C) The quantity of waste accepted;

(D) The quantity of "as received" waste in storage each day;

(E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(F) The date the treatability study was concluded;

(G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated TSD facility, the name of the TSD facility and its EPA/state identification number.

(viii) The laboratory or testing facility keeps, on-site, a copy of the treatability study contract and all shipping paper associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(ix) The laboratory or testing facility prepares and submits a report to the department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

(A) The name, address, and EPA/state identification number of the laboratory or testing facility conducting the treatability studies;

(B) The types (by process) of treatability studies conducted;

(C) The names and addresses of persons for whom studies have been conducted (including their EPA/state identification numbers);

(D) The total quantity of waste in storage each day;

(E) The quantity and types of waste subjected to treatability studies;

(F) When each treatability study was conducted;

(G) The final disposition of residues and unused sample from each treatability study.

(x) The laboratory or testing facility determines whether any unused sample or residues generated by the treatability study are dangerous waste under WAC 173-303-070 and if so, are subject to the requirements of this chapter, unless the residues and unused samples are returned to the sample originator under the exemption in (r) of this subsection.

(xi) The laboratory or testing facility notifies the department by letter when it is no longer planning to conduct any treatability studies at the site.

(xii) The date the sample was received, or if the treatability study has been completed, the date of the treatability study, is marked and clearly visible for inspection on each container.

(xiii) While being held on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public.

Note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate.

(t) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280.

(u) Special incinerator ash (as defined in WAC 173-303-040).

(v) Wood ash that would designate solely for corrosivity by WAC 173-303-090 (6)(a)(iii). For the purpose of this exclusion, wood ash means ash residue and emission control dust generated from the combustion of untreated wood, wood treated solely with creosote, and untreated wood fiber materials including, but not limited to, wood chips, saw dust, tree stumps, paper, cardboard, residuals from waste fiber recycling, deinking rejects, and associated wastewater treatment solids. This exclusion allows for the use of auxiliary fuels including, but not limited to, oils, gas, coal, and other fossil fuels in the combustion process.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-12-018 (Order 93-34), § 173-303-071, filed 5/23/94, effective 6/23/94; 94-01-060 (Order 92-33), § 173-303-071, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-071, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-071, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-071, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-071, filed 6/3/86; 85-09-042 (Order DE-85-02), § 173-303-071, filed 4/15/85; 84-09-088 (Order DE 83-36), § 173-303-071, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-071, filed 2/10/82.]

WAC 173-303-072 Procedures and bases for exempting and excluding wastes. (1) Purpose and applicability.

(a) The purpose of this section is to describe the procedures that will be followed by generators and the department when wastes are considered for exemption or exclusion from the requirements of this chapter. Any person(s) whose waste is exempted or excluded will not be subject to the requirements of this chapter unless the department revokes the exemption or exclusion.

(b) Any person seeking a waste exemption must submit a petition to the department according to the procedures of WAC 173-303-910(3). A petition for exemption will be assessed against the applicable bases for exemption described in subsections (3), (4), and (5) of this section.

(c) Any persons seeking to categorically exclude a class of wastes must submit a petition to the department according to the procedures of WAC 173-303-910(4). A petition for exclusion will be assessed against the applicable bases for exclusion described in subsection (6) of this section.

(2) Department procedures. When considering, granting, or denying a petition for exemption or exclusion, the department shall follow the appropriate procedures described in WAC 173-303-910(1).

(3) Bases for exempting wastes. To successfully petition the department to exempt a waste, the petitioner must demonstrate to the satisfaction of the department that:

(a) He has been able to accurately describe the variability or uniformity of his waste over time, and has been able to obtain demonstration samples which are representative of his waste's variability or uniformity; and, either

(b) The representative demonstration samples of his waste are not designated DW or EHW by the dangerous waste criteria, WAC 173-303-100; or

(c) It can be shown, from information developed by the petitioner through consultation with the department, that his waste does not otherwise pose a threat to public health or the environment. However, this basis for exemption is not applicable to wastes that exhibit any of the characteristics specified in WAC 173-303-090, except 173-303-090 (6)(a)(iii).

(4) Additional bases for exempting listed wastes. In addition to the demonstrations required by subsections (3)(a) and (b) of this section, for wastes listed in WAC 173-303-081 or 173-303-082 the petitioner must also demonstrate to the satisfaction of the department that his waste is not capable of posing a substantial present or potential threat to public health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The following factors will be considered by the department when assessing such a demonstration:

(a) Whether or not the listed waste contains the constituent or constituents which caused it to be listed. (For the purposes of this subsection, the constituents referred to will include any of the dangerous waste constituents listed in WAC 173-303-9905);

(b) The nature of the threat posed by the waste constituent(s);

(c) The concentration of the constituent(s) in the waste;

(d) The potential of the constituent(s) or any degradation product of the constituent(s) to migrate from the waste into the environment under the types of improper management considered in (h) of this subsection;

(e) The persistence of the constituent(s) or any degradation product of the constituent(s);

(f) The potential for the constituent(s) or any degradation product of the constituent(s) to degrade into nonharmful constituents and the rate of degradation;

(g) The degree to which the constituent(s) or degradation product of the constituent(s) bioaccumulates in ecosystems;

(h) The plausible types of improper management to which the waste could be subjected;

(i) The quantities of the waste generated at individual generation sites or on a state-wide basis. Under this factor, the department will also consider whether or not the waste is listed under WAC 173-303-081 as a discarded chemical

product and occurs in a relatively pure form. Any waste discarded chemical product which exceeds the quantity exclusion limit specified in WAC 173-303-081(2) for that waste will not be exempted;

(j) The nature and severity of the public health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent(s);

(k) Actions taken by other governmental agencies or regulatory programs based on the health or environmental threat posed by the waste or waste constituent(s); and

(l) Such other factors as may be appropriate.

(5) Bases for exempting wastes designated solely for the presence of chromium. The department will exempt a waste which is designated because of the presence of chromium if the petitioner can demonstrate that:

(a) The waste is not designated for any other characteristic under WAC 173-303-090, or for any of the criteria specified in WAC 173-303-100;

(b) The waste is not listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium;

(c) The waste is typically and frequently managed in nonoxidizing environments or under nonoxidizing conditions; and

(d) Either of the following demonstrations can be made:

(i) The waste is generated from a process which uses trivalent chromium exclusively (or nearly exclusively), the process does not generate hexavalent chromium, and the chromium in the waste is exclusively (or nearly exclusively) trivalent chromium.

(6) Bases for categorically excluding classes of wastes. This subsection does not apply to any waste class that includes hazardous waste regulated under 40 CFR Part 261. To successfully petition the department to categorically exclude a class of wastes, petitioners must demonstrate to the satisfaction of the department that the petition or petitions for exclusion:

(a) Accurately describe the class of wastes for which categorical exclusion is sought and show that the class of wastes does not include any wastes which would be regulated as hazardous waste under 40 CFR Part 261;

(b) Describe the variability or uniformity of the class of wastes over time and in relation to the individual wastes that comprise the class of waste;

(c) Discuss the generators and their individual wastes that belong to the class of wastes and, to the extent practical, any generators or individual wastes that, although belonging to the class of wastes, are not represented by the petition or petitions; and

(d) For each individual waste within the class of wastes, provide the demonstration described by subsection (3) of this section, except that where it is determined by consultation with the department to be impractical to provide the demonstration for each individual waste, the petitioner or petitioners shall provide the demonstration for samples of the individual wastes determined by consultation with the department to be representative of the class of wastes.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-072, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-072,

filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 84-14-031 (Order DE 84-22), § 173-303-072, filed 6/27/84.]

WAC 173-303-075 Certification of designation. (1)

Purpose and applicability.

(a) The purpose of WAC 173-303-075 is to establish procedures by which the generator of a solid waste may apply to the department for a review of his waste, and for a determination of the designation of his waste. When a final determination is made, the department shall issue a certificate of designation which shall describe the status of the generator's waste with respect to the designation requirements of this chapter 173-303 WAC.

(b) The provisions of this section are applicable to any person who produces a solid waste, who may be subject to the requirements of this chapter 173-303 WAC as the generator of a dangerous waste and who wishes to obtain a certificate designating the status of his waste.

(2) Certification. Any person who produces a solid waste which could be a dangerous waste may apply to the department, in accordance with the guidelines published pursuant to WAC 173-303-075(4), for a certificate of designation for his waste.

(a) The certificate of designation will describe the status of the designation for a waste or wastes as follows:

(i) Either, the certificate will state that the waste or wastes listed in the certificate are designated dangerous waste; or

(ii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the designation lists or characteristics of WAC 173-303-080 through 173-303-090; or

(iii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the dangerous waste lists, characteristics or criteria, WAC 173-303-080 through 173-303-100.

(b) The certificate of designation will, at a minimum, include the following information:

(i) The name, address, telephone number and, where applicable, the EPA/state identification number of the person to whom the certificate is issued;

(ii) A statement of the status of the designation of the waste or wastes listed in the certificate and, if designated, whether DW or EHW;

(iii) A listing of the waste or wastes for which the certificate has been issued;

(iv) The signature of the director or his designee;

(v) The date on which the certificate was issued; and

(vi) The period of time or conditions for which the certificate is valid.

(c) Once a certificate of designation has been issued to a person, that person is no longer subject to the designation procedures of WAC 173-303-080 through 173-303-100, unless the period of time for which the certificate is valid expires, the conditions under which the certificate is valid change, or the department withdraws its certification of designation in accordance with WAC 173-303-075(5). If the certificate states that the waste or wastes listed in it are designated, then the person to whom the certificate is issued shall comply with all applicable requirements of this chapter 173-303 WAC. If the certificate states that the waste or wastes listed in it are not designated, then the person to

whom the certificate is issued is not subject to the requirements of this chapter 173-303 WAC, unless the certificate becomes invalid or the department withdraws its certification.

(d) While an application for a certificate of designation is pending final action by the department, the person applying for certification must comply with all applicable requirements of this chapter 173-303 WAC.

(e) While a certificate of designation is being amended, in accordance with WAC 173-303-075(5), the certificate shall remain in effect except for those parts of the certificate which the department specifically suspends.

(3) Designation. Determination of the status of designation for a waste or wastes for which a certificate of designation is being sought shall follow the procedures set forth in this subsection.

(a) A waste shall be certified as a dangerous waste if it is designated under any of the methods set forth in WAC 173-303-080 through 173-303-100.

(b) A waste shall be certified as not a dangerous waste if:

(i) It has only been checked against WAC 173-303-080 through 173-303-090 (lists and characteristics) and it is not designated; or

(ii) It has been checked against the dangerous waste lists, characteristics and criteria, WAC 173-303-080 through 173-303-100, and it is not designated.

(4) Application. Any person who wishes to apply for a certificate of designation shall do so according to the certification guidelines published by and available from the department. The department shall follow the procedures specified in the certification guidelines when considering an application for a certificate.

(5) Review of certification. Review of and changes to or withdrawal of certificates of designation shall be performed by the department according to the procedures specified in the certification guidelines, available from the department. At a minimum, the certification guidelines provide for the following procedures:

(a) The department will periodically review each certificate of designation to insure that it is current and accurately states the proper designation for the waste or wastes listed on the certificate.

(b) The department may amend, or any person with a certificate of designation may request the department to amend, any certificate in the event that changes to the certificate are necessary to keep it current or maintain its accuracy. The person will obtain concurrence of the department if he wishes to amend his certificate to reflect changes in the information on the certificate (e.g., new wastes, changes in waste properties, changes of address, etc.).

(c) The department reserves the authority to withdraw any certificate of designation if there is reason to believe that the certificate results in a threat to public health or the environment. If a certificate is withdrawn, then the waste or wastes listed on the certificate shall be subject to all applicable requirements of this chapter 173-303 WAC.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-075, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-075, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-075, filed 2/10/82.]

WAC 173-303-080 Dangerous waste lists. The dangerous waste lists include:

- (1) WAC 173-303-081, Discarded chemical products;
- (2) WAC 173-303-082, Dangerous waste sources.

[Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-080, filed 1/4/89. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-080, filed 2/10/82.]

WAC 173-303-081 Discarded chemical products.

(1) A waste shall be designated as a dangerous waste if it is handled in any of the manners described in (e) of this subsection, and if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate which has the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(c) Any containers, inner liners, or residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate that has, or any off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed on the acutely dangerous chemical products list of WAC 173-303-9903, unless the containers or inner liners are empty as described in WAC 173-303-160(2);

(d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate which has, or of an off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(e) The materials or items described in (a), (b), (c), and (d) of this subsection are dangerous wastes when they are:

(i) Discarded or intended to be discarded as described in WAC 173-303-016 (3)(b)(i);

(ii) Burned for purposes of energy recovery in lieu of their original intended use;

(iii) Used to produce fuels in lieu of their original intended use;

(iv) Applied to the land in lieu of their original intended use; or

(v) Contained in products that are applied to the land in lieu of their original intended use.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in subsection (1) of this section, shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) per month or per batch. Such wastes are designated EHW;

(ii) For chemicals and for residues from the cleanup of spills involving chemicals designated on the moderately dangerous chemical products list of WAC 173-303-9903 -

220 lbs. (100 kg) per month or per batch. Such wastes are designated DW;

(iii) For containers or inner liners which held any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) of residue remaining in the containers or inner liners per month or per batch unless the containers or inner liners meet the definition of empty and have been triple rinsed as described in WAC 173-303-160(2);

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated EHW.

(b) A person's total monthly waste quantity shall be the sum of all his wastes which share a common quantity exclusion limit (e.g., the total quantity of all EHW discarded chemical products, the total quantity of all residues contaminated by EHW discarded chemical products, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Dangerous waste numbers and mixtures. A waste which has been designated as a discarded chemical product dangerous waste shall be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals which caused the waste to be designated. If a person mixes a solid waste with a waste that would be designated as a discarded chemical product under this section, then the entire mixture shall be designated. The mixture designation shall be the same as the designation for the discarded chemical product which was mixed with the solid waste. For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004; EHW designation) and 22 lbs. (10 kg) of a solid waste, would be designated as an EHW, and would have the dangerous waste number P004.

(4) For the purposes of this chapter, the term "acutely hazardous waste" shall include discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-081, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-081, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-081, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-081, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-081, filed 2/10/82.]

WAC 173-303-082 Dangerous waste sources. (1)

The dangerous waste sources list appears in WAC 173-303-9904. Any waste which is listed or which is a residue from the management of a waste listed on the dangerous waste sources list shall be designated a dangerous waste, and shall be identified as DW, except that WAC 173-303-9904 includes several footnotes describing circumstances under which certain dangerous waste sources should be designated EHW rather than DW.

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) shall be a dangerous waste

generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. For the purposes of this chapter, the term "acutely hazardous waste" shall include dangerous waste sources F020, F021, F022, F023, F026, and F027;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection; or

(c) 220 lbs. (100 kg) per month or per batch for all other wastes.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. If a person mixes a solid waste with a waste that would be designated as a dangerous waste source under this section, then the entire mixture shall be designated as a dangerous waste source. The mixture shall have the same designation (DW or EHW), and shall have the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) For the purposes of this section, any dangerous waste source listed in WAC 173-303-9904 which lists more than one chemical compound must be designated as a dangerous waste if it contains any one or any combination of the listed chemical compounds. For example, a spent nonhalogenated solvent containing both xylene and acetone must be designated as dangerous waste source F003.

(5) 40 CFR Part 261 Appendix VII *Basis for Listing Hazardous Waste* is adopted by reference.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-082, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-082, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-082, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-082, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-082, filed 2/10/82.]

WAC 173-303-083 Reserved.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-083, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-083, filed 2/10/82.]

WAC 173-303-084 Reserved.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-084, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-084, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-084, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-084, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-084, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-084, filed 2/10/82.]

WAC 173-303-090 Dangerous waste characteristics.

(1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), sampling and testing methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section shall be the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910(2).

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it exhibits one or more of the dangerous waste characteristics described in subsections (5), (6), (7), and (8) of this section. If a person's solid waste exhibits one or more of these characteristics, then he shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of his waste exceeds 220 lbs. (100 kg) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or,

(iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability shall be designated DW, and shall be assigned the dangerous waste number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any one or more of the following properties:

(i) It is aqueous, and has a pH less than or equal to 2, or greater than or equal to 12.5, using Method 9040 or 9041 in *Test Methods for Evaluating Solid Waste (SW 846), Physical/Chemical Methods*, available from the department;

(ii) It is liquid, and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*. The NACE Standard is available from the department; or

(iii) It is solid or semi-solid, and when mixed with an equal weight of water results in a solution, the liquid portion of which has the property specified in (a)(i) of this subsection. Procedures for preparing and extracting the solution and liquid are described in the test procedures of WAC 173-303-110 (3)(a).

(b) A solid waste that exhibits the characteristic of corrosivity shall be designated DW, and shall be assigned the dangerous waste number of D002.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity shall be designated DW, and shall be assigned the dangerous waste number of D003.

(8) Toxicity characteristic.

(a) A solid waste exhibits the toxicity characteristic if, using the *Toxicity Characteristic Leaching Procedure* (TCLP, found in Appendix II of 40 CFR Part 261 or available upon request from the department) or equivalent methods approved by the department under WAC 173-303-110(5), the extract from a representative sample of the waste contains any of the contaminants listed in the toxicity characteristic list in (c) of this subsection, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in the TCLP, is considered to be the extract for the purposes of this subsection.

(b) A solid waste that exhibits the toxicity characteristic has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) Toxicity characteristic list. Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations at or above the EHW threshold shall cause that waste to be designated EHW. Any waste containing contaminants which occur at concentrations at or above the DW threshold only (i.e., no EHW contaminants), shall be designated DW.

TOXICITY CHARACTERISTICS LIST:

Maximum Concentration of Contaminants for the Toxicity Characteristic

Dangerous Waste Number	Contaminant	(Chemical Abstracts Services #)	EHW (mg/L)	DW (mg/L)
D004	Arsenic	(7440-38-2)	500	5.0
D005	Barium	(7440-39-3)	10,000	100.0
D018	Benzene	(71-43-2)	50	0.5
D006	Cadmium	(7440-43-9)	100	1.0
D019	Carbon tetrachloride	(56-23-5)	50	0.5
D020	Chlordane	(57-74-9)	3.0	0.03
D021	Chlorobenzene	(108-90-7)	10,000	100.0
D022	Chloroform	(67-66-3)	600	6.0
D007	Chromium	(7440-47-3)	500	5.0
D023	o-Cresol	(95-48-7)	/1/	
			20,000	200.0
D024	m-Cresol	(108-39-4)	/1/	
			20,000	200.0
D025	p-Cresol	(106-44-5)	/1/	
			20,000	200.0
D026	Cresol	/1/	200.0	
D016	2,4-D	(94-75-7)	1,000	10.0
D027	1,4-Dichlorobenzene	(106-46-7)	750	7.5
D028	1,2-Dichloroethane	(107-06-2)	50	0.5
D029	1,1-Dichloroethylene	(75-35-4)	70	0.7
D030	2,4-Dinitrotoluene	(121-14-2)	/2/	
			13	0.13
D012	Endrin	(72-20-8)	2	0.02
D031	Heptachlor (and its epoxide)	(76-44-8)	0.8	0.008
D032	Hexachlorobenzene	(118-74-1)	/2/	
			13	0.13
D033	Hexachlorobutadiene	(87-68-3)	50	0.5
D034	Hexachloroethane	(67-72-1)	300	3.0
D008	Lead	(7439-92-1)	500	5.0
D013	Lindane	(58-89-9)	40	0.4
D009	Mercury	(7439-97-6)	20	0.2
D014	Methoxychlor	(72-43-5)	1,000	10.0
D035	Methyl ethyl ketone	(78-93-3)	20,000	200.0
D036	Nitrobenzene	(98-95-3)	200	2.0
D037	Pentachlorophenol	(87-86-5)	10,000	100.0
D038	Pyridine	(110-86-1)	/2/	
			500	5.0
D010	Selenium	(7782-49-2)	100	1.0
D011	Silver	(7440-22-4)	500	5.0
D039	Tetrachloroethylene	(127-18-4)	70	0.7
D015	Toxaphene	(8001-35-2)	50	0.5
D040	Trichloroethylene	(79-01-6)	50	0.5
D041	2,4,5-Trichlorophenol	(95-95-4)	40,000	400.0
D042	2,4,6-Trichlorophenol	(88-06-2)	200	2.0
D017	2,4,5-TP (Silvex)	(93-72-1)	100	1.0
D043	Vinyl chloride	(75-01-4)	20	0.2

/1/ If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The DW level for total cresol is 200 mg/L and the EHW level for total cresol is 20,000 mg/L.

/2/ Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-090, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-090, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-090, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-090, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-090, filed 6/27/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-090, filed 2/10/82.]

WAC 173-303-100 Dangerous waste criteria. (1) Purpose. The purpose of this section is to describe methods for determining if a solid waste is a dangerous waste by the criteria set forth in this section. The dangerous waste criteria consist of:

- (a) Toxic dangerous wastes;
- (b) Persistent dangerous wastes; and
- (c) Carcinogenic dangerous wastes.

(2) References. The National Institute for Occupational Safety and Health's (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS), Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; Health Effects Assessment Summary Table, #PB 93-921199 and Integrated Risk Information System, #PB 915-913-31, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; and IARC Monographs, Oxford University Press, 2001 Evans Road, Cary, N.C. 27513 are adopted by reference.

(3) A person shall use data which is available to him, and, when such data is inadequate for the purposes of this section, shall refer to the NIOSH RTECS to determine:

(a) Toxicity data or toxic category for each known constituent in the waste;

(b) Whether or not each known constituent of the waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon with greater than three rings and less than seven rings.

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it meets one or more of the dangerous waste criteria described in subsections (5), (6), and (7) of this section. If a person's solid waste meets one or more of these criteria then he shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of the waste exceeds the following quantity exclusion limits:

(a) For toxic dangerous wastes designated as EHW (WT01), the quantity exclusion limit is 2.2 lbs. per month. NOTE: To be designated as EHW (WT01) toxic dangerous wastes must be generated above a specified quantity, which varies dependent upon the degree of toxicity, and which may be greater than 2.2 lbs.

(b) For all other wastes designating under this section the quantity exclusion limit is 220 lbs. (100 kg) per month or per batch.

(5) Toxicity criteria. Except as provided in WAC 173-303-070 (4) or (5), a person shall determine if a solid waste meets the toxicity criteria under this section by following either the instructions for book designation, when his knowledge of the waste is sufficient, or by testing the waste using the biological testing methods adopted under WAC 173-303-110(3).

(a) Except as provided in WAC 173-303-070 (4) or (5), if a person knows only some of the toxic constituents in the waste or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for toxicity under this subsection.

(b) Book designation procedure. A person may determine if a waste meets the toxicity criteria by following the book designation instructions as follows:

(i) A person shall determine the toxic category for each known constituent. The toxic category for each constituent

may be determined from available data, or by obtaining data from the NIOSH RTECS and checking this data against the toxic category table, below. If data is available for more than one of the four toxicity criteria (aquatic, oral, inhalation, or dermal), then the data indicating severest toxicity shall be used, and the most acutely toxic category shall be assigned to the constituent. If the NIOSH RTECS or other data sources do not agree on the same category, then the category arrived at using the NIOSH RTECS will be used to determine the toxic category. If toxicity data for a constituent cannot be found in the NIOSH RTECS, or other source reasonably available to a person, then the toxic category need not be determined for that constituent.

TOXIC CATEGORY TABLE

Toxic Category	TLm ₉₆ (Fish or Aquatic (Fish))	Oral (Rat)	Inhalation (Rat)	Dermal (Rabbit)
	LC ₅₀ (ppm)	LD ₅₀ (mg/kg)	LC ₅₀ (mg/L)	LD ₅₀ (mg/kg)
X	<.1	<.5	<.02	< 2
A	.1 - <.1	.5 - <.5	.02 - <.2	2 - <20
B	1 - <10	5 - <50	.2 - <.2	20 - <200
C	10 - <100	50 - <500	2 - <20	200 - <2000
D	100 - 1000	500 - 5000	20 - 200	2000 - 20,000

(ii) A person whose waste contains one or more toxic constituents shall determine the equivalent concentration for the waste from the following formula:

$$\text{Equivalent Concentration(\%)} = \sum X\% + \frac{\sum A\%}{10} + \frac{\sum B\%}{100} + \frac{\sum C\%}{1000} + \frac{\sum D\%}{10,000}$$

where $\sum(X,A,B,C, \text{ or } D)\%$ is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. The equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= .01\% + \frac{0\%}{10} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10,000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So the equivalent concentration equals .031%.

(iii) A person whose waste contains toxic constituents shall determine its designation from the toxic dangerous waste graph in WAC 173-303-9906 by finding the equivalent concentration percentage for the waste along the abscissa, finding the total waste quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from the total waste quantity intersects the vertical line drawn from the waste's equivalent concentration. If the plotted point is in the area marked DW, the person shall designate the waste as DW, and shall assign the dangerous waste number of WT02; if the plotted point is in the area marked EHW, the person shall designate the waste as EHW, and shall assign the dangerous waste number of WT01.

(iv) Toxic dangerous waste graph. The toxic dangerous waste graph appears in WAC

(c) Designation from bioassay data. A person may determine if a waste meets the toxicity criteria by following the bioassay designation instructions as follows:

(i) A person shall establish the toxicity category range (D category toxicity, or C category or greater toxicity) of a waste by means of the biological testing methods (bioassay) adopted under WAC 173-303-110(3).

(ii) A person shall designate a waste according to the toxic dangerous waste designation table below.

TOXIC DANGEROUS WASTE DESIGNATION TABLE

If your waste's toxicity range is . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation, and waste # are . . .
D Category: (LC ₅₀ 1000 mg/L to 100 mg/L, or LD ₅₀ 5000 mg/kg to 500 mg/kg)	Any quantity	DW, WT02
X, A, B, or C (LC ₅₀ less than 100 mg/L, or LD ₅₀ less than 500 mg/kg)	Less than 220 lbs. (100 kg)	DW, WT02
	Greater than or equal to 220 lbs. (100 kg)	EHW, WT01

(d) If the designation acquired from book designation and bioassay data do not agree, then bioassay data will be used to designate a waste. If a waste is designated as DW or EHW following the book designation procedure, a person may test the waste by means of the biological testing methods (bioassay) adopted under WAC 173-303-110(3), using both static acute fish and acute oral rat methods, to demonstrate that the waste is not a dangerous waste or should be designated as DW and not EHW.

(e) A waste designated as DW by toxicity criteria shall be assigned the dangerous waste number of WT02. A waste designated as EHW by toxicity criteria shall be assigned the dangerous waste number of WT01.

(6) Persistence criteria. For the purposes of this section, persistent constituents are chemical compounds which are either halogenated hydrocarbons (HH), or polycyclic aromatic hydrocarbons (PAH), as defined under WAC 173-303-040. Except as provided in WAC 173-303-070 (4) or (5), a person may determine the identity and concentration of persistent constituents by either applying knowledge of the waste or by testing the waste according to the chemical testing methods for complying with the dangerous waste regulation adopted under WAC 173-303-110(3).

(a) Except as provided in WAC 173-303-070 (4) and (5), if a person knows only some of the persistent constituents in the waste, or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for persistence under this subsection.

(b) When a waste contains one or more halogenated hydrocarbons (HH) for which the concentrations are known, the total halogenated hydrocarbon concentration shall be determined by summing the concentration percentages for all of the halogenated hydrocarbons for which the concentrations are known.

Example 2. A waste contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .020%. The total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .020\% = .041\%$$

(c) A person whose waste contains one or more polycyclic aromatic hydrocarbons (PAH) with more than three rings and less than seven rings for which the concentrations are known shall determine the total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of those polycyclic aromatic hydrocarbons with more than three rings and less than seven rings about which he knows the concentration in the waste.

Example 3. A person's waste contains: Chrysene - .08%; 3,4 - benzo[a]pyrene - 1.22%. The total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.30\%$$

(d) A person whose waste contains halogenated hydrocarbons and/or polycyclic aromatic hydrocarbons shall determine its designation from the persistent dangerous waste table or persistent dangerous waste criteria graph WAC 173-303-9907.

PERSISTENT DANGEROUS WASTE TABLE

If your waste contains. . .	At a total concentration level of. . .	Then your waste's designation, and waste # are. . .
Halogenated Hydrocarbons (HH)	0.01% to 1.0% greater than 1.0%	DW, WP02 EHW, WP01
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*, WP01

* No DW concentration level for PAH.

(7) Carcinogenic criteria.

(a) Criteria. For the purposes of this section, a carcinogenic substance shall be a substance which has sufficient or limited evidence as a human or animal carcinogen as listed in both:

(i) The National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) as an International Agency for Research on Cancer (IARC) carcinogen; and

(ii) The Integrated Risk Information System (IRIS) or Health Effects Assessment Summary Table (HEAST).

(iii) A list of carcinogenic substances is available from the department. Any IARC identified substance that is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a waste which easily crumbles and forms dust which can be inhaled). Any IARC human or animal, sufficient or limited carcinogen that is so rated because of studies involving implantation of the substance into test animals as the sole cause for the carcinogenic IARC rating, shall not be a carcinogenic substance. This additional information is

available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.

(b) Except as provided in WAC 173-303-070 (4) and (5), if a person knows only some of the carcinogenic substances in the waste, or only some of the substance concentrations, and if the waste is undesignated for those known substances or concentrations, then the waste is not designated for carcinogens under this subsection.

(c) Designation. A solid waste that contains one or more carcinogenic substances shall be designated DW and assigned the waste number of WC02 if either,

(i) The concentration of any one carcinogenic substance exceeds 0.01% of the waste quantity; or

(ii) The total concentration summed for all carcinogenic substances exceeds 1.0% of the waste quantity.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-100, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-100, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-100, filed 2/10/82.]

WAC 173-303-101 Reserved.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-101, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-101, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-101, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-101, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-101, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-102 Reserved.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-102, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-102, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-102, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-102, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-102, filed 2/10/82. Formerly WAC 173-302-130.]

WAC 173-303-103 Reserved.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-103, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-103, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-103, filed 6/26/87; 84-14-031 (Order DE 84-22), § 173-303-103, filed 6/27/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-103, filed 2/10/82.]

WAC 173-303-104 Generic dangerous waste numbers. (1) Purpose. This section sets forth the dangerous waste number for each of the dangerous waste criteria designations.

(2) Characteristics. A waste which exhibits any of the dangerous waste characteristics, WAC 173-303-090, shall be assigned the dangerous waste number corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table shall be used for assigning dangerous waste numbers to wastes designated by the dangerous waste criteria or by WAC 173-303-084.

GENERIC DANGEROUS WASTE NUMBERS TABLE

Dangerous Waste#	Dangerous Waste Criteria and Designation
	Toxic Dangerous Wastes
WT01-----	EHW
WT02-----	DW
	Persistent Dangerous Wastes
	Halogenated Hydrocarbons
WP01-----	EHW
WP02-----	DW
	Polycyclic Aromatic Hydrocarbons
WP03-----	EHW
	Carcinogenic Dangerous Wastes
WC02-----	DW

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-12-018 (Order 93-34), § 173-303-104, filed 5/23/94, effective 6/23/94. Statutory Authority: Chapter 70.105 RCW. 84-14-031 (Order DE 84-22), § 173-303-104, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-104, filed 2/10/82.]

WAC 173-303-110 Sampling and testing methods.

(1) Purpose. This section describes the testing methods which may be used in the process of designating a dangerous waste. Quality control procedures specified by the testing method or an approved equivalent method must be followed for the analytical result to be considered valid for designation.

(2) Representative samples.

(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below or the most recent version of such methods for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

(i) Crushed or powdered material - ASTM Standard D346-75;

(ii) Extremely viscous liquid - ASTM Standard D140-70;

(iii) Fly ash-like material - ASTM Standard D2234-86;

(iv) Soil-like material - ASTM Standard D1452-65;

(v) Soil or rock-like material - ASTM Standard D420-69;

(vi) Containerized liquid wastes - "COLIWASA" described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985); and,

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in *Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods*, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985).

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards which can be obtained by writing to:

ASTM
1916 Race Street
Philadelphia, PA 19103.

(3) Test procedures. Copies of the test procedures listed in this subsection can be obtained by writing to the appropriate address below:

For copies of WDOE test methods:

Attn: Test Procedures
Hazardous Waste Section
Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

For copies of SW 846 and 40 CFR Part 261:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

For copies of ASTM methods:

ASTM
1916 Race Street
Philadelphia, PA 19103

The document titles and included test procedures are as follows:

(a) *Chemical Testing Methods for Complying with the state of Washington Dangerous Waste Regulation*, March 1982, revised July 1983, March 1984, and May 1993 describing methods for testing:

- (i) Ignitability;
- (ii) Corrosivity, including the addendum, *Test Method for Determining pH of Solutions in Contact with Solids*, March 1984;
- (iii) Reactivity;
- (iv) Toxicity characteristic leaching procedure;
- (v) Halogenated hydrocarbons; and
- (vi) Polycyclic aromatic hydrocarbons;

(b) *Biological Testing Methods*, the latest revision, describing procedures for:

- (i) Static acute fish toxicity test; and
- (ii) Acute oral rat toxicity test;

(c) *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846* (Third Edition, 1993 as amended by Update I (August, 1993)) is adopted by reference. This includes:

(i) Method 9095 (Paint Filter Liquids Test), demonstrating the absence or presence of free liquids in either a containerized or bulk waste;

(ii) Reserved;

(d) 40 CFR Part 261 Appendix X is adopted by reference for the purpose of analysis for chlorinated dibenzo-p-dioxins and dibenzofurans;

(e)(i) The determination of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, EPA-600/4-81-045; and

(ii) Analysis of Polychlorinated Biphenyls in Mineral Insulating Oils by Gas Chromatography, ASTM Standard D 4059-86.

(f) 40 CFR Part 261 Appendix III *Chemical Analysis Test Methods*, which lists sampling and analysis methods contained in *Test Methods for Evaluating Solid Waste*,

Physical/Chemical Methods, SW-846, is adopted by reference.

(4) Substantial changes to the testing methods described above shall be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent testing methods. Any person may request the department to approve an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910(2), to the department.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-110, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-110, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-110, filed 1/4/89; 86-12-057 (Order DE-85-10), § 173-303-110, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-110, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-110, filed 2/10/82.]

WAC 173-303-120 Recycled, reclaimed, and recovered wastes.

(1) This section describes the requirements for persons who recycle materials that are solid wastes and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2)(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

- (i) Industrial ethyl alcohol that is reclaimed;
- (ii) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;
- (iii) Used oil that exhibits one or more of the characteristics or criteria of dangerous waste and is recycled in some manner other than:

- (A) Being burned for energy recovery; or
- (B) Being used in a manner constituting disposal, except when such use is by the generator on his own property;

(iv) Scrap metal;

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

(vi) Oil reclaimed from dangerous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification

under WAC 173-303-515 (1)(d) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under WAC 173-303-515 (1)(d); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(ix) Petroleum coke produced from petroleum refinery dangerous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exhibits one or more of the characteristics of dangerous waste in WAC 173-303-090.

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The following recyclable materials are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840:

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Spent CFC or HCFC refrigerants that are recycled on-site or sent to be reclaimed off-site (see WAC 173-303-506);

(d) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(e) Used oil that is burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

(i) Exhibits one or more of the characteristics of a dangerous waste; or

(ii) Is designated as DW solely through WAC 173-303-100; or

(iii) Is designated solely as W001, (see WAC 173-303-515);

(f) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(g) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling. For the purpose of this section, recyclable materials received from off-site shall be considered stored unless they are moved into an active recycling process within twenty-four hours after being received. An active recycling process refers to a dynamic recycling operation that occurs within a recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities. Passive storage-like activities are not eligible for the recycling exemption under this subsection.

The recycling process itself is generally exempt from regulation unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section:

(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060,

(ii) WAC 173-303-283 through 173-303-290,

(iii) WAC 173-303-310 through 173-303-395,

(iv) WAC 173-303-630 (2) through (10), and

(v) WAC 173-303-640 (2) through (10), except 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a) (i.e., a recycler, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section). In lieu of the dates in WAC 173-303-640 (2) and (4), for existing tank systems regulated under this subsection, owners and operators must complete the assessment of the tank system's integrity by June 1, 1992, and must meet the secondary containment requirements of WAC 173-303-640(4) by January 12, 1993;

(vi) The owner or operator must obtain data, by screening-type analysis if necessary, confirming the designation of each waste stream, such that each dangerous waste received can be effectively recycled without jeopardizing human health or the environment. The owner or operator must verify the waste designation periodically, so that it is accurate and current, but at least once every six months or on a batch basis if shipments of a specific waste stream are less frequent. Copies of all analyses and data must be retained for at least five years and made available to the department upon request.

(d) Owners or operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

- (i) For all recyclers, the applicable provisions of:
 - (A) WAC 173-303-280 through 173-303-395,
 - (B) WAC 173-303-800 through 173-303-840;
- (ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;
- (iii) For recyclers with final facility permits, the applicable storage provisions of:
 - (A) WAC 173-303-600 through 173-303-650, and
 - (B) WAC 173-303-660.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-120, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 93-02-050 (Order 92-32), § 173-303-120, filed 1/5/93, effective 2/5/93. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-120, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-120, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-120, filed 3/11/88; 87-14-029 (Order DE-87-4), § 173-303-120, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-120, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-120, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-120, filed 2/10/82.]

WAC 173-303-121 Reserved.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-121, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-121, filed 4/18/84.]

WAC 173-303-130 Containment and control of infectious wastes. (Reserved.)

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-130, filed 2/10/82.]

WAC 173-303-140 Land disposal restrictions. (1) Purpose.

(a) The purpose of this section is to encourage the best management practices for dangerous wastes according to the priorities of RCW 70.105.150 which are, in order of priority:

- (i) Reduction;
- (ii) Recycling;
- (iii) Physical, chemical, and biological treatment;
- (iv) Incineration;
- (v) Stabilization and solidification; and
- (vi) Landfill.

(b) This section identifies dangerous wastes that are restricted from land disposal, describes requirements for restricted wastes, and defines the circumstances under which a prohibited waste may continue to be land disposed.

(c) For the purposes of this section, the term "landfill," as stated in the priorities of RCW 70.105.150, shall be the same as the term "land disposal." Land disposal will be used in this section to identify the lowest waste management priority.

(2) Applicability.

The land disposal restrictions of this section apply to any person who owns or operates a dangerous waste treatment, storage, or disposal facility in Washington state and to any person who generates or transports dangerous waste.

(a) Land disposal restrictions for wastes designated in accordance with WAC 173-303-070 (3)(a)(i), (ii), and (iii) shall be the restrictions set forth by the Environmental Protection Agency in 40 CFR Part 268 which are incorporat-

ed by reference into this regulation and the restrictions set forth in subsections (3) through (7) of this section. The exemption and exception provisions of subsections (3) through (7) are not applicable to the federal land disposal restrictions.

(b) Land disposal restrictions for state-only dangerous waste shall be the restrictions set forth in subsections (3) through (7) of this section.

(3) Definitions.

When used in this section the following terms have the meaning provided in this subsection. All other terms have the meanings given under WAC 173-303-040.

(a) "Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents which have caused a waste to be a dangerous waste under this chapter.

(b) "Land disposal" means placement in a facility or on the land with the intent of leaving the dangerous waste at closure, and includes, but is not limited to, placement for disposal purposes in a: Landfill; surface impoundment; waste pile; injection well; land treatment facility; salt dome or salt bed formation; underground cave or mine; concrete vault or bunker.

(c) "Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

(d) "Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity tests of either WAC 173-303-090 (6)(a)(ii) or (iii).

(e) "Stabilization" and "solidification" mean a technique that limits the solubility and mobility of dangerous waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

(4) Land disposal restrictions and prohibitions. The land disposal requirements of this subsection apply to land disposal in Washington state.

(a) Disposal of extremely hazardous waste (EHW). No person shall land dispose of EHW, except as provided in subsection (5) of this section, at any land disposal facility in the state. No person shall land dispose of EHW at the facility established under RCW 70.105.050, except as provided by subsections (5), (6), and (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(b) Disposal of liquid waste. Special requirements for the disposal of liquid waste in landfills.

(i) Bulk or noncontainerized liquid waste or waste containing free liquids must not be placed in a landfill unless, before disposal, the liquid waste or waste containing free liquids is treated so that free liquids are no longer present.

(ii) Containers holding free liquids must not be placed in a landfill unless:

- (A) All free-standing liquid:

(I) Has been removed by decanting, or other methods;
or

(II) Has been mixed with absorbent or stabilized (solidified) so that free-standing liquid is no longer observed;
or

(III) Has been otherwise eliminated; or

(B) The container is very small, such as an ampule; or

(C) The container is a lab pack and is disposed of in accordance with WAC 173-303-161 and this chapter.

(iii) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following tests must be used: Method 9095 (Paint Filter Liquids Test) as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods. (EPA Publication No. SW-846.)

(c) Disposal of solid acid waste. No person shall land dispose solid acid waste, except as provided in subsections (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(d) Disposal of organic/carbonaceous waste.

(i) No person shall land dispose organic/carbonaceous waste, except as provided in subsections (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter. Organic/carbonaceous wastes must be incinerated as a minimum management method according to the dangerous waste management priorities as defined in subsection (1)(a) of this section.

(ii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to black mud generated from the caustic leach recovery of cryolite at primary aluminum smelting plants.

(iii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to any person who certifies to the department that recycling, treatment and incineration facilities are not available within a radius of one thousand miles from Washington state's borders. Such certification must be sent to the department by certified mail and must include: The name, address and telephone number of the person certifying; a brief description of the organic/carbonaceous waste covered by the certification; a discussion of the efforts undertaken to identify available recycling, treatment and incineration facilities; and the signature of the person responsible for the certification and development of information used to support the certification. Records and information supporting the certification must be retained by the certifying person and must be made available to the department upon request.

A certification that has been properly submitted to the department will remain valid until the department determines that a recycling, treatment or incineration facility is available within a radius of one thousand miles from Washington state's borders and the person who submitted the certification is unable to demonstrate otherwise. A recycling, treatment or incineration facility will be considered by the department to be available if such facility: Is operating, and; can safely

and legally recycle, treat or incinerate the organic/carbonaceous waste, and; has sufficient capacity to receive and handle significant amounts of the waste, and; agrees to accept the waste.

(5) Treatment in land disposal facilities. The land disposal restrictions in subsection (4) of this section do not apply to persons treating dangerous wastes in surface impoundments, waste piles, or land treatment facilities provided that such treatment is performed in accordance with the requirements of this subsection and this chapter.

(a) Surface impoundment treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in surface impoundments for purposes of treatment provided the owner/operator can demonstrate that effective treatment of the dangerous waste constituents will occur and at closure the owner/operator complies with the prohibitions and restrictions of subsection (4) of this section.

(b) Waste pile treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in waste piles for purposes of treatment provided the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur and that at closure the owner/operator will be in compliance with the prohibitions and restrictions of subsection (4) of this section.

(c) Land treatment.

Liquid waste, extremely hazardous waste (EHW), and organic/carbonaceous waste may be land treated provided that the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur, and at the end of the post-closure care period the owner/operator will be in compliance with subsection (4) of this section.

(6) Case-by-case exemptions to a land disposal prohibition. Any person may petition the department for an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste. The procedures to submit a petition to the department are specified in WAC 173-303-910(6). The department may deny any petition if it determines that there is a potential for dangerous waste constituents to migrate from the land disposal facility where the waste is to be placed. The department will deny any petition when exemption would result in a substantial or imminent threat to public health or the environment. The department will deny any petition when exemption would result in a violation of applicable state laws.

The department may grant an exemption from the prohibitions and restrictions of subsection (4) of this section based on the demonstrations specified in (a), (b) or (c) of this subsection.

(a) Land disposal exemption for treatment residuals. Any person may request an exemption from a land disposal prohibition in subsection (4) of this section for treatment residuals by demonstrating to the department that:

(i) The person has applied the best achievable management method to the original waste; and

(ii) Application of additional management methods to the treatment residuals would prevent the person from utilizing the best achievable management methods for the original dangerous waste; and

(iii) The land disposal of the treatment residuals does not pose a greater risk to the public health and the environment than land disposal of the original dangerous waste would pose.

(b) Economic hardship exemption. Any person may request an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste by demonstrating to the department that alternative management of the dangerous waste will impose an unreasonable economic burden in relation to the threat of harm to public health and the environment. It will be solely within the discretion of the department to approve or deny the requests for exemptions based on economic hardship.

(c) Organic/carbonaceous waste exemption. Any person may request an exemption from the requirements in subsection (4) of this section by demonstrating to the department that:

(i) Alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization or landfilling; or

(ii)(A) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or contains greater than sixty-five percent water or other noncombustible moisture; and

(B) Incineration is the only management method available within a radius of one thousand miles from Washington state's border (i.e., recycling or treatment are not available).

(7) Emergency cleanup provision. The department may, on a case-by-case basis, grant an exception to the land disposal restrictions in subsection (4) of this section for an emergency cleanup where an imminent threat to public health and the environment exists. Any exception will require compliance with applicable state law and will require (consistent with the nature of the emergency and imminent threat) application of the waste management priorities of RCW 70.105.150.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-140, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 88-02-057 (Order DE 83-36), § 173-303-140, filed 1/5/88, effective 2/5/88; 84-09-088 (Order DE 83-36), § 173-303-140, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-140, filed 2/10/82.]

WAC 173-303-141 Treatment, storage, or disposal of dangerous waste. (1) A person shall only offer a designated dangerous waste to a TSD facility which is operating either: Under a permit issued pursuant to the requirements of this chapter; or, if the TSD facility is located outside of this state, under interim status or a permit issued by United States EPA under 40 CFR Part 270, or under interim status or a permit issued by another state which has been authorized by United States EPA pursuant to 40 CFR Part 271.

(2) A person may offer a state only designated dangerous waste (not regulated as a hazardous waste by EPA) to a facility which is located outside of this state and which does not meet the requirements of subsection (1) of this section if:

(a) The facility receiving the waste will legitimately treat or recycle the dangerous waste (disposal is an unacceptable management practice);

(b) The generator has on file a letter or copy of a letter signed by the regulatory authority in the receiving state that the receiving facility may accept the waste;

(c) The generator uses a transporter with a valid EPA/state identification number;

(d) The generator complies with all other applicable requirements, including manifesting, packaging and labeling, with respect to the shipping of the waste. However, the EPA/state identification number for the receiving facility is not required on the manifest or annual report; and

(e) The generator receives from the receiving facility a signed and dated copy of the manifest.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-141, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-141, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-141, filed 2/10/82.]

WAC 173-303-145 Spills and discharges into the environment. (1) Purpose and applicability. This section sets forth the requirements for any person responsible for a spill or discharge of a dangerous waste or hazardous substance into the environment, except when such release is otherwise permitted under state or federal law. For the purposes of complying with this section, a transporter who spills or discharges dangerous waste or hazardous substances during transportation will be considered the responsible person. This section shall apply when any dangerous waste or hazardous substance is intentionally or accidentally spilled or discharged into the environment (unless otherwise permitted) such that human health or the environment is threatened, regardless of the quantity of dangerous waste or hazardous substance.

(2) Notification. Any person who is responsible for a spill or nonpermitted discharge shall immediately notify the individuals and authorities described for the following situations:

(a) For spills or discharges onto the ground or into groundwater or surface water, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, notify the appropriate regional office of the department of ecology;

(b) For spills or discharges which result in emissions to the air, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, in western Washington notify the local air pollution control authority, or in eastern Washington notify the appropriate regional office of the department of ecology.

(3) Mitigation and control. The person responsible for a spill or nonpermitted discharge shall take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves).

(a) In addition, the person responsible for a spill or discharge shall:

(i) Clean up all released dangerous wastes or hazardous substances, or take such actions as may be required or approved by federal, state, or local officials acting within the

scope of their official responsibilities. This may include complete or partial removal of released dangerous wastes or hazardous substances as may be justified by the nature of the released dangerous wastes or hazardous substances, the human and environmental circumstances of the incident, and protection required by the Water Pollution Control Act, chapter 90.48 RCW;

(ii) Designate and treat, store or dispose of all soils, waters, or other materials contaminated by the spill or discharge in accordance with this chapter 173-303 WAC. The department may require testing in order to determine the amount or extent of contaminated materials, and the appropriate designation, treatment, storage, or disposal for any materials resulting from clean-up; and

(iii) If the property on which the spill or discharge occurred is not owned or controlled by the person responsible for the incident, restore the area impacted by the spill or discharge, and replenish resources (e.g., fish, plants) in a manner acceptable to the department.

(b) Where immediate removal or temporary storage of spilled or discharged dangerous wastes or hazardous substances is necessary to protect human health or the environment, the department may direct that removal be accomplished without a manifest, by transporters who do not have EPA/state identification numbers.

(4) Nothing in WAC 173-303-145 shall eliminate any obligations to comply with reporting requirements which may exist in a permit or under other state or federal regulations.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 92-15-036 (Order 91-44), § 173-303-145, filed 7/8/92, effective 8/8/92. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251), 91-07-005 (Order 90-42), § 173-303-145, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW, 84-09-088 (Order DE 83-36), § 173-303-145, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-145, filed 2/10/82.]

WAC 173-303-150 Division, dilution, and accumulation. (1) Any action taken to evade the intent of this regulation by dividing or diluting wastes to change their designation shall be prohibited, except for the purposes of treating, neutralizing, or detoxifying such wastes.

(2) Separation of a homogeneous waste into heterogeneous phases (e.g., separation of a suspension into sludge and liquid phases, or of a solvent/water mixture into solvent and water phases, etc.) shall not be considered as division, provided that the person generating the waste either:

(a) Designates the homogeneous waste before separation, and handles the entire waste accordingly; or

(b) Designates each phase of the heterogeneous waste, in accordance with the dangerous waste designation requirements of this chapter, and handles each phase accordingly.

(3) For the purposes of designation, quantities of continuously generated wastes shall be summed monthly. All wastes generated less frequently than once a month shall be considered as batch or single event wastes.

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-150, filed 2/10/82. Formerly WAC 173-302-150.]

WAC 173-303-160 Containers. (1) Waste quantity. Containers and inner liners shall not be considered as a part of the waste when measuring or calculating the quantity of a dangerous waste. Only the weight of the residues in nonempty or nonrinsed containers or inner liners will be considered when determining waste quantities.

(2) A container or inner liner is "empty" when:

(a) All wastes in it have been taken out that can be removed using practices commonly employed to remove materials from that type of container or inner liner (e.g., pouring, pumping, aspirating, etc.) and, whichever quantity is least, either less than one inch of waste remains at the bottom of the container or inner liner, or the volume of waste remaining in the container or inner liner is equal to one percent or less of the container's total capacity, or, if the container's total capacity is greater than one hundred ten gallons, the volume of waste remaining in the container or inner liner is no more than 0.3 percent of the container's total capacity. A container which held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure; and

(b) If the container or inner liner held acutely hazardous waste, as defined in WAC 173-303-040, or pesticides bearing the danger or warning label, the container or inner liner has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing shall be ten percent or more of the container's or inner liner's capacity. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (e.g., fiber or cardboard containers without inner liners), an empty container may be vacuum cleaned, struck, with the open end of the container up, three times (e.g., on the ground, with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again. Equipment used for the vacuum cleaning of residues from containers or inner liners must be decontaminated before discarding, in accordance with procedures approved by the department.

Any rinsate or vacuumed residue which results from the cleaning of containers or inner liners shall whenever possible be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner. In the case of a farmer, if the rinsate is a pesticide residue then the rinsate shall be managed or reused in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property. Otherwise, the rinsate shall be checked against the designation requirements (WAC 173-303-070 through 173-303-100) and, if designated, managed according to the requirements of this chapter.

(c) In the case of a container, the inner liner, that prevented the container from contact with the commercial chemical product or manufacturing chemical, has been removed.

(3) Any residues remaining in containers or inner liners that are "empty" as described in subsection (2) of this section will not be subject to the requirements of this chapter, and will not be considered as accumulated wastes for the purposes of calculating waste quantities.

(4) A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910(1).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-160, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-160, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-160, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-160, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-160, filed 2/10/82. Formerly WAC 173-302-140.]

WAC 173-303-161 Overpacked containers (labpacks). Small containers of dangerous waste may be placed in overpacked drums (or labpacks) provided that the following conditions are met:

(1) Dangerous waste must be packaged in nonleaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. Inside containers must be tightly and securely sealed and, to the extent possible, should be full and have as little air as possible in them to minimize voids. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR Parts 173, 178, and 179), if those regulations specify a particular inside container for the waste;

(2) The inside containers must be overpacked in an open head DOT-specification metal or fiber drum shipping container which meets all of the requirements of 49 CFR Parts 178 and 179. The overpack container must not exceed a capacity of 416-liter (110 gallon). The overpack container must have a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal or fiber outer container must be full after packing with inside containers and absorbent material;

(3) The absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers in accordance with WAC 173-303-395 (1)(b);

(4) Incompatible wastes, as defined in WAC 173-303-040, must not be placed in the same outside container; and

(5) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in WAC 173-303-090 (7)(a)(v), must be treated or rendered nonreactive prior to packaging in accordance with subsections (1) through (4) of this section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (1) through (4) of this section without first being treated or rendered nonreactive.

(6) An itemized listing of the chemicals, their concentrations and quantities per labpack must be kept by the generator and must be readily available in case of an emergency during shipment, and for the purposes of preparing annual reports under WAC 173-303-220.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-161, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-161, filed 1/4/89; 86-12-057 (Order DE-85-10), § 173-303-161, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-161, filed 4/18/84.]

WAC 173-303-170 Requirements for generators of dangerous waste. (1) A person shall be a dangerous waste generator if his solid waste is designated by the requirements of WAC 173-303-070 through 173-303-100.

(a) The generator shall be responsible for designating his waste as DW or EHW.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC 173-303-072.

(2) A dangerous waste generator shall notify the department and obtain an EPA/state identification number as required by WAC 173-303-060, and shall comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) Any generator who stores, treats, or disposes of dangerous waste on-site shall perform his operations in accordance with the TSD facility requirements with the following exceptions:

(a) Generators who accumulate dangerous wastes for less than ninety days as allowed under WAC 173-303-200 or for less than one hundred eighty days as allowed under WAC 173-303-201 and 173-303-202;

(b) Generators who treat dangerous waste on-site in accumulation tanks and containers provided that the generator maintains a log showing the date and amount of waste treated and complies with:

(i) WAC 173-303-200 or 173-303-201, and for tanks, WAC 173-303-202; and

(ii) WAC 173-303-283(3);

(c) Generators who treat special waste in units other than accumulation tanks or containers provided:

(i) The treatment occurs within the appropriate accumulation time frame;

(ii) The unit is designed, constructed, and operated in a manner that prevents:

(A) A release of waste and waste constituents to the environment;

(B) Endangerment of health of employees or the public;

(C) Excessive noise;

(D) Negative aesthetic impact on the use of adjacent property.

(iii) The treatment unit must also be inspected routinely for deterioration that would lead to a release and repairs must be conducted promptly.

(4) The generator of a special waste may, upon approval by the department, for special waste only:

(a) Develop and implement an alternative manifest mechanism in lieu of the requirements of WAC 173-303-180 for special waste shipments. Such alternative mechanism might employ a single manifest for multiple shipments of the same special waste, might not require signatures or multiple copies for transporters or designated receiving facilities, and might include such other factors as the generator might develop and the department approve. The generator must, however, demonstrate to the department's satisfaction before implementing the alternative mechanism that it will assure accurate tracking and recording of waste shipments, and that the mechanism provides for the proper submission of exception reports as specified in WAC 173-303-220(2). The generator shall be responsible for assuring that all transporters and facilities involved in implementing the alternative manifest mechanism are complying with the terms and

conditions of the mechanism as approved by the department; and

(b) Pursuant to the requirements of WAC 173-303-200, accumulate special waste in containers and tanks for up to one hundred eighty days, and accumulate special waste in piles for up to ninety days provided that he complies with WAC 173-303-660 (2), (3)(a), (b)(i), (ii)(A), (7), (8), and (9)(a).

(5) The generator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-170, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 88-02-057 (Order DE 83-36), § 173-303-170, filed 1/5/88, effective 2/5/88; 87-14-029 (Order DE-87-4), § 173-303-170, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-170, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-170, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-170, filed 2/10/82.]

WAC 173-303-180 Manifest. Before transporting dangerous waste or offering dangerous waste for transport off the site of generation, the generator shall prepare a manifest and shall follow all applicable procedures described in this section.

(1) This subsection describes the form and contents of dangerous waste manifests. 40 CFR Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is adopted by reference. The manifest shall be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 CFR Part 262, and in addition must contain the following information in the specified shaded items of the uniform manifest:

(a) Item D - The first transporter's telephone number must be provided in this space;

(b) Item F - If a second transporter is used, then the second transporter's telephone number must be provided in this space;

(c) Item H - The designated receiving facility's telephone number must be provided in this space;

(d) Item I, and R if the continuation sheet 8700-22A is used - The dangerous waste number (e.g., F001, D006, WT02, P102) must be provided in this space for each corresponding waste entered and described under Item 11, and 28 if the continuation sheet 8700-22A is used. As discussed in subsection (5) of this section, dangerous waste numbers WL01 or WL02 may be used in this space for labpacks;

(e) Item U, (on the continuation sheet 8700-22A) - If a third transporter is used, then the third transporter's telephone number must be provided in this space; and

(f) Item Q, (on the continuation sheet 8700-22A) - If a fourth transporter is used, then the fourth transporter's telephone number must be provided in this space.

(2) The manifest shall consist of enough copies to provide the generator, transporter(s), and facility owner/operator with a copy, and a copy for return to the generator.

(3) Manifest procedures.

(a) The generator shall:

- (i) Sign and date the manifest certification by hand;
- (ii) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
- (iii) Retain one copy in accordance with WAC 173-303-210, Generator recordkeeping.

(b) The generator shall give the remaining manifest copies to the transporter.

(c) If the transporter is unable to deliver the dangerous waste shipment to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste shipment.

(d) For shipments of dangerous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(e) For rail shipments of dangerous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

(i) The next nonrail transporter, if any; or

(ii) The designated facility if transported solely by rail; or

(iii) The last rail transporter to handle the waste in the United States if exported by rail.

(f) For shipments of federally regulated hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

(4) Special requirements for shipments to the Washington EHW facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford shall notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator shall not ship any dangerous waste without prior approval from the EHW facility. The state operator may exempt classes of waste from the requirements of WAC 173-303-180 (4)(a) and (b) where small quantities or multiple shipments of a previously approved waste are involved, or there exists an emergency and potential threat to public health and safety.

(5) Special instructions for shipment of labpacks. For purposes of completing the uniform dangerous waste manifest, dangerous waste numbers WL01 (for labpacks containing wastes designated as EHW) or WL02 (for labpacks containing wastes designated only as DW) may be used to complete Items I and R in lieu of the dangerous waste numbers that would otherwise be assigned to the contents of the labpack.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-180, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-180, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-180, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.]

82-05-023 (Order DE 81-33), § 173-303-180, filed 2/10/82. Formerly WAC 173-302-180 and 173-302-190.]

WAC 173-303-190 Preparing dangerous waste for transport. The generator shall fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator shall package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 CFR Parts 173, 178, and 179.

(2) Labeling. The generator shall label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator shall:

(a) Mark each package of dangerous waste in accordance with United States DOT regulations, 49 CFR Part 172; and

(b) Mark each package containing one hundred ten gallons or less of dangerous waste with the following, or equivalent words and information, displayed in accordance with 49 CFR 172.304:

HAZARDOUS WASTE - State and federal law prohibits improper disposal. If found, contact the nearest police or public safety authority, and the Washington state department of ecology or the United States Environmental Protection Agency.

Generator's Name and Address

.....
.....
.....

Manifest Document Number

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(4) Placarding. The generator shall placard, or offer to the initial transporter all appropriate placards in accordance with United States DOT regulations, 49 CFR Part 172, Subpart F.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-190, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-190, filed 2/10/82.]

WAC 173-303-200 Accumulating dangerous waste on-site. (1) A generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(a) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 or recycled or treated on-site in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as

a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;

(b) The waste is placed in containers and the generator complies with WAC 173-303-630 (2), (3), (4), (5), (6), (8), (9), and (10), or the waste is placed in tanks and the generator complies with WAC 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). (Note: A generator, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section.) Such a generator is exempt from the requirements of WAC 173-303-620 and 173-303-610, except for WAC 173-303-610 (2) and (5). For container accumulation (including satellite areas as described in subsection (2) of this section), the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas (but not including new satellite areas, unless required by the department) constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7);

(c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate). The department may also require that a sign be posted at each entrance to the accumulation area, bearing the legend, "danger—unauthorized personnel keep out," or an equivalent legend, written in English, and legible from a distance of twenty-five feet or more; and

(e) The generator complies with the requirements for facility operators contained in:

(i) WAC 173-303-330 through 173-303-360 (personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies) except for WAC 173-303-355 (SARA Title III coordination); and

(ii) WAC 173-303-320 (1), (2)(a), (b), (d), and (3) (general inspection).

(2) Satellite accumulation.

(a) A generator may accumulate as much as fifty-five gallons of dangerous waste or one quart of acutely hazardous waste per waste stream in containers at or near any point of generation where waste initially accumulates (defined as a satellite accumulation area in WAC 173-303-040). The satellite area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes to a satellite container. Satellite accumulation is allowed without a permit provided the generator:

(i) Complies with WAC 173-303-630 (2), (4), (5) (a) and (b), (8)(a), and (9) (a) and (b); and

(ii) Complies with subsection (1)(d) of this section.

(b) When fifty-five gallons of dangerous waste or one quart of acutely hazardous waste is accumulated per waste stream, the container(s) must be marked immediately with the accumulation date and moved within three days to a designated storage or accumulation area.

(c) On a case-by-case basis the department may require the satellite area to be managed in accordance with all or some of the requirements under subsection (1) of this section, if the nature of the wastes being accumulated, a history of spills or releases from accumulated containers, or other factors are determined by the department to be a threat or potential threat to human health or the environment.

(3) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the quantity exclusion limit for such waste (or wastes); or

(c) Fifty-five gallons of dangerous waste or one quart of acutely hazardous waste, per waste stream, is accumulated in a satellite accumulation area.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-200, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-200, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-200, filed 1/4/89; 86-12-057 (Order DE-85-10), § 173-303-200, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-200, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-200, filed 2/10/82.]

WAC 173-303-201 Special accumulation standards.

(1) This section applies to persons who generate more than 220 pounds but less than 2200 pounds per month and do not accumulate on-site more than 2200 pounds of dangerous waste. The special provisions of this section do not apply to acutely hazardous wastes that exceed the QEL that are being generated or accumulated by the generator.

(2) For purposes of accumulating dangerous waste on-site, persons who generate per month and accumulate on-site less than 2200 pounds (1000 kg) per month of dangerous waste are subject to all applicable provisions of WAC 173-303-200 except as follows:

(a) In lieu of the ninety-day accumulation period, dangerous wastes may be accumulated for one hundred eighty days or less. The department may, on a case-by-case basis, grant a maximum ninety-day extension to this one hundred eighty-day period if the generator must transport his waste, or offer his waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal, and the dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances;

(b) The generator need not comply with WAC 173-303-330 (Personnel training); and

(c) In lieu of the contingency plan and emergency procedures required by WAC 173-303-350 and 173-303-360, the generator must comply with the following:

(i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in (c)(iv) of this subsection. This employee is the emergency coordinator.

(ii) The generator must post the following information next to all emergency communication devices (including telephones, two-way radios, etc.):

(A) The name and telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

(A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(B) In the event of a spill, contain the flow of dangerous waste to the extent possible, and as soon as is practicable, clean up the dangerous waste and any contaminated materials or soil;

(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached waters of the state, the generator must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their twenty-four hour toll free number 800/424-8802). The report must include the following information:

(I) The name, address, and EPA/state identification number of the generator;

(II) Date, time, and type of incident (e.g., spill or fire);

(III) Quantity and type of hazardous waste involved in the incident;

(IV) Extent of injuries, if any; and

(V) Estimated quantity and disposition of recovered materials, if any.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-201, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-201, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-201, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-201, filed 6/3/86.]

WAC 173-303-202 Special requirements for generators of between two hundred twenty and two thousand two hundred pounds per month that accumulate dangerous waste in tanks. (1) This section applies to generators of more than two hundred twenty pounds but less than two thousand two hundred pounds of dangerous waste in a calendar month, that accumulate dangerous waste in tanks for less than one hundred eighty days (or two hundred seventy days if the generator must ship the waste greater

than two hundred miles), and do not accumulate over two thousand two hundred pounds on-site at any time.

(2) Generators of between two hundred twenty and two thousand two hundred pounds per month of dangerous waste must comply with the following general operating requirements:

(a) Treatment or storage of dangerous waste in tanks must comply with WAC 173-303-395(1).

(b) Dangerous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

(c) Uncovered tanks must be operated to ensure at least sixty centimeters (two feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top sixty centimeters (two feet) of the tank.

(d) Where dangerous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a standby tank).

Note: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).

(3) Generators of between two hundred twenty and two thousand two hundred pounds per month accumulating dangerous waste in tanks must inspect, where present:

(a) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

(b) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

(c) The level of waste in the tank at least once each operating day to ensure compliance with subsection (2)(c) of this section;

(d) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

(e) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes,) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Note: As required by WAC 173-303-320(3), the owner or operator must remedy any deterioration or malfunction he finds.

(4) Generators of between two hundred twenty and two thousand two hundred pounds per month accumulating dangerous waste in tanks must, upon closure of the facility, remove all dangerous waste from tanks, discharge control equipment, and discharge confinement structures.

Note: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with WAC 173-303-070 (2)(a) or (b), that any solid waste removed from his tank is not a dangerous waste, the owner or operator becomes a generator of dangerous waste and must manage it in accordance with all applicable requirements of this chapter.

(5) Generators of between two hundred twenty and two thousand two hundred pounds per month must comply with

the following special requirements for ignitable or reactive waste:

(a) Ignitable or reactive waste must not be placed in a tank, unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that:

(A) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) or (7) of this chapter; and

(B) WAC 173-303-395(1) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(iii) The tank is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981).

(6) Generators of between two hundred twenty and two thousand two hundred pounds per month must comply with the following special requirements for incompatible wastes:

(a) Incompatible wastes, or incompatible wastes and materials, (see 40 CFR Part 265 Appendix V for examples) must not be placed in the same tank, unless WAC 173-303-395(1) is complied with.

(b) Dangerous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless WAC 173-303-395(1) is complied with.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-202, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-202, filed 1/4/89.]

WAC 173-303-210 Generator recordkeeping. (1)

The generator shall keep a copy of each manifest signed by the initial transporter in accordance with WAC 173-303-180(3), manifest procedures, for three years, or until he receives a signed copy from the designated facility which received the waste. The signed facility copy shall be retained for at least five years from the date the waste was accepted by the initial transporter.

(2) The generator shall keep a copy of each annual report and exception report as required by WAC 173-303-220 for a period of at least five years from the due date of each report. The generator shall keep a copy of his most recent notification (Form 2) until he is no longer defined as a generator under this chapter.

(3) Waste designation records.

(a) The generator shall keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170(1) for designating dangerous waste for at least five years from the date that the waste was last transferred for on-site or off-site treatment, storage, or disposal.

(b) At a minimum, test results must include:

(i) The sample source, sampling date, and sampling procedure used;

(ii) The laboratory performing the test;

(iii) The testing date, and testing method used;

(iv) The analytical result, or the quantitative range of the testing method for analytes not detected.

(4) Any other records required for generators accumulating wastes on-site as described in WAC 173-303-170 (4)(b) or 173-303-200 must be retained for at least five years, including, but not limited to such items as inspection logs.

(5) The periods of retention for any records described in this section shall be automatically extended during the course of any unresolved enforcement action requiring those records or upon request by the director.

(6) All generator records, including plans required by this chapter, shall be made available and furnished upon request by the director.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-210, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-210, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-210, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-210, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-210, filed 2/10/82.]

WAC 173-303-220 Generator reporting. The generator shall submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual reports.

(a) A generator or any person who has obtained an EPA/state identification number pursuant to WAC 173-303-060 shall submit an annual report to the department, on the Generator Annual Dangerous Waste Report - Form 4 according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) In addition, any generator who stores, treats, or disposes of dangerous waste on-site shall comply with the annual reporting requirements of WAC 173-303-390, Facility reporting.

(2) Exception reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The exception report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit exception reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports (including engineering reports, plans, and specifications) concerning the quantities and disposition of the generator's dangerous waste.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-220, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-220, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-220, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-220, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-220, filed 2/10/82.]

WAC 173-303-230 Special conditions. (1) Exporting dangerous waste.

Federal export requirements, administered by EPA, are set forth in 40 CFR 262 Subpart E and 40 CFR 261.5, 261.6, 262.41, and 263.20 and specify the procedures applicable to generators of hazardous waste (as defined in WAC 173-303-040). Copies of any forms or reports submitted to the administrator of United States EPA as required by 40 CFR 262 Subpart E shall also be submitted to the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer shall comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), except that:

(a) In place of the generator's name, address and EPA/state identification number, the name and address of the foreign generator and the importer's name, address and EPA/state identification number shall be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent shall sign and date the certification and obtain the signature of the initial transporter.

(3) Empty containers. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use shall not be treated as a generator or as a facility owner/operator if the containers are empty as defined in WAC 173-303-160(2), and either:

(a) The rinsate is not a dangerous waste under this chapter; or

(b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide residues, he reuses or manages the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars shall handle the rinsate according to this chapter, and according to chapter 90.48 RCW, Water pollution control.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-230, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-230, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-230, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-230, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-230, filed 4/18/84. Statutory Authority: RCW 70.95.260 and

chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-230, filed 2/10/82.]

WAC 173-303-240 Requirements for transporters of dangerous waste. (1) Transporters shall comply with the requirements of WAC 173-303-060, Notification and identification numbers. Transporters who are involved in interstate transport shall use the identification number assigned to their national headquarters office, unless the department requires, on a case-by-case basis, that a transporter obtain his own unique EPA/state ID#. Transporters who are involved only in intrastate transport shall use the identification number assigned to their headquarters office located within the state. Transporters who must comply with the generator requirements as a result of a spill at a terminal or during transport shall obtain a separate generator EPA/state ID# for such spill or terminal.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when such dangerous waste is required to be manifested by WAC 173-303-180.

Any person who transports special waste shall, if the generator of the waste has implemented an alternative manifest mechanism approved by the department under WAC 173-303-170 (4)(a), comply with the terms and conditions specified by the generator and approved by the department for the alternative manifest mechanism.

(3) Any person who transports a dangerous waste shall also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States DOT shipping descriptions by mixing them into a single container.

(4) These requirements shall not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or by owners/operators of permitted TSD facilities.

(5) Transporters may store at a transfer facility manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), and (3) for ten days or less. Transporters may not accumulate or store manifested shipments of dangerous waste for more than ten days. Reference to WAC 173-303-200 in 173-303-240(3) does not constitute authority for storage in excess of ten days for transporters. Transporters who do not comply with these conditions are subject to all applicable TSD facility requirements.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-240, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-240, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-240, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-240, filed 6/27/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-240, filed 2/10/82. Formerly WAC 173-302-210.]

WAC 173-303-250 Dangerous waste acceptance, transport, and delivery. (1) A transporter shall not accept dangerous waste from a generator unless it is accompanied by a manifest signed by the generator in accordance with WAC 173-303-180, Manifest.

(1995 Ed.)

(2) Before transporting a dangerous waste shipment, the transporter shall sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter shall return a signed copy to the generator before commencing transport.

(3) The transporter shall insure that the manifest accompanies the dangerous waste shipment.

(4) A transporter who delivers a dangerous waste to another transporter, or to the designated facility shall:

(a) Obtain the date of delivery and the handwritten signature of that transporter or designated facility owner/operator on the manifest;

(b) Retain one copy of the manifest in accordance with WAC 173-303-260, Transporter recordkeeping; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The transporter shall deliver the entire quantity of dangerous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or

(b) The alternate designated facility, if the dangerous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6) If the dangerous waste cannot be delivered in accordance with subsection (5) of this section, the transporter shall contact the generator for further directions, and shall revise the manifest according to the generator's instructions.

(7) The requirements of subsections (3), (4), and (8) of this section do not apply to water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by water (bulk shipment) to the designated facility;

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

(d) The person delivering the dangerous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with WAC 173-303-260(2).

(8) For shipments involving rail transportation, the requirements of subsections (3), (4), and (7) of this section do not apply and the following requirements do apply.

(a) When accepting dangerous waste from a nonrail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the dangerous waste;

(ii) Return a signed copy of the manifest to the nonrail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next nonrail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with WAC 173-303-260(2).

(b) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste at all times.

(c) When delivering dangerous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with WAC 173-303-260(2).

(d) When delivering dangerous waste to a nonrail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with WAC 173-303-260(2).

(e) Before accepting dangerous waste from a rail transporter, a nonrail transporter must sign and date the manifest and provide a copy to the rail transporter.

(9) Transporters who transport dangerous waste out of the United States shall:

(a) Indicate on the manifest the date the dangerous waste left the United States;

(b) Sign the manifest and retain one copy in accordance with WAC 173-303-260(3), Transporter recordkeeping; and

(c) Return a signed copy of the manifest to the generator.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-250, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-250, filed 2/10/82. Formerly WAC 173-302-220 and 173-302-230.]

WAC 173-303-260 Transporter recordkeeping. (1)

A transporter of dangerous waste shall keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(2) Water (bulk shipment) and rail transporter recordkeeping.

(a) For shipments delivered to the designated facility by rail or water (bulk shipment), each rail or water (bulk shipment) transporter shall retain a copy of a shipping paper containing all the information required on a manifest (excluding the EPA/state identification numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(b) For shipments of dangerous waste by rail within the United States:

(i) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required on a manifest (excluding the EPA/state identification num-

bers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter; and

(ii) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(3) A transporter who transports dangerous waste out of the United States shall keep a copy of the manifest, indicating that the dangerous waste left the United States, for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the director.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-260, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-260, filed 2/10/82.]

WAC 173-303-270 Discharges during transport. In the event of a spill or discharge of dangerous waste during transportation, the transporter shall comply with the requirements of WAC 173-303-145, Spills and discharges into the environment. In addition to the notices required by WAC 173-303-145, the transporter shall provide the following notifications:

(1) Give notice to the generator of the waste that a discharge has occurred;

(2) Give notice to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15;

(3) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington D.C., 20590; and,

(4) For a water (bulk shipment) transporter, give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-270, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-270, filed 2/10/82.]

WAC 173-303-280 General requirements for dangerous waste management facilities. (1) Applicability. The requirements of WAC 173-303-280 through 173-303-395 apply to all owners and operators of facilities which store, treat, or dispose of dangerous wastes and which must be permitted under the requirements of this chapter 173-303 WAC, unless otherwise specified in this chapter. The owner or operator of a facility which manages special waste may comply with the special requirements specified in WAC 173-303-550 through 173-303-560 in lieu of the general requirements of WAC 173-303-280 through 173-303-395, but only for those special wastes which he manages. Whenever a shipment of dangerous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements for generators, WAC 173-303-170 through 173-303-230.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of a facility present an imminent and substantial hazard to the public health and the environment, regardless of the quantity or concentration of a dangerous waste.

(3) Identification numbers. Every facility owner or operator shall apply for an EPA/state identification number from the department in accordance with WAC 173-303-060.

(4) The owner or operator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

[Statutory Authority: Chapter 70.105 RCW. 88-02-057 (Order DE 83-36), § 173-303-280, filed 1/5/88, effective 2/5/88; 87-14-029 (Order DE-87-4), § 173-303-280, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-280, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-280, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-280, filed 2/10/82.]

WAC 173-303-281 Notice of intent. (1) Purpose. The purpose of this section is to provide notification to the department, local communities and the public that the siting of a dangerous waste management facility is being considered. Also, to provide general information about the proposed facility owner/operator, the type of facility and the types of wastes to be managed and compliance with the siting criteria.

(2) Applicability. This section applies to owners/operators of proposed facilities. This section also applies to existing facilities for which the department receives an application for expansion. This section does not apply to owners/operators of facilities or portions of facilities who are applying for research, development and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65. In addition, this section does not apply to owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804 or to persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, Sections 3004(u), 3004(v), and 3008(h) of the Resource Conservation and Recovery Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or is being conducted by the department or United States Environmental Protection Agency. As used in this section:

(a) "Proposed facility" means a facility which has not qualified for interim status under WAC 173-303-805 or for which the department has not issued a final facility permit under WAC 173-303-806 prior to the effective date of this section;

(b) "Existing facility" means a facility which has qualified for interim status under WAC 173-303-805 or for which the department has issued a final facility permit under WAC 173-303-806 prior to the effective date of this section; and

(c) "Expansion" means the enlargement of the land surface area of an existing facility from that described in an interim status permit application or final status permit, the addition of a new dangerous waste management process, or an increase in the overall design capacity of existing dangerous waste management processes at a facility.

(3) Notice of intent to file for an interim status or a dangerous waste permit.

(a) The notice of intent to be prepared by the owners/operators of the applicable facilities shall consist of:

(i) The name, address, and telephone number of the owner, operator, and corporate officers;

(ii) The location of the proposed facility or expansion on a topographic map with specifications as detailed in WAC 173-303-806 (4)(a)(xviii);

(iii) A brief description of the types and amounts of wastes to be managed annually;

(iv) A brief description of the major equipment items proposed, if any, and the waste management activities requiring a permit or revision of an existing permit;

(v) Demonstration of compliance with the siting criteria as required under WAC 173-303-282 (6) and (7). The site conditions with regards to satisfying the criteria are to be assessed as of the date of submittal of the notice of intent to the department;

(vi) For informational purposes a complete summary of compliance violations of permit conditions at hazardous waste management facilities owned or operated by the applicant, its subsidiaries or its parent company, during the ten calendar years preceding the permit application. Along with the summary of compliance violations, as issued by appropriate state or federal regulatory agencies, the applicant shall also submit responses to past violations and any written correspondence with regulatory agencies regarding the compliance status of any hazardous waste management facility owned or operated by the applicant, its subsidiaries or parent company of the owner or operator. A more detailed compliance record must be provided upon request by the department;

(vii) For informational purposes the need for the proposed facility or expansion shall be demonstrated by one of the following methods:

(A) Current overall capacity within Washington is inadequate for dangerous wastes generated in Washington as determined by regional or state dangerous waste management plans; or

(B) The facility is a higher priority management method, as described in RCW 70.105.150, than is currently in place or practical and available for the types of waste proposed to be managed; or

(C) The facility will add to the types of technology available or will reduce cost impacts (not to include transportation costs) to Washington generators for disposal of dangerous wastes; and

(ix) For informational purposes it shall be shown how the capacity of the proposed facility or expansion will affect the overall capacity within the state, in conjunction with existing facilities in Washington.

(b) The notice of intent shall be filed with the department, and copies shall be made available for public review, no less than one hundred fifty days prior to filing an application for a permit or permit revision. Public notification of the notice of intent to file shall be given at the time of filing by announcement in a daily newspaper within the area of the proposed facility or expansion for a minimum of fourteen consecutive days. In addition, the department shall send a copy of the notice of intent to the elected officials of the lead local government and all local governments within the

potentially affected area as required by WAC 173-303-902 (5)(b)(i). The department will continue to coordinate with interested local governments throughout the review of the proposal.

(c) Reserved.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-281, filed 12/8/93, effective 1/8/94. Statutory Authority: RCW 43.21A.080 and 70.105.210, et seq. 90-20-016, § 173-303-281, filed 9/21/90, effective 10/22/90. Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-281, filed 9/6/88.]

WAC 173-303-282 Siting criteria. (1) Purpose.

This section establishes siting criteria which serve as an initial screen in the consideration of sites for dangerous waste management facilities. The purpose of the siting criteria is to immediately disqualify proposed dangerous waste facility sites in locations considered unsuitable or inappropriate for the management of dangerous wastes. Under RCW 70.105.200 (1)(d), siting criteria cannot prevent existing dangerous waste management facilities from operating at or below their present level of activity.

A proposed site which is not disqualified under these criteria will be further studied to determine if it qualifies under site specific rules. Compliance with the siting criteria does not imply that a given project at a given location poses an acceptable level of risk, nor does it commit the department to the issuance of a dangerous waste permit. Projects that demonstrate compliance with the siting criteria will be subjected to comprehensive environmental and technical review pursuant to applicable laws and regulations before the department makes a final decision on a dangerous waste permit.

The department may deny a permit or require protective measures such as engineering enhancements or increased setback distances from resources in order to ensure protection of human health and the environment.

(2) Applicability.

(a) Except as otherwise specifically provided, this section applies to:

- (i) Owners/operators of proposed facilities; and
- (ii) Owners or operators of existing land-based facilities at which an expansion of the land based unit is proposed;
- (iii) Owners or operators of existing incinerators at which an expansion is proposed; and

(iv) Owners or operators proposing a significant expansion of other existing dangerous waste management facilities not subject to (a)(i), (ii) and (iii) of this subsection, unless the owner/operator can demonstrate to the satisfaction of the department that the proposed expansion will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility. However, demonstrations under this subsection (iv) shall not result in treatment or storage facilities expanding into land-based or incineration facilities if siting criteria cannot be satisfied.

(b) This section does not apply to:

- (i) Owners/operators of facilities or portions of facilities who are applying for research, development and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65 or WAC 173-303-809;

(ii) Owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804;

(iii) Persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, Sections 3004(u), 3004(v), and 3008(h) of the Resource Conservation and Recovery Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or is being conducted by the department or United States Environmental Protection Agency;

(iv) Persons managing solid wastes who become subject to dangerous waste regulations through amendments to this chapter after the effective date of this section. This provision applies only to those activities operated in accordance with local, state, and federal requirements and which were being conducted prior to becoming subject to Dangerous waste regulations, chapter 173-303 WAC or expansions, if it can be demonstrated to the satisfaction of the department that the proposed expansion of such activities will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility; or

(v) Owners/operators of facilities which recycle hazardous waste and:

(A) Are otherwise exempt from regulation by this chapter under 120;

(B) Have notified the department pursuant to WAC 173-303-060, prior to the effective date of this section;

(C) Are currently operating as a recycling facility as of the effective date of this regulation; and

(D) Seek only to obtain a tank or container storage permit to support recycling operations under this chapter.

Further, significant expansions of such storage facilities meeting the qualifications for this exemption may be considered under subsection (2)(a)(iv) of this section.

(3) Definitions. Any terms used in this section that are not defined below shall have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms shall have the described meanings:

(a) "Aquifer of beneficial use" means an aquifer that contains sufficient quality and quantity of water to allow it to be withdrawn for beneficial uses which include, but are not limited to, uses for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, or recreational purposes.

(b) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

(c) "Domestic water use" means any water used for human consumption, other domestic activities or livestock watering for which the department has issued a permit of water right for surface water diversions pursuant to chapter 90.03 RCW, or for a well pursuant to chapter 90.44 RCW, or for which the department has received a well water report pursuant to RCW 18.104.050, or for any other valid water right claimed in accordance with chapter 90.14 RCW. This does not apply to wells abandoned in compliance with chapter 173-160 WAC.

(d) "Existing facility" means a facility which has qualified for interim status under WAC 173-303-805 or for which the department has issued a final facility permit under WAC 173-303-806, prior to the effective date of this section.

(e) "Expansion" means the enlargement of the land surface area of an existing facility from that described in an interim status permit application or final facility permit, the addition of a new dangerous waste management process, or an increase in overall design capacity of existing dangerous waste management processes at a facility. However, a process or equipment change within the existing handling code (not to include "other") as defined under WAC 173-303-380 (2)(d) will not be considered a new dangerous waste management process.

(f) "Fault" means a fracture along which rocks or soils on one side have been displaced with respect to those on the other side.

(g) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

(h) "Land-based facility" means a dangerous waste management facility which falls under the definition of land disposal as defined in Section 3004(k) of the Resource Conservation and Recovery Act. These facilities use the land as an integral part of their waste management method and include, but are not limited to, landfills, surface impoundments, waste piles, and land treatment facilities. For the purposes of this section, this would not include waste piles in which the dangerous wastes are stored inside or under a structure that provides protection from precipitation and when runoff, leachate, or other types of waste dispersal are not generated under any conditions.

(i) "Nonland based facility" means a facility which does not use the land as an integral part of its waste management method and is not subject to the requirements of WAC 173-303-806 (4)(a)(xxi). These facilities include, but are not limited to, tanks, containers, and incinerators.

(j) "Perennial surface water body" means a surface water body which is normally continuous with natural flows throughout the year or an annually recurring body of water including lakes, rivers, ponds, streams, reservoirs, inland waters, and saltwaters. This does not include roadside ditches or storm drains. However, this definition does apply to irrigation or domestic water supply channels existing, or planned and approved by a governmental agency, at the time an owner/operator submits a notice of intent.

(k) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (i) Landfill; (ii) incineration; (iii) land treatment; (iv) surface impoundment to be closed as a landfill; or (v) waste pile to be closed as a landfill.

(l) "Prime farmland" means the land which has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber or oilseed crops, and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. It is permeable to water and air. Prime farmland is not excessively erodible or saturated with water for a long period of time, and it either does not flood frequently or is protected from flooding. Prime

farmland shall be determined by those general and specific criteria as defined in the National Soils Handbook, Soil Conservation Service, United States Department of Agriculture, Washington, D.C. and 7 CFR 2.62. Areas of prime farmland are identified in the most recent county soil survey maps prepared by the National Cooperative Soil Survey.

(m) "Proposed facility" means a facility which has not qualified for interim status under WAC 173-303-805 or for which the department has not issued a final facility permit under WAC 173-303-806 prior to the effective date of this section.

(n) "Public gathering places" means a place such as a public or private health care or child care facility; an educational institution; a church; a government institution not associated with dangerous waste management; or a retail shopping center.

(o) "Residence" means any dwelling including, but not limited to, private homes, rental homes, boarding houses, apartments, motels, or hotels.

(p) "Significant expansion" means an expansion of an existing facility, operating under interim status or a final status permit, that is considered a class three modification as designated by 40 CFR Parts 270.41 and 270.42. Examples include, but are not limited to, a modification or addition of container units resulting in greater than a twenty-five percent increase in the facility's container storage capacity, storage of different wastes in containers that require additional or different management practices from those authorized under interim status or by a final status permit, and a modification or addition of tank units resulting in greater than twenty-five percent increase in the facility's capacity. For the purposes of this section, a single or cumulative increase of greater than twenty-five percent of the process design capacity as described in the facility's original Part A permit application shall be considered a significant expansion.

(q) "Slope and soil instability" means areas for which there is credible evidence of, or the potential for, landslides, slumps, avalanches, earth or mud flows, or other unsuitable slope conditions.

(r) "Subsidence" means areas for which there is credible evidence of, or potential for, sinking of the land surface. Areas of subsurface mines, caves, cavernous materials, or where there has been significant removal of fluids may provide credible evidence of subsidence.

(s) "Wetland" means land 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. For purposes of this classification a wetland must have one or more of the following three attributes: (i) At least periodically, the land supports predominantly hydrophytes; (ii) the substrate is predominantly undrained hydric soil; and (iii) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. The *Joint Federal Methodology for Identifying and Delineating Wetlands* shall be used for defining the upland boundary of wetlands.

(4) Implementation.

(a) Submittal of information to demonstrate compliance. Documentation that a proposed facility or expansion site meets the siting criteria shall be submitted to the department:

(i) In the notice of intent for those facilities for which a notice of intent is filed after the effective date of this section; or

(ii) Within ninety days of the effective date of this section for proposed facilities for which a notice of intent or an application for a Part B permit has been submitted to the department prior to the effective date of this section.

(b) Consultation by department. The department shall consult with the lead local government as defined in WAC 173-303-902 (4)(h) and consider those local land use, building, fire, air quality, and transportation standards to the extent they add to and do not conflict with the requirements of this section. Such consultation and consideration shall be made prior to the department's rendering of a tentative decision under subsection (4)(c) of this section.

(c) Response by department. Within sixty days of receipt of a demonstration of compliance, the department shall undertake one of the following actions:

(i) Return the demonstration of compliance as incomplete with written comments identifying the need for additional information. The owner or operator may resubmit the demonstration of compliance with complete information; or

(ii) Render a written tentative decision to approve or deny the demonstration of compliance.

(d) Public notice and hearing process. The department in making a tentative decision to approve or deny a demonstration of compliance with this section shall take the following actions:

(i) For land-based facilities and incinerators:

(A) The department shall publish a notice of its tentative decision in a daily or weekly newspaper of general circulation in the potentially affected area, and shall give notice by other reasonable methods to persons potentially affected.

(B) The department shall hold a public hearing at a location convenient to the public in the potentially affected area. Notice of the date, time, purpose, and place of the hearing shall be provided in the publication of notice.

(C) The department shall accept comments on its tentative decision for a minimum of forty-five days.

(D) After evaluating all public comments the department will make a final decision in accordance with chapter 34.05 RCW. The department will either approve or deny the owner/operator's demonstration of compliance.

(ii) For nonland-based facilities, excluding incinerators:

(A) The department shall publish a notice of its tentative decision in a daily or weekly newspaper of general circulation in the potentially affected area, and shall give notice by other reasonable methods to persons potentially affected.

(B) Upon the written request of any interested person, the department may hold a public hearing to consider public comments on the owner or operator's demonstration of compliance. A person requesting the hearing shall state the issues to be raised and explain why written comments would not suffice. In any case, if ten or more persons request a public hearing on the subject of the department's tentative decision, the department shall hold a public hearing for the purpose of receiving comments.

(C) The department shall accept comments on its tentative decision for a minimum of forty-five days.

(D) After evaluating all public comments the department will make a final decision in accordance with chapter 34.05

RCW. The department will either approve or deny the owner or operator's demonstration of compliance.

(5) **Appeal of a department decision.** Any person who is adversely affected by a decision of the department under this section may appeal the decision to the pollution control hearings board pursuant to the authority of WAC 173-303-845.

(6) **Criteria for elements of the natural environment.** The following siting criteria establish locations from which facilities are excluded and establish minimum setback distances from identified resources. Unless otherwise stated, setback distances are measured horizontally from the dangerous waste management unit boundary to the identified resource.

These criteria shall be used as an initial screening tool in the selection of sites which may be considered by the department for the purpose of managing dangerous waste. A more comprehensive evaluation of locational factors will occur during the department's review of a permit application. The department may deny a permit or impose additional setback distances or other permit requirements if necessary to protect human health and the environment.

(a) **Earth.** The intent of this subsection is to reduce the potential for the release of dangerous waste into the environment because of structural damage to facilities subject to the hazards identified below. The owner/operator shall provide supportive geologic, geotechnical, and soils information.

(i) **Seismic risk.** All dangerous waste management facilities shall be located such that the dangerous waste management unit boundary is located at least five hundred feet from a fault which has had displacement in Holocene times.

(ii) **Subsidence.** No dangerous waste management facility shall be located such that the dangerous waste management unit is within an area of subsidence.

(iii) **Slope or soil instability.** No dangerous waste management facility shall be located such that the dangerous waste management unit is within an area of slope or soil instability, nor in the areas affected by unstable slope or soil conditions.

(b) **Air.** The intent of this subsection is to reduce the potential for further degradation of air quality in areas currently experiencing air quality impacts.

(i) Incineration facilities shall not be located in a Class I Prevention of Significant Deterioration Air Quality Zone designated under the Federal Clean Air Act.

(ii) Incineration facilities shall not be located in a nonattainment area designated by the department unless compensating emission offset can be achieved.

(iii) Proposed incineration facilities shall comply with WAC 173-303-806 (4)(a)(xxii) during the permitting process.

(c) **Water.** The intent of this subsection is to reduce the potential for contaminating waters of the state in the event of a release of dangerous wastes.

(i) **Surface water.**

(A) **Flood, seiche, and tsunami protection.**

(I) No dangerous waste management facility shall be located within the one hundred-year flood plain as indicated in the most current Federal Emergency Management Agency maps.

(II) The owner/operator of a nonland-based facility shall identify whether the facility is intended to be located within

the five hundred-year flood plain, as indicated in the most current Federal Emergency Management Agency maps. Nonland-based facilities will require special design features so as to prevent flooding of the dangerous waste management unit in the event of a five hundred-year flood.

(III) Land-based facilities shall not be located within the five hundred-year flood plain as indicated in the most current Federal Emergency Management Agency maps.

(IV) Dangerous waste management facilities shall not be located in areas subject to seiches, or coastal flooding including tsunamis or storm surges as indicated in the most current maps of the National Flood Insurance Program of the Federal Emergency Management Agency.

(B) Perennial surface water bodies.

(I) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from a perennial surface water body.

(II) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from a perennial surface water body.

(C) Surface water supply.

(I) No dangerous waste management facility shall be located in a watershed identified in the report submitted to, and approved by, the department of health under the authority of WAC 248-54-225(3), Watershed control.

(II) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest surface water intake for domestic water.

(III) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from the nearest surface water intake for domestic water.

(ii) Ground water. To the extent feasible, proponents of land-based facilities should seek sites with natural site characteristics which are capable of providing protection of ground water resources. Natural features such as low permeability soils and substrata, relatively simple geologic formations, and high rates of evapotranspiration in relation to the seasonal occurrence of precipitation are preferable for the locations of land-based facilities. Proposed land-based facilities shall comply with the contingent ground water protection program, WAC 173-303-806 (4)(a)(xxi), during the permitting process.

(A) Depth to ground water.

(I) Nonland-based facilities shall not be located in areas where there is less than ten feet vertical separation between the lowest point of the dangerous waste management unit and the seasonal high water level of the uppermost aquifer of beneficial use.

(II) Land-based facilities shall not be located in areas where there is less than fifty feet vertical separation between the lowest point of the dangerous waste management unit and the seasonal highwater level of the uppermost aquifer of beneficial use.

(B) Sole source aquifer. No land-based facilities shall be located over an area designated as a sole source aquifer under section 1424(e) of the Federal Safe Drinking Water Act (P.L. 93-523).

(C) Ground water management areas. Owners/operators of facilities shall identify whether the proposed facility location is within a ground water management area, as

proposed or certified pursuant to RCW 90.44.130. In order to maintain consistency with the purpose and substantive requirements of certified ground water management area plans, the department may require additional protective measures or reject inconsistent projects.

(D) Ground water intakes.

(I) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest ground water intake for domestic water.

(II) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from the nearest ground water intake for domestic water.

(E) Special protection areas. Land-based facilities shall not be located within ground water special protection areas designated by ecology under the authority of chapter 90.48 RCW.

(d) Plants and animals: Intent. To reduce the potential for dangerous waste contaminating plant and animal habitat in the event of a release of dangerous wastes.

(i) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the following areas:

(A) Wetlands;

(B) Designated critical habitat, for federally listed threatened or endangered species, as defined by the Endangered Species Act of 1973 (P.L. 93-205);

(C) Habitat designated by the Washington department of wildlife as habitat essential to the maintenance or recovery of any state listed threatened or endangered wildlife species;

(D) Natural areas which are acquired or voluntarily registered or dedicated by the owner under chapter 79.70 RCW, Natural area preserves; and

(E) State or federally designated wildlife refuge, preserve, or bald eagle protection area.

(ii) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from those areas specified in item (i) above.

(e) Precipitation. The intent of this subsection is to reduce the potential for contaminating waters and soils of the state in the event of a release of dangerous wastes.

Land-based facilities shall not be located in areas having a mean annual precipitation level of greater than one hundred inches. The mean annual precipitation map in the U.S. Geological Survey Water-Resources Investigations Report 84-4279 shall be used to determine whether a land-based facility is proposed to be located in such an area.

(7) **Criteria for elements of the built environment.** The following siting criteria establish locations from which facilities are excluded or which require separation from identified land uses. Unless otherwise stated, setback distances are measured horizontally from the dangerous waste management unit boundary to the identified land use.

These criteria shall be used as an initial screening tool in the selection of sites which may be considered by the department for the purpose of managing dangerous waste. A more comprehensive evaluation of locational factors will occur during the department's review of a permit application. The department may deny a permit or impose additional setback distances or other permit requirements if necessary to protect human health and the environment.

(a) Adjacent land use.

(i) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least two hundred feet from the nearest point of the facility property line.

(ii) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest point of the facility property line.

(b) Special land uses.

(i) Wild and scenic rivers. Dangerous waste management facilities shall not be located within the viewshed of users on wild and scenic rivers designated by the state or federal government.

(ii) Nonland-based facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from the following:

(A) State or federally designated park, recreation area, or national monument;

(B) Wilderness area as defined by the Wilderness Act of 1964 (P.L. 88-577); and

(C) Land identified as prime farmland at the time a notice of intent is submitted to the department.

(iii) Land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from those land uses specified in item (ii) above.

(c) Residences and public gathering places.

(i) Nonland-based facilities with the exception of incineration facilities shall be located such that the dangerous waste management unit boundary is at least five hundred feet from residences or public gathering places.

(ii) Incineration and land-based facilities shall be located such that the dangerous waste management unit boundary is at least one-quarter mile from residences or public gathering places.

(d) Land use compatibility. Owners/operators of nonpreempted facilities shall conform with local land use zoning designation requirements, as approved by the department under chapter 70.105 RCW.

(e) Archeological sites and historic sites. No dangerous waste management facility shall be located in an archeological site or historic site designated by the state or federal government.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-282, filed 12/8/93, effective 1/8/94. Statutory Authority: RCW 43.21A.080 and 70.105.210, et seq. 90-20-016, § 173-303-282, filed 9/21/90, effective 10/22/90.]

WAC 173-303-283 Performance standards. (1)

Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities.

(2) **Applicability.** This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-840. These general performance standards shall be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280, 173-303-290 through 173-303-400 and 173-303-600 through 173-303-670.

(3) **Performance standards.** Unless authorized by state, local, or federal laws, or unless otherwise authorized in this

regulation, the owner/operator shall design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

(a) Degradation of ground water quality;

(b) Degradation of air quality by open burning or other activities;

(c) Degradation of surface water quality;

(d) Destruction or impairment of flora and fauna outside the active portion of the facility;

(e) Excessive noise;

(f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;

(g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;

(h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible; and

(i) Endangerment of the health of employees, or the public near the facility.

[Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-283, filed 9/6/88.]

WAC 173-303-290 Required notices. (1) The facility owner or operator who is receiving dangerous waste from sources outside the United States shall notify the appropriate regional office of the department annually, and in writing at least four weeks in advance of the date the first shipment of waste is expected to arrive at the facility. The notification must be in writing, signed by the importer and operator of the receiving facility, and include the following information:

(a) Name, street address, mailing address, and telephone number of the exporter.

(b) Name, street address, mailing address, telephone number, and EPA/state ID number of the importer and receiving facility.

(c) A description of the dangerous waste and the EPA/state waste numbers, U.S. DOT proper shipping name, hazard class and ID number (UN\NA) for each hazardous waste as identified in 49 CFR Parts 171 through 177.

(d) The estimated frequency or rate at which such waste is to be imported and the period of time over which such waste is to be imported.

(e) The estimated total quantity of the dangerous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22).

(f) A description of the manner by which the dangerous waste will be treated, stored, disposed of, or recycled by the receiving facility.

Upon request by the department, the importer and/or receiving facility shall furnish to the department any additional information regarding the importation of dangerous waste.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter 173-303 WAC.

(3) The owner or operator of a facility that receives dangerous waste from an off-site source (except where the owner or operator is also the generator) must inform the

generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record required under WAC 173-303-380(1).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-290, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-290, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-290, filed 2/10/82.]

WAC 173-303-300 General waste analysis. (1)

Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

(2) The owner or operator shall obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), before he stores, treats, or disposes of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter 173-303 WAC. The analysis may include or consist of existing published or documented data on the dangerous waste, or on waste generated from similar processes, or data obtained by testing, if necessary.

(3) The owner or operator of an off-site facility shall confirm, by analysis if necessary, that each dangerous waste received at the facility matches the identity of the waste specified on the accompanying manifest or shipping paper.

(4) Analysis shall be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

(a) When the owner or operator has been notified, or has reason to believe, that the process or operation generating the dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), has significantly changed; and

(b) When a dangerous waste received at an off-site facility does not match the identity of the waste specified on the manifest or the shipping paper.

(5) Waste analysis plan. The owner or operator shall develop and follow a written waste analysis plan which describes the procedures he will use to comply with the waste analysis requirements of subsections (1), (2), (3), and (4) of this section. He must keep this plan at the facility, and the plan must contain at least:

(a) The parameters for which each dangerous waste, or nondangerous waste if applicable under WAC 173-303-610 (4)(d), will be analyzed, and the rationale for selecting these parameters;

(b) The methods of obtaining or testing for these parameters;

(c) The methods for obtaining representative samples of wastes for analysis (representative sampling methods are discussed in WAC 173-303-110(2));

(d) The frequency with which analysis of a waste will be reviewed or repeated to ensure that the analysis is accurate and current;

(e) The waste analyses which generators have agreed to supply;

(f) Where applicable, the methods for meeting the additional waste analysis requirements for specific waste management methods as specified in 40 CFR Part 265 Subparts F through R for interim status facilities and in WAC 173-303-395(1) and in WAC 173-303-630 through 173-303-670 for final status facilities; and

(g) For off-site facilities, the procedures for confirming that each dangerous waste received matches the identity of the waste specified on the accompanying manifest or shipping paper. This includes at least:

(i) The procedures for identifying each waste movement at the facility; and

(ii) The method for obtaining a representative sample of the waste to be identified, if the identification method includes sampling.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-300, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-300, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-300, filed 2/10/82.]

WAC 173-303-310 Security. (1) The owner or operator shall comply with the requirements of this section, unless he can demonstrate to the department that:

(a) Physical contact with wastes or equipment within the active portion of the facility will not injure persons or livestock; and

(b) Disturbance of the wastes or equipment within the active portion of the facility by persons or livestock will not result in violations of this chapter 173-303 WAC.

(2) A facility must have:

(a) Signs posted at each entrance to the active portion, and at other locations, in sufficient numbers to be seen from any approach to the active portion. Signs must bear the legend, "Danger-unauthorized personnel keep out," or an equivalent legend, written in English, and must be legible from a distance of twenty-five feet or more; and either

(b) A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or

(c) An artificial or natural barrier, or a combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times.

(3) In lieu of WAC 173-303-310(2), above, the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit (as defined in WAC 173-303-040) must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into or onto the totally enclosed treatment facility or the elementary neutralization or wastewater treatment unit.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-310, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-310, filed 2/10/82. Formerly WAC 173-302-290.]

WAC 173-303-320 General inspection. (1) The owner or operator shall inspect his facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of dangerous

waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that help prevent, detect, or respond to hazards to the public health or the environment. In addition:

(a) He must keep the schedule at the facility;

(b) The schedule must identify the types of problems which are to be looked for during inspections;

(c) The schedule shall indicate the frequency of inspection for specific items. The frequency should be based on the rate of possible deterioration of equipment, and the probability of an environmental or human health incident. Areas subject to spills must be inspected daily when in use. At a minimum the inspection schedule shall also include the applicable items and frequencies required for the specific waste management methods described in 40 CFR Part 265 Subparts F through R for interim status facilities and in WAC 173-303-630 through 173-303-680 for final status facilities; and

(d) The owner or operator shall keep an inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made, an account of spills or discharges in accordance with WAC 173-303-145, and the date and nature of any repairs or remedial actions taken. The log or summary must be kept at the facility for at least five years from the date of inspection.

(3) The owner or operator shall remedy any problems revealed by the inspection, on a schedule which prevents hazards to the public health and environment. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-320, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-320, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-320, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-320, filed 2/10/82.]

WAC 173-303-330 Personnel training. (1) Training program. The facility owner or operator shall provide a program of classroom instruction or on-the-job training for facility personnel. This program must teach personnel to perform their duties in a way that ensures the facility's compliance with this chapter 173-303 WAC, must teach facility personnel dangerous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed, must ensure that facility personnel are able to respond effectively to emergencies, and shall include those elements set forth in the training plan required in subsection (2) of this section. In addition:

(a) The training program shall be directed by a person knowledgeable in dangerous waste management procedures,

and must include training relevant to the positions in which the facility personnel are employed;

(b) Facility personnel must participate in an annual review of the training provided in the training program;

(c) This program must be successfully completed by the facility personnel:

(i) Within six months after these regulations become effective; or

(ii) Within six months after their employment at or assignment to the facility, or to a new position at the facility, whichever is later.

Employees hired after the effective date of these regulations must be supervised until they complete the training program; and

(d) At a minimum, the training program shall familiarize facility personnel with emergency equipment and systems, and emergency procedures. The program shall include other parameters as set forth by the department, but at a minimum shall include, where applicable:

(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(ii) Key parameters for automatic waste feed cut-off systems;

(iii) Communications or alarm systems;

(iv) Response to fires or explosions;

(v) Response to ground-water contamination incidents; and

(vi) Shutdown of operations.

(2) Written training plan. The owner or operator shall develop a written training plan which must be kept at the facility and which must include the following documents and records:

(a) For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position;

(b) A written description of the type and amount of both introductory and continuing training required for each position; and

(c) Records documenting that facility personnel have received and completed the training required by this section. The department may require, on a case-by-case basis, that training records include employee initials or signature to verify that training was received.

(3) Training records. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-330, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-330, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-330, filed 2/10/82. Formerly WAC 173-302-320.]

WAC 173-303-340 Preparedness and prevention. Facilities shall be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of dangerous waste

or dangerous waste constituents to air, soil, or surface or ground water which could threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(1) Required equipment. All facilities must be equipped with the following, unless it can be demonstrated to the department that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel;

(b) A device, such as a telephone or a hand-held, two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(2) Access to communications or alarms. Personnel must have immediate access to the signalling devices described in the situations below:

(a) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (1) of this section;

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (1) of this section.

(3) Aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the department that aisle space is not needed for any of these purposes.

(4) Arrangements with local authorities. The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations, unless the hazards posed by wastes handled at the facility would not require these arrangements:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of dangerous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

(b) Arrangements to familiarize local hospitals with the

properties of dangerous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

(c) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Where more than one party might respond to an emergency, agreements designating primary emergency authority and agreements with any others to provide support to the primary emergency authority.

(5) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-340, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-340, filed 2/10/82.]

WAC 173-303-350 Contingency plan and emergency procedures.

(1) Purpose. The purpose of this section and WAC 173-303-360 is to lessen the potential impact on the public health and the environment in the event of an emergency circumstance, including a fire, explosion, or unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, surface water, or ground water by a facility. A contingency plan must be developed to lessen the potential impacts of such emergency circumstances, and the plan shall be implemented immediately in such emergency circumstances.

(2) Contingency plan. Each owner or operator must have a contingency plan at his facility for use in emergencies or sudden or nonsudden releases which threaten the public health and the environment. If the owner or operator has already prepared a spill prevention control and countermeasures (SPCC) plan in accordance with Part 112 of Title 40 CFR or Part 1510 of chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of this section and WAC 173-303-360.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with this section and WAC 173-303-360;

(b) A description of the actions which shall be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported, pursuant to the requirements of WAC 173-303-370(5), Manifest system, reasons for not accepting dangerous waste shipments;

(c) A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services as required in WAC 173-303-340(4);

(d) A current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1). Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility.

ty as alternates. For new facilities only, this list may be provided to the department at the time of facility certification (as required by WAC 173-303-810 (14)(a)(i)), rather than as part of the permit application;

(e) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

(f) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(4) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan shall be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendments. The owner or operator shall review and immediately amend the contingency plan, if necessary, whenever:

(a) Applicable regulations or the facility permit are revised;

(b) The plan fails in an emergency;

(c) The facility changes (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of dangerous waste or dangerous waste constituents, or in a way that changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-350, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-350, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-350, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-355 Superfund Amendments and Reauthorization Act Title III coordination. (1) Owners or operators shall coordinate preparedness and prevention planning and contingency planning efforts, conducted under WAC 173-303-340 and 173-303-350, with local emergency planning committees established pursuant to Title III of the 1986 Superfund Amendments and Reauthorization Act.

(2) Appropriate and generally accepted computer models should be utilized to determine the impacts of a potential catastrophic air release due to fire, explosion, or other accidental releases of hazardous constituents. Evacuation plans prepared pursuant to WAC 173-303-350 (3)(d) shall include those effected persons and areas identified through these modelling efforts.

[Statutory Authority: RCW 43.21A.080 and 70.105.210, et seq. 90-20-016, § 173-303-355, filed 9/21/90, effective 10/22/90.]

WAC 173-303-360 Emergencies. (1) Emergency coordinator. At all times, there must be at least one employ-

ee either on the facility premises or on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location and properties of all wastes handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures shall be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials.

(c) Concurrently, the emergency coordinator shall assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with (i) of this subsection before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

(i) Name, address, and telephone number of the owner or operator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident (e.g., fire, explosion);

(iv) Name and quantity of material(s) involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable;

(vii) Estimated quantity and disposition of recovered material that resulted from the incident;

(viii) Cause of incident; and

(ix) Description of corrective action taken to prevent reoccurrence of the incident.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-360, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-360, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-360, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-360, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-360, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-370 Manifest system. (1) Applicability. The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources.

(2) If a facility receives dangerous waste accompanied by a manifest, the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest to certify that the dangerous waste covered by the manifest was received;

(b) Note any significant discrepancies in the manifest, as described in subsection (4) of this section, on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within thirty days after the delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a manifest or shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest or shipping paper to certify that the dangerous waste covered by the manifest or shipping paper was received;

(b) Note any significant discrepancies in the manifest or shipping paper, as described in subsection (4) of this section, on each copy of the manifest or shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper;

(d) Within thirty days after the delivery, send a copy of the signed and dated manifest or shipping paper to the generator. However, if the manifest is not received within thirty days after the delivery, the owner or operator, or his agent, must send a copy of the signed and dated shipping paper to the generator; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

(4) Manifest discrepancies.

(a) Manifest discrepancies are significant discrepancies between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a facility actually receives. Significant discrepancies in quantity are variations greater than ten percent in weight for bulk quantities (e.g., tanker trucks, railroad tank cars, etc.), or any variations in piece count for nonbulk quantities (i.e., any missing container or package would be a significant discrepancy). Significant discrepancies in type are obvious physical or chemical differences which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(5) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by his facility.

(a) The following shall be acceptable reasons for denying receipt of a dangerous waste shipment:

(i) The facility is not capable of properly managing the type(s) of dangerous waste in the shipment;

(ii) There is a significant discrepancy (as described in subsection (4) of this section) between the shipment and the wastes listed on the manifest or shipping paper; or

(iii) The shipment has arrived in a condition which the owner or operator believes would present an unreasonable hazard to facility operations, or to facility personnel handling the dangerous waste(s) (including, but not limited to, leaking or damaged containers, and improperly labeled containers).

(b) The owner or operator may send the shipment on to the alternate facility designated on the manifest or shipping

paper, or contact the generator to identify another facility capable of handling the waste and provide for its delivery to that other facility, unless, the containers are damaged to such an extent, or the dangerous waste is in such a condition as to present a hazard to the public health or the environment in the process of further transportation.

(c) If the dangerous waste shipment cannot leave the facility for the reasons described in (b) of this subsection, then the owner or operator shall take those actions described in the contingency plan, WAC 173-303-350 (3)(b).

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-370, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-370, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-380 Facility recordkeeping. (1)

Operating record. The owner or operator of a facility shall keep a written operating record at his facility. The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) A description of and the quantity of each dangerous waste received or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by subsection (2) of this section, recordkeeping instructions;

(b) The location of each dangerous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each dangerous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(c) Records and results of waste analyses required by WAC 173-303-300, General waste analysis;

(d) Summary reports and details of all incidents that require implementing the contingency plan, as specified in WAC 173-303-360 (2)(k);

(e) Records and results of inspections as required by WAC 173-303-320 (2)(d), General inspection (except such information need be kept only for five years);

(f) Monitoring, testing, or analytical data, and corrective action where required by 40 CFR Part 265 Subparts F through R for interim status facilities, and by WAC 173-303-630 through 173-303-680 for final status facilities;

(g) All closure and post-closure cost estimates required for the facility; and

(h) For off-site facilities, copies of notices to generators informing them that the facility has all appropriate permits, as required by WAC 173-303-290, Required notices.

(2) Recordkeeping instructions. This paragraph provides instructions for recording the portions of the operating record which are related to describing the types, quantities, and management of dangerous wastes at the facility. This information shall be kept in the operating record, as follows:

(a) Each dangerous waste received or managed shall be described by its common name and by its dangerous waste number(s) from WAC 173-303-080 through 173-303-104. Where a dangerous waste contains more than one process waste or waste constituent the waste description must include all applicable dangerous waste numbers. If the dangerous

waste number is not listed then the waste description shall include the process which generated the waste;

(b) The waste description shall include the waste's physical form (i.e., liquid, solid, sludge, or gas);

(c) The weight, or volume and density, of the dangerous waste shall be recorded, using one of the units of measure specified in Table 1, below;

TABLE 1

Unit of Measure	Symbol	Density
Pounds	P	
Short tons (2000 lbs)	T	
Gallons (U.S.)	G	P/G
Cubic yards	Y	T/Y
Kilograms	K	
Tonnes (1000 kg)	M	
Liters	L	K/L
Cubic meters	C	M/C

(d) And, the date(s) and method(s) of management for each dangerous waste received or managed (treated, recycled, stored, or disposed of) shall be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2

1. Storage
 - S01 Container (barrel, drum, etc.)
 - S02 Tank
 - S03 Waste pile
 - S04 Surface impoundment
 - S05 Other (specify)
2. Treatment
 - (a) Thermal treatment
 - T06 Liquid injection incinerator
 - T07 Rotary kiln incinerator
 - T08 Fluidized bed incinerator
 - T09 Multiple hearth incinerator
 - T10 Infrared furnace incinerator
 - T11 Molten salt destructor
 - T12 Pyrolysis
 - T13 Wet air oxidation
 - T14 Calcination
 - T15 Microwave discharge
 - T16 Cement kiln
 - T17 Lime kiln
 - T18 Other (specify)
 - (b) Chemical treatment
 - T19 Absorption mound
 - T20 Absorption field
 - T21 Chemical fixation
 - T22 Chemical oxidation
 - T23 Chemical precipitation
 - T24 Chemical reduction
 - T25 Chlorination
 - T26 Chlorinolysis
 - T27 Cyanide destruction
 - T28 Degradation
 - T29 Detoxification
 - T30 Ion exchange
 - T31 Neutralization
 - T32 Ozonation

- T33 Photolysis
- T34 Other (specify)
 - (c) Physical treatment
 - (i) Separation of components
- T35 Centrifugation
- T36 Clarification
- T37 Coagulation
- T38 Decanting
- T39 Encapsulation
- T40 Filtration
- T41 Flocculation
- T42 Flotation
- T43 Foaming
- T44 Sedimentation
- T45 Thickening
- T46 Ultrafiltration
- T47 Other (specify)
 - (ii) Removal of specific components
- T48 Absorption-molecular sieve
- T49 Activated carbon
- T50 Blending
- T51 Catalysis
- T52 Crystallization
- T53 Dialysis
- T54 Distillation
- T55 Electrolysis
- T56 Electrolysis
- T57 Evaporation
- T58 High gradient magnetic separation
- T59 Leaching
- T60 Liquid ion exchange
- T61 Liquid-liquid extraction
- T62 Reverse osmosis
- T63 Solvent recovery
- T64 Stripping
- T65 Sand filter
- T66 Other (specify)
 - (d) Biological treatment
- T67 Activated sludge
- T68 Aerobic lagoon
- T69 Aerobic tank
- T70 Anaerobic lagoon or tank
- T71 Composting
- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Trickling filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 (Reserved)

- 3. Disposal
 - D80 Underground injection
 - D81 Landfill
 - D82 Land treatment
 - D83 Ocean disposal
 - D84 Surface impoundment
 - (to be closed as a landfill)
 - D85 Other (specify)

(3) Availability, retention and disposition of records.

(a) All facility records, including plans, required by this chapter must be furnished upon request, and made available

at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

(c) A copy of records of waste disposal locations and quantities under this section must be submitted to the United States EPA regional administrator, the department, and the local land use and planning authority upon closure of the facility.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-380, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-380, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-380, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-380, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-390 Facility reporting. The owner or operator of a facility is responsible for preparing and submitting the reports described in this section.

(1) Unmanifested waste reports. If a facility accepts any dangerous waste from an off-site source without an accompanying manifest or shipping paper, and if the waste is not excluded from the manifest requirements of this chapter 173-303 WAC, then the owner or operator must prepare and submit a single copy of a report to the department within fifteen days after receiving the waste. The report form and instructions in the Unmanifested Dangerous Waste Report - Form 6 (which may be obtained from the department) must be used for this report. The report must include at least the following information:

- (a) The EPA/state identification number, name, and address of the facility;
- (b) The date the facility received the waste;
- (c) The EPA/state identification number, name, and address of the generator and the transporter, if available;
- (d) A description and the quantity of each unmanifested dangerous waste the facility received;
- (e) The method of management for each dangerous waste;
- (f) The certification signed by the owner or operator of the facility or his authorized representative; and
- (g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual reports. The owner or operator of a facility that holds an active EPA/state identification number shall prepare and submit a single copy of an annual report to the department by March 1 of each year. The report form and instructions in the TSD Facility Annual Dangerous Waste Report - Form 5 (which may be obtained from the department) must be used for this report. In addition, any facility which ships dangerous waste off-site must comply with the annual reporting requirements of WAC 173-303-220. The annual report must cover facility activities during the previous calendar year and must include, but is not limited to the following information:

- (a) The EPA/state identification number, name, and address of the facility;
- (b) The calendar year covered by the report;

(c) For off-site facilities, the EPA/state identification number of each dangerous waste generator from which the facility received a dangerous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each dangerous waste the facility received during the year. For off-site facilities, this information must be listed by EPA/state identification number of each generator;

(e) The method of treatment, storage, or disposal for each dangerous waste;

(f) The most recent closure cost estimate under WAC 173-303-620(3) (or 40 CFR 265.142 for interim status facilities), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5) (or 40 CFR 265.144 for interim status facilities); and

(g) The certification signed in accordance with the requirements of WAC 173-303-810(12).

(3) Additional reports. The owner or operator shall also report to the department releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360 (2)(k) and interim status groundwater monitoring data, as specified in 40 CFR 265.94 (a)(2) and (b)(2).

In addition, the owner or operator shall submit any other reports (including engineering reports, plans, and specifications) required by the department.

(4) Recordkeeping. The owner/operator of a facility shall keep a copy of all unmanifested waste reports, annual reports, and any other reports submitted to the department according to the requirements of this section for a period of three years from the date the report was submitted.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 94-01-060 (Order 92-33), § 173-303-390, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251), 91-07-005 (Order 90-42), § 173-303-390, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW, 86-12-057 (Order DE-85-10), § 173-303-390, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-390, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-390, filed 2/10/82.]

WAC 173-303-395 Other general requirements. (1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter 173-303 WAC, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;

(iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(iv) Damage the structural integrity of the facility or device containing the waste; or

(v) Through other like means, threaten human health or the environment.

(c) When required to comply with (a) and (b) of this subsection, the owner or operator must document that compliance in the operating record required under WAC 173-303-380(1). This documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(d) At least yearly, the owner or operator shall inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection shall be performed in the presence of a professional person who is familiar with the Uniform Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator shall enter the following information in his inspection log or operating record as a result of this inspection:

(i) The date and time of the inspection;

(ii) The name of the professional inspector or fire marshal;

(iii) A notation of the observations made; and

(iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling, treating, processing, or disposing of dangerous wastes, the owner/operator shall design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or sanitary water discharge, control of volatile air emissions, etc.).

(3) Asbestos dangerous waste disposal requirements. All asbestos containing waste material shall be disposed of at waste disposal sites which are operated in accordance with 40 CFR Part 61 Subpart M. Such sites will not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR Part 61.

(4) Loading and unloading areas. TSD facilities which receive or ship manifested shipments of liquid dangerous waste for treatment, storage or disposal must provide for and use an area (or areas) for loading and unloading waste shipments. The loading and unloading area(s) must be designed, constructed, operated and maintained to:

(a) Contain spills and leaks that might occur during loading or unloading;

(b) Prevent release of dangerous waste or dangerous waste constituents to ground or surface waters;

(c) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

(d) Allow for removal, as soon as possible, of collected wastes resulting from spills, leaks and equipment cleaning (if any) in a manner which assures compliance with (b) of this subsection.

(5) Storage time limit for impoundments and piles.

(a) Except as provided in (b) or (c) of this subsection, dangerous waste shall not be stored in a surface impoundment or waste pile for more than five years after the waste was first placed in the impoundment or pile. For the purposes of this requirement, the five-year limit, for waste regulated under this chapter and being stored in impoundments or piles on the effective date of this requirement, will begin on August 1, 1984. The age of stored wastes must be determined on a monthly basis.

The owner/operator of a surface impoundment or waste pile used for storing dangerous waste must develop a written plan, to be kept at the facility, for complying with the five-year storage limit. The plan must describe the operating conditions, waste identification procedures (for keeping track of the age of the wastes), and a waste removal schedule, and at a minimum the plan must include the following elements:

- (i) Methods for identifying the age of dangerous wastes placed in the impoundment or pile;
- (ii) Where practical, procedures for segregating wastes of different ages. If the wastes cannot be practically segregated, then the age of all wastes placed in the impoundment or pile shall be deemed the same age as the oldest waste in the impoundment or pile;
- (iii) A schedule for removing dangerous waste from the impoundment or pile, or for disposing of them in a timely manner to assure compliance with the five-year limit;
- (iv) A description of the actions to be taken according to the schedule required by (a)(iii) of this subsection;
- (v) Procedures for noting in the operating record required by WAC 173-303-380(1) that the requirements of this subsection have been satisfied; and
- (vi) Such other requirements as the department specifies.

(b) If the owner/operator of a surface impoundment or waste pile can develop a written plan and schedule for developing and implementing a recycling or treatment process for the wastes stored in his impoundment or pile, then the department may grant an extension to the storage time limit required in (a) of this subsection. Such extension will be granted only once, will only apply to those dangerous wastes covered by the recycling or treatment plan and which are less than five years old on the date that the plan is approved by the department, and will not exceed five years: *Provided*, That on a case-by-case basis the department may grant an extension of longer than five years, but in no case will any extension be granted for longer than ten years, if the owner/operator of the impoundment or pile can demonstrate to the department's satisfaction that an extension of more than five years will not pose a threat to public health or the environment, and is necessary because: Other treatment or recycling options of shorter durations are not available; the treatment or recycling plan developed by the owner/operator cannot be implemented within five years due to technological circumstances; or, such other reasons as are determined acceptable by the department. Until the department grants the extension by approving the recycling or treatment plan, the owner/operator must continue to comply with the requirements of (a) of this subsection. The recycling or treatment plan and schedule, at a minimum, must:

(i) Specify the wastes which will be recycled or treated in accordance with the plan;

(ii) Describe in detail the recycling or treatment which the owner/operator intends to perform. If the recycling or treatment will involve physical changes to the owner's/operator's facility, the plan must include descriptions of all necessary equipment, processes to be used, site plans, and maps to show any new structures, pipes, channels, waste handling areas, roads, etc.;

(iii) Discuss any permit actions (including issuance or modification) necessary under this chapter, and any other permits which will be required under other federal, state or local laws;

(iv) Establish a schedule for complying with the plan. The schedule must, at a minimum, cover:

(A) The rate at which wastes will be recycled or treated in order to comply with the extension granted by the department;

(B) Construction and equipment installation times as appropriate;

(C) Timing for complying with all required permit actions; and

(D) Such other elements as the department might require;

(v) Describe how the owner/operator will continue to comply with the requirements of (a) of this subsection for all wastes not specified in (b)(i) of this subsection;

(vi) Identify any future occurrences or situations which the owner/operator could reasonably expect to occur and which might cause him to fail to comply with his recycling or treatment plan. The owner/operator must also describe what actions he would take in the event that such occurrences or situations happen;

(vii) Be approved by the department. The plan shall not be implemented until it is approved by the department including, if necessary, issuance or modification of a facility permit as required by this chapter. Any extension granted by the department will begin on the date that the plan is approved, or the date five years after the effective date of this subsection, whichever is later; and

(viii) Include any other elements that the department might require.

(c) The owner/operator of a surface impoundment or waste pile is exempted from the requirements of (a) and (b) of this subsection if:

(i) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that the impoundment or pile is not used primarily for storage, but that it is primarily used to actively and effectively neutralize, detoxify, or otherwise treat dangerous waste; or

(ii) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that dangerous waste is removed on a frequent basis (at least four times a year) for treatment, recycling or disposal, provided that the amount of waste removed during any five-year period must equal or exceed the amount of waste placed in the impoundment or pile during that five-year period. However, this exemption does not apply to waste removal which is being performed pursuant to a recycling or treatment plan developed and approved under (b) of this subsection; or

(iii) The owner/operator of a surface impoundment or waste pile has demonstrated, through his permit, closure plan

or other instrument, that the impoundment or pile is being operated as a land disposal unit and that it will be closed as a landfill.

(6) Labeling for containers and tanks. The owner or operator must label containers and tanks in a manner which adequately identifies the major risk(s) associated with the contents for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320. For tanks, the label or sign shall be legible at a distance of at least fifty feet. For containers, the owner or operator must affix labels upon transfer of dangerous waste from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-395, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-395, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-395, filed 2/10/82.]

WAC 173-303-400 Interim status facility standards.

(1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(2) Applicability.

(a) The interim status standards apply to owners and operators of facilities which treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status shall apply to all facilities which comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-805. The interim status standards shall also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). Interim status shall end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-805(8).

(b) Interim status facilities must meet the interim status standards by November 19, 1980, except that:

(i) Interim status facilities which handle only state designated wastes (i.e., not designated by 40 CFR Part 261) must meet the interim status standards by August 9, 1982; and

(ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c)(ii), (iii) and (v), of this section, by August 9, 1982.

(c) The requirements of the interim status standards do not apply to:

(i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;

(ii) Reserved;

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(iv) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200 provides otherwise;

(vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(vii) The compaction or sorting, by a generator, of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b).

(viii) Generators treating dangerous waste on-site in tanks or containers that are used for accumulation of such wastes provided the generator complies with the WAC 173-303-170(3).

(d) The owner or operator of an interim status facility which manages special waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the interim status facility standards of this section, but only for those special wastes which he manages and only after the owner or operator has requested and the department has issued a notice of interim status modification.

(3) Standards.

(a) Interim status standards shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 265 Subparts F through R which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

(i) The land disposal restrictions of WAC 173-303-140 and the facility requirements of WAC 173-303-280 through 173-303-440; and the corrective action requirements of WAC 173-303-646(2);

(ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after Septem-

ber 30, 1986, must comply with the provisions of WAC 173-303-630(7).

(iii) WAC 173-303-640 (5)(d), for tanks; and

(iv) WAC 173-303-805.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R to the state of Washington facilities, the federal terms shall have (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, shall be replaced with) the following state of Washington meanings:

(i) "Regional administrator" shall mean the "department";

(ii) "Hazardous" shall mean "dangerous"; and

(iii) "Compliance procedure" shall have the meaning set forth in WAC 173-303-040, Definitions.

(c) In addition to the changes described in (b) of this subsection, the following modifications shall be made to interim status standards of 40 CFR Part 265 Subparts F through R:

(i) The words "the effective date of these regulations" shall mean:

(A) November 19, 1980, for facilities which manage any wastes designated by 40 CFR Part 261;

(B) For wastes which become designated by 40 CFR Part 261 subsequent to November 19, 1980, the effective date shall be the date on which the wastes become regulated;

(C) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR Part 261;

(D) For wastes which become designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR Part 261 subsequent to March 12, 1982, the effective date shall be the date on which the wastes become regulated.

(ii) "Subpart N - landfills" shall have an additional section added which reads: "An owner/operator shall not landfill an organic carcinogen or an EHW, as defined by WAC 173-303-080 through 173-303-100, except at the EHW facility at Hanford";

(iii) "Subpart R - underground injection" shall have an additional section which reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-100";

(iv) "Subpart M - land treatment," section 265.273(b) shall be modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";

(v) "Subpart F - ground water monitoring," section 265.91(c) shall include the requirement that: "Groundwater monitoring wells shall be designed, constructed, and operated so as to prevent groundwater contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells";

(vi) "Subpart H - financial requirements" shall have an additional section which reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620 will be deemed to be in compliance with 40 CFR Part 265 Subpart H". In 40 CFR Parts 265.143(g) and 265.145(g) the following sentence does not apply to the state: "If the facilities covered by the mechanisms are in more than one Region, identical evidence of financial assurance must be submitted

to the maintained with the Regional Administrators of all such Regions."; and

(vii) "Subpart J - tank systems" section 265.193(a) shall be modified so that the dates by which secondary containment (which meets the requirements of that section) must be provided are the same as the dates in WAC 173-303-640 (4)(a).

(viii) "Subpart J - tank systems" section 265.191(a) shall be modified so that the date by which an assessment of a tank system's integrity must be completed is January 12, 1990.

(ix) "Subpart G - closure and post-closure" section 265.115 shall be modified to read "Within 60 days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas) and within 60 days of completion of final closure..." In addition, the clean-up levels for removal or decontamination set forth at WAC 173-303-610 (2)(b) apply.

(x) "Subpart B - general facility standards. References to "EPA" (etc.), means the "department" except at 40 CFR 265.11. Additionally, references to "administrator" (etc.), means the "director" except at 40 CFR 265.12(a)."

(xi) The following sections and any cross-reference to these sections are not incorporated or adopted by reference:

(A) 40 CFR Parts 260.1 (b)(4)-(6) and 260.20-22.

(B) 40 CFR Parts 264.1 (d) and (f); 265.1 (c)(4); 264.149-150 and 265.149-150; 264.301(k); and 265.430.

(C) 40 CFR Parts 268.5 and 6; 268 subpart B; 268.42(b); and 268.44.

(D) 40 CFR Parts 270.1 (c)(1)(i); 270.60(b); and 270.64.

(E) 40 CFR Parts 124.1 (b)-(e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.

(F) 40 CFR Parts 2.106(b); 2.202(b); 2.205(i); 2.209 (b)-(c); 2.212-213; and 2.301-311.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-400, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-400, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-400, filed 1/4/89; 88-02-057 (Order DE 83-36), § 173-303-400, filed 1/5/88, effective 2/5/88; 87-14-029 (Order DE-87-4), § 173-303-400, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-400, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-400, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-400, filed 2/10/82.]

WAC 173-303-430 Reserved.

[Statutory Authority: Chapter 70.105 RCW. 88-07-039 (Order 87-37), § 173-303-430, filed 3/11/88; 84-09-088 (Order DE 83-36), § 173-303-430, filed 4/18/84.]

WAC 173-303-440 Reserved.

[Statutory Authority: Chapter 70.105 RCW. 88-07-039 (Order 87-37), § 173-303-440, filed 3/11/88; 84-09-088 (Order DE 83-36), § 173-303-440, filed 4/18/84.]

WAC 173-303-500 Recycling requirements for state-only dangerous waste. (1) Applicability. This section applies to the recycling of state-only dangerous waste that are not regulated as hazardous wastes (defined in WAC 173-303-040) by EPA.

(2) Standards.

(a) If state-only dangerous wastes are recycled in any of the ways described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the respective requirements of WAC 173-303-505 through 173-303-525, except as provided in (c) of this subsection.

(b) If state-only dangerous wastes are recycled in any way not specifically described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the requirements of WAC 173-303-120(4), except as provided in (c) of this subsection.

(c) Recyclers who receive state-only dangerous wastes from off-site and who store the wastes in containers or tanks may, in lieu of the provisions for storing dangerous wastes prior to recycling, comply with:

(i) WAC 173-303-060;

(ii) WAC 173-303-370 (if the dangerous waste received must be accompanied by a manifest); and

(iii) The following requirements, provided that the dangerous waste is recycled within ninety days of the date it is received by the recycler:

(A) WAC 173-303-330 through 173-303-360;

(B) WAC 173-303-630 (2), (3), (4), (5), (6), (8) and (9), for containers;

(C) WAC 173-303-640 (3), (4), (5), (6) and (7), for tanks; and

(D) WAC 173-303-630(7) for new container areas installed after September 30, 1986, and WAC 173-303-640(2) for new tanks installed after September 30, 1986.

(d) The department may require a recycler who is storing his waste under the provisions of (c) of this subsection to comply with the provisions for storing dangerous waste prior to recycling specified in WAC 173-303-505 through 173-303-525 and 173-303-120(4) if:

(i) The recycler fails to comply with the requirements of (c) of this subsection; or

(ii) The department determines, on a case-by-case basis, that the requirements of (c) of this subsection do not adequately protect public health or the environment.

(3) Relief from standards. The owner/operator of a facility recycling dangerous wastes under the provisions of this section may ask the department to provide relief from any of the applicable requirements of this section. Requests for relief must be submitted as described in (a) of this subsection. Requests for relief will be approved or denied as described in (b) of this subsection.

(a) A request for relief must be submitted by the recycler to the department in writing and must describe the standards from which the recycler is seeking relief. The request must include:

(i) The facility name, EPA/state identification number, address, telephone number, and a contact person at the facility;

(ii) The waste(s) managed at the facility and the type(s) recycling;

(iii) The specific standards from which the owner/operator seeks relief;

(iv) A description, for each standard, demonstrating:

(A) Why the owner/operator believes the standard to be unnecessary;

(B) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(C) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(v) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810 (12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to provide any of the information required may result in the department's denying the owner's/operator's request.

(b) The department will review any requests submitted pursuant to (a) of this subsection, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the recycler of its decision in writing. If the department decides to approve all or part of the request and the recycler agrees with the department's decision, then the department will proceed to grant the approval as described below. No approval shall be effective until the procedures described below have been completed.

(i) For facilities which are required to have a final facility permit, the department shall follow the procedures for issuing (or, for facilities which already have a final facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The new or modified final facility permit shall include the standards the owner/operator must meet.

(ii) For all other types of recycling facilities, the department shall issue a notice of modification stating what standards will be applied. Before issuing the notice of modification, the department shall provide public notice of its intent, shall allow thirty days for public comment, and shall hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing shall be provided at least fifteen days in advance, and the public comment period shall be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department shall, based on comments received, issue, modify and issue, or deny the notice of modification.

(c) Failure to comply with the conditions and standards as stated in the permit or notice of modification issued under (b) of this subsection shall form a basis for modifying or revoking the permit or notice of modification.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-500, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-500, filed 6/3/86;

84-14-031 (Order DE 84-22), § 173-303-500, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-500, filed 2/10/82.]

WAC 173-303-505 Special requirements for recyclable materials used in a manner constituting disposal. (1) Applicability.

(a) This section applies to recyclable materials that are applied to or placed on the land:

- (i) Without mixing with any other substance(s); or
- (ii) After mixing or combining with any other substance(s). These materials will be referred to as "materials used in a manner that constitutes disposal."

(b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means. Registered commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not subject to regulation.

(2) Recyclable materials used in a manner that constitutes disposal are dangerous wastes and are subject to the following requirements:

(a) For generators, WAC 173-303-170 through 173-303-230;

(b) For transporters, WAC 173-303-240 through 173-303-270; and

(c) For facilities that store or use dangerous wastes in a manner constituting disposal, the applicable requirements of WAC 173-303-280 through 173-303-840 (except that users of such products are not subject to these standards if the products meet the requirements of subsection (1)(b) of this section).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-505, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-505, filed 1/4/89; 86-12-057 (Order DE-85-10), § 173-303-505, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-505, filed 4/18/84.]

WAC 173-303-506 Special requirements for the recycling of spent CFC or HCFC refrigerants. (1) Applicability.

(a) This section applies to spent chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants that are reclaimed or recycled. Refrigerants eligible for these special requirements are those CFCs and HCFCs that were used as heat transfer material in a refrigeration cycle in totally enclosed heat transfer equipment and are subsequently reclaimed or recycled.

(b) Persons who generate, transport, or store spent CFC or HCFC refrigerants prior to reclamation or recycling and facilities that reclaim or recycle spent CFC or HCFC refrigerants are subject to the requirements of this section, and WAC 173-303-050, 173-303-145, and 173-303-960. Spent CFC or HCFC refrigerants that are not reclaimed or recycled are subject to all the applicable requirements of chapter 173-303 WAC. Any discharge of spent CFCs or HCFCs to the environment constitutes disposal and is subject to full regulation under chapter 173-303 WAC.

(2) Generator requirements.

(a) Persons who reclaim or recycle their spent CFC or HCFC refrigerants, either on-site or send their wastes off-site to be reclaimed or recycled, shall keep records for a period of at least five years from the date of reclamation/recycling to document:

- (i) The date of shipment (if sent off-site);
- (ii) The quantity (by weight) reclaimed/recycled per shipment (when sent off-site) or batch (when recycled on-site);
- (iii) The percentage of the total amount of CFC or HCFC wastes reclaimed/recycled per shipment or batch (and the manner of disposal for the remaining CFCs or HCFCs); and

(iv) The dates of reclamation/recycling.

(b) For CFCs or HCFCs sent off-site, the generator must obtain a signed document from the reclamation facility certifying the information in (a) of this subsection.

(3) Reclamation facility requirements.

(a) Facilities that reclaim or recycle CFC or HCFC refrigerants shall comply with all the requirements of WAC 173-303-500 (except for WAC 173-303-500 (2)(c)(ii)). The applicable provisions of the following sections will also apply:

(i) WAC 173-303-280(2), General requirements for dangerous waste management facilities, imminent hazard;

(ii) WAC 173-303-283, Performance standards;

(iii) WAC 173-303-290 (1) and (2), Required notices;

(iv) WAC 173-303-380, Facility recordkeeping; except for WAC 173-303-380 (1)(c), (e), and (h);

(v) WAC 173-303-390(3), Facility reporting;

(vi) WAC 173-303-630(10), Use and management of containers;

(vii) WAC 173-303-640 (1), (2), (8), and (10), Tank systems, except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a) (i.e., a recycler, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section).

(b) The reclamation facility must supply generators with a signed document certifying the information in subsection (2)(a) of this section.

[Statutory Authority: Chapter 70.105 RCW. 93-02-050 (Order 92-32), § 173-303-506, filed 1/5/93, effective 2/5/93.]

WAC 173-303-510 Special requirements for dangerous wastes burned for energy recovery. (1) Applicability.

(a) This section applies to generators, marketers, transporters, and burners of dangerous waste fuels that are to be burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except as provided by (b) of this subsection. These regulations do not apply to gas recovered from dangerous waste management activities when such gas is burned for energy recovery.

(b) The following dangerous wastes are not subject to regulation under this section:

(i) Used oil burned for energy recovery if it is a dangerous waste because it:

(A) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or

(B) Is designated as DW only through the criteria of WAC 173-303-100; or

(C) Is a dangerous waste designated solely as W001.

Such used oil is subject to regulation under WAC 173-303-515 rather than this section.

Note: Used oil burned for energy recovery containing a listed waste (unless such listed waste is only state source W001) or a waste designated as EHW through the criteria of WAC 173-303-100 (a) and (b) is subject to this section.

(ii) (Reserved.)

(2) Definitions. Any terms used in this section that are not defined below shall have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms shall have the described meanings:

(a) "Dangerous waste fuel" means dangerous waste burned or to be burned for energy recovery. Fuel produced from dangerous waste by processing, blending, or other treatment is also dangerous waste fuel.

(b) "Distributor" means persons who distribute but do not process or blend dangerous waste fuel. Distributors may broker fuel by arranging for the final disposition of the fuel. Distributors are regulated under subsection (6) of this section.

(c) "Blender" means persons who produce, process, or blend fuel from dangerous wastes. Blenders are regulated under subsection (7) of this section.

(d) "Marketer" means persons who are:

(i) Generators who market dangerous waste fuel directly to a burner. Generators are regulated under subsection (4) of this section;

(ii) Distributors, regulated under subsection (6) of this section;

(iii) Blenders, regulated under subsection (7) of this section.

(3) Prohibitions.

(a) A person may market dangerous waste fuel only:

(i) To persons, in state, who have notified the department of their dangerous waste fuel activities under WAC 173-303-060 and have an EPA/state identification number or to out-of-state marketers or burners who have notified the EPA or authorized state agency and who have an EPA/state identification number; and

(ii) When marketed to a burner, to persons who burn the fuel in boilers or industrial furnaces identified in (b) of this subsection.

(b) Dangerous waste fuel may be burned for energy recovery in the following devices only;

(i) Industrial furnaces identified in WAC 173-303-040;

(ii) Boilers, as defined in WAC 173-303-040, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any dangerous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with

regulations under this chapter that are applicable to incinerators.

(4) Standards applicable to generators of dangerous waste fuel.

(a) All generators of dangerous waste that is used as a fuel or used to produce a fuel are subject to WAC 173-303-170 through 173-303-230.

(b) Generators who are marketers. Generators are marketers if they send their waste fuel directly to a burner. Generators who are marketers must:

(i) Prohibitions. Comply with the prohibitions under subsection (3) of this subsection.

(ii) Notification. Comply with the notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Generators who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(iii) Accumulation. Comply with accumulation requirements of WAC 173-303-200 or 173-303-201.

(iv) Storage. For generators who have interim or final status and exceed the accumulation time frames referenced in (b)(iii) of this subsection, comply with the storage provisions of:

(A) WAC 173-303-280 through 173-303-395; and

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-680 for final status facilities.

(v) Required notice. Obtain, prior to initiating the first shipment of dangerous waste fuel, a one time written and signed certification notice from the burner certifying that:

(A) The burner has notified as described under subsection (3) of this subsection; and

(B) The burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this subsection.

(vi) Recordkeeping. Keep a copy of each certification notice received for at least five years from the date of the last dangerous waste fuel shipment to the burner who sent such notice.

(c) Generators who are burners also are subject to subsection (8) of this section.

(5) Standards applicable to transporters of dangerous waste fuel. Transporters of dangerous waste fuel (and dangerous waste that is used to produce a fuel) are subject to the requirements of WAC 173-303-240 through 173-303-270.

(6) Standards applicable to distributors of dangerous waste fuel.

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Distributors who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Storage. Distributors who store dangerous waste fuels must comply with the applicable storage provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-680 for final status facilities;

(iv) The standards for generators in WAC 173-303-170 through 173-303-230.

(d) Off-site shipment. A distributor must meet the standards for generators in WAC 173-303-170 through 173-303-230 when the distributor initiates a shipment of dangerous waste fuel. Except that a distributor may not accumulate dangerous waste fuels under the accumulation provisions of WAC 173-303-200 or 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another distributor, a blender, or a burner, a distributor must obtain a one-time written and signed certification notice from the distributor, blender, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another distributor or blender, the distributor must provide the other distributor or blender with a one-time written and signed certification that the distributor has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A distributor must keep a copy of each certification notice received or sent for at least five years from the date the distributor last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(7) Standards applicable to blenders of dangerous waste fuels.

(a) Prohibitions. The prohibitions under subsection (3) of this section.

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Blenders who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Facility. For tanks, containers, or other units used to hold dangerous waste prior to blending or processing; for blending or processing tanks, containers, or other units; and for tanks, containers, or other units, used to hold blended or processed fuel, blenders must comply with the applicable provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-680 for final status facilities;

(d) Off-site shipment. The standards for generators in WAC 173-303-170 through 173-303-230 when a blender initiates a shipment of dangerous waste fuel, except that a blender may not accumulate dangerous waste fuels under the accumulation provisions of WAC 173-303-200 or 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another blender, a distributor, or a burner, a blender must obtain a one-time written and signed certification notice from the blender, distributor, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another blender or distributor, the blender must provide the other blender or distributor with a one-time written and signed certification that the blender has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A blender must keep a copy of each certification notice received or sent for at least five years from the date the blender last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(8) Standards applicable to burners of dangerous waste fuel.

Owners and operators of industrial furnaces and boilers identified in subsection (3)(b) of this section must comply with:

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. A burner who has previously notified the department of dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify the dangerous waste fuel activities;

(c) Storage.

(i) For short term accumulation by generators who burn their dangerous waste fuel on-site, the applicable provisions of WAC 173-303-200 or 173-303-201.

(ii) For all burners who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-680 for final status facilities;

(d) Required notices. Before a burner accepts the first shipment of dangerous waste fuel from a distributor, or a blender, or a generator the burner must provide the distributor, or the blender, or the generator a one-time written and signed notice certifying that:

(i) The burner has notified as described under subsection (3) of this section; and

(ii) The dangerous waste fuel will only be burned in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(e) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-380, a burner must keep a copy of each certification notice sent for at least five years from the date the burner last receives dangerous waste fuel from the person who received the certification notice.

(f) Local requirements. Any person who burns dangerous waste for energy recovery must comply with air emis-

sion requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-510, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-510, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-510, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-510, filed 3/11/88; 86-12-057 (Order DE-85-10), § 173-303-510, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-510, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-510, filed 2/10/82.]

WAC 173-303-515 Special requirements for used oil burned for energy recovery. (1) Applicability.

(a) This section applies to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

- (i) Exhibits any characteristic of a dangerous waste identified in WAC 173-303-090; or
- (ii) Is designated as DW solely through WAC 173-303-100; or
- (iii) Is designated solely as W001.

(b)(i) This section does not apply to used oil burned for energy recovery that is mixed with a listed waste (except as provided in (a)(iii) of this subsection) or that is designated as EHW through WAC 173-303-100. Such used oil is subject to the requirements of WAC 173-303-510.

(ii) Used oil containing more than 1000 ppm of total halogens is presumed to be a dangerous waste because it has been mixed with halogenated dangerous waste listed in WAC 173-303-9903 or 173-303-9904. Such dangerous wastes are subject to the requirements of WAC 173-303-510. Persons may rebut this presumption by demonstrating that the used oil does not contain dangerous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated dangerous constituents listed in WAC 173-303-9905).

(iii) This section does not apply to used oil that is designated for any reason other than being listed as W001 if such used oil is burned for energy recovery by the generator of the used oil in his own marine or diesel engines.

(c) If a used oil subject to this section does not exceed any of the specifications of Table 1, it is subject only to the analysis and recordkeeping requirements under subsection (4)(b)(i) and (vi) of this section; otherwise, it is subject to all applicable provisions of this section.

(d) For the purposes of this chapter:

(i) "Used oil" means any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities;

(ii) Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatments;

(iii) Used oil fuel that exceeds any specification level (described in Table 1) is termed "off-specification used oil fuel."

TABLE 1
USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SECTION WHEN BURNED FOR ENERGY RECOVERY

Constituent/property	Allowable level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100° F minimum
Total halogens	4,000 ppm maximum*
Polychlorinated Biphenyls	2 ppm maximum

* Used oil containing more than 1,000 ppm total halogens is presumed to be a dangerous waste under the rebuttable presumption provided under (b)(ii) of this subsection. Such used oil is subject to WAC 173-303-510 rather than this section when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(2) Prohibitions.

(a) A person may market off-specification used oil for energy recovery only:

(i) To burners or other marketers who have notified the department of their used oil management activities stating the location and general description of such activities, and who have an EPA/state identification number; and

(ii) To burners who burn the used oil in an industrial furnace or boiler identified in (b) of this subsection.

(b) Off-specification used oil may be burned for energy recovery in only the following devices:

(i) Industrial furnaces identified in WAC 173-303-040; or

(ii) Boilers, as defined in WAC 173-303-040 that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale; or

(C) Used oil-fired space heaters provided that:

(I) The heater burns only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste;

(II) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and

(III) The combustion gases from the heater are vented to the ambient air.

(3) Standards applicable to generators of used oil burned for energy recovery.

(a) Except as provided in (b) and (c) of this subsection generators of used oil are not subject to this section.

(b) Generators who market used oil directly to a burner are subject to subsection (4) of this section.

(c) Generators who burn used oil are subject to subsection (5) of this section.

(4) Standards applicable to marketers of used oil burned for energy recovery.

(a) Persons who market used oil fuel are termed "marketers." Except as provided below, marketers include generators who market used oil fuel directly to a burner,

persons who receive used oil from generators and produce, process, or blend used oil fuel from these used oils. However, the following persons are not marketers subject to this section:

(i) Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners are not marketers subject to this section;

(ii) Persons who market only used oil fuel that meets the specification under Table 1 of subsection (1) of this section and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel).

(b) Marketers are subject to the following requirements:

(i) Analysis of used oil fuel. Used oil fuel is subject to regulation under this section unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under Table 1 of subsection (1) of this section.

(ii) Prohibitions. The prohibitions under subsection (2)(a) of this section;

(iii) Notification. Notification to the department stating the location and general description of used oil management activities. Even if a marketer has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an EPA/state identification number, he must renotify to identify his used oil management activities.

(iv) Invoice system. When a marketer initiates a shipment of off-specification used oil, he must prepare and send the receiving facility an invoice containing the following information:

(A) An invoice number;

(B) His own EPA/state identification number and the EPA/state identification number of the receiving facility;

(C) The names and addresses of the shipping and receiving facilities;

(D) The quantity of off-specification used oil to be delivered;

(E) The date(s) of shipment or delivery; and

(F) The following statement: "This used oil subject to Washington state department of ecology regulation under WAC 173-303-515;

Note: Used oil that meets the definition of combustible liquid (flash point below 200°F but at or greater than 100°F) or flammable liquid (flash point below 100°F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 100-177.

(v) Required notices.

(A) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(I) The burner or marketer has notified the department stating the location and general description of his used oil management activities; and

(II) If the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(B) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of this subsection, he must provide the marketer with a one-time written and signed notice certifying that he has notified the department of his used oil management activities; and

(vi) Recordkeeping.

(A) Used oil fuel that meets the specification. A marketer who first claims under (b)(i) of this subsection that used oil fuel meets the specification must keep copies of analysis (or other information used to make the determination) of used oil for three years. Such marketers must also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with dangerous waste or unless it is mixed with used oil so that it no longer meets the specification.

(I) The name and address of the facility receiving the shipment;

(II) The quantity of used oil fuel delivered;

(III) The date of shipment or delivery; and

(IV) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under (b)(vi)(A) of this subsection.

(B) Off-specification used oil fuel. A marketer who receives or initiates an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received or prepared. In addition, a marketer must keep a copy of each certification notice that he receives or sends for three years from the date he last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.

(5) Standards applicable to burners of used oil burned for energy recovery.

Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:

(a) Prohibition. The prohibition under subsection (2)(b) of this section;

(b) Notification. Burners of off-specification used oil fuel and burners of used oil fuel who are the first to claim that the oil meets the specification provided under WAC 173-303-515 (1)(c), and 173-303-515 (1)(d)(ii) through (iii), except burners who burn specification oil that they generate must notify the department stating the location and general description of used oil management activities. Burners of used oil fuel that meets the specification who receive such oil from a marketer that previously notified EPA are not required to notify. Owners and operators of used oil-fired space heaters that burn used oil fuel under the provisions of subsection (2)(b)(ii) of this section are exempt from these notification requirements. Even if a burner has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an identifi-

cation number, he must renotify to identify his used oil management activities.

(c) Required notices. Before a burner accepts the first shipment of off-specification used oil fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(i) He has notified the department stating the location and general description of his used oil management activities; and

(ii) He will burn the used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(d) Used oil fuel analysis.

(i) Used oil fuel burned by the generator is subject to regulation under this section unless the burner obtains analysis (or other information) documenting that the used oil meets the specification provided under Table 1 of subsection (1) of this section.

(ii) Burners who treat off-specification used oil fuel by processing, blending, or other treatment to meet the specification provided under Table 1 of subsection (1) of this section must obtain analyses (or other information) documenting that the used oil meets the specification.

(e) Recordkeeping. A burner who receives an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received. Burners must also keep for three years copies of analyses of used oil fuel as may be required by (d) of this subsection. In addition, he must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives off-specification used oil from that marketer.

(f) Local requirements. Any person who burns used oil for energy recovery, except for burning in used oil-fired space heaters that meet the provisions of subsection (2)(b)(ii) of this section, must comply with the air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-515, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-515, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-515, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-515, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-515, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-515, filed 6/27/84.]

WAC 173-303-520 Special requirements for reclaiming spent lead acid battery wastes. This section applies to persons who reclaim spent lead-acid batteries that are recyclable materials ("spent batteries").

(1) Persons who generate, transport, or who store spent batteries but do not reclaim them are subject only to the requirements of WAC 173-303-050, 173-303-145 and 173-303-960 if such spent batteries are going to a battery reclaimer.

(2) Owners and operators of battery reclaiming facilities that store spent lead acid batteries prior to reclaiming them are subject to the following requirements:

(a) For all reclaimers, the applicable storage provisions of:

- (i) WAC 173-303-280 (2) and (3);
- (ii) WAC 173-303-282;
- (iii) WAC 173-303-283;
- (iv) WAC 173-303-290;
- (v) WAC 173-303-310 through 173-303-360;
- (vi) WAC 173-303-380;
- (vii) WAC 173-303-390 (2) and (3);
- (viii) WAC 173-303-395; and
- (ix) WAC 173-303-800 through 173-303-840.

(b) For reclaimers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(c) For reclaimers with final facility permits, the applicable storage provisions of:

- (i) WAC 173-303-600 through 173-303-650; and
- (ii) WAC 173-303-660.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-520, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-520, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-520, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-520, filed 3/11/88; 86-12-057 (Order DE-85-10), § 173-303-520, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-520, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-520, filed 2/10/82.]

WAC 173-303-525 Special requirements for recyclable material utilized for precious metal recovery. (1) Applicability and requirements.

(a) This section applies to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this section are subject to the following requirements:

- (i) Notification requirements under WAC 173-303-060;
- (ii) WAC 173-303-180 (for generators), 173-303-250 (for transporters), and 173-303-370 (for persons who store).

(c) Persons who store recycled materials that are regulated under this section must keep the following records to document that they are not accumulating these materials speculatively (as defined in WAC 173-303-016 (5)(d)(ii));

(i) Records showing the volume of these materials stored at the beginning of the calendar year;

(ii) The amount of these materials generated or received during the calendar year; and

(iii) The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under this section that are accumulated speculatively (as defined in WAC 173-303-016 (5)(d)(ii)) are dangerous wastes and are subject to all applicable provisions of this chapter.

(2) Additional regulation of recyclable materials utilized for precious metal recovery on a case-by-case basis.

The department may decide on a case-by-case basis that persons accumulating or storing recyclable materials utilized for precious metal recovery should be regulated under WAC 173-303-120(4). The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been

adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the department will consider the following factors:

- (a) The types of materials accumulated or stored and the amounts accumulated or stored;
- (b) The method of accumulation or storage;
- (c) The length of time the materials have been accumulated or stored before being reclaimed;
- (d) Whether any contaminants are being released into the environment, or are likely to be so released; and
- (e) Other relevant factors.

The procedures for this decision are set forth in subsection (3) of this section.

(3) Procedures for case-by-case regulation of recyclable materials utilized for precious metal recovery.

The department will use the following procedures when determining whether to regulate recyclable materials utilized for precious metal recovery under the provisions of WAC 173-303-120(4), rather than under the provisions of subsection (1) of this section.

(a) If a generator is accumulating the waste, the department will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of WAC 173-303-170 and 173-303-190 through 173-303-230. The notice will become final within thirty days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the department will hold a public hearing. The department will provide notice of the hearing to the public and allow public participation at the hearing. The department will issue a final order after the hearing stating whether or not compliance with WAC 173-303-170 and 173-303-190 through 173-303-230 is required. The order becomes effective thirty days after service of the decision unless the department specifies a later date or unless review by the department is requested. The order may be appealed to the pollution control hearings board, in accordance with WAC 173-303-845, by any person who participated in the public hearing.

(b) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person must obtain a permit in accordance with all applicable provisions of WAC 173-303-800 through 173-303-840. The owner or operator of the facility must apply for a permit within no less than sixty days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the department's decision he may do so in his permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the department's determination. The question of whether the department's decision was proper will remain open for consideration during the public comment period discussed under WAC 173-303-840 (4)(d) and in any subsequent hearing.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-525, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-525, filed 6/3/86.]

WAC 173-303-550 Special requirements for facilities managing special waste. (1) Purpose. Special wastes (as defined in WAC 173-303-040) pose less risk to public health and the environment than do other dangerous wastes, therefore, they do not require as high a level of regulation. The purpose of WAC 173-303-550 through 173-303-560 is to set forth those mandatory standards which are minimally acceptable for managing special waste, and the criteria and selective standards which will be applied based on the specific risks posed by such wastes.

(2) Applicability. The requirements of WAC 173-303-550 through 173-303-560 apply to owners and operators of facilities which manage special waste, and are only applicable to such special wastes as are being managed. Whenever a special waste is shipped from a facility, the owner or operator must comply with WAC 173-303-170 through 173-303-230, requirements for generators.

(3) Standards. The owner/operator of a facility managing special wastes must comply with all applicable standards of this chapter unless he requests (as described in subsection (4) of this section) and the department approves (as described in subsection (5) of this section) the application of less stringent standards to his facility. The owner/operator may request relief from any standards except those minimum standards specified in WAC 173-303-560. Failure to comply with an approval issued by the department pursuant to subsection (5) of this section, will be a violation of this chapter. Failure to comply with all applicable requirements of this chapter while the department is considering a request or after a request has been denied will be a violation of this chapter.

(4) Request. The owner/operator may request that less stringent standards be applied to his special waste management activities in any manner or form that he chooses. His request must be submitted in writing to the department, and must include:

(a) The facility name, EPA/state identification #, address, telephone number, and a contact person at the facility;

(b) The special waste(s) managed at the facility and the type(s) of management applied to them;

(c) The specific standards from which the owner/operator seeks relief;

(d) A description, for each standard, demonstrating:

(i) Why the owner/operator believes the standard to be unnecessary;

(ii) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(iii) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(e) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810 (12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to provide any of the information required by this subsection may result in the department's denying the owner's/operator's request.

(5) Approval or denial. The department will review any requests submitted pursuant to subsection (4) of this section, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the owner/operator of its decision in writing. Approval of a request will not be final until the permit has been modified or issued as described in (a) or (b) of this subsection. If the department decides to approve all or part of the request and the owner/operator agrees with the department's decision, then the department will proceed to grant such approval as follows:

(a) Interim status facilities. For a facility which qualifies for interim status (as described in WAC 173-303-805), the department shall issue a notice of interim status modification in accordance with WAC 173-303-805(9) stating what standards the owner/operator must meet;

(b) Final facilities.

(i) For facilities which are required to have a final facility permit, the department shall follow the procedures for issuing (or, for facilities which already have a final facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The new or modified final facility permit shall include the standards the owner/operator must meet.

(ii) The department may request that an applicant for a final facility permit submit his planned special waste demonstrations (prepared in accordance with subsection (4) of this section) a maximum of three months prior to submittal of his Part B application.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-550, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-550, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-550, filed 6/26/87; 84-09-088 (Order DE 83-36), § 173-303-550, filed 4/18/84.]

WAC 173-303-560 Minimum standards for facilities managing special waste. In no case will the department approve standards for facilities managing special waste which do not include, at a minimum, the following applicability requirements:

- (1) WAC 173-303-060;
- (2) WAC 173-303-283;
- (3) WAC 173-303-350;
- (4) WAC 173-303-360;
- (5) WAC 173-303-370;
- (6) WAC 173-303-380; and
- (7) WAC 173-303-390.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-560, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-560, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-560, filed 3/11/88; 87-14-029 (Order DE-87-4), § 173-303-560, filed 6/26/87; 84-09-088 (Order DE 83-36), § 173-303-560, filed 4/18/84.]

WAC 173-303-575 Reserved.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-575, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-575, filed 2/10/82.]

WAC 173-303-600 Final facility standards. Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-680, is to establish minimum state-wide standards which describe the acceptable management of dangerous waste. In addition to WAC 173-303-600 through 173-303-680, the final facility standards include WAC 173-303-280 through 173-303-395.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the underground injection control program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) The owner or operator of a POTW which treats, stores, or disposes of dangerous waste provided he has a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter 173-304 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8);

(f) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160 (2)(b);

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240(5);

(h) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of his final facility permit;

(j) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit as defined in WAC 173-303-040, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(k) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the

waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(l) The compaction or sorting of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b); and

(m) Generators treating dangerous waste on-site in tanks or containers that are used for accumulation of such wastes provided the generator complies with the WAC 173-303-170(3).

(4) The owner or operator of a final status TSD facility which manages special waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the final facility standards of WAC 173-303-600 through 173-303-670, but only for those special wastes which he manages and only after the department has issued or modified his final facility permit in accordance with WAC 173-303-800 through 173-303-840 to incorporate the special requirements.

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through 173-303-525 in lieu of the final facility standards.

(6) The owner or operator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-600, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-600, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-600, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-600, filed 3/11/88; 87-14-029 (Order DE-87-4), § 173-303-600, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-600, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-600, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-600, filed 2/10/82.]

WAC 173-303-610 Closure and postclosure. (1) Applicability.

(a) Subsections (2) through (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities.

(b) Subsections (7) through (11) of this section, (which concern postclosure care), apply to the owners and operators of all regulated units (as defined in WAC 173-303-040) at which dangerous waste will remain after closure, to tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills, to surface impoundments, waste piles, and miscellaneous units as specified in WAC 173-303-650(6), 173-303-660(9), and 173-303-680(4), respectively and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) For the purposes of the closure and postclosure requirements, any portion of a facility which closes is subject to the applicable closure and postclosure standards even if the rest of the facility does not close and continues to operate.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

- (a)(i) Minimizes the need for further maintenance;
- (ii) Controls, minimizes or eliminates to the extent necessary to protect human health and the environment, postclosure escape of dangerous waste, dangerous constituents, leachate, contaminated run-off, or dangerous waste decomposition products to the ground, surface water, ground water, or the atmosphere; and
- (iii) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(b) Where the closure requirements of this section, or of WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-670(8), or 173-303-680 (2) through (4) call for the removal or decontamination of dangerous wastes, waste residues, or equipment, bases, liners, soils or other materials containing or contaminated with dangerous wastes or waste residue, then such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(i) For soils, ground water, surface water, and air, the numeric cleanup levels calculated using residential exposure assumptions according to the Model Toxics Control Act Regulations, chapter 173-340 WAC as now or hereafter amended. Primarily, these will be numeric cleanup levels calculated according to MTCA Method B, although MTCA Method A may be used as appropriate, see WAC 173-340-700 through 173-340-760, excluding WAC 173-340-745; and

(ii) For all structures, equipment, bases, liners, etc., clean closure standards shall be set by the department on a case-by-case basis in accordance with the closure performance standards of WAC 173-303-610 (2)(a)(ii) and in a manner that minimizes or eliminates post-closure escape of dangerous waste constituents.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the dangerous waste at partial or final closure are required by WAC 173-303-650(6) and 173-303-660(9) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(8), 173-303-645, 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), and 173-303-680(2). A copy of the approved plan and all revisions to the plan must be furnished to the department upon request, including request by mail until final closure is completed and certified in

accordance with subsection (6) of this section. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include at least:

(i) A description of how each dangerous waste management unit at the facility will be closed in accordance with subsection (2) of this section;

(ii) A description of how final closure of the facility will be conducted in accordance with subsection (2) of this section. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility;

(iii) An estimate of the maximum inventory of dangerous wastes ever on-site over the active life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iv) A detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all dangerous wastes, and identification of the type(s) of the off-site dangerous waste management units to be used, if applicable;

(v) A detailed description of the steps needed to remove or decontaminate all dangerous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

(vi) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control; and

(vii) A schedule for closure of each dangerous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each dangerous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all dangerous waste inventory and of the time required to place a final cover must be included.) Additionally, for facilities that use trust funds to establish financial assurance under WAC 173-303-620 (4) or (6) and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

(b) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended closure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

(A) Changes in operating plans or facility design affect the closure plan; or

(B) There is a change in the expected year of closure, if applicable; or

(C) In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.

(iii) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than thirty days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to prepare a contingent closure plan under WAC 173-303-650(6) or 173-303-660(9), must submit an amended closure plan to the department no later than sixty days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665, or no later than thirty days from that date if the determination is made during partial or final closure. The department will approve, disapprove, or modify this amended plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved closure plan will become a condition of any permit issued.

(iv) The department may request modifications to the plan under the conditions described in (b)(ii) of this subsection. The owner or operator must submit the modified plan within sixty days of the department's request, or within thirty days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the department will be approved in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(c) Notification of partial closure and final closure.

(i) The owner or operator must notify the department in writing at least sixty days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the department in writing at least forty-five days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed.

(ii) The date when he "expects to begin closure" must be either:

(A) No later than thirty days after the date on which any dangerous waste management unit receives the known final volume of dangerous wastes or, if there is a reasonable possibility that the dangerous waste management unit will receive additional dangerous wastes, no later than one year after the date on which the unit received the most recent volume of dangerous waste. If the owner or operator of a dangerous waste management unit can demonstrate to the department that the dangerous waste management unit or

facility has the capacity to receive additional dangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit; or

(B) For units meeting the requirements of subsection (4)(d) of this section, no later than thirty days after the date on which the dangerous waste management unit receives the known final volume of nondangerous wastes, or if there is a reasonable possibility that the dangerous waste management unit will receive additional nondangerous wastes, no later than one year after the date on which the unit received the most recent volume of nondangerous wastes. If the owner or operator can demonstrate to the department that the dangerous waste management unit has the capacity to receive additional nondangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit.

(iii) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order to cease receiving dangerous wastes or to close, then the requirements of (c) of this subsection do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in subsection (4) of this section.

(iv) Removal of wastes and decontamination or dismantling of equipment. Nothing in this subsection shall preclude the owner or operator from removing dangerous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at a dangerous waste management unit or facility, the owner or operator must treat, remove from the unit or facility, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, and either:

(i) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is a reasonable likelihood that he or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(b) The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within one hundred eighty days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at the dangerous waste management unit or facility. The department may approve an extension to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating dangerous waste management unit or facility, including compliance with all applicable permit requirements, and either:

(i) The partial or final closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is reasonable likelihood that he or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(c) The demonstrations referred to in (a) and (b) of this subsection must be made as follows: The demonstrations in (a) of this subsection must be made at least thirty days prior to the expiration of the specified ninety-day period; and the demonstration in (b) of this subsection must be made at least thirty days prior to the expiration of the specified one hundred eighty-day period unless the owner or operator is otherwise subject to the deadlines in (d) of this subsection.

(d) The department may allow an owner or operator to receive only nondangerous wastes in a landfill, land treatment, or surface impoundment unit after the final receipt of dangerous wastes at that unit if:

(i) The owner or operator requests a permit modification in compliance with all applicable requirements in WAC 173-303-830 and 40 CFR Part 124 and in the permit modification request demonstrates that:

(A) The unit has the existing design capacity as indicated on the part A application to receive nondangerous wastes; and

(B) There is a reasonable likelihood that the owner or operator or another person will receive nondangerous wastes in the unit within one year after the final receipt of dangerous wastes; and

(C) The nondangerous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this part; and

(D) Closure of the dangerous waste management unit would be incompatible with continued operation of the unit or facility; and

(E) The owner or operator is operating and will continue to operate in compliance with all applicable permit requirements; and

(ii) The request to modify the permit includes an amended wastes analysis plan, ground water monitoring and

response program, human exposure assessment required under RCRA section 3019, and closure and postclosure plan, and updated cost estimates and demonstrations of financial assurance for closure and postclosure care as necessary and appropriate, to reflect any changes due to the presence of dangerous constituents in the nondangerous wastes, and changes in closure activities, including the expected year of closure if applicable under subsection (3)(a)(vii) of this section, as a result of the receipt of nondangerous wastes following the final receipt of dangerous wastes; and

(iii) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of nondangerous wastes following receipt of the final volume of dangerous wastes; and

(iv) The request to modify the permit and the demonstration referred to in (d)(i) and (ii) of this subsection are submitted to the department no later than one hundred twenty days prior to the date on which the owner or operator of the facility receives the known final volume of dangerous wastes at the unit, or no later than ninety days after the effective date of this rule in the state in which the unit is located, whichever is later.

(e) In addition to the requirements in (d) of this subsection, an owner or operator of a dangerous wastes surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C. 3004 (o)(1) and 3005 (j)(1) or 42 U.S.C. 3004 (o)(2) or (3) or 3005 (j)(2), (3), (4) or (13) must:

(i) Submit with the request to modify the permit:

(A) A contingent corrective measures plan, unless a corrective action plan has already been submitted under WAC 173-303-645(10); and

(B) A plan for removing dangerous wastes in compliance with (e)(ii) of this subsection; and

(ii) Remove all dangerous wastes from the unit by removing all dangerous liquids, and removing all dangerous sludges to the extent practicable without impairing the integrity of the liner(s), if any.

(iii) Removal of dangerous wastes must be completed no later than ninety days after the final receipt of dangerous wastes. The department may approve an extension to this deadline if the owner or operator demonstrates that the removal of dangerous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health and the environment.

(iv) If a release that is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters of constituents specified in the permit or that exceeds the facility's ground water protection standard at the point of compliance, if applicable, is detected in accordance with the requirements in WAC 173-303-645, the owner or operator of the unit:

(A) Must implement corrective measures in accordance with the approved contingent corrective measures plan required by (e)(i) of this subsection no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later;

(B) May continue to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

(C) May be required by the department to implement corrective measures in less than one year or to cease the receipt of wastes until corrective measures have been implemented if necessary to protect human health and the environment.

(v) During the period of corrective action, the owner or operator shall provide semiannual reports to the department that describe the progress of the corrective action program, compile all ground water monitoring data, and evaluate the effect of the continued receipt of nondangerous wastes on the effectiveness of the corrective action.

(vi) The department may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in (e)(iv) of this subsection, or fails to make substantial progress in implementing corrective action and achieving the facility's ground water protection standard or background levels if the facility has not yet established a ground water protection standard.

(vii) If the owner or operator fails to implement corrective measures as required in (e)(iv) of this subsection or if the department determines that substantial progress has not been made pursuant to (e)(vi) of this subsection the department shall:

(A) Notify the owner or operator in writing that the owner or operator must begin closure in accordance with the deadline in (a) and (b) of this subsection and provide a detailed statement of reasons for this determination; and

(B) Provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than twenty days after the date of the notice.

(C) If the department receives no written comments, the decision will become final five days after the close of the comment period. The department will notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, must be submitted within fifteen days of the final notice and that closure must begin in accordance with the deadlines in (a) and (b) of this subsection.

(D) If the department receives written comments on the decision, it shall make a final decision within thirty days after the end of the comment period, and provide the owner or operator in writing and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the department determines that substantial progress has not been made, closure must be initiated in accordance with the deadlines in (a) and (b) of this subsection.

(E) The final determinations made by the department under (e)(vii)(C) and (D) of this subsection are not subject to administrative appeal.

(5) Disposal or decontamination of equipment, structures and soils. During the partial and final closure periods, all contaminated equipment, structures and soils must be properly disposed of or decontaminated unless otherwise specified in WAC 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), or under the authority of WAC 173-303-680 (2) and (4). By removing any dangerous wastes or dangerous constituents during partial and final closure, the owner or operator may become a generator of dangerous waste and must handle that waste

in accordance with all applicable requirements of WAC 173-303-170 through 173-303-230.

(6) Certification of closure. Within sixty days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas), and within sixty days of the completion of final closure, the owner or operator must submit to the department by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until it releases the owner or operator from the financial assurance requirements for closure under WAC 173-303-620(4).

(7) Postclosure care and use of property.

(a) Postclosure care for each dangerous waste management unit subject to postclosure requirements must begin after completion of closure of the unit and continue for thirty years after that date and must consist of at least the following:

(i) Ground water monitoring and reporting as applicable; and

(ii) Maintenance and monitoring of waste containment systems as applicable.

(b) Any time preceding partial closure of a dangerous waste management unit subject to postclosure care requirements or final closure, or any time during the postclosure period for a particular unit, the department may, in accordance with the permit modification procedures in WAC 173-303-800 through 173-303-840:

(i) Shorten the postclosure care period applicable to the dangerous waste management unit, or facility, if all disposal units have been closed, if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the dangerous waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the dangerous waste management unit or facility is secure); or

(ii) Extend the postclosure care period applicable to the dangerous waste management unit or facility if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of dangerous waste at levels which may be harmful to human health and the environment).

(c) The department may require, at partial or final closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the postclosure period when:

(i) Dangerous wastes may remain exposed after completion of partial or final closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health.

(d) Postclosure use of property on or in which dangerous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the

function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All postclosure care activities must be in accordance with the provisions of the approved postclosure plan as specified in subsection (8) of this section.

(8) Postclosure plan; amendment of plan.

(a) The owner or operator of a dangerous waste disposal unit must have a written postclosure plan. In addition, certain surface impoundments and certain piles from which the owner or operator intends to remove or decontaminate the dangerous wastes at partial or final closure are required by WAC 173-303-650 and 173-303-660, respectively, to have written contingent postclosure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent postclosure plans under WAC 173-303-650 or 173-303-660 must submit a postclosure plan to the department within ninety days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the postclosure requirements. The plan must be submitted with the permit application, in accordance with WAC 173-303-806, and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved postclosure plan will become a condition of any permit issued.

(b) For each dangerous waste management unit subject to the requirements of this subsection, the postclosure plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

(A) The integrity of the cap and final cover or other containment structures where applicable; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the dangerous waste disposal unit or facility during the postclosure care period.

(c) Until final closure of the facility, a copy of the approved postclosure plan must be furnished to the department upon request, including request by mail. After final closure has been certified, the person or office specified in (b)(iii) of this subsection must keep the approved postclosure plan during the remainder of the postclosure period.

(d) Amendment of plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved postclosure plan in accordance with the applicable requirements of WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended postclosure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification

to amend the postclosure plan at any time during the active life of the facility or during the postclosure care period.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved postclosure plan whenever:

(A) Changes in operating plans or facility design affect the approved postclosure plan; or

(B) There is a change in the expected year of final closure, if applicable; or

(C) Events which occur during the active life of the facility, including partial and final closures, affect the approved postclosure plan.

(iii) The owner or operator must submit a written request for a permit modification at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the postclosure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to submit a contingent postclosure plan under WAC 173-303-650 or 173-303-660 must submit a postclosure plan to the department no later than ninety days after the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665. The department will approve, disapprove, or modify this plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved postclosure plan will become a permit condition.

(iv) The department may request modifications to the plan under the conditions described in (d)(ii) of this subsection. The owner or operator must submit the modified plan no later than sixty days after the department's request, or no later than ninety days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent postclosure plan. Any modifications requested by the department will be approved, disapproved, or modified in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(9) Notice to local land authority. No later than the submission of the certification of closure of each dangerous waste disposal unit, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other dangerous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the dangerous waste disposal unit in accordance with the applicable requirements of this section. In addition, no later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For wastes disposed of before November 19, 1980 (March 12, 1982, for

facilities subject to this chapter but not subject to 40 CFR Part 264), the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(10) Notice in deed to property.

(a) No later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the department a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes (as defined in WAC 173-303-040) disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(b) Within sixty days of certification of closure of the first dangerous waste disposal unit and within sixty days of certification of closure of the last dangerous waste disposal unit, the owner or operator must:

(i) Record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(A) The land has been used to manage dangerous wastes;

(B) Its use is restricted under this section; and

(C) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or other dangerous waste disposal unit of the facility required in subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department; and

(ii) Submit a certification, signed by the owner or operator, that he has recorded the notation specified in (b)(i) of this subsection, including a copy of the document in which the notation has been placed, to the department.

(c) If the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located wishes to remove dangerous wastes and dangerous waste residues, the liner, if any, or contaminated soils, he must request a modification to the postclosure permit in accordance with the applicable requirements in WAC 173-303-800 through 173-303-840. The owner or operator must demonstrate that the removal of dangerous wastes will satisfy the criteria of subsection (7)(d) of this section. By removing dangerous waste, the owner or operator may become a generator of dangerous waste and must manage it in accordance with all applicable requirements of this chapter. If he is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the department approve either:

(i) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

(ii) The addition of a notation to the deed or instrument indicating the removal of the dangerous waste.

(11) Certification of completion of postclosure care. No later than sixty days after completion of the established postclosure care period for each dangerous waste disposal unit, the owner or operator must submit to the department,

by registered mail, a certification that the postclosure care period for the dangerous waste disposal unit was performed in accordance with the specifications in the approved postclosure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until he releases the owner or operator from the financial assurance requirements for postclosure care under WAC 173-303-620(6).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-610, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-610, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-610, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-610, filed 6/26/87; 84-14-031 (Order DE 84-22), § 173-303-610, filed 6/27/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-610, filed 2/10/82.]

WAC 173-303-620 Financial requirements. (1) Applicability.

(a) The requirements of subsections (3), (4), (7), (8), (9), and (10) of this section, apply to owners and operators of all dangerous waste facilities, except as provided otherwise in this section.

(b) The requirements of subsections (5) and (6) of this section apply only to owners and operators of dangerous waste disposal facilities, to tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills, to miscellaneous units as specified in WAC 173-303-680(4), and to piles and surface impoundments to the extent that WAC 173-303-650 and 173-303-660, respectively, require that such facilities comply with this section.

(c) States and the federal government are exempt from the requirements of this section, except that operators of facilities who are under contract with the state or federal government must meet the requirements of this section.

(2) Definitions. As used in this section, the following listed or referenced terms shall have the meanings given below:

(a) "Closure plan" means the plan for closure prepared in accordance with the requirements of WAC 173-303-610(3);

(b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (3) of this section;

(c) "Current postclosure cost estimate" means the most recent of the estimates prepared in accordance with subsection (5) of this section;

(d) "Parent corporation" means a corporation which directly owns at least fifty percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation;

(e) "Postclosure plan" means the plan for postclosure care prepared in accordance with the requirements of WAC 173-303-610 (7), (8), (9), and (10);

(f) "Regional administrator" means the department;

(g) "Hazardous waste" means dangerous waste; and

(h) The additional terms listed and defined in 40 CFR 264.141 (f), (g), and (h) are adopted by reference.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in WAC 173-303-610 (2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), and 173-303-680 (2) through (4). The closure cost estimate:

(i) Must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610 (3)(a));

(ii) Must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The owner or operator may use costs for on-site disposal if he can demonstrate that on-site disposal capacity will exist at all times over the life of the facility;

(iii) May not incorporate any salvage value that may be realized with the sale of dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure; and

(iv) May not incorporate a zero cost for dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), that might have economic value.

(b) During the active life of the facility, the owner or operator must revise the closure cost estimate no later than thirty days after the department has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with this section. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before submission of updated information to the department as specified in subsection (4) of this section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent *Implicit Price Deflator for Gross National Product* as published by the United States Department of Commerce in its survey of current business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in

accordance with (c) of this subsection, the latest adjusted closure cost estimate.

(4) Financial assurance for facility closure.

(a) An owner or operator of a TSD facility must establish financial assurance for closure of the facility. The owner or operator must choose from the following options or combination of options:

(i) Closure trust fund;

(ii) Surety bond guaranteeing payment into a closure trust fund;

(iii) Surety bond guaranteeing performance of closure;

(iv) Closure letter of credit;

(v) Closure insurance; or

(vi) Financial test and corporate guarantee for closure.

(b) In satisfying the requirements of financial assurance for facility closure in this subsection, the owner or operator shall meet all the requirements set forth in 40 CFR 264.143.

(5) Cost estimate for postclosure monitoring and maintenance.

(a) The owner or operator of a facility subject to postclosure monitoring or maintenance requirements must have a detailed written estimate, in current dollars, of the annual cost of postclosure monitoring and maintenance of the facility in accordance with the applicable postclosure regulations in WAC 173-303-610 (7) through (10), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-680(4). The postclosure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct postclosure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The postclosure cost estimate is calculated by multiplying the annual postclosure cost estimate by the number of years of postclosure care required by WAC 173-303-610.

(b) During the active life of the facility, the owner or operator must revise the postclosure cost estimate within thirty days after the department has approved the request to modify the postclosure plan, if the change in the postclosure plan increases the cost of postclosure care. The revised postclosure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the postclosure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (6) of this section. For owners or operators using the financial test or corporate guarantee, the postclosure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before the submission of updated information to the department as specified in subsection (6) of this section. The adjustment may be made by recalculating the postclosure cost estimate in current dollars or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the postclosure cost estimate by the inflation factor. The result is the adjusted postclosure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted postclosure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest postclosure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted postclosure cost estimate.

(6) Financial assurance for postclosure monitoring and maintenance.

(a) An owner or operator of a facility subject to postclosure monitoring or maintenance requirements must establish financial assurance for postclosure care in accordance with the approved postclosure care plan. He must choose from the following options or combination of options:

(i) Postclosure trust fund;

(ii) Surety bond guaranteeing payment into a postclosure trust fund;

(iii) Surety bond guaranteeing performance of postclosure care;

(iv) Postclosure letter of credit;

(v) Postclosure insurance; or

(vi) Financial test and corporate guarantee for postclosure care.

(b) In satisfying the requirements of financial assurance for facility postclosure care in this subsection, the owner or operator shall meet all the requirements set forth in 40 CFR 264.145.

(7) Use of a mechanism for financial assurance of both closure and postclosure care. An owner or operator may satisfy the requirements for financial assurance for both closure and postclosure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both 40 CFR 264.143 and 264.145. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of postclosure care.

(8) Liability requirements.

(a) An owner or operator of a TSD facility or a group of such facilities must demonstrate financial responsibility for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(a).

(b) An owner or operator of a facility with a regulated unit or units (as defined in WAC 173-303-040) or a disposal miscellaneous unit or units used to manage dangerous waste or a group of such facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(b).

(c) Request for variance. If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the application under WAC 173-303-806(4) for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-830 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by (a) or (b) of this subsection. Any request for a variance for a permitted facility will be treated as a request for a permit modification under WAC 173-303-830.

(d) Adjustments by the department. If the department determines that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the department may adjust the level of financial responsibility required under (a) or (b) of this subsection as may be necessary to protect human health and the environment. This adjusted level will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there is a significant risk to human health and the environment from non-sudden accidental occurrences resulting from the operations of a facility that has no regulated units (as defined in WAC 173-303-040), it may require that the owner or operator of the facility comply with (b) of this subsection. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this subsection until certifications of closure of the facility, as specified in WAC 173-303-610(6), are received by the department.

(9) Incapacity of owners or operators, guarantor or financial institutions.

(a) An owner or operator must notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in 40 CFR 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h)).

(b) An owner or operator who fulfills the requirements of 40 CFR 264.143, 264.145, or 264.147 (a) or (b) by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within sixty days after such an event.

(10) Wording of the instruments. The financial instruments required by this section shall contain the wording specified by 40 CFR 264.151, except that:

(a) The words "regional administrator" and "environmental protection agency" must be replaced with the word "department";

(b) The words "hazardous waste" must be replaced with the words "dangerous waste"; and

(c) Any other words specified by the department shall be changed as necessary to assure financial responsibility of the facility in accordance with the requirements of this section.

Copies of the financial instruments with the appropriate word changes will be available from the department by June 30, 1984.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-620, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-620, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-620, filed 6/26/87; 84-09-088 (Order DE 83-36), § 173-303-620, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-620, filed 2/10/82. Formerly WAC 173-302-340.]

WAC 173-303-630 Use and management of containers. (1) Applicability. The regulations in this section apply to owners and operators of all dangerous waste facilities that store containers of dangerous waste.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC. In addition, the owner or operator must address leaks and spills in accordance with the applicable provisions of WAC 173-303-145 and 173-303-360.

(3) Identification of containers. The owner or operator must label containers in a manner which adequately identifies the major risk(s) associated with the contents of the containers for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must affix labels upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility. The owner or operator must ensure that labels are not obscured, re-

moved, or otherwise unreadable in the course of inspection required under WAC 173-303-320.

(4) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(5) Management of containers.

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

(b) A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(c) A minimum thirty-inch separation is required between aisles of containers holding dangerous waste(s). A row of drums must be no more than two drums wide.

(6) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors. The owner or operator shall keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills and leaks. In addition to the necessary leak containment capacity, uncovered storage areas must be capable of holding the additional volume that would result from the precipitation of a maximum twenty-five year storm of twenty-four hours duration. The containment system must:

(i) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated rainfall until the collected material is detected and removed. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(ii) Be designed for positive drainage control (such as a locked drainage valve) to prevent release of contaminated liquids and so that uncontaminated precipitation can be drained promptly for convenience of operation. Spilled or leaked waste and accumulated precipitation must be removed from the containment system in as timely a manner as is necessary to prevent overflow; and

(iii) Have sufficient capacity to contain ten percent of the volume of all containers or the volume of the largest container, whichever is greater. Only containers holding free liquids, or holding wastes designated as F020, F021, F022, F023, F026, or F027 need to be considered in this determination.

(b) Run-on into the containment system must be prevented, unless the department waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in

(a)(iii) of this subsection to accommodate any run-on which might enter the system.

(c) Storage areas that store containers holding only wastes that do not contain free liquids, do not exhibit either the characteristic of ignitability or reactivity as described in WAC 173-303-090 (5) or (7), and are not designated as F020, F021, F022, F023, F026, or F027, need not have a containment system as described in this subsection: *Provided, That:*

(i) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(ii) The containers are elevated or are otherwise protected from contact with accumulated liquids.

(d) EHW in containers must be protected from the elements by means of a building or other protective covering that otherwise allows adequate inspection under subsection (6) of this section.

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) must be stored in a manner equivalent to the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 edition or the version adopted by the local fire district.

(b) The owner or operator shall design, operate, and maintain ignitable waste and reactive waste (other than a reactive waste which must meet (a) of this subsection) container storage in a manner equivalent with the Uniform Fire Code. Where no specific standard or requirements are specified in the Uniform Fire Code, or in existing state or local fire codes, applicable sections of the NFPA Pamphlet # 30, "Flammable and Combustible Liquids Code," shall be used. The owner/operator shall also comply with the requirements of WAC 173-303-395 (1)(d).

(9) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(c) A storage container holding a dangerous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. Containment systems for incompatible wastes shall be separate.

(10) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-630, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-630, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-630, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-630, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-630, filed 2/10/82.]

WAC 173-303-640 Tank systems. (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tank systems to treat or store dangerous waste, except as (b) and (c) of this subsection provides otherwise.

(b) Tank systems that are used to store or treat dangerous waste which contain no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subsection (4) of this section. To demonstrate the absence or presence of free liquids in the stored/treated waste, the test method described in WAC 173-303-110 (3)(c)(i) must be used.

(c) Tank systems, including sumps, as defined in WAC 173-303-040, that serve as part of a secondary containment system to collect or contain releases of dangerous wastes are exempted from the requirements in subsection (4)(a) of this section.

(2) Assessment of existing tank system's integrity.

(a) For each existing tank system, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in (b) of this subsection, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that attests to the tank system's integrity by January 12, 1988, for underground tanks that do not meet the requirements of subsection (4) of this section and that cannot be entered for inspection, or by January 12, 1990, for all other tank systems.

(b) Tank systems that store or treat materials that become dangerous wastes subsequent to January 12, 1989, must conduct this assessment within twelve months after the date that the waste becomes a dangerous waste.

(c) This assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

(i) Design standard(s), if available, according to which the tank system was constructed;

(ii) Dangerous characteristics of the waste(s) that have been and will be handled;

(iii) Existing corrosion protection measures;

(iv) Documented age of the tank system, if available (otherwise, an estimate of the age); and

(v) Results of a leak test, internal inspection, or other tank system integrity examination such that:

(A) For nonenterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects; and

(B) For other than nonenterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination, that is certified by an independent, qualified, registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that addresses cracks, leaks, corrosion, and erosion.

Note: The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," 4th edition, 1981, may be used, where applicable, as guidelines in conducting other than a leak test.

(d) If, as a result of the assessment conducted in accordance with (a) of this subsection, a tank system is found to be leaking or unfit for use, the owner or operator must comply with the requirements of subsection (7) of this section.

(e) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture, or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(3) Design and installation of new tank systems or components.

(a) Owners or operators of new tank systems or components must obtain (and for facilities that are pursuing or have obtained a final status permit, submit to the department, at time of submittal of Part B information) a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of dangerous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment (which will be used by the department to review and approve or disapprove the acceptability of the tank system design at facilities which are pursuing or have obtained a final status permit) must include, at a minimum, the following information:

(i) Design standard(s) according to which tank system(s) are constructed;

(ii) Dangerous characteristics of the waste(s) to be handled;

(iii) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of:

(A) Factors affecting the potential for corrosion, including but not limited to:

(I) Soil moisture content;

(II) Soil pH;

(III) Soil sulfides level;

(IV) Soil resistivity;

(V) Structure to soil potential;

(VI) Influence of nearby underground metal structures (e.g., piping);

(VII) Existence of stray electric current;

(VIII) Existing corrosion-protection measures (e.g., coating, cathodic protection); and

(B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

(I) Corrosion-resistant materials of construction such as special alloys, fiberglass reinforced plastic, etc.;

(II) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (e.g., impressed current or sacrificial anodes); and

(III) Electrical isolation devices such as insulating joints, flanges, etc.

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in providing corrosion protection for tank systems.

(iv) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

(v) Design considerations to ensure that:

(A) Tank foundations will maintain the load of a full tank;

(B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is either placed in a saturated zone, or is located less than five hundred feet from a fault which has had displacement in Holocene times; and

(C) Tank systems will withstand the effects of frost heave.

(b) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(c) The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

- (i) Weld breaks;
- (ii) Punctures;
- (iii) Scrapes of protective coatings;
- (iv) Cracks;
- (v) Corrosion;
- (vi) Other structural damage or inadequate construction/ installation.

All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

(d) New tank systems or components that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

(e) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed prior to the tank system being covered, enclosed, or placed into use.

(f) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

Note: The piping system installation procedures described in American Petroleum Institute (API) Publication 1615 (November 1979), "Installation of Underground Petroleum Storage Systems," or ANSI Standard B31.3, "Petroleum Refinery Piping," and ANSI Standard B31.4 "Liquid Petroleum Transportation Piping System," may be used, where applicable, as guidelines for proper installation of piping systems.

(g) The owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under (a)(iii) of this subsection, or other corrosion protection if the department believes other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

(h) The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of (b) through (g) of this subsection, that attest that the tank system was properly designed and installed and that repairs, pursuant to (c) and (e) of this subsection, were performed. These written statements must also include the certification statement as required in WAC 173-303-810 (13)(a).

(4) Containment and detection of releases.

(a) In order to prevent the release of dangerous waste or dangerous constituents to the environment, secondary containment that meets the requirements of this subsection must be provided (except as provided in (f) and (g) of this subsection):

(i) For all new tank systems or components, prior to their being put into service;

(ii) For all existing tank systems used to store or treat Dangerous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after January 12, 1989;

(iii) For those existing tank systems of known and documented age, within two years after January 12, 1989, or when the tank system has reached fifteen years of age, whichever comes later;

(iv) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1989; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches fifteen years of age, or within two years of January 12, 1989, whichever comes later; and

(v) For tank systems that store or treat materials that become dangerous wastes subsequent to January 12, 1989, within the time intervals required in (a)(i) through (iv) of this subsection, except that the date that a material becomes a dangerous waste must be used in place of January 12, 1989.

(b) Secondary containment systems must be:

(i) Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and

(ii) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

(c) To meet the requirements of (b) of this subsection, secondary containment systems must be at a minimum:

(i) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operations (including stresses from nearby vehicular traffic);

(ii) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

(iii) Provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of dangerous waste or accumulated liquid in the secondary containment system within twenty-four hours, or at the earliest practicable time if the owner or operator can demonstrate to the department that existing detection technologies or site conditions will not allow detection of a release within twenty-four hours; and

(iv) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within twenty-four hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator can demonstrate to the department that removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.

(d) Secondary containment for tanks must include one or more of the following devices:

(i) A liner (external to the tank);

(ii) A vault;

(iii) A double-walled tank; or

(iv) An equivalent device as approved by the department.

(e) In addition to the requirements of (b), (c), and (d) of this subsection, secondary containment systems must satisfy the following requirements:

(i) External liner systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year,

twenty-four-hour rainfall event.

(C) Free of cracks or gaps; and

(D) Designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

(ii) Vault systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event;

(C) Constructed with chemical-resistant water stops in place at all joints (if any);

(D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

(E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

(I) Meets the definition of ignitable waste under WAC 173-303-090(5); or

(II) Meets the definition of reactive waste under WAC 173-303-090(7), and may form an ignitable or explosive vapor.

(F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

(iii) Double-walled tanks must be:

(A) Designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

(B) Protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

(C) Provided with a built-in continuous leak detection system capable of detecting a release within twenty-four hours, or at the earliest practicable time, if the owner or operator can demonstrate to the department, and the department concludes, that the existing detection technology or site conditions would not allow detection of a release within twenty-four hours.

Note: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks" may be used as guidelines for aspects of the design of underground steel double-walled tanks.

(f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of (b) and (c) of this subsection except for:

(i) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

(ii) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

(iii) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

(iv) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.

(g) The owner or operator may obtain a variance from the requirements of this subsection if the department finds, as a result of a demonstration by the owner or operator that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous waste or dangerous constituents into the ground water, or surface water at least as effectively as secondary containment during the active life of the tank system or that in the event of a release that does migrate to ground water or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not, per a demonstration in accordance with (g)(ii) of this subsection, be exempted from the secondary containment requirements of this section.

(i) In deciding whether to grant a variance based on a demonstration of equivalent protection of ground water and surface water, the department will consider:

(A) The nature and quantity of the wastes;

(B) The proposed alternate design and operation;

(C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and ground water; and

(D) All other factors that would influence the quality and mobility of the dangerous constituents and the potential for them to migrate to ground water or surface water.

(ii) In deciding whether to grant a variance based on a demonstration of no substantial present or potential hazard, the department will consider:

(A) The potential adverse effects on ground water, surface water, and land quality taking into account:

(I) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

(II) The hydrogeological characteristics of the facility and surrounding land;

(III) The potential for health risks caused by human exposure to waste constituents;

(IV) The potential for damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(V) The persistence and permanence of the potential adverse effects.

(B) The potential adverse effects of a release on ground-water quality, taking into account:

(I) The quantity and quality of ground water and the direction of ground-water flow;

(II) The proximity and withdrawal rates of ground-water users;

(III) The current and future uses of ground water in the area; and

(IV) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground-water quality.

(C) The potential adverse effects of a release on surface water quality, taking into account:

(I) The quantity and quality of ground water and the direction of ground-water flow;

(II) The patterns of rainfall in the region;

(III) The proximity of the tank system to surface waters;

(IV) The current and future uses of surface waters in the area and any water quality standards established for those surface waters; and

(V) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality.

(D) The potential adverse effects of a release on the land surrounding the tank system, taking into account:

(I) The patterns of rainfall in the region; and

(II) The current and future uses of the surrounding land.

(iii) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7) of this section, except subsection (7)(d) of this section; and

(B) Decontaminate or remove contaminated soil to the extent necessary to:

(I) Enable the tank system for which the variance was granted to resume operation with the capability for the detection of releases at least equivalent to the capability it had prior to the release; and

(II) Prevent the migration of dangerous waste or dangerous constituents to ground water or surface water.

(C) If contaminated soil cannot be removed or decontaminated in accordance with (g)(iii)(B) of this subsection, comply with the requirements of subsection (8) of this section.

(iv) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7)(a), (b), (c), and (d) of this section; and

(B) Prevent the migration of dangerous waste or dangerous constituents to ground water or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed or if ground water has been contaminated, the owner or operator must comply with the requirements of subsection (8)(b) of this section; and

(C) If repairing, replacing, or reinstalling the tank system, provide secondary containment in accordance with the requirements of (a) through (f) of this subsection or reapply for a variance from secondary containment and meet the requirements for new tank systems in subsection (3) of this section if the tank system is replaced. The owner or operator must comply with these requirements even if contaminated soil can be decontaminated or removed and ground water or surface water has not been contaminated.

(h) The following procedures must be followed in order to request a variance from secondary containment:

(i) The department must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in (g) of this subsection according to the following schedule:

(A) For existing tank systems, at least twenty-four months prior to the date that secondary containment must be provided in accordance with (a) of this subsection.

(B) For new tank systems, at least thirty days prior to entering into a contract for installation.

(ii) As part of the notification, the owner or operator must also submit to the department a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in (g)(i) or (ii) of this subsection;

(iii) The demonstration for a variance must be completed within one hundred eighty days after notifying the department of an intent to conduct the demonstration; and

(iv) If a variance is granted under this subsection, the department will require the permittee to construct and operate the tank system in the manner that was demonstrated to meet the requirements for the variance.

(i) All tank systems, until such time as secondary containment that meets the requirements of this section is provided, must comply with the following:

(A) For nonenterable underground tanks, a leak test that meets the requirements of subsection (2)(c)(v) of this section or other tank integrity method, as approved or required by the department, must be conducted at least annually.

(B) For other than nonenterable underground tanks, the owner or operator must either conduct a leak test as in (i)(A) of this subsection or develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection, and the characteristics of the waste being stored or treated.

(C) For ancillary equipment, a leak test or other integrity assessment as approved by the department must be conducted at least annually.

Note: The practices described in the American Petroleum Institute (API) Publication Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," 4th edition, 1981, may be used, where applicable, as guidelines for assessing the overall condition of the tank system.

(D) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with (h)(iv)(A) through (C) of this subsection.

(E) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in (h)(iv)(A) through (C) of this subsection, the owner or operator must comply with the requirements of subsection (7) of this section.

(1995 Ed.)

(5) General operating requirements.

(a) Dangerous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

(b) The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include at a minimum:

(i) Spill prevention controls (e.g., check valves, dry disconnect couplings);

(ii) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

(iii) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

(c) The owner or operator must comply with the requirements of subsection (7) of this section if a leak or spill occurs in the tank system.

(d) All tank systems holding dangerous waste shall be marked with labels or signs to identify the waste contained in the tank. The label or sign shall be legible at a distance of at least fifty feet, and shall bear a legend which identifies the waste in a manner which adequately warns employees, emergency response personnel, and the public of the major risk(s) associated with the waste being stored or treated in the tank system(s). (Note—If there already is a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate.)

(e) All tank systems holding EHW which is acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air.

(6) Inspections.

(a) The owner or operator must develop and follow a schedule and procedure for inspecting overfill controls.

(b) The owner or operator must inspect at least once each operating day:

(i) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

(ii) Data gathered from monitoring any leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and

(iii) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of dangerous waste (e.g., wet spots, dead vegetation).

Note: WAC 173-303-320 requires the owner or operator to remedy any deterioration or malfunction he finds. Subsection (7) of this section requires the owner or operator to notify the department within twenty-four hours of confirming a leak. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of a release.

(c) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

(i) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

(ii) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.

(d) The owner or operator must document in the operating record of the facility an inspection of those items in (a) through (c) of this subsection. The owner or operator shall keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(a) Cessation of use; prevent flow or addition of wastes. The owner or operator must immediately stop the flow of dangerous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

(b) Removal of waste from tank system or secondary containment system.

(i) If the release was from the tank system, the owner/operator must, within twenty-four hours after detection of the leak or, if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of dangerous waste to the environment and to allow inspection and repair of the tank system to be performed.

(ii) If the material released was to a secondary containment system, all released materials must be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(c) Containment of visible releases to the environment. The owner/operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(i) Prevent further migration of the leak or spill to soils or surface water; and

(ii) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(d) Notifications, reports.

(i) Any release to the environment, except as provided in (d)(ii) of this subsection, must be reported to the department within twenty-four hours of its detection. Any release above the "reportable quantity" must also be reported to the National Response Center pursuant to 40 CFR Part 302.

(ii) A leak or spill of dangerous waste is exempted from the requirements of (d) of this subsection if it is:

(A) Less than or equal to a quantity of one pound, or the "Reportable Quantity" (RQ) established in 40 CFR Part 302, whichever is less; and

(B) Immediately contained and cleaned-up.

(iii) Within thirty days of detection of a release to the environment, a report containing the following information must be submitted to the department:

(A) Likely route of migration of the release;

(B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

(C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within thirty days, these data must be submitted to the department as soon as they become available;

(D) Proximity to downgradient drinking water, surface water, and populated areas; and

(E) Description of response actions taken or planned.

(e) Provision of secondary containment, repair, or closure.

(i) Unless the owner/operator satisfies the requirements of (e)(ii) through (iv) of this subsection, the tank system must be closed in accordance with subsection (8) of this section.

(ii) If the cause of the release was a spill that has not damaged the integrity of the system, the owner/operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

(iii) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

(iv) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner/operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of subsection (4) of this section before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of (f) of this subsection are satisfied. If a component is replaced to comply with the requirements of this subitem, that component must satisfy the requirements for new tank systems or components in subsections (3) and (4) of this section. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with subsection (4) of this section prior to being returned to use.

(f) Certification of major repairs. If the owner/operator has repaired a tank system in accordance with (e) of this subsection, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered, professional engineer in accordance with WAC 173-303-810 (13)(a) that the repaired system is capable of handling dangerous wastes without release for the intended life of the system. This certification must be

submitted to the department within seven days after returning the tank system to use.

Note: See WAC 173-303-320 for the requirements necessary to remedy a failure. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of certain releases.

(8) Closure and post-closure care.

(a) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as dangerous waste, unless WAC 173-303-070 (2)(a) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in WAC 173-303-610 and 173-303-620.

(b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in (a) of this subsection, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (see WAC 173-303-665(6)). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in WAC 173-303-610 and 173-303-620.

(c) If an owner or operator has a tank system that does not have secondary containment that meets the requirements of subsection (4)(b) through (f) of this section and is not exempt from the secondary containment requirements in accordance with subsection (4)(g) of this section, then:

(i) The closure plan for the tank system must include both a plan for complying with (a) of this subsection and a contingent plan for complying with (b) of this subsection.

(ii) A contingent post-closure plan for complying with (b) of this subsection must be prepared and submitted as part of the permit application.

(iii) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under (a) of this subsection.

(iv) Financial assurance must be based on the cost estimates in (c)(iii) of this subsection.

(v) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under this chapter (WAC 173-303-610 and 173-303-620).

(9) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in tank systems unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090, and 173-303-395 (1)(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

(iii) The tank system is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of the NFPA-30 *Flammable and Combustible Liquids Code* - 1981, or as required by state and local fire codes when such codes are more stringent. The owner or operator shall also comply with the requirements of WAC 173-303-395 (1)(d).

(10) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank system, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless WAC 173-303-395 (1)(b) is complied with.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-640, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-640, filed 1/4/89; 86-12-057 (Order DE-85-10), § 173-303-640, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-640, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-640, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-645 Releases from regulated units.

(1) Applicability.

(a)(i) Except as provided in (b) of this subsection, the regulations in this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste. The owner or operator must satisfy the requirements identified in (a)(ii) of this subsection for all wastes (or constituents thereof) contained in solid waste management units at the facility, regardless of the time at which waste was placed in such units.

(ii) All solid waste management units must comply with the requirements in WAC 173-303-646(2). Regulated units (as defined in WAC 173-303-040) must comply with the requirements of subsections (2) through (12) of this section, in lieu of WAC 173-303-646(2), for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The corrective action financial responsibility requirements of WAC 173-303-646(2) apply to corrective action regulated units.

(b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this section if:

(i) The owner or operator is exempted under WAC 173-303-600; or

(ii) He operates a unit which the department finds:

(A) Is an engineered structure;

(B) Does not receive or contain liquid waste or waste containing free liquids;

(C) Is designed and operated to exclude liquid, precipitation, and other run-on and run-off;

(D) Has both inner and outer layers of containment enclosing the waste;

(E) Has a leak detection system built into each containment layer;

(F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods; and

(G) To a reasonable degree of certainty, will not allow dangerous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period.

(iii) The department finds, pursuant to WAC 173-303-655 (8)(d), that the treatment zone of a land treatment unit does not contain levels of dangerous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of WAC 173-303-655(6) has not shown a statistically significant increase in dangerous constituents below the treatment zone during the operating life of the unit. An exemption under this subsection can only relieve an owner or operator of responsibility to meet the requirements of this section during the post-closure care period; or

(iv) The department finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the postclosure care period. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under this subsection on assumptions that maximize the rate of liquid migration.

(c) The regulations under this section apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this section:

(i) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure in accordance with the removal or decontamination limits specified in WAC 173-303-610 (2)(b);

(ii) Apply during the postclosure care period if the owner or operator is conducting a detection monitoring program under subsection (9) of this section; and

(iii) Apply during the compliance period under subsection (7) of this section, if the owner or operator is conducting a compliance monitoring program under subsection (10) of this section, or a corrective action program under subsection (11) of this section.

(d) Regulations in this section may apply to miscellaneous units when necessary to comply with WAC 173-303-680 (2) through (4).

(2) Required programs.

(a) Owners and operators subject to this section must conduct a monitoring and response program as follows:

(i) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit are detected at the compliance point under subsection (6) of this section, the owner or operator must institute a compliance monitoring program under subsection (10) of this section. Detected is defined as statistically significant evidence of contamination as described in subsection (9)(f) of this section;

(ii) Whenever the ground water protection standard under subsection (3) of this section, is exceeded, the owner or operator must institute a corrective action program under subsection (11) of this section. Exceeded is defined as statistically significant evidence of increased contamination as described in subsection (10)(h) of this section. Exceeded is defined as statistically significant evidence of contamination as described in WAC 173-303-645 (10)(d);

(iii) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section and the downgradient facility property boundary, the owner or operator must institute a corrective action program under subsection (11) of this section; and

(iv) In all other cases, the owner or operator must institute a detection monitoring program under subsection (9) of this section.

(b) The department will specify in the facility permit the specific elements of the monitoring and response program. The department may include one or more of the programs identified in (a) of this subsection, in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the department will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(3) Ground water protection standard. The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that dangerous constituents under subsection (4) of this section, detected in the ground water from a regulated unit do not exceed the concentration limits under subsection (5) of this section, in the uppermost aquifer underlying the waste management area beyond the point of compliance under subsection (6) of this section, during the compliance period under subsection (7) of this section. To the extent practical, the department will establish this ground water protection standard in the facility permit at the time the permit is issued. If the department determines that an established standard is not protective enough, or if the department decides that it is not practical to establish standards at the time of permit issuance, the department will establish the groundwater protection standard in the facility permit when dangerous constituents have been detected in the groundwater from a regulated unit.

(4) Dangerous constituents.

(a) The department will specify in the facility permit the dangerous constituents to which the ground water protection standard of subsection (3) of this section, applies. Dangerous constituents are constituents identified in 40 CFR Part 264 Appendix IX (this list is available from the department upon request), and any other constituents not listed there which have caused a waste to be regulated under this chapter, that may be or have been detected in ground water in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the department has excluded them under (b) of this subsection.

The department may also specify in the permit indicator parameters (e.g., specific conductance, pH, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents or reaction products as identified in the detection monitoring program under subsection (9)(a) of this section, that provide a reliable indication of the presence of dangerous constituents in the ground water.

(b) The department will exclude a 40 CFR Part 264 Appendix IX, or other identified constituent from the list of dangerous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the department will consider the following:

(i) Potential adverse effects on ground water quality, considering:

(A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of ground water and the direction of ground water flow;

(D) The proximity and withdrawal rates of ground water users;

(E) The current and future uses of ground water in the area;

(F) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(I) The persistence and permanence of the potential adverse effects;

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering:

(A) The volume and physical and chemical characteristics of the waste in the regulated unit;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of ground water, and the direction of ground water flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the regulated unit to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects; and

(iii) Any identification of underground sources of drinking water and exempted aquifers made pursuant to chapter 90.48 RCW, chapter 270, Laws of 1983, and other applicable state laws and regulations.

(5) Concentration limits.

(a) The department will specify in the facility permit concentration limits in the ground water for dangerous constituents established under subsection (4) of this section. The concentration of a dangerous constituent:

(i) Must not exceed the background level of that constituent in the ground water at the time that limit is specified in the permit; or

(ii) For any of the constituents listed in Table 1 of this subsection, must not exceed the respective value given in that table if the background level of the constituent is below the value given in Table 1; or

(iii) Must not exceed an alternate limit established by the department under (b) of this subsection.

Table 1.
Maximum Concentration of Constituents
for Ground Water Protection

Constituent	Maximum Concentration ¹
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin	0.0002
Lindane	0.004
Methoxychlor	0.1
Toxaphene	0.005
2,4-D	0.1m
2,4,5-TP Silvex	0.01

¹ Milligrams per liter.

(b) The department will establish an alternate concentration limit for a dangerous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will consider the same factors listed in subsection (4)(b)(i) through (iii) of this section.

(6) Point of compliance.

(a) The department will specify in the facility permit the point of compliance at which the ground water protection standard of subsection (3) of this section, applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units. Alternatively, the point of compliance may be any closer points identified by the department at the time the permit is issued, considering the risks of the facility, the

wastes and constituents managed there, the potential for waste constituents to have already migrated past the alternate compliance point, and the potential threats to ground and surface waters.

(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(7) Compliance period.

(a) The department will specify in the facility permit the compliance period during which the ground water protection standard of subsection (3) of this section applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period).

(b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of subsection (10) of this section.

(c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in (a) of this subsection, the compliance period is extended until the owner or operator can demonstrate that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(8) General ground water monitoring requirements.

The owner or operator must comply with the requirements of this subsection for any ground water monitoring program developed to satisfy subsections (9), (10), or (11) of this section.

(a) The ground water monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that:

(i) Represent the quality of background water that has not been affected by leakage from a regulated unit;

(A) A determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

(I) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; and

(II) Sampling at other wells will provide an indication of background ground water quality that is representative or more representative than that provided by the upgradient wells; and

(ii) Represent the quality of ground water passing the point of compliance.

(iii) Allow for the detection of contamination when dangerous waste or dangerous constituents have migrated from the waste management area to the uppermost aquifer.

(b) If a facility contains more than one regulated unit, separate ground water monitoring systems are not required for each regulated unit, provided that provisions for sampling the ground water in the uppermost aquifer will enable detection and measurement at the compliance point of

dangerous constituents from the regulated units that have entered the ground water in the uppermost aquifer.

(c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata. Wells must meet the requirements set forth in Parts 1 and 3 of chapter 173-160 WAC, "Minimum standards for construction and maintenance of wells."

(d) The ground water monitoring program must include at a minimum, procedures and techniques for:

(i) Decontamination of drilling and sampling equipment;

(ii) Sample collection;

(iii) Sample preservation and shipment;

(iv) Analytical procedures and quality assurance; and

(v) Chain of custody control.

(e) The ground water monitoring program must include consistent sampling and analytical methods that ensure reliable ground water sampling, accurately measure dangerous constituents and indicator parameters in ground water samples, and provide a reliable indication of groundwater quality below the waste management area.

(f) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(g) In detection monitoring or where appropriate in compliance monitoring, data on each dangerous constituent specified in the permit will be collected from background wells and wells at the compliance point(s). The number and kinds of samples collected to establish background shall be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size shall be as large as necessary to ensure with reasonable confidence that a contaminant release to ground water from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit which shall be specified in the unit permit upon approval by the department. This sampling procedure shall be:

(i) A sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or

(ii) An alternate sampling procedure proposed by the owner or operator and approved by the department.

(h) The owner or operator will specify one of the following statistical methods to be used in evaluating ground water monitoring data for each hazardous constituent which, upon approval by the department, will be specified in the unit permit. The statistical test chosen shall be conducted separately for each dangerous constituent in each well. Where practical quantification limits (pql's) are used in any of the following statistical procedures to comply with (i)(v) of this subsection, the pql must be proposed by the owner or operator and approved by the department. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in (i) of this subsection.

(i) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

(ii) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(iii) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(iv) A control chart approach that gives control limits for each constituent.

(v) Another statistical test method submitted by the owner or operator and approved by the department.

(i) Any statistical method chosen under (h) of this subsection for specification in the unit permit shall comply with the following performance standards, as appropriate:

(i) The statistical method used to evaluate ground water monitoring data shall be appropriate for the distribution of chemical parameters or dangerous constituents. If the distribution of the chemical parameters or dangerous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(ii) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a ground water protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.

(iii) If a control chart approach is used to evaluate ground water monitoring data, the specific type of control chart and its associated parameter values shall be proposed by the owner or operator and approved by the department if it is protective of human health and the environment.

(iv) If a tolerance interval or a prediction interval is used to evaluate ground water monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be proposed by the owner or operator and approved by the department if it finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(v) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment.

Any practical quantification limit (pql) approved by the department under (h) of this subsection that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(vi) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(j) Ground water monitoring data collected in accordance with (g) of this subsection including actual levels of constituents must be maintained in the facility operating record. The department will specify in the permit when the data must be submitted for review.

(9) Detection monitoring program. An owner or operator required to establish a detection monitoring program under this subsection must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor for indicator parameters (e.g., pH, specific conductance, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents, or reaction products that provide a reliable indication of the presence of dangerous constituents in ground water. The department will specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:

(i) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;

(ii) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

(iii) The detectability of indicator parameters, waste constituents, and reaction products in ground water; and

(iv) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the ground water background.

(b) The owner or operator must install a ground water monitoring system at the compliance point, as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The owner or operator must conduct a ground water monitoring program for each chemical parameter and dangerous constituent specified in the permit pursuant to (a) of this subsection in accordance with subsection (8)(g) of this section. The owner or operator must maintain a record of ground water analytical data as measured and in a form necessary for the determination of statistical significance under subsection (8)(h) of this section.

(d) The department will specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or dangerous constituent specified in the permit under (a) of this subsection in accordance with subsection (8)(g) of this section. A sequence of at least four samples from each well (background and compliance wells) must be collected at least semiannually during detection monitoring.

(e) The owner or operator must determine the ground water flow rate and direction in the uppermost aquifer at least annually.

(f) The owner or operator must determine whether there is statistically significant evidence of contamination for any chemical parameter of dangerous constituent specified in the permit pursuant to (a) of this subsection at a frequency specified under (d) of this subsection.

(i) In determining whether statistically significant evidence of contamination exists, the owner or operator must use the method(s) specified in the permit under subsection (8)(h) of this section. These method(s) must compare data collected at the compliance point(s) to the background ground water quality data.

(ii) The owner or operator must determine whether there is statistically significant evidence of contamination at each monitoring well as the compliance point within a reasonable period of time after completion of sampling. The department will specify in the facility permit what period of time is reasonable after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(g) If the owner or operator determines pursuant to (f) of this subsection that there is statistically significant evidence of contamination for chemical parameters or dangerous constituents specified pursuant to (a) of this subsection at any monitoring well at the compliance point, he or she must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what chemical parameters or dangerous constituents have shown statistically significant evidence of contamination:

(ii) Immediately sample the ground water in all monitoring wells and determine whether constituents in the list of Appendix IX of Part 264 are present, and if so, in what concentration.

(iii) For any Appendix IX compounds found in the analysis pursuant to (g)(ii) of this subsection, the owner or operator may resample within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to (g)(ii) of this subsection, the dangerous constituents found during this initial Appendix IX analysis will form the basis for compliance monitoring.

(iv) Within ninety days, submit to the department an application for a permit modification to establish a compliance monitoring program meeting the requirements of subsection (10) of this section. The application must include the following information:

(A) An identification of the concentration or any Appendix IX constituent detected in the ground water at each monitoring well at the compliance point;

(B) Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of subsection (10) of this section;

(C) Any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of subsection (10) of this section;

(D) For each dangerous constituent detected at the compliance point, a proposed concentration limit under subsection (5)(a)(i) or (ii) of this section, or a notice of

intent to seek an alternate concentration limit under subsection (5)(b) of this section; and

(v) Within one hundred eighty days, submit to the department:

(A) All data necessary to justify an alternate concentration limit sought under subsection (5)(b) of this section; and

(B) An engineering feasibility plan for a corrective action program necessary to meet the requirement of subsection (11) of this section unless:

(I) All dangerous constituents identified under (g)(ii) of this subsection are listed in Table I of subsection (5) of this section and their concentrations do not exceed the respective values given in that Table; or

(II) The owner or operator has sought an alternate concentration limit under subsection (5)(b) of this section for every dangerous constituent identified under (g)(ii) of this subsection.

(vi) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant difference for chemical parameters or dangerous constituents specified pursuant to (a) of this subsection at any monitoring well at the compliance point, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. The owner operator may make a demonstration under this subsection in addition to, or in lieu of, submitting a permit modification application under (g)(iv) of this subsection; however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in (g)(iv) of this subsection unless the demonstration made under this subsection successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(A) Notify the department in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he intends to make a demonstration under this subsection;

(B) Within ninety days, submit a report to the department which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

(C) Within ninety days, submit to the department an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and

(D) Continue to monitor in accordance with the detection monitoring program established under this section.

(h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, he or she must, within ninety days, submit an application for a permit modification to make any appropriate changes to the program.

(10) Compliance monitoring program. An owner or operator required to establish a compliance monitoring program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the ground water to determine whether regulated units are in compliance with the ground water protection standard under subsection

(3) of this section. The department will specify the ground water protection standard in the facility permit, including:

- (i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;
- (ii) Concentration limits under subsection (5) of this section for each of those dangerous constituents and parameters;
- (iii) The compliance point under subsection (6) of this section; and
- (iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must install a ground water monitoring system at the compliance point as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The department will specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with subsection (8)(g) and (h) of this section.

(i) The owner or operator must conduct a sampling program for each chemical parameter or dangerous constituent in accordance with subsection (8) (g) of this section.

(ii) The owner or operator must record ground water analytical data as measured and in form necessary for the determination of statistical significance under subsection (8)(h) of this section for the compliance period of the facility.

(d) The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or dangerous constituent specified in the permit, pursuant to (a) of this subsection, at a frequency specified under (f) of this subsection.

(i) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the method(s) specified in the permit under subsection (8)(h) of this section. The method(s) must compare data collected at the compliance point(s) to a concentration limit developed in accordance with subsection (5) of this section.

(ii) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(e) The owner or operator must determine the rate and direction of ground water flow in the uppermost aquifer at least annually.

(f) The department will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with subsection (8)(g) of this section. A sequence of at least four samples from each well (background and compliance wells) must be collected at least semiannually during the compliance period of the facility.

(g) The owner or operator must analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix IX of Part 264 at least annually to determine whether additional dangerous constituents are

present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in (f) of this subsection. If the owner or operator finds Appendix IX constituents in the ground water that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month and repeat the Appendix IX analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the department within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he or she must report the concentrations of these additional constituents to the department within seven days after completion of the initial analysis and add them to the monitoring list. If the owner or operator determines, pursuant to (d) of this subsection, that any concentration limits under subsection (5) of this section are being exceeded at any monitoring well at the point of compliance, he must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded;

(ii) Submit to the department an application for a permit modification to establish a corrective action program meeting the requirements of subsection (11) of this section, within ninety days, or within sixty days if an engineering feasibility study has been previously submitted to the department under subsection (9)(h)(v) of this section. For regulated units managing EHW, time frames of sixty days and forty-five days, respectively will apply. However, if the department finds that the full extent of the ninety/sixty-day or the sixty/forty-five-day time periods will increase the likelihood to cause a threat to public health, or the environment, it can at its discretion reduce their duration. In specifying shorter limits, the department will consider the following factors:

- (A) The physical and chemical characteristics of the dangerous constituents and parameters in the ground water;
- (B) The hydrogeological characteristics of the facility and of the surrounding land;
- (C) The rate of movement and direction of flow of the affected ground water;
- (D) The proximity to and withdrawal rates of ground water users downgradient; and
- (E) The current and future uses of ground water in the concerned area; and

(iii) The application must at a minimum include the following information:

(A) A detailed description of corrective actions that will achieve compliance with the ground water protection standard specified in the permit; and

(B) A plan for a ground water monitoring program that will demonstrate the effectiveness of the corrective action.

(i) If the owner or operator determines, pursuant to (d) of this subsection, that the ground water concentration limits under this section are being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make appropriate changes to the compliance monitoring program at the facility; and

(iv) Continue to monitor in accord with the compliance monitoring program established under this section.

(j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(11) Corrective action program. An owner or operator required to establish a corrective action program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section, for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must implement a corrective action program that prevents dangerous constituents and parameters from exceeding their respective concentration limits at the compliance point by removing the dangerous waste constituents and parameters or treating them in place. The permit will specify the specific measures that will be taken.

(c) The owner or operator must begin corrective action within a reasonable time period after the ground water protection standard is exceeded. The department will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of subsection (10)(i)(ii) of this section.

(d) In conjunction with a corrective action program, the owner or operator must establish and implement a ground water monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under subsection (10) of this section, and must be as effective as that program in determining compliance with the ground water protection standard under subsection (3) of this section, and in determining the success

of a corrective action program under (e) of this subsection, where appropriate.

(e) In addition to the other requirements of this section, the owner or operator must conduct a corrective action program to remove or treat in place any dangerous constituents or parameters under subsection (4) of this section, that exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section, and the downgradient facility property boundary; and beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the department that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner/operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. For a facility seeking or required to have a permit, the corrective action measures to be taken must be specified in the permit.

(i) Corrective action measures under this subsection must be initiated at the effective date of the modified permit and completed without time delays considering the extent of contamination.

(ii) Corrective action measures under this subsection may be terminated once the concentration of dangerous constituents and parameters under subsection (4) of this section, is reduced to levels below their respective concentration limits under subsection (5) of this section.

(f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the ground water protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, he must continue that corrective action for as long as necessary to achieve compliance with the ground water protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if he can demonstrate, based on data from the ground water monitoring program under (d) of this subsection, that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(g) The owner or operator must report in writing to the department on the effectiveness of the corrective action program. The owner or operator must submit these reports semiannually.

(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(12) Use of the Model Toxics Control Act.

(a) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under WAC 173-303-645 using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(b) Corrective action requirements imposed by an action issued pursuant to the Model Toxics Control Act shall be in

compliance with the requirements of WAC 173-303-645 and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(c) In the case of facilities seeking or required to have a permit under the provisions of this chapter the department will incorporate corrective action requirements imposed pursuant to the Model Toxics Control Act into permits at the time of permit issuance. Such incorporation shall in no way affect the timing or scope of review of the Model Toxics Control Act action.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-645, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-645, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-645, filed 1/4/89; 84-09-088 (Order DE 83-36), § 173-303-645, filed 4/18/84.]

WAC 173-303-646 Corrective action. (1) Purpose and applicability.

(a) The provisions of this section establish requirements for corrective action for releases of dangerous wastes and dangerous constituents including releases from solid waste management units.

(b) The provisions of this section apply to facilities seeking or required to have a permit to treat, store, recycle or dispose of dangerous waste.

(c) For the purposes of this section, dangerous constituent shall mean any constituent identified in WAC 173-303-9905 or 40 CFR Part 264 appendix IX, any constituent which caused a waste to be listed or designated as dangerous under the provisions of chapter 173-303 WAC, and any constituent defined as a hazardous substance at RCW 70.105D.020(5).

(2) Requirements.

(a) The owner or operator of a facility must institute corrective action as necessary to protect human health and the environment for all releases of dangerous wastes and dangerous constituents, including releases from all solid waste management units at the facility. Corrective action is required regardless of the time at which waste was managed at the facility or placed in such units and regardless of whether such facilities or units were intended for the management of solid or dangerous waste. Assurances of financial responsibility for such corrective action must be provided.

(b) The owner/operator must implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment. Additionally, as necessary to protect human health and the environment, the department may require the owner/operator to implement on site measures to address releases which have migrated beyond the facility boundary. Assurances of financial responsibility for such corrective action must be provided.

(c) In the case of a facility seeking or required to have a permit under the provisions of chapter 173-303 WAC, corrective action must be specified in the permit. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of

financial responsibility for completion of such corrective action.

(3) Use of the Model Toxics Control Act.

(a) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under subsection (2) of this section using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(b) Corrective action requirements imposed by the department in an action issued pursuant to the Model Toxics Control Act shall be in compliance with the requirements of subsection (2) of this section and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(c) In the case of facilities seeking or required to have a permit under the provisions of this chapter the department will incorporate corrective action requirements imposed pursuant to the Model Toxics Control Act into permits at the time of permit issuance. Such incorporation shall in no way affect the timing or scope of review of the Model Toxics Control Act action.

(4) Corrective action management unit (CAMU).

(a) For the purpose of implementing corrective actions required by subsection (2) of this section, the director may choose to designate an area at a facility as a corrective action management unit. Designation of a CAMU shall be in accordance with the provisions of this subsection and subsections (5) and (6) of this section. The director may choose to designate one or more CAMUs at a facility.

(b) Placement of remediation wastes, as defined in WAC 173-303-040 into or within a CAMU does not constitute land disposal of dangerous waste, however, when necessary to protect human health and the environment, the department may require remediation waste meet land disposal standards before placement in a CAMU.

(c) Consolidation or placement of remediation wastes, as defined in WAC 173-303-040 into or within a CAMU does not constitute creation of a unit subject to the minimum technology requirements of WAC 173-303-140(2), however, when necessary to protect human health and the environment, the department may require a CAMU meet all or part of the minimum technology requirements.

(d) Designation of a CAMU shall not in any way affect the department's existing authorities, including authority under chapter 70.105D RCW, to address clean-up levels, media-specific points of compliance, or other remedy selection decisions.

(e) Designation of a CAMU shall not in any way affect the timing or scope of review of any actions taken under the Model Toxics Control Act pursuant to subsection (3) of this section to fulfill the corrective action requirements of subsection (2) of this section or the corrective action requirements of WAC 173-303-645.

(5) Designation of a corrective action management unit.

(a) When designating a CAMU, the director shall do so in accordance with subsection (4) of this section, and the following:

(i) The CAMU shall facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

(ii) Waste management activities associated with the CAMU shall not create unacceptable risks to humans or the

environment resulting from exposure to dangerous wastes or dangerous constituents;

(iii) The CAMU shall include uncontaminated areas of the facility only if including such areas for the purposes of managing remediation wastes is more protective than management of such wastes at contaminated areas of the facility;

(iv) Areas within the CAMU where wastes remain in place after closure of the CAMU, shall be managed and contained so as to minimize future releases of dangerous wastes and dangerous constituents to the extent practicable;

(v) When appropriate and practicable, the CAMU shall expedite the timing of remedial activity implementation;

(vi) The CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

(vii) The CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

(b) When designating a CAMU, the director shall specify requirements for the CAMU including the following:

(i) The areal configuration of the CAMU;

(ii) Requirements for remediation waste management within the CAMU including specification of applicable design, operation, and closure requirements;

(iii) Requirements for ground water and/or vadose zone monitoring that are sufficient to:

(A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of dangerous waste and dangerous constituents in ground water from sources located within the CAMU; and

(B) Detect and subsequently characterize releases of dangerous waste and dangerous constituents to ground water that may occur from areas of the CAMU in which wastes will remain in place after CAMU closure.

(iv) Requirements for closure that shall minimize the need for further maintenance of the CAMU and shall include, as appropriate and deemed necessary by the director, the following:

(A) Requirements for excavation, removal, treatment, and/or containment of wastes;

(B) For areas in which wastes will remain after closure of the CAMU, requirements for capping of such areas; and

(C) Requirements for removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

(c) In establishing closure requirements for CAMUs under (b)(iv) of this subsection the director shall consider the following factors:

(i) CAMU characteristics;

(ii) Volume of wastes which will remain in place after CAMU closure;

(iii) Potential for releases from the CAMU;

(iv) Physical and chemical characteristics of the waste;

(v) Hydrological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases in and/or from the CAMU; and

(vi) Potential for exposure of humans and environmental receptors if releases were to occur at or from the CAMU.

(d) The director shall, for areas of the CAMU in which wastes will remain in place after CAMU closure, specify post-closure requirements to control, minimize, or eliminate, to the extent necessary to protect human health and the environment, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, and dangerous waste decomposition products to the ground, to ground waters, to surface waters, and to the atmosphere. Such post-closure requirements shall include, as necessary to protect human health and the environment, monitoring and maintenance activities and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover, or other containment system.

(e) The owner/operator of a facility shall provide sufficient information to enable the director to designate a CAMU in accordance with the criteria in subsections (4), (5)(a) through (d), and (6) of this section.

(f) The director shall document the rationale for designating CAMUs and shall make such documentation available to the public.

(g) Incorporation of the designation of and requirements for a CAMU into a existing permit must be approved by the director according to the procedures for agency initiated permit modifications under WAC 173-303-830(3), or according to the permit modification procedures of WAC 173-303-830(4).

(6) Incorporation of a regulated unit within a CAMU.

(a) The director may designate a regulated unit (as defined in WAC 173-303-040) as a CAMU, or may incorporate a regulated unit into a CAMU, if:

(i) The regulated unit is closed or closing, meaning it has begun the closure process under WAC 173-303-610 or 173-303-400; and

(ii) Inclusion of the regulated unit will enhance implementation of effective, protective and reliable remedial actions at the facility.

(b) The requirements of WAC 173-303-610, 173-303-620, 173-303-645, and the unit specific requirements of WAC 173-303-650 through 173-303-680 that applied to the regulated unit will continue to apply to the portion of the CAMU into which the regulated unit was incorporated.

(7) Temporary units (TUs)

(a) For temporary tanks and container storage areas used for treatment or storage of remediation wastes during implementation of the corrective action requirements of subsection (2) of this section, the director may determine that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements which are protective of human health and the environment.

(b) Any temporary unit to which alternative requirements are applied in accordance with (a) of this subsection shall be:

(i) Located within the facility boundary; and

(ii) Used only for treatment or storage of remediation wastes managed pursuant to implementation of the corrective action requirements of subsection (2) of this section at the facility.

(c) In establishing standards to be applied to a temporary unit, the director shall consider the following factors:

(i) Length of time unit will be in operation;

(ii) Type of unit;

(iii) Volumes of wastes to be managed;

(iv) Physical and chemical characteristics of the wastes to be managed in the unit;

(v) Potential for releases from the unit;

(vi) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(vii) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

(d) The director shall specify the length of time, not to exceed one year, a temporary unit will be allowed to operate. The director shall also specify design, operating, and closure requirements for the temporary unit.

(e) The director may extend the operating period of a temporary unit for up to one additional year, provided the director determines that:

(i) Continued operation of the unit will not pose a threat to human health and the environment; and

(ii) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(f) Incorporation of the designation of and requirements for a temporary unit or a time extension for a temporary unit into an existing permit shall be:

(i) Approved in accordance with the procedures for agency-initiated permit modifications under WAC 173-303-830(3); or

(ii) Requested by the owner or operator as a Class II modification according to the procedures under WAC 173-303-830(4).

(g) The director shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-646, filed 12/8/93, effective 1/8/94.]

WAC 173-303-650 Surface impoundments. (1) Applicability. The regulations in this section apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of dangerous waste.

(2) Design and operating requirements.

(a)(i) A surface impoundment (except for an existing portion of a surface impoundment) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with subsection (6)(a)(i) of this section. For impoundments that will be closed in accordance with subsection (6)(a)(ii) of this section, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact

with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift;

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(D) For EHW management, the owner or operator shall submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report shall be certified by an independent, qualified registered professional engineer.

(ii) The owner or operator of a new surface impoundment installed after October 31, 1984, and in which liquid EHW is managed must:

(A) Install a double lined system which incorporates the specifications of subsection (3)(a), (b), and (c) of this section; and

(B) Must comply with either the ground water monitoring requirements of WAC 173-303-645, or the unsaturated zone monitoring requirements of WAC 173-303-655(6).

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents listed in WAC 173-303-9905, or which otherwise cause his wastes to be regulated under this chapter, into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

(d) A surface impoundment must be designed so that any flow of waste into the impoundment can be immediately shut off in the event of overtopping or liner failure.

(e) A surface impoundment must be designed to repel birds.

(f) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent their failure. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.

(g) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could weaken its structural integrity; and

(i) Burrowing mammals which could weaken its structural integrity or create leaks through burrows.

(h) Earthen dikes must have a protective cover, such as grass, shale or rock to minimize wind and water erosion and to preserve their structural integrity.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined surface impoundments; exemption from WAC 173-303-645, ground water protection requirements.

(a) Except as provided in subsection (2)(a)(ii) of this section, the owner or operator of a double-lined surface impoundment is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The impoundment (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The impoundment must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) A leachate detection, collection and removal system must be designed and operated to remove accumulated liquids from the system as quickly as possible so as to avoid unnecessary buildup of hydrostatic pressure in the system.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(4) Monitoring and inspection.

(a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from subsection (2)(a)(i) of this section) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, chan-

nels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of overtopping control systems;

(ii) Sudden drops in the level of the impoundment's contents;

(iii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section; and

(iv) Severe erosion or other signs of deterioration in dikes or other containment devices.

(c) Prior to the issuance of a permit, and after any extended period of time (at least six months) during which the impoundment was not in service, the owner or operator must obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification must establish, in particular, that the dike:

(i) Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

(ii) Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

(5) Emergency repairs; contingency plans.

(a) A surface impoundment must be removed from service in accordance with (b) of this subsection when:

(i) Unexpected changes of liquid levels occur; or

(ii) The dike leaks.

(b) When a surface impoundment must be removed from service as required by (a) of this subsection, the owner or operator must:

(i) Immediately shut off the flow or stop the addition of wastes into the impoundment;

(ii) Immediately contain any surface leakage which has occurred or is occurring;

(iii) Immediately stop the leak;

(iv) Take any other necessary steps to stop or prevent catastrophic failure;

(v) Empty the impoundment, if a leak cannot be stopped by any other means; and

(vi) Notify the department of the problem in writing within seven days after detecting the problem.

(c) As part of the contingency plan required in WAC 173-303-340 through 173-303-360, the owner or operator must specify:

(i) A procedure for complying with the requirements of (b) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; description of a schedule of actions to be taken in the event of a possible failure; and the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the impoundment to be removed from service.

(d) No surface impoundment that has been removed from service in accordance with the requirements of this

section may be restored to service unless the portion of the impoundment which was failing is repaired and the following steps are taken:

(i) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be recertified in accordance with subsection (4)(c) of this section;

(ii) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then:

(A) For any existing portion of the impoundment, a liner must be installed in compliance with subsection (2)(a)(i) or (3) of this section; and

(B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.

(e) A surface impoundment that has been removed from service in accordance with the requirements of this section and that is not being repaired must be closed in accordance with the provisions of subsection (6) of this section.

(6) Closure and post-closure care.

(a) At closure, the owner or operator must:

(i) Remove or decontaminate all dangerous waste and dangerous waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with dangerous waste and leachate, and manage them as dangerous waste; or

(ii) If the surface impoundment will be closed as a landfill, except that this option is prohibited if EHW would remain in the closed unit(s):

(A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

(B) Stabilize remaining wastes to a bearing capacity sufficient to support a final cover; and

(C) Cover the surface impoundment with a final cover designed and constructed to:

(I) Provide long-term minimization of the migration of liquids through the closed impoundment with a material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the final cover; and

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained.

(b) If some waste residues or contaminated materials are left in place at final closure (except that no EHW may ever be left in place), the owner or operator must comply with all post-closure requirements contained in WAC 173-303-610 (7), (8), (9), and (10), including maintenance and monitoring throughout the post-closure care period (specified in the permit). The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsection (3) of this section, where such a system is present between double liner systems;

(iii) Maintain and monitor the ground water monitoring system and comply with all applicable requirements of WAC 173-303-645; and

(iv) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(c)(i) If an owner or operator plans to close a surface impoundment in accordance with (a)(i) of this subsection, and the impoundment does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (2)(b) of this section, then:

(A) The closure plan for the impoundment under WAC 173-303-610(3) must include both a plan for complying with (a)(i) of this subsection, and a contingent plan for complying with (a)(ii) of this subsection in case not all contaminated subsoils can be practicably removed at closure; and

(B) The owner or operator must prepare a contingent post-closure plan under WAC 173-303-610(8) for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and post-closure care of an impoundment subject to (c) of this subsection must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under (a)(i) of this subsection.

(d) During the post-closure care period, if liquids leak into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will then modify the permit to require compliance with applicable requirements of WAC 173-303-645, or, if so requested by the owner or operator, to require removal of all materials in accordance with (a)(i) of this subsection.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090; and

(ii) WAC 173-303-395 (1)(b) is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

(c) The surface impoundment is used solely for emergencies.

(8) Special requirements for incompatible wastes. Incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395 (1)(b) is complied with.

(9) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) The wastes F020, F021, F022, F023, F026, or F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this section. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 94-01-060 (Order 92-33), § 173-303-650, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251), 91-07-005 (Order 90-42), § 173-303-650, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW, 88-18-083 (Order 88-29), § 173-303-650, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-650, filed 3/11/88; 86-12-057 (Order DE-85-10), § 173-303-650, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-650, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-650, filed 2/10/82.]

WAC 173-303-655 Land treatment. (1) Applicability. The regulations in this subpart apply to owners and operators of facilities that treat or dispose of dangerous waste in land treatment units, except as WAC 173-303-600 provides otherwise.

(2) Treatment program.

(a) An owner or operator subject to this section must establish a land treatment program that is designed to ensure that dangerous constituents placed in or on the treatment zone are degraded, transformed, or immobilized within the treatment zone. The department will specify in the facility permit the elements of the treatment program, including:

(i) The wastes that are capable of being treated at the unit based on a demonstration under subsection (3) of this section;

(ii) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with subsection (4)(a) of this section; and

(iii) Unsaturated zone monitoring provisions meeting the requirements of subsection (6) of this section.

(b) The department will specify in the facility permit the dangerous constituents that must be degraded, transformed, or immobilized under this section. Dangerous constituents are constituents identified in WAC 173-303-9905, and any other constituents which, although not listed in WAC 173-303-9905, cause a waste to be regulated under this chapter, that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(c) The department will specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below, and including, the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of dangerous constituents. The maximum depth of the treatment zone must be:

(i) No more than 1.5 meters (5 feet) below the initial soil surface; and

(ii) More than 3 meters (10 feet) above the seasonal high water table; except that the owner or operator may demonstrate to the satisfaction of the department that a distance of less than 3 meters will be adequate. In no case shall the distance be less than 1 meter.

(3) Treatment demonstration.

(a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that dangerous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.

(b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data, or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under (a) of this subsection, he must obtain a land treatment demonstration permit under WAC 173-303-808. The department will specify in this permit the testing, analytical, design, and operating requirements (including the duration of the tests and analyses, and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in (c) of this subsection.

(c) Any field test or laboratory analysis conducted in order to make a demonstration under (a) of this subsection must:

(i) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:

(A) The characteristics of the waste and of dangerous constituents present;

(B) The climate in the area;

(C) The topography of the surrounding area;

(D) The characteristics and depth of the soil in the treatment zone; and

(E) The operating practices to be used at the unit;

(ii) Be likely to show that dangerous constituents in the waste to be tested will be completely degraded, transformed, or immobilized in the treatment zone of the proposed land treatment unit; and

(iii) Be conducted in a manner that protects human health and the environment considering:

(A) The characteristics of the waste to be tested;

(B) The operating and monitoring measures taken during the course of the test;

(C) The duration of the test;

(D) The volume of waste used in the test; and

(E) In the case of field tests, the potential for migration of dangerous constituents to ground water or surface water.

(4) Design and operating requirements. The department will specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this subsection.

(a) The owner or operator must design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of dangerous constituents in the treatment zone. The owner or operator must design, construct, operate, and maintain the unit in accordance with all design and operating conditions that were used in the treatment demonstration under subsection (3) of this section.

At a minimum, the department will specify in the facility permit:

- (i) The rate and method of waste application to the treatment zone;
- (ii) Measures to control soil pH;
- (iii) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling); and
- (iv) Measures to control the moisture content of the treatment zone.

(b) The owner or operator must design, construct, operate, and maintain the treatment zone to minimize run-off of dangerous constituents during the active life of the land treatment unit.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain the design capacity of the system.

(f) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator must control wind dispersal.

(g) The owner or operator must inspect the unit weekly and after storms to detect evidence of:

- (i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and
- (ii) Improper functioning of wind dispersal control measures.

(5) Food chain crops. The department may allow the growth of food chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this subsection. The department will specify in the facility permit the specific food chain crops which may be grown.

(a)(i) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that dangerous constituents other than cadmium:

(A) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food chain animals (e.g., by grazing); or

(B) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.

(ii) The owner or operator must make the demonstration required under (a)(i) of this subsection prior to the planting of crops at the facility for all dangerous constituents that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(iii) In making such a demonstration, the owner or operator may use field tests, greenhouse studies, available data, or, in the case of existing units, operating data, and must:

(A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and

(B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.

(iv) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration he must obtain a permit for conducting such activities.

(b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone;

(i)(A) The pH of the waste and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

(B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate must not exceed:

Time period	Annual Cd application rate (kilograms per hectare)
Present to June 30, 1984	2.0
July 1, 1984 to Dec. 31, 1986	1.25
Beginning Jan. 1, 1987	0.5

(C) The cumulative application of cadmium from waste must not exceed 5kg/ha if the waste and soil mixture has a pH of less than 6.5; and

(D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 5 meq/100g; 10 kg/ha if soil CEC is 5-15 meq/100g; and 20 kg/ha if soil CEC is greater than 15 meq/100g; or

(ii)(A) Animal feed must be the only food chain crop produced;

(B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food chain crops are grown;

(C) There must be an operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

(D) Future property owners must be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops must not be grown except in compliance with (b)(ii) of this subsection.

(6) Unsaturated zone monitoring. An owner or operator subject to this section must establish an unsaturated zone

monitoring program to discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the soil and soil-pore liquid to determine whether dangerous constituents migrate out of the treatment zone.

(i) The department will specify the dangerous constituents to be monitored in the facility permit. The dangerous constituents to be monitored are those specified under subsection (2)(b) of this section.

(ii) The department may require monitoring for principal dangerous constituents (PDCs) in lieu of the constituents specified under subsection (2)(b) of this section. PDCs are dangerous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The department will establish PDCs if it finds, based on waste analyses, treatment demonstrations, or other data, that effective degradation, transformation, or immobilization of the PDCs will assure treatment at least equivalent levels for the other dangerous constituents in the wastes.

(b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that:

(i) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and

(ii) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

(c) The owner or operator must establish a background value for each dangerous constituent to be monitored under (a) of this subsection. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

(i) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

(ii) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

(iii) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(iv) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with (b)(i) of this subsection.

(d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The department will specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application, and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling

results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for:

(i) Sample collection;

(ii) Sample preservation and shipment;

(iii) Analytical procedures; and

(iv) Chain of custody control.

(f) The owner or operator must determine whether there is a statistically significant change over background values for any dangerous constituent to be monitored under (a) of this subsection, below the treatment zone each time he conducts soil monitoring and soil-pore liquid monitoring under (d) of this subsection.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under (d) of this subsection, to the background value for that constituent according to the statistical procedure specified in the facility permit under this subsection.

(ii) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

(iii) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The department will specify a statistical procedure in the facility permit that it finds:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.

(g) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he must:

(i) Notify the department of his finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases;

(ii) Within forty-five days, submit to the department an application for a permit modification to amend the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone; and

(iii) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(h) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection,

he is not relieved of the requirement to submit concurrently a permit modification application within the forty-five-day period, unless the demonstration made under this subsection successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

(iv) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(7) Recordkeeping. The owner or operator must include dangerous waste application dates and rates in the operating record required under WAC 173-303-380.

(8) Closure and postclosure care.

(a) During the closure period the owner or operator must:

(i) Continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of dangerous constituents within the treatment zone as required under subsection (4)(a) of this section, except to the extent such measures are inconsistent with (a)(viii) of this subsection;

(ii) Continue all operations in the treatment zone to minimize run-off of dangerous constituents as required under subsection (4)(b) of this section;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section;

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated ninety days after the last application of waste to the treatment zone; and

(viii) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of dangerous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

(b) For the purpose of complying with WAC 173-303-610(6) when closure is completed, the owner or operator may submit to the department a certification by an independent qualified soil scientist, in lieu of an independent, qualified registered professional engineer, that the facility has

been closed in accordance with the specifications in the approved closure plan.

(c) During the postclosure care period the owner or operator must:

(i) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of dangerous constituents in the treatment zone to the extent that such measures are consistent with other postclosure care activities;

(ii) Maintain a vegetative cover over closed portions of the facility;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste, if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section; and

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated one hundred eighty days after the last application of waste to the treatment zone.

(d) The owner or operator is not subject to regulation under (a)(viii) and (c) of this subsection, if the department finds that the level of dangerous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in (d)(iii) of this subsection. The owner or operator may submit such a demonstration to the department at any time during the closure or postclosure care periods. For the purposes of this subsection:

(i) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all dangerous constituents specified in the facility permit under subsection (2)(b) of this section;

(A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone;

(B) The owner or operator must express background values and values for dangerous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under (d)(iii) of this subsection;

(ii) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively;

(iii) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying dangerous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

(e) The owner or operator is not subject to regulation under WAC 173-303-645 if the department finds that the owner or operator satisfies (d) of this subsection, and if unsaturated zone monitoring under subsection (6) of this section, indicates that dangerous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(9) Special requirements for ignitable or reactive waste. The owner or operator must not apply ignitable or reactive waste to the treatment zone unless:

(a) The waste is immediately incorporated into the soil so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) and (7); and

(ii) WAC 173-303-395 is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(10) Special requirements for incompatible wastes. The owner or operator must not place incompatible wastes, or incompatible wastes and materials, in or on the same treatment zone, unless WAC 173-303-395 (1)(b) is complied with.

(11) Special requirements for extremely hazardous waste. Under no circumstances will EHW be allowed to remain in a closed land treatment unit after concluding the postclosure care period. If EHW remains at the end of the scheduled postclosure care period specified in the permit, then the department will either extend the postclosure care period, or require that all EHW be disposed of off-site or that it be treated. In deciding whether to extend postclosure care or require disposal or treatment, the department will take into account the likelihood that the waste will or will not continue to degrade in the land treatment unit to the extent that it is no longer EHW. For the purposes of this subsection, EHW will be considered to remain in a land treatment unit if representative samples of the treatment zone are designated as EHW. Procedures for representative sampling and testing will be specified in the permit.

(12) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, or F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for land treatment facilities managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-655, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-655, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-655, filed 4/18/84.]

WAC 173-303-660 Waste piles. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that store or treat dangerous waste in piles.

(b) The regulations in this section do not apply to owners or operators of waste piles that will be closed with wastes left in place. Such waste piles are subject to regulation under WAC 173-303-665 (Landfills).

(c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under subsection (2) of this section, or under WAC 173-303-645, provided that:

(i) Liquids or materials containing free liquids are not placed in the pile;

(ii) The pile is protected from surface water run-on by the structure or in some other manner;

(iii) The pile is designed and operated to control dispersal of the waste by wind, by means other than wetting; and

(iv) The pile will not generate leachate through decomposition or other reactions.

(d) All EHW and respiratory carcinogens stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(2) Design and operating requirements.

(a) A waste pile (except for an existing portion of a waste pile) must have:

(i) A liner that is designed, constructed, installed and maintained to prevent any migration of wastes out of the pile into the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the pile and to the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying wastes, waste cover materials, and by any equipment used at the pile; and

(B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

(b) A liner and leachate collection and removal system must be protected from plant growth which could adversely affect any component of the system.

(c) For EHW management, the owner or operator shall submit an engineering report with his permit application stating the basis for selecting the liner required in subsection (2)(a)(i) of this section. The statement shall be certified by an independent, qualified registered professional engineer.

(d) The owner or operator will be exempted from the requirements of (a), (b), and (c) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents identified under WAC 173-303-645(4) into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(e) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto any portion of the pile during peak discharge from at least a twenty-five-year storm.

(f) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(g) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(h) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined piles; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined waste pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) and (c) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) The pile must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within the period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(4) Inspection of liners; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liner) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by a liner (base) that meets all the specifications of subsection (2)(a)(i) of this section;

(iii) The wastes in the pile must be removed periodically, and the liner must be inspected for deterioration, cracks, or other conditions that may result in leaks. The frequency of inspection will be specified in the inspection plan required in WAC 173-303-320 and must be based on the potential for the liner (base) to crack or otherwise deteriorate under the conditions of operation;

(iv) The liner must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing, or other physical damage from equipment used to place waste

in or on the pile or to clean and expose the liner surface for inspection; and

(v) The pile must have a leachate collection and removal system above the liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If deterioration, cracking, or other condition is identified that is causing or could cause a leak, the owner or operator must:

(i) Notify the department of the condition in writing within seven days after detecting the condition; and

(ii)(A) Repair or replace the liner (base) and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the liner (base) has been repaired and leakage will not occur; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(5) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of piles exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;

(iii) Proper functioning of wind dispersal control systems; and

(iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(6) Containment system repairs—Contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by (d) of this subsection. Indications of possible failure of the containment system include liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the base, erosion of the base, or apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.

(b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed

from service. Indications of positive failure of the containment system include waste detected in the leachate detection system, or a breach (e.g., a hole, tear, crack, or separation) in the base.

(c) If the waste pile must be removed from service as required by (b) of this subsection, the owner or operator must:

(i) Immediately stop adding wastes to the pile;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, remove the waste from the base.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of (c) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW piles, the owner or operator must submit with his permit application a statement signed by an independent, qualified registered professional engineer of the basis on which the evaluation and repair plan has been established.

(e) No waste pile that has been removed from service pursuant to (b) of this subsection, may be restored to service unless:

(i) The containment system has been repaired; and

(ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A waste pile that has been removed from service pursuant to (b) of this subsection, and will not be repaired, must be closed in accordance with subsection (9) of this section.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a pile, unless:

(a) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090, and complies with WAC 173-303-395 (1)(b); or

(b)(i) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and

(ii) The generator complies with WAC 173-303-395 (1)(d).

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395 (1)(b) is complied with.

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of inc-

compatible wastes must not be served by the same containment system.

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395 (1)(b).

(9) Closure and postclosure care.

(a) At closure, the owner or operator must remove or decontaminate all dangerous waste, waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them in accordance with this chapter.

(b) If, after removing or decontaminating all residues and making all reasonable efforts regarding removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated (except that no EHW may ever be left in place), he must close the facility and perform postclosure care in accordance with the closure and postclosure care requirements that apply to landfills, WAC 173-303-665(6).

(c)(i) The owner or operator of a waste pile that does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (1)(c) or (2)(d) of this section, must:

(A) Include in the closure plan for the pile under WAC 173-303-610(3) both a plan for complying with (a) of this subsection, and a contingent plan for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent postclosure plan under WAC 173-303-610(8) for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and postclosure care of a pile must include the cost of complying with the contingent closure plan and the contingent postclosure plan but are not required to include the cost of expected closure under (a) of this subsection.

(10) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in subsection (1)(c) of this section) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, to surface water, or air so as to protect human health and the environment.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-660, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-660, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-660, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-660, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-660, filed 2/10/82.]

WAC 173-303-665 Landfills. (1) Applicability. The regulations in this section apply to owners and operators of facilities that dispose of dangerous waste in landfills, except as WAC 173-303-600 provides otherwise. No landfill shall be permitted to dispose of EHW, except for the Hanford facility under WAC 173-303-700.

(2) Design and operating requirements.

(a) A landfill (except for an existing portion of a landfill) must have:

(i) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground water or surface water at anytime during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The owner or operator must submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report must be certified by a licensed professional engineer. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent failure under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(B) Designed and operated to function without clogging through the scheduled closure of the landfill.

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

- (i) The nature and quantity of the wastes;
- (ii) The proposed alternate design and operation;
- (iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and ground water or surface water; and
- (iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(f) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

(g) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined landfills; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined landfill is not subject to regulation under WAC 173-303-645 if the following conditions are met:

- (i) The landfill (including its underlying liners) must be located entirely above the seasonal high water table;
- (ii) The landfill must be underlain by two liners which are designed and constructed in a manner to prevent the migration of liquids into or out of the space between the liners. Both liners must meet the specifications of subsection (2)(a)(i) of this section;
- (iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquid into the space between the liners; and
- (iv) The landfill must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

- (i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within the time period specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the time period specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(4) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of landfills exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;

(iii) Proper functioning of wind dispersal control systems; and

(iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(5) Surveying and recordkeeping. The owner or operator of a landfill must maintain the following items in the operating record required under WAC 173-303-380:

(a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

(b) The contents of each cell and the approximate location of each dangerous waste type within each cell.

(6) Closure and postclosure care.

(a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

(i) Provide long-term minimization of migration of liquids through the closed landfill;

(ii) Function with minimum maintenance;

(iii) Promote drainage and minimize erosion or abrasion of the cover;

(iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(b) After final closure, the owner or operator must comply with all postclosure requirements contained in WAC 173-303-610 (7), (8), (9), and (10) including maintenance and monitoring throughout the postclosure care period. The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsection (3) of this section, where such a system is present between double liner systems;

(iii) Continue to operate the leachate collection and removal system until leachate is no longer detected;

(iv) Maintain and monitor the ground water monitoring system and comply with all other applicable requirements of WAC 173-303-645;

(v) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(vi) Protect and maintain surveyed benchmarks used in complying with subsection (5) of this section.

(c) During the postclosure care period, if liquid leaks into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will modify the permit to require compliance with the requirements of WAC 173-303-645.

(7) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same landfill cell, unless WAC 173-303-395 (1)(b) is complied with.

[Statutory Authority: Chapter 70.105 RCW. 88-02-057 (Order DE 83-36), § 173-303-665, filed 1/5/88, effective 2/5/88; 86-12-057 (Order DE-85-10), § 173-303-665, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-665, filed 4/18/84.]

WAC 173-303-670 Incinerators. (1) Applicability.

(a) Except as WAC 173-303-600 provides otherwise, the regulations in this section apply to owners and operators of facilities that incinerate dangerous waste and to owners and operators who burn dangerous waste in boilers or industrial furnaces in order to destroy them, or who burn dangerous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this section.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of this section except subsection (2) of this section, waste analysis, and subsection (8) of this section, closure, if the department finds, after an examination of the waste analysis included with Part B of the owner/operator's permit application, that the waste to be burned:

(i)(A) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090; or

(B) Is either listed in WAC 173-303-080 or is designated under WAC 173-303-090 solely because it is reactive for the characteristics described in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) and (viii), and will not be burned when

other dangerous wastes are present in the combustion zone; and

(ii) Contains none of the dangerous constituents listed in WAC 173-303-9905 above significant concentration limits; and

(iii) Is not designated by the dangerous waste criteria of WAC 173-303-100.

(c) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC 173-303-807, trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-807, or with Part B of his permit application, the owner or operator must have included an analysis of his waste feed sufficient to provide all information required by WAC 173-303-807 or 173-303-806 (3) and (4).

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under subsection (6)(b) of this section).

(3) Designation of principal organic dangerous constituents and dangerous combustion byproducts. Principal organic dangerous constituents (PODCs) and dangerous combustion byproducts must be treated to the extent required by the performance standards specified in subsection (4) of this section. For each waste feed to be burned, one or more PODCs and dangerous combustion byproducts will be specified in the facility's permit from among those constituents listed in WAC 173-303-9905 and, to the extent practical, from among those constituents which contribute to the toxicity, persistence, or carcinogenicity of wastes designated under WAC 173-303-100. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts and their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents or byproducts which represent the greatest degree of difficulty of incineration will be those most likely to be designated as PODCs and dangerous combustion byproducts. Constituents are more likely to be designated as PODCs or dangerous combustion byproducts if they are present in large quantities or concentrations. Trial PODCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-807 for obtaining trial burn permits. Trial dangerous combustion byproducts may be designated under the same procedures.

(4) Performance standards. An incinerator burning dangerous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under subsection (6) of this section, it will meet the following performance standards:

(a)(i) Except as provided in (a)(ii) of this subsection, an incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each PODC designated (under subsection (3) of this section) in its permit for each waste feed. DRE is determined for each PODC from the following equation:

$$\text{DRE} = \frac{(W_{\text{in}} - W_{\text{out}}) \times 100\%}{W_{\text{in}}}$$

Where:

W_{in} = Mass feed rate of one PODC in the waste stream feeding the incinerator, and

W_{out} = Mass emission rate of the same PODC present in exhaust emissions prior to release to the atmosphere.

(ii) An incinerator burning dangerous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic dangerous constituent (PODCs) designated (under subsection (3) of this section) in its permit. This performance must be demonstrated on PODCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each PODCs from the equation in subsection (4)(a)(i) of this section. In addition, the owner or operator of the incinerator must notify the department of his intent to incinerate dangerous wastes F020, F021, F022, F023, F026, or F027.

(b) Incinerators burning dangerous waste must destroy dangerous combustion byproducts designated under subsection (3) of this section so that the total mass emission rate of these byproducts emitted from the stack is no more than .01 percent of the total mass feed rate of PODCs fed into the incinerator.

(c)(i) An incinerator burning dangerous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

(ii) An incinerator burning dangerous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = \frac{P_m \times 14}{21 - Y}$$

Where P_c is the corrected concentration of particulate matter, P_m is the measured concentration of particulate matter, and Y is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR Part 60, Appendix A (Method 3). This correction procedure is to be used by all dangerous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the department will select an appropriate correction procedure to be specified in the facility permit.

(d) The emission standards specified in (c) of this subsection shall be met when no other more stringent standards exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous wastes shall comply with the applicable air pollution control authority's emission standards (including limits based on best available control technology).

(e) For purposes of permit enforcement, compliance with the operating requirements specified in the permit (under subsection (6) of this section), will be regarded as compliance with subsection (4) of this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of subsection (4) of this section, may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-830.

(5) Trial burns and permit modifications.

(a) The owner or operator of a dangerous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under subsection (6) of this section, except:

(i) In approved trial burns under WAC 173-303-807; or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) New dangerous wastes may be burned only after operating conditions have been specified in a trial burn permit or a permit modification has been issued, as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under WAC 173-303-806(4).

(c) The permit for a new dangerous waste incinerator must establish appropriate conditions for each of the applicable requirements of this section, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of subsection (6) of this section, sufficient to comply with the following standards:

(i) For the period beginning with initial introduction of dangerous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in (c)(ii) of this subsection, not to exceed a duration of seven hundred twenty hours operating time for treatment of dangerous waste. The operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment. The department may extend the duration of this period once for up to seven hundred twenty additional hours when good cause for the extension is demonstrated by the applicant;

(ii) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of subsection (4) of this section, and must be in accordance with the approved trial burn plan;

(iii) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the department, the operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment;

(iv) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in WAC 173-303-806(4)(f)(iii)(G), as sufficient to ensure compliance with the performance standards of subsection (4) of this section.

(6) Operating requirements.

(a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in subsection (5)(b) of this section and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of subsection (4) of this section.

(b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirement of subsection (4) of this section) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

(i) Carbon monoxide (CO) level in the stack exhaust gas;

(ii) Waste feed rate;

(iii) Combustion temperature;

(iv) An appropriate indicator of combustion gas velocity;

(v) Allowable variations in incinerator system design or operating procedures; and

(vi) Such other operating requirements as are necessary to ensure that the performance standards of subsection (4) of this section are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except waste exempted in accordance with subsection (1)(b) of this section) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

(d) Fugitive emissions from the combustion zone must be controlled by:

(i) Keeping the combustion zone totally sealed against fugitive emissions;

(ii) Maintaining a combustion zone pressure lower than atmospheric pressure; or

(iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under (a) of this subsection.

(f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(7) Monitoring and inspections.

(a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating dangerous waste:

(i) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis;

(ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and

(iii) As required by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established

in the permit achieve the performance standards of subsection (4) of this section.

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be tested at least weekly to verify proper operation, unless the owner or operator demonstrates to the department that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, emergency cutoff and alarm systems must be tested at least monthly.

(c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).

(8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site. Remaining equipment, bases, liners, soil, and debris containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-670, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-670, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-670, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-670, filed 2/10/82.]

WAC 173-303-680 Miscellaneous units. (1) Applicability. The requirements of this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste in miscellaneous units, except as WAC 173-303-600 provides otherwise.

(2) Environmental performance standards. A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of dangerous waste or dangerous constituents from the unit. Permit terms and provisions shall include those requirements in WAC 173-303-630 through 173-303-670, 173-303-806, and 40 CFR Part 146 that are appropriate for the miscellaneous units being permitted. Protection of human health and the environment includes, but is not limited to:

(a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of wastes constituents in the ground water or subsurface environment, considering:

(i) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;

(ii) The hydrologic and geologic characteristics of the unit and the surrounding area;

(iii) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water;

(iv) The quantity and direction of ground water flow;

(v) The proximity to and withdrawal rates of current and potential ground water users;

(vi) The patterns of land use in the region;

(vii) The potential for deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food-chain crops and other vegetation;

(viii) The potential for health risks caused by human exposure to waste constituents; and

(ix) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

(b) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, or wetlands or on the soil surface considering:

(i) The volume and physical and chemical characteristics of the waste in the unit;

(ii) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;

(iii) The hydrologic characteristics of the unit and the surrounding area, including the topography of the land around the unit;

(iv) The patterns of precipitation in the region;

(v) The quantity, quality, and direction of ground water flow;

(vi) The proximity of the unit to surface waters;

(vii) The current and potential uses of nearby surface waters and any water quality standards established for those surface waters;

(viii) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;

(ix) The patterns of land use in the region;

(x) The potential for health risks caused by human exposure to waste constituents; and

(xi) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

(c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:

(i) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols and particulates;

(ii) The effectiveness and reliability of systems and structures to reduce or prevent emissions of dangerous constituents to the air;

(iii) The operating characteristics of the unit;

(iv) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;

(v) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;

(vi) The potential for health risks caused by human exposure to waste constituents; and

(vii) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

(3) Monitoring, analysis, inspection, response, reporting, and corrective action. Monitoring, testing, analytical data, inspections, response, and reporting procedures and frequen-

cies must ensure compliance with subsection (2) of this section, WAC 173-303-320, 173-303-340(1), 173-303-380(3), 173-303-390 (1) and (3), and 173-303-646(2) as well as meet any additional requirements needed to protect human health and the environment as specified in the permit.

(4) Postclosure care. A miscellaneous unit that is a disposal unit must be maintained in a manner that complied with subsection (2) of this section during the postclosure care period. In addition, if a treatment or storage unit has contaminated soils or ground water that cannot be completely removed or decontaminated during closure, then that unit must also meet the requirements of subsection (2) of this section during postclosure care. The postclosure plan under WAC 173-303-610(8) must specify the procedures that will be used to satisfy this requirement.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-680, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-680, filed 3/7/91, effective 4/7/91.]

WAC 173-303-700 Requirements for the Washington state extremely hazardous waste management facility at Hanford. (1) Purpose and applicability. The purpose of this section is to set forth the requirements for the Washington EHW management (EHWM) facility located at Hanford, Washington. It is the only facility within the state that is allowed under law to dispose of EHW (RCW 70.105.050).

(2) Waste acceptance at Hanford.

(a) The state operator shall accept EHW for treatment, storage, or disposal when:

(i) The waste has been specified in the state operator's permit as not requiring prior approval from the department and the state operator sends a copy of each written request for disposal of waste at the EHWM facility to the department, not later than one week after receiving the request; or

(ii) If the waste has not been specified in the state operator's permit, then the department provides written approval that the waste may be accepted at the EHWM facility. Notices of approval or disapproval shall be provided as soon as possible, but not later than 15 days, after the state operator has notified the department. Written approval from the department is not required in emergencies, as specified; and

(iii) The generator has obtained prior written approval for waste acceptance from the state operator;

(iv) The waste is accompanied by a manifest specified in the generator requirements of WAC 173-303-180, Manifest; and

(v) Waste containers meet the labeling and container condition requirements of WAC 173-303-190.

(b) The state operator may accept DW, as defined in this regulation, for storage, treatment, or disposal when:

(i) All the conditions of EHW acceptance, (a) of this subsection, are met;

(ii) The generator and/or operator shows that no other permitted TSD facility in the state will handle such DW. The generator and/or operator shall refer to:

(A) County or municipal ordinances or solid waste permits forbidding DW disposal at nearby sites;

(B) The EHW site being the shortest economical haul distance where other remotely located, DW sites may be available; and

(C) Specific rejection or disapproval, in writing, by nearby DW site operators, public or private; and

(iii) The EHW facility is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste.

(c) The state operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the acceptance procedures of this subsection until the facts are ascertained, including but not limited to:

(i) The requirement that samples of waste be taken and analyzed; or

(ii) The condition of the containers by physical inspection of the delivery load.

(d) The state operator may accept dangerous waste under emergency conditions if:

(i) An emergency and potential threat to the public health and safety exists;

(ii) the state operator notifies the department as soon as possible;

(iii) The state operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(iv) The generator is fully apprised that the waste remains his liability until approved under (d)(iii) of this subsection.

(3) Other applicable requirements. The EHW facility at Hanford shall meet all other requirements of chapter 173-303 WAC, including specific requirements for storage, treatment, transfer and disposal of EHW, and siting, performance, and operation of facilities. The EHW facility shall also meet the following requirements:

(a) The state operator shall not remove any dangerous waste from the facility without the department's approval;

(b) The state operator shall maintain facilities for telephone and radio contact with the Hanford Reservation security patrol, and include this information with the contingency plan required in WAC 173-303-350;

(c) As a minimum, the state operator shall provide personnel having knowledge and background in the following areas:

(i) Inspecting and checking manifests for completeness and accuracy;

(ii) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and

(iii) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures;

(d) The state operator shall ensure that new personnel have a complete physical examination and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. The medical records shall be made a part of the state operator's records as required in WAC 173-303-380(1); and

(e) The state operator shall submit copies of all fee schedules to the department for yearly review and approval. The state operator shall supply, and the department shall use, the following criteria to review such disposal fees:

(i) Their relationship to other fees charged for similar services;

(ii) Reasonable return on investment and profit for the operator; and

(iii) The cost of administration, development, operation, maintenance, and perpetual management of the EHW facility, including administrative costs and perpetual management costs of the department.

(4) Department surveillance.

(a) In addition to the reports required under WAC 173-303-390, facility reports, the EHW facility operator shall report the following to the department:

(i) Copies of all environmental sampling results during the previous quarter;

(ii) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-303-360; and

(iii) Complete financial reports during the previous year.

(b) The state operator shall admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

(i) The site and facilities;

(ii) The waste being delivered, stored, processed, or buried, including the taking of samples, a portion of each sample being given to the operator upon his request;

(iii) The environment, by the drilling of test wells and obtaining of samples; and

(iv) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the state operator.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-700, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-700, filed 2/10/82.]

WAC 173-303-800 Permit requirements for dangerous waste management facilities. (1) The purpose of WAC 173-303-800 through 173-303-840 is to establish the requirements for permits which will allow a dangerous waste facility to operate without endangering the public health and the environment.

(2) The owner/operator of a dangerous waste facility that transfers, treats, stores, or disposes (TSD) or recycles dangerous waste shall, when required by this chapter, obtain a permit in accordance with WAC 173-303-800 through 173-303-840 covering the active life, closure period, ground water protection compliance period, and for any regulated unit (as defined in WAC 173-303-040) or for any facility which at closure does not meet the removal or decontamination limits of WAC 173-303-610 (2)(b), post-closure care period, unless they demonstrate closure by removal or decontamination as provided under WAC 173-303-800 (9) and (10). The denial of a permit for the active life of a dangerous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-282 and 173-303-283 are met.

(4) Permits shall be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 shall have the same meanings as set forth in 40 CFR 270.2.

(7) Exemptions.

(a) A permit for an on-site cleanup action may be exempted as provided in a consent decree or order signed by the department and issued pursuant to chapter 70.105D RCW.

(b) A permit is not required for an on-site cleanup action performed by the department pursuant to chapter 70.105D RCW.

(8) Each permit issued under this chapter shall contain terms and conditions as the department determines necessary to protect human health and the environment.

(9) Closure by removal. Owners/operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under 40 CFR Part 265 standards as referenced by WAC 173-303-400 must obtain a post-closure permit unless they can demonstrate to the department that the closure met the standards for closure by removal or decontamination in WAC 173-303-650(6), 173-303-655(8), or 173-303-660(9), as appropriate, and such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed standards for closure at 40 CFR Part 264.111, as appropriate. The demonstration may be made in the following ways:

(a) If the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that 40 CFR Part 264.111 standards for closure by removal were met. If the department believes that 40 CFR Part 264.111 standards were met, the department will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in subsection (10) of this section.

(b) If the owner/operator has not submitted a Part B application for a post-closure permit, the owner/operator may petition the department for a determination that a post-closure permit is not required because the closure met the applicable 40 CFR Part 264.111 closure standards.

(i) The petition must include data demonstrating that standards for closure by removal or decontamination were met, or it must demonstrate that the unit closed under chapter 173-303 WAC requirements that met or exceeded the applicable 40 CFR Part 264.111 closure-by-removal standard.

(ii) The department shall approve or deny the petition according to the procedures outline in subsection (10) of this section.

(10) Procedures for closure equivalency determination.

(a) If a facility owner/operator seeks an equivalency demonstration under subsection (9) of this section, the department will provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner/operator within thirty days from the date of the notice. The department will also, in response to a request or at the discretion of the department,

hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the 40 CFR Part 265 closure, as referenced by WAC 173-303-400, to a 40 CFR Part 264.111 closure. The department will give public notice of the hearing at least thirty days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.)

(b) The department will determine whether the 40 CFR Part 265 closure met 40 CFR Part 264.111 closure by removal or decontamination requirements within ninety days of its receipt. If the department finds that the closure did not meet the applicable 40 CFR Part 264.111 standards, the department will provide the owner/operator with a written statement of the reasons why the closure failed to meet 40 CFR Part 264.111 standards. The owner/operator may submit additional information in support of an equivalency demonstration within thirty days after receiving such written statement. The department will review any additional information submitted and make a final determination within sixty days.

(c) If the department determines that the facility did not close in accordance with 40 CFR Part 264.111 standards for closure by removal, the facility is subject to post-closure permitting requirements.

(11) The department may require a permittee or an applicant to submit information in order to establish permit conditions under subsection (8) of this section and WAC 173-303-806 (11)(d).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-800, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-800, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-800, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-800, filed 3/11/88; 84-09-088 (Order DE 83-36), § 173-303-800, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-800, filed 2/10/82.]

WAC 173-303-801 Types of dangerous waste management facility permits. The following types of permits may be issued by the department to carry out the purpose of this regulation.

(1) Permits by rule:

(a) Ocean disposal - See WAC 173-303-802(2);

(b) Underground injection wells - See WAC 173-303-802(3);

(c) Publicly owned treatment works - See WAC 173-303-802(4); and

(d) Totally enclosed treatment facilities and elementary neutralization and wastewater treatment units - See WAC 173-303-802(5).

(2) Emergency permits - See WAC 173-303-804.

(3) Interim status permits - See WAC 173-303-805.

(4) Final facility permits:

(a) Final status TSD permits - See WAC 173-303-806;

(b) Special waste permits - See WAC 173-303-806; and

(c) Recycling permits - See WAC 173-303-806.

(5) Trial burns for dangerous waste incinerator final facility permits - See WAC 173-303-807.

(6) Demonstrations for dangerous waste land treatment final facility permits - See WAC 173-303-808.

(7) Research, development, and demonstration permits
- See WAC 173-303-809.

[Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-801, filed 6/26/87; 84-09-088 (Order DE 83-36), § 173-303-801, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-801, filed 2/10/82.]

WAC 173-303-802 Permits by rule. (1) Purpose and applicability. This section provides for permit by rule for particular facilities and activities managing dangerous wastes, provided that certain conditions are met. These facilities, activities, and conditions are listed in this section. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit.

(2) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, shall have a permit by rule if the owner or operator:

(a) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);

(b) Complies with the conditions of that permit; and

(c) Complies with the following dangerous waste regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste report.

(3) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection shall have a permit by rule if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control, and complies with the conditions of the permit and requirements of 40 CFR 144.14 and applicable state waste discharge rules. For UIC permits issued after November 8, 1984, the owner or operator must comply with WAC 173-303-646(2), corrective action for solid waste management units; and where the UIC well is the only unit at a facility which requires a RCRA permit, complies with WAC 173-303-806 (4)(a)(xxiii). All underground injection wells must comply with WAC 173-303-060, notification and identification numbers. However, underground injection wells disposing of EHW are prohibited.

(4) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, shall have a permit by rule if the owner or operator:

(a) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(b) Complies with the conditions of that permit;

(c) Complies with the following regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-283, performance standards;
(iv) WAC 173-303-370, manifest system;
(v) WAC 173-303-380 (1)(a), operating record;
(vi) WAC 173-303-390(2), annual report;
(vii) WAC 173-303-390(1), unmanifested waste reports;
and

(viii) For NPDES permits issued after November 8, 1984, WAC 173-303-646(2), corrective action for solid waste management units;

(d) Accepts the waste only if it meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(e) Accepts no EHW for disposal at the POTW.

(5) Totally enclosed treatment facilities or elementary neutralization or wastewater treatment units.

(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit that treats dangerous wastes shall have a permit by rule, except as provided in (b) of this subsection, if he:

(i) Has an NPDES permit, state waste discharge permit, pretreatment permit (or written discharge authorization from the local sewerage authority) issued by the department, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165, and the permit or authorization covers the waste stream and constituents being discharged;

(ii) Complies with the conditions of that permit;

(iii) Complies with the following regulations:

(A) WAC 173-303-060, notification and identification numbers;

(B) WAC 173-303-070, designation of dangerous waste;

(C) WAC 173-303-283, performance standards;

(D) WAC 173-303-300, general waste analysis;

(E) WAC 173-303-310, security;

(F) WAC 173-303-350, contingency plan and emergency procedures;

(G) WAC 173-303-360, emergencies;

(H) WAC 173-303-370, manifest system;

(I) WAC 173-303-380 (1)(d), operating record;

(J) WAC 173-303-390, facility reporting.

(b) The department may require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit subject to (a) of this subsection to apply for and obtain a final facility permit in accordance with WAC 173-303-800 through 173-303-840, if:

(i) The owner or operator violates the general facility or performance requirements specified in (a) of this subsection;

(ii) The owner or operator is conducting other activities which require him to obtain a final facility permit;

(iii) The department determines that the general facility or performance requirements specified in (a) of this subsection, are not sufficient to protect public health or the environment and that additional requirements under this chapter are necessary to provide such protection; or

(iv) The owner or operator does not comply with applicable local, state or federal requirements established pursuant to sections 402 or 307(b) of the Federal Clean Water Act, or chapter 90.48 RCW.

[Statutory Authority: Chapters 70.105 and 70.105D RCW, 94-01-060 (Order 92-33), § 173-303-802, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251), 91-07-005 (Order 90-42), § 173-303-802, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW, 88-18-083 (Order 88-29), § 173-303-802, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-802, filed 3/11/88; 87-14-029 (Order DE-87-4), § 173-303-802, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-802, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-802, filed 4/18/84.]

WAC 173-303-804 Emergency permits. Requirements for an emergency permit. In the event the department finds that an imminent and substantial endangerment to human health or the environment exists, the department may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal (TSD) of dangerous waste at a nonpermitted facility, or at a facility covered by an effective permit that does not otherwise allow treatment, storage, or disposal of such dangerous waste. Notice of the issuance of an emergency permit shall be given to the fire marshal, police department, and other local emergency service agencies with jurisdiction near the location of the facility. The emergency permit:

(1) May be oral or written. If oral, it shall be followed within five days by a written emergency permit;

(2) Shall not exceed ninety days in duration for dangerous wastes;

(3) Shall not exceed one hundred eighty days in duration for moderate risk wastes;

(4) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

(5) May be terminated by the department at any time without following the decisionmaking procedures of WAC 173-303-840 if the department determines that termination is appropriate to protect public health and the environment;

(6)(a) Shall be accompanied by a public notice that includes:

(i) The name and address of the department;

(ii) The name and location of the permitted TSD facility;

(iii) A brief description of the wastes involved;

(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) The duration of the emergency permit; and

(b) Shall be given public notice by:

(i) Publication in a daily newspaper within the area affected;

(ii) By radio broadcast within the area affected;

(iii) By mailing a copy of the public notice to the persons described in WAC 173-303-840 (3)(e)(i); and

(iv) Any other method reasonably determined to give actual notice of the emergency permit to persons potentially affected by it; and

(7) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

[Statutory Authority: Chapter 70.105 RCW, 86-12-057 (Order DE-85-10), § 173-303-804, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-804, filed 4/18/84.]

WAC 173-303-805 Interim status permits. (1) Applicability. This section applies to all facilities eligible

for an interim status permit. When a facility is owned by one person but is operated by another person, it is the operator's duty to qualify for interim status, except that the owner must also sign an interim status application. Prior to submittal of an interim status permit application the requirements of WAC 173-303-281 must be met.

(2) Failure to qualify for interim status. If the department has reason to believe upon examination of a Part A application that it fails to provide the required information, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the department's belief that the application is deficient. The owner or operator shall have thirty days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity for response, the department determines that the application is deficient it may take appropriate enforcement action.

(3) Interim status for facilities under RCRA interim status. Any existing facility operating under interim status gained under section 3005 of RCRA shall be deemed to have an interim status permit under this chapter provided that the owner/operator complies with the applicable requirements of WAC 173-303-400 and this section.

(4) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which does not satisfy subsection (3) of this section, but which is only managing dangerous wastes that are not hazardous wastes under 40 CFR Part 261, shall be deemed to have an interim status permit provided that the owner/operator of the facility has complied with the notification requirements of WAC 173-303-060 by May 11, 1982 and has submitted Part A of his permit application by August 9, 1982. If an existing facility becomes subject to this chapter due to amendments to this chapter and the facility was not previously subject to this chapter, then the owner/operator of an existing facility may qualify for an interim status permit by complying with the notification requirements of WAC 173-303-060 within three months, and submitting Part A of his permit application within six months, after the adoption date of the amendments which cause the facility to be subject to the requirements of this chapter. Facilities qualifying for interim status under this subsection shall not be deemed to have interim status under section 3005 of RCRA, and may only manage non-RCRA wastes until they either qualify separately for interim status under section 3005 of RCRA or receive a final status facility permit allowing them to manage RCRA wastes.

(5) Maintaining the interim status permit.

(a) Timely notification and submission of a Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department terminates interim status pursuant to subsection (8) of this section.

(b) Interim status for the existing TSD facility shall be maintained while the department makes final administrative disposition of a final facility permit pursuant to WAC 173-303-806 if:

(i) The owner/operator has submitted his final facility permit application (as described in WAC 173-303-806) within six months of the written request by the department to submit such application; and

(ii) Grounds for terminating interim status (as described in subsection (8) of this section) do not exist.

(c) The owner/operator of an interim status facility must update his Part A whenever he is managing wastes that are newly regulated under this chapter, and as necessary to comply with subsection (7) of this section. Failure to comply with this updating requirement is a violation of interim status.

(6) Prohibitions for interim status permits. Facilities with an interim status permit shall not:

(a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;

(b) Employ processes not specified in Part A of the permit application; or

(c) Exceed the design capacities specified in Part A of the permit application.

(7) Changes during interim status.

(a) Except as provided in (b) of this subsection, the owner or operator of an interim status facility may make the following changes at the facility:

(i) Treatment, storage, or disposal of new dangerous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store, or dispose of the dangerous wastes on the effective date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage, or disposal (along with a justification detailing the equipment and process or processes that the owner or operator will use to treat, store, or dispose of the new dangerous wastes) and if the department does not explicitly deny the changes within sixty days of receipt of the revised application;

(ii) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change), the requirements of WAC 173-303-281 are met, and the department approves the changes because:

(A) There is a lack of available treatment, storage, or disposal capacity at other dangerous waste management facilities; or

(B) The change is necessary to comply with a federal, state, or local requirement.

(iii) Changes in the processes for the treatment, storage, or disposal of dangerous waste or addition of processes if the owner or operator submits a revised Part A permit application prior to such change (along with a justification explaining the need for the change) and the department approves the change because:

(A) The change is necessary to prevent a threat to human health and the environment because of an emergency situation; or

(B) The change is necessary to comply with a federal, state, or local requirement.

(iv) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of operational control of a facility occurs, the old owner or operator shall comply with the interim status financial requirements of 40 CFR Part 265, Subpart H (as referenced in WAC 173-303-400), until

the new owner or operator has demonstrated to the department that he is complying with the financial requirements. Upon demonstration to the department by the new owner or operator of compliance with the interim status financial requirements, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status financial requirements as of the date of demonstration. The new owner or operator must demonstrate compliance with the financial requirements within six months of the date of the change in ownership or operational control of the facility. All other interim status duties are transferred effective immediately upon the date of the change in ownership or operational control of the facility.

(v) Changes made in accordance with an interim status corrective action order issued by EPA under section 3008(h) of RCRA or other federal authority, including an order or consent decree issued pursuant to WAC 173-303-646 (2) or (3), by the department under chapter 70.105 RCW or other state authority, or by a court in a judicial action brought by EPA or by the department. Changes under this subsection (7)(a)(v) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

(b) Except as specifically allowed under this subsection (7)(b), changes listed under (a) of this subsection may not be made if they amount to reconstruction of the dangerous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new dangerous waste management facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

(i) Changes made solely for the purposes of complying with the requirements of WAC 173-303-640(4) for tanks and ancillary equipment.

(ii) If necessary to comply with federal, state, or local requirements, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the standards of section 3004(o) of RCRA.

(iii) Changes that are necessary to allow owners or operators to continue handling newly listed or identified dangerous wastes that have been treated, stored, or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.

(iv) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.

(v) Changes necessary to comply with an interim status corrective action order issued by EPA under section 3008(h) or other federal authority, by an authorized state under comparable state authority, or by a court in a judicial proceeding brought by EPA or an authorized state, provided that such changes are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

(vi) Changes to treat or store, in tanks or containers, hazardous wastes subject to land disposal restrictions imposed by 40 CFR Part 268 or RCRA section 3004, provided that such changes are made solely for the purpose of complying with 40 CFR Part 268 or RCRA section 3004.

(8) Termination of interim status permit. The following are causes for terminating an interim status permit, or for denying a revised permit application:

(a) Final administrative disposition of a final facility permit application is made pursuant to WAC 173-303-806;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the applicable standards of this chapter, it may notify the owner or operator that the application is deficient and that the interim status permit has been revoked. The owner or operator will then be subject to enforcement for operating without a permit;

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application;

(d) Violation of applicable interim status standards; or

(e) A determination that the permit applicant has failed to satisfy the performance standards of WAC 173-303-283.

(9) Special waste facilities. If the department determines, pursuant to WAC 173-303-550 through 173-303-560, that interim status standards can be reduced, the department will issue a notice of interim status modification stating what standards will be applied. Failure to comply with the conditions and standards as stated in the notice of modification or with the requirements of this section shall form a basis for revoking the notice. Upon revocation of the notice of interim status modification by the department, the owner or operator shall be subject to all of the requirements applicable to interim status dangerous waste management facilities. Before issuing the notice of modification, the department shall provide public notice of its intent, shall allow thirty days for public comment, and shall hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing shall be provided at least fifteen days in advance, and the public comment period shall be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department shall, based on comments received, issue, modify and issue, or deny the notice of interim status modification.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-805, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-805, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-805, filed 1/4/89; 88-18-083 (Order 88-29), § 173-303-805, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-805, filed 3/11/88; 87-14-029 (Order DE-87-4), § 173-303-805, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-805, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-805, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-805, filed 2/10/82.]

WAC 173-303-806 Final facility permits. (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

(a) Final status TSD facilities;

(b) Special waste management facilities; and

(c) Certain recycling facilities that are not exempt from the permit requirements.

(2) Application. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must comply with WAC 173-303-281 and apply for a final facility permit. The department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit shall complete, sign, and submit an application to the department. An application shall consist of a Part A permit form (which can be obtained from the department), and the contents of Part B as specified in subsection (4) of this section.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the permit is issued by the department. WAC 173-303-840(7) provides a means for reopening permit proceedings at the discretion of the department where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(4) Contents of Part B. Part B of a permit application shall consist of the information required in (a) through (i) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the department and signed in accordance with requirements in WAC 173-303-810(12). Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300(5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2): Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-395 (1)(d), 173-303-630(6), 173-303-640 (4)(a)(i) and (6), 173-303-650(4), 173-303-655(4), 173-303-660 (4) and (5), 173-303-665(4), 173-303-670(7), and 173-303-680(3).

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340, or a description of the procedures used to comply with these requirements.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-640(7), 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);

(B) Prevent run-off from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages; and

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing).

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395 (1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(xi) Seismic risk consideration. The owner/operator of a proposed facility or expansion of an existing facility shall identify the seismic risk zone in which the facility is intended to be located. Where state or local maps are not available, United States Geological Survey Open File Report number 82-1033 may be used to identify seismic risk zones. The owner/operator shall demonstrate that the facility can and will be designed to resist seismic ground motion and that the design is sufficient to withstand the maximum horizontal acceleration of a design earthquake specified in the demonstration.

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330 (1)(d).

(xiii) A copy of the closure plan and, where applicable, the post-closure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), and 173-303-680 (2) and (4).

(xiv) For dangerous waste disposal units that have been closed, documentation that notices required under WAC 173-303-610(10) have been filed.

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) and a copy of the documentation required to demonstrate financial assurance under WAC 173-303-620(4). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvi) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the documentation required to demonstrate financial assurance under WAC 173-303-620(6). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620 (8)(a) and, if applicable, WAC 173-303-620 (8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620 (8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

(A) Map scale and date;

(B) One hundred-year floodplain area;

(C) Surface waters including intermittent streams;

(D) Surrounding land uses (residential, commercial, agricultural, recreational);

(E) A wind rose (i.e., prevailing windspeed and direction);

(F) Orientation of the map (north arrow);

(G) Legal boundaries of the TSD facility site;

(H) Access control (fences, gates);

(I) Injection and withdrawal wells both on-site and off-site;

(J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);

(K) Barriers for drainage or flood control; and

(L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas).

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(xix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste facilities containing a regulated unit except as otherwise provided in WAC 173-303-645 (1)(b):

(A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;

(B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

(C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;

(D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in the plume. (Constituents are those listed in Appendix IX of 40 CFR Part 264, and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-303-645 (9)(h)(v). Alternatively, the owner or operator can obtain written authorization in advance from the department to submit a proposed permit schedule for development and submittal of such information. To demonstrate compliance with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(III) A list of constituents and parameters for which compliance monitoring will be undertaken in accordance with WAC 173-303-645 (8) and (10);

(IV) Proposed concentration limits for each dangerous constituent and parameter, based on the criteria set forth in WAC 173-303-645 (5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents or parameters have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table 1, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645 (10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(II) The concentration limit for each dangerous constituent and parameter found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken;

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action; and

(V) The permit may contain a schedule for submittal of the information required in (a)(xx)(H)(III) and (IV) of this subsection, provided the owner or operator obtains written authorization from the department prior to submittal of the complete permit application.

(xxi) Contingent ground water protection program. The following actions are required for owners or operators of proposed land-based facilities and may be required for owners/operators of existing land-based facilities, except as provided in WAC 173-303-645 (1)(b).

(A) Contingent ground water protection program. The owner or operator shall develop a contingent ground water protection program. The purpose of this program will be to prevent the migration of dangerous waste or dangerous waste constituents from waste management units to the nearest hydraulically downgradient receptor at any time during the life of the facility. For the purposes of this subsection, the downgradient receptor shall be the facility property line, perennial surface water or domestic well, whichever is nearest to the dangerous waste management unit. The contingent ground water protection program shall at a minimum:

(I) Define the local and regional hydrogeologic characteristics. The contingent ground water protection program shall be based on a sufficient understanding of site geology, hydrology, and other factors to allow evaluation of its adequacy by the department. Site characterization shall be performed in sufficient detail to provide, at a minimum, the following information: Site geostratigraphy; site hydrostratigraphy; identification of aquifers, aquitards, and aquicludes; flow models for each stratum (i.e., porous media or fracture flow); the distribution of vertical and horizontal hydraulic conductivity; effective porosity; horizontal and vertical hydraulic gradients; ground water travel time to receptors; and heterogeneity for each stratigraphic unit. Site interpretative models shall include ranges of tested values: The provisions of WAC 173-303-806 (4)(a)(xx) and 173-303-645, shall be used as guidance in the development of the contingent ground water protection program.

(II) Identify the range of potential release scenarios that could occur during facility operation and the postclosure care period. The scenarios shall incorporate the intended design(s) of the dangerous waste management unit(s), wastes to be placed in the dangerous waste management unit(s), waste and leachate chemistry, waste, and soil and rock geochemical interactions, and the results of site characterization pursuant to WAC 173-303-806 (4)(a)(xx) and (xxi);

(III) Include specific physical action to be taken if dangerous waste or dangerous waste constituents are detected in one or more of the monitoring wells. The physical actions shall be based upon engineering feasibility studies describing remedial actions established from site specific conditions and waste features. Such actions may include installation of a pump and treat system between the monitoring well and the receptor or installation of a section of slurry wall to decrease ground water travel times. The description of the systems shall also provide how the remediation system

will achieve cleanup, its efficiency, and the timeframes involved;

(IV) Incorporate the design, construction, and sampling methods outlined in WAC 173-303-645 (8)(c), (d), (e), (f), and (g);

(V) Demonstrate to the satisfaction of the department that the owner/operator of the dangerous waste management facility has the financial capability to implement the proposed ground water protection plan; and

(VI) Include reporting procedures to the department.

(B) The response actions identified in WAC 173-303-806 (4)(a)(xxi)(A)(III) shall be activated if the presence of dangerous waste or dangerous waste constituents have been detected at the point of compliance in accordance with WAC 173-303-645 (9)(g), and shall continue until the concentration of dangerous waste or dangerous waste constituents under WAC 173-303-645(4) are reduced to levels below their respective concentration limits specified in WAC 173-303-645(5).

(C) If the owner/operator does not demonstrate that the ground water protection program will prevent the migration of dangerous waste or its constituents to the nearest receptor, the department will require corrections to be made in the protection program, increase setbacks from the nearest receptor, or deny the permit.

(xxii) Additional requirements for incineration facilities. The following actions regarding the protection of human health and the environment must be taken by owners/operators of proposed hazardous waste incineration facilities and may be required for owners or operators of existing incineration facilities.

(A) Ambient monitoring program. The owner/operator shall be required to develop an ambient monitoring program. The purpose of this ambient monitoring program will be to: Gather baseline environmental information characterizing on-site and off-site environmental conditions prior to facility operation; and, to identify and measure changes in the environment which may be linked to the construction and operation of the facility. The ambient monitoring program shall, at a minimum:

(I) Include a characterization of facility emission sources and pathways of contaminant transport.

(II) Characterize local and regional ecosystems, including agricultural, and their sensitivity to the potential contaminants from the facility.

(III) Incorporate the findings of the environmental impact statement's health risk assessment and/or other assessments specific to the proposal or available to the scientific community regarding emissions from dangerous waste management facilities and their potential human health and environmental effects.

(IV) Identify sensitive indicator plants and animals for biomonitoring, identify specific chemical constituents of concern, sampling locations, sampling frequency, sampling and analytical methods, chain of custody procedures, quality assurance/quality control procedures, reporting times, recordkeeping procedures, and data evaluation procedures.

(B) Environmental review procedures. The owner/operator shall establish procedures to allow for public review of facility operation and all monitoring data required by the facility's permit. In developing this process, the owner/operator shall, at a minimum:

(I) Coordinate this effort with the public and interested local organizations;

(II) Identify the informational needs of the community and develop a public information process which meets these needs; and

(III) Develop procedures allowing full access by the public to all monitoring data required by the permit.

(C) Impact mitigation plan. Prior to the department issuing a permit, the owner/operator shall submit an impact mitigation plan which demonstrates to the satisfaction of the department that the owner/operator will mitigate all probable significant adverse impacts, including economic, due to facility location and operations. The owner/operator shall use as a basis for identifying probable significant adverse economic impacts those probable economic impacts identified during a public review process, such as the environmental impact statement scoping process, if applicable.

The plan must include, but is not limited to, a description of what the owner/operator will do to reduce or prevent any probable significant impacts before they occur, to mitigate such impacts should they occur, and to ensure the owner/operator has and will have the financial capability to implement such preventative and mitigative measures. Mitigation measures may include, as an element, financial compensation to adversely affected parties.

This plan may be submitted with environmental reports the department requires for compliance with the State Environmental Policy Act, with the written citizen proponent negotiation report and agreements, or with the Part B permit application. If the plan does not demonstrate that the owner/operator is capable of adequately mitigating the identified probable significant adverse economic impacts, the department will require modification of the plan or of the proposed facility location, or will deny the permit application. The department must be satisfied with the plan prior to the issuance of the permit.

(xxiii) Information requirements for solid waste management units.

(A) The following information is required for each solid waste management unit:

(I) The location of the unit on the topographic map required under (a)(xviii) of this subsection.

(II) Designation of type of unit.

(III) General dimensions and structural description (supply any available drawings).

(IV) Time frame over which the unit was operated.

(V) Specification of all wastes that have been managed in the unit, to the extent available.

(B) The owner/operator of any facility containing one or more solid waste management units must submit all available information pertaining to any release of dangerous wastes or dangerous constituents from such unit or units.

(C) The owner/operator must conduct and provide the results of sampling and analysis of ground water, landsurface, and subsurface strata, surface water, or air, which may include the installation of wells, where the department determines it is necessary to complete a RCRA Facility Assessment that will determine if a more complete investigation is necessary.

WAC 173-303-806 (4)(a)(xxiv):

(xxiv) Information requirements for known releases.

(A) The following information is required for any and all known releases of dangerous waste and dangerous constituents (as defined by WAC 173-303-646 (2)(c)) at the facility.

(I) The location of the release on the topographic map required under (a)(xviii) of this subsection.

(II) General dimensions of the release and any relevant structural description. For example, if the release is from a storage tank, provide a structural description of the tank. Supply any available drawings.

(III) Time frame over which the release occurred.

(IV) Specification of all dangerous waste or dangerous constituents (as defined by WAC 173-303-646 (2)(c)) present in the release, to the extent available.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630 (7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) A description of the procedures for labeling containers;

(iv) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630 (9)(c) (location of incompatible wastes), where applicable; and

(v) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630 (9)(a) and (b), and 173-303-395 (1)(b) and (c).

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide the following information:

(i) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer

as to the structural integrity and suitability for handling dangerous waste of each tank system, as required under WAC 173-303-640 (2) and (3);

(ii) Dimensions and capacity of each tank;

(iii) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(iv) A diagram of piping, instrumentation, and process flow for each tank system;

(v) A description of materials and equipment used to provide external corrosion protection, as required under WAC 173-303-640 (3)(a)(iii)(B);

(vi) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with WAC 173-303-640 (3)(b), (c), (d), and (e);

(vii) Detailed plans and a description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of WAC 173-303-640 (4)(a), (b), (c), (d), (e), and (f);

(viii) For tank systems for which a variance from the requirements of WAC 173-303-640(4) is sought (as provided by WAC 173-303-640 (4)(g)):

(A) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous waste or dangerous constituents into the ground water or surface water during the life of the facility; or

(B) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.

(ix) Description of controls and practices to prevent spills and overflows, as required under WAC 173-303-640 (5)(b);

(x) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of WAC 173-303-640 (9) and (10);

(xi) A description of the marking and/or labeling of tanks; and

(xii) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store, treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-650(2). This submission must address the following items as specified in WAC 173-303-650(2):

(A) The liner system (except for an existing portion of a surface impoundment), including the certification required by WAC 173-303-650 (2)(a)(i)(D) for EHW management. If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650 (2)(b), submit detailed plans

and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping; and

(C) Structural integrity of dikes;

(iii) If any exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-650(3), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liners;

(iv) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650 (4)(a) and (b). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650 (4)(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650 (5)(b) and (c). This information should be included in the contingency plan submitted under (a)(vii) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650 (6)(a)(i). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650 (6)(a)(ii) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with;

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how the surface impoundment is or will be designed to meet the requirements of WAC 173-303-650(9).

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and 173-303-645 as provided by WAC 173-303-660 (1)(c), an explanation of how the standards of WAC 173-303-660 (1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(2). This submission must address the following items as specified in WAC 173-303-660(2):

(A) The liner system (except for an existing portion of a pile), including the licensed engineer's certification when required by WAC 173-303-660 (2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660 (2)(d), the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding units associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iv) If an exemption from WAC 173-303-645 is sought as provided by WAC 173-303-660 (3) or (4), submit detailed plans and an engineering report describing how the requirements of WAC 173-303-660 (3)(a) or (4)(a) will be complied with;

(v) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-660(5). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan how the inspection requirements of WAC 173-303-660 (4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how dangerous waste, waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660 (9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665 (6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a waste pile that is not enclosed (as defined in WAC 173-303-660 (1)(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(10).

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) provides otherwise,

owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) of this subsection.

(i) When seeking an exemption under WAC 173-303-670 (1)(b) (ignitable or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive for characteristics other than those listed in WAC 173-303-090 (7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability, as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110(3), or their equivalent;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110(3); and

(V) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in (f)(iii)(A) of this subsection. This analysis should specify the principal organic dangerous constituents (PODC's) which the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit principal organic dangerous constituents (permit PODC's) those constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department shall approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under

WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(g) Specific Part B information requirements for land treatment facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655 (4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions; and

(IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;

(III) Analytical procedures;

(IV) Chain of custody control;

(V) Procedures for establishing background values;

(VI) Statistical methods for interpreting results; and

(VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655 (6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of run-off;

(C) Minimization of run-off of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and run-off control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655(5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under WAC 173-303-655(8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(viii) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-655(12).

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of WAC 173-303-665(2). This submission must address the following items as specified in WAC 173-303-665(2):

(A) The liner system and leachate collection and removal system (except for an existing portion of a landfill), including the licensed engineer's certification required by WAC 173-303-665(2)(a)(i). If an exemption from the require-

ments for a liner and a leachate collection and removal system is sought, as provided by WAC 173-303-665(2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding facilities associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iii) If an exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-665(3), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;

(iv) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of WAC 173-303-665(4). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665(6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665(6)(b) and (c). This information should be included in the closure and post-closure plans submitted under (a)(xiii) of this subsection;

(vi) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(7) will be complied with;

(vii) A description of how each landfill will be designed and operated in order to comply with WAC 173-303-140.

(i) Specific Part B information requirements for miscellaneous units. Except as otherwise provided in WAC 173-303-680(1), owners and operators of facilities that treat, store, or dispose of dangerous waste in miscellaneous units must provide the following additional information:

(i) A detailed description of the unit being used or proposed for use, including the following:

(A) Physical characteristics, materials of construction, and dimensions of the unit;

(B) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of WAC 173-303-680(2) and (3); and

(C) For disposal units, a detailed description of the plans to comply with the postclosure requirements of WAC 173-303-680(4).

(ii) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of WAC 173-303-680(2). If the applicant can demonstrate that he does not violate the environmental performance standards of WAC 173-303-680(2) and the department agrees with

such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.

(iii) Information on the potential pathways of exposure of humans or environmental receptors to dangerous waste or dangerous constituents and on the potential magnitude and nature of such exposures.

(iv) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.

(v) Any additional information determined by the department to be necessary for evaluation of compliance of the unit with the environmental performance standards of WAC 173-303-680(2).

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805(7)), only after complying with WAC 173-303-281, submitting Part A and Part B of the permit application and receiving a final facility permit. All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility permit shall submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date provided that such date will never be later than the expiration date of the effective permit.

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit and the application is determined by the department to be complete pursuant to subsection (8) of this section, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; and/or

(iv) Take other actions authorized by this chapter.

(8) Completeness. The department shall not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been submitted to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. The department may deny a permit for the active life of a dangerous waste management facility or unit before receiving a complete application for a permit.

(9) Recordkeeping. Applicants shall keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a

period of at least three years from the date the application is signed.

(10) General permit conditions. All final facility permits shall contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit shall not be extended beyond ten years, unless otherwise authorized under subsection (7) of this section.

(d) Each permit for a land disposal facility may be reviewed by the department five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in WAC 173-303-830.

(12) Grounds for termination. The following are causes for terminating a final facility permit during its term:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and the hazard can only be controlled by permit modification or termination.

(13) Grounds for denial. A permit application shall be denied if it is determined that the proposed location and/or activity endangers public health and the environment as demonstrated by the permit applicant's failure to satisfy the performance standards of WAC 173-303-283.

(14) Permit changes. All final facility permits shall be subject to the requirements of permit changes, WAC 173-303-830.

(15) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(16) Other requirements for final special waste and recycling facility permits. In lieu of issuing a final special waste or recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90.48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500 through 173-303-525 for recycling facilities or WAC 173-303-550 through 173-303-560 for special waste facilities.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-806, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-806, filed 3/7/91, effective 4/7/91. Statutory Authority: RCW 43.21A.080 and 70.105.210 et seq. 90-20-016, § 173-303-806, filed 9/21/90, effective 10/22/90. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-806, filed 1/4/89; 88-18-083 (Order 88-29), § 173-303-806, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-806, filed 3/11/88; 87-14-029 (Order DE-87-4), § 173-303-806, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-806, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-806, filed 4/18/84.]

WAC 173-303-807 Trial burns for dangerous waste incinerator final facility permits. (1) Purpose and applicability. For purposes of determining operational readiness and establishing conditions in final facility permits for dangerous waste incinerators, the department may approve trial burns. Trial burns shall not exceed seven hundred twenty hours operating time, except that the department may extend the duration of this operational period once, up to seven hundred twenty additional hours, at the request of the owner/operator of the incinerator when good cause is shown. The permit may be modified to reflect the extension according to WAC 173-303-830(4). The procedures for requesting and approving trial burns are described in:

(a) Subsection (10) of this section for existing incinerators with interim status permits; and

(b) Subsection (11) of this section for new incinerators and for incinerators with final facility permits in which the owner/operator wishes to burn new wastes not currently included in the permit.

(2) Trial burn plan. The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:

(a) An analysis of each waste or mixture of waste to be burned which includes:

(i) Heating value of the waste in the form and composition in which it will be burned;

(ii) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(iii) An analysis identifying any dangerous organic constituents listed in WAC 173-303-9905, and any other dangerous constituents which, although not listed, caused the waste to be regulated as a dangerous waste, which are reasonably expected to be present in the waste to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified or referenced in WAC 173-303-110, or their equivalent;

(iv) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified or referenced in WAC 173-303-110; and

(v) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);

(b) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(i) Manufacturer's name and model number of incinerator (if available);

(ii) Type of incinerator;

(iii) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(iv) Description of the auxiliary fuel system (type/feed);

(v) Capacity of the prime air mover;

(vi) Description of automatic waste feed cutoff system(s);

(vii) Stack gas monitoring and pollution control equipment;

(viii) Nozzle and burner design;

(ix) Construction materials; and

(x) Location and description of temperature, pressure, and flow indicating and control devices;

(c) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(d) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the department's decision under subsection (5) of this section;

(e) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(f) A description of, and planned operating conditions for, any emission control equipment which will be used;

(g) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

(h) A detailed test protocol to sample and analyze the following for designation under WAC 173-303-070:

(i) Any incinerator ash residue collected in the incinerator; and

(ii) Any residues collected in the air pollution control devices; and

(i) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this section.

(3) Additional information required. The department, in reviewing the trial burn plan, shall evaluate the adequacy of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Trial PODCs. Based on the waste analysis data in the trial burn plan, the department will specify as trial principal organic dangerous constituents (trial PODCs) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial PODCs will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified in WAC 173-303-9905, or identified as causing the waste to be regulated as a dangerous waste.

(5) Approval of the plan. The department shall approve a trial burn plan if it finds that:

(a) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(b) The trial burn itself will not present an imminent hazard to public health or the environment;

(c) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-670(6); and

(d) The information sought in (a), (b), and (c) of this subsection cannot reasonably be developed through other means.

(6) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(a) A quantitative analysis of the trial PODCs in the waste feed to the incinerator;

(b) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial PODCs, O₂, hydrogen chloride (HCl), carbon monoxide (CO) and dangerous combustion byproducts, including the total mass emission rate of byproducts as a percent of the total mass feed rate of PODCs fed to the incinerator;

(c) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial PODCs and whether they are designated according to WAC 173-303-070;

(d) A total mass balance of the trial PODCs in the waste;

(e) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670 (4)(a);

(f) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with WAC 173-303-670 (4)(c)(i);

(g) A computation of particulate emissions, in accordance with WAC 173-303-670 (4)(c)(ii);

(h) An identification of sources of fugitive emissions and their means of control;

(i) A measurement of average, maximum, and minimum temperatures, and combustion gas velocity;

(j) A continuous measurement of carbon monoxide in the exhaust gas;

(k) An identification of any existing air emission standards where a state or local air pollution control authority has established emission standards and such standards are applicable to the incinerator; and

(l) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(7) Certification. The applicant shall submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all determinations required by subsection (6) of this section. This submission shall be made within thirty days of the completion of the trial burn, or later if approved by the department.

(8) Submission of data. All data collected during any trial burn must be submitted to the department following the completion of the trial burn.

(9) Signatures required. All submissions required under this section shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application under WAC 173-303-810(12).

(10) Existing incinerators with interim status permits.

(a) The owner/operator of an existing incinerator currently operating under an interim status permit may, when required by the department (or when he chooses) to apply

for a final facility permit, request the department to approve of a trial burn. The trial burn may be requested for the purposes of determining feasibility of compliance with the performance standards of WAC 173-303-670(4) and the operating conditions of WAC 173-303-670(6). If a trial burn is requested, the owner/operator shall prepare and submit a trial burn plan and, upon approval by the department, perform a trial burn in accordance with subsections (2) through (9) of this section.

(b) If the department approves the trial burn, it shall issue a notice of interim status modification granting such approval and specifying the conditions applicable to the trial burn. The notice of modification shall be a condition of the interim status permit. Note: The national emission standards for hazardous air pollutants may require review for a notice of construction. Owners and operators should consult chapter 173-400 WAC or local air pollution control agency regulations for applicability.

(c) If the trial burn is approved before submitting a final facility permit application, the owner/operator shall complete the trial burn and submit the information described in subsection (6) of this section, with Part B of the permit application. If completion of this process conflicts with the date set for submission of Part B of the final facility permit application, the owner/operator must contact the department to extend the date for submitting the Part B or the trial burn results. If the applicant submits a trial burn plan with Part B of the final facility permit application, the department will specify in the notice of interim status modification issued under (b) of this subsection, a time period for conducting the trial burn and submitting the results. Trial burn results must be submitted prior to the issuance of the permit.

(11) New incinerators and new wastes.

(a)(i) The owner/operator of a new incinerator may submit with Part B of a final facility permit application a request for approval of a trial burn. This request shall include a statement of why the trial burn is desirable, and a trial burn plan prepared in accordance with subsection (2) of this section.

(ii) The department shall proceed to issue a final facility permit in accordance with WAC 173-303-806. The permit shall include the trial burn plan, and shall establish operating conditions for the trial burn including but not limited to those described in WAC 173-303-670(6). The time period for conducting the trial burn and submitting the results shall also be specified in the permit.

(iii) After the trial burn has been completed and the results submitted to the department, the final facility permit shall be modified in accordance with WAC 173-303-830(4) to establish the final operating requirements and performance standards for the incinerator.

(b) The owner/operator of an incinerator with a final facility permit who wishes to burn new wastes not currently included in his permit may request approval of a trial burn for the new wastes. The request and approval shall be handled in the same way as described in (a) of this subsection, except that in lieu of issuing an entirely new final facility permit the department will modify the existing final facility permit in accordance with WAC 173-303-830.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-807, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and

RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-807, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-807, filed 4/18/84.]

WAC 173-303-808 Demonstrations for dangerous waste land treatment final facility permits. (1) Purpose and applicability. This section is applicable to the owner/operator of a land treatment facility who must demonstrate that his proposed treatment will be successful. The purpose of this section is to allow the department to issue a land treatment demonstration permit.

(2) Permit issuance. The department may issue a land treatment demonstration permit either in advance of or as part of a final facility permit so that the owner/operator of a land treatment facility can make the demonstration required in WAC 173-303-655(3). If issued in advance of the final facility permit, the land treatment demonstration permit shall be issued as described in subsection (3) of this section, as a demonstration permit only. If issued as part of the final facility permit, the land treatment demonstration and final facility permit shall be issued as described in subsection (4) of this section, as a phased permit. The determination for which procedure to follow will be made by the department based on the information submitted by the owner/operator in Part B of the final facility permit application.

(3) Demonstration permit only.

(a) If the department finds that the Part B does not contain enough information regarding the proposed treatment to allow the department to establish permit conditions necessary for compliance with all requirements of WAC 173-303-655, it may issue a land treatment demonstration permit only. The demonstration permit will be issued in accordance with the decision-making procedures of WAC 173-303-840. The demonstration permit may be issued either as a treatment or disposal permit, will cover only the field test or laboratory analyses, shall contain only those requirements necessary to meet the standards in WAC 173-303-655(3), and shall provide a specific time period for the demonstration. The department may extend the demonstration period as a modification (or minor modification, if applicable) to the demonstration permit.

(b) Within thirty days (unless the department approves a later date) of the end of the treatment demonstration, the owner/operator shall submit a revised Part B to the department containing the results of the field tests or laboratory analyses and all data developed during the demonstration period. The department shall then use the information and Part B to determine whether or not there is adequate information to issue a final facility permit which will incorporate conditions sufficient to provide compliance with all requirements of WAC 173-303-655. If the information is adequate, the department will proceed under WAC 173-303-806 to issue a final facility permit. If the information is not adequate, the department may, as the situation warrants, either issue a modification to the demonstration permit in accordance with the procedures of subsection (3)(a) of this section, or deny the final facility permit application.

(4) Phased permit.

(a) The department may issue a two-phase final facility permit if it finds that, based on information submitted in Part B of the permit application, substantial (although incomplete and inconclusive) information exists upon which to base the

issuance of a final facility permit. The phased permit will be issued in the same manner as a final facility permit under WAC 173-303-806, except that it shall contain a first phase for making a land treatment demonstration, and a second phase (to become effective after completion of the first phase) for establishing conditions for operation of the land treatment facility.

(b) If the department finds that a phased permit may be issued, it will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration cleanup activities, and any other conditions which the department finds may be necessary under WAC 173-303-655 (3)(c). The department will include conditions in the second phase of the facility permit to attempt to meet all WAC 173-303-655 requirements pertaining to unit design, construction, operation, and maintenance. The department will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application.

(i) The first phase of the permit will be effective as provided in WAC 173-303-840 (8)(b).

(ii) The second phase of the permit will be effective as provided in (d) of this subsection.

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the department a certification, signed by a person authorized to sign a permit application or report under WAC 173-303-810(12), that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within thirty days of completion of those tests or analyses unless the department approves a later date.

(d) If the department determines that the results of the field tests or laboratory analyses meet the requirements of WAC 173-303-655(3), it will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with WAC 173-303-655, based upon the results of the field tests or laboratory analyses.

(i) This permit modification may proceed under WAC 173-303-830(4) or otherwise will proceed as a modification under WAC 173-303-830 (3)(a)(ii). If such modifications are necessary, the second phase of the permit will become effective only after those modifications have been made.

(ii) If no modifications of the second phase of the permit are necessary, the department will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in WAC 173-303-840 (8)(b).

(iii) If modifications under WAC 173-303-830(3) are necessary, the second phase of the permit will become effective only after those modifications have been made.

(e) If the department determines that the results of the field tests or laboratory analyses do not meet the requirements of WAC 173-303-655(3), the second phase of the permit will not become effective, and the department will, as the situation warrants, either:

- (i) Modify the permit according to WAC 173-303-830(3) to allow for additional field tests or laboratory analyses; or
- (ii) Proceed to terminate the permit according to WAC 173-303-840.

[Statutory Authority: Chapters 70.105, 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-808, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-808, filed 4/18/84.]

WAC 173-303-809 Research, development and demonstration permits. (1) The department may issue a research, development, and demonstration permit for any dangerous waste treatment facility which proposes to utilize an innovative and experimental dangerous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under WAC 173-303-500 through 173-303-670. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:

- (a) Shall provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in subsection (4) of this section; and
- (b) Shall provide for the receipt and treatment by the facility of only those types and quantities of dangerous waste which the department deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and
- (c) Shall include such requirements as the department deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as the department deems necessary regarding testing and providing of information to the department with respect to the operation of the facility.

(2) For the purpose of expediting review and issuance of permits under this section, the department may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements in WAC 173-303-800 through 173-303-840 except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

(3) The department may order an immediate termination of all operations at the facility at any time he determines that termination is necessary to protect human health and the environment.

(4) Any permit issued under this section may be renewed not more than three times. Each such renewal shall be for a period of not more than one year.

[Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-809, filed 6/26/87; 84-14-031 (Order DE 84-22), § 173-303-809, filed 6/27/84.]

WAC 173-303-810 General permit conditions. (1) Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits, except interim status permits and permits by rule, to assure compliance with this chapter. If the conditions of this section are incorporated in a permit by reference, a specific citation to this section must be given in the permit.

(2) Duty to comply. The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) Duty to halt or reduce activity. A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activities in order to maintain compliance with the conditions of the permit.

(5) Duty to mitigate. The permittee shall take all steps required by the department to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) Effect of a permit. Compliance with a final facility permit during its term constitutes compliance for the purpose of enforcement with chapter 173-303 WAC except for permit modifications and those requirements not included in the permit which become effective by statute, or which are promulgated under 40 CFR Part 268 restricting the placement of dangerous waste in or on the land. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The

permittee shall also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee shall allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) Monitoring and monitoring records.

(a) All permits shall specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods; and

(ii) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(c) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time.

(d) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee shall maintain all records of ground water quality and ground water surface elevations for the active life of the facility, and for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department shall be signed in accordance with this subsection and shall be certified according to subsection (13) of this section.

(a) Applications. When a dangerous waste facility is owned by one person, but is operated by another person, then the operator shall be the permit applicant and responsible for developing the permit application and all accompanying materials, except that the owner must also sign and certify the permit application. Permit applications shall be signed as follows:

(i) For a corporation: By a responsible corporate

officer. For the purposes of this subsection, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency; or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) Reports. All reports required by permits and other information requested by the department shall be signed by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in (a) of this subsection;

(ii) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(iii) The written authorization is submitted to the department.

(c) Changes to authorization. If an authorization under (b) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) of this subsection must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(13) Certification.

(a) Except as provided in (b) of this subsection, any person signing the documents required under (a) or (b) of subsection (12) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant

penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) When a dangerous waste facility is owned by one person, but is operated by another person, then the permit application must be certified as follows:

(i) The operator must make the certification described under (a) of this subsection; and

(ii) The owner must make the following certification:

"I certify under penalty of law that I own the real property described in, and am aware of the contents of, this permit application, and that I have received a copy of this application. As owner of the real property, I understand that I am responsible for complying with any requirements of chapter 173-303 WAC with which only I am able to comply, and that there are significant penalties for failure to comply with such requirements."

(14) Reporting. The following reports shall be provided:

(a) Planned changes. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new or modified portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit;

(Note: In certifying construction or modification, the independent qualified registered professional engineer is responsible only for certifying those portions of the facility which are identified in chapter 173-303 WAC as specifically requiring certification by an independent registered professional engineer.) and either

(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of dangerous waste; and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the modified portion of the facility except as provided in WAC 173-303-830(4).

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results (including monitoring of the facility's impacts as required by the applicable sections of this chapter) shall be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or noncompliance or any progress reports on interim

and final permit requirements contained in any compliance schedule shall be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment. Information shall be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Information which must be reported immediately shall include:

(i) Release of dangerous waste that may cause an endangerment to drinking water supplies or ground or surface waters;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility;

(iii) The following description of any such occurrence:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under (d), (e), and (f) of this subsection, at the time monitoring reports are submitted. The reports shall contain the information listed in (f) of this subsection.

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he shall promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest discrepancy report as required by WAC 173-303-370(4);

(ii) Unmanifested waste report as required by WAC 173-303-390(1); and

(iii) Annual report as required by WAC 173-303-390(2).

(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if the owner/operator indicates to the department the degree of harm if the information is made to the public.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions. Claims of confidentiality for the name and address of any permit applicant will be denied.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department shall place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-810, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-810, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-810, filed 6/26/87; 84-09-088 (Order DE 83-36), § 173-303-810, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-810, filed 2/10/82.]

WAC 173-303-815 Reserved.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-815, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-815, filed 2/10/82.]

WAC 173-303-820 Reserved.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-820, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-820, filed 2/10/82.]

WAC 173-303-825 Reserved.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-825, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-825, filed 2/10/82.]

WAC 173-303-830 Permit changes. (1) Purpose and applicability. This section describes the types of permit changes that may be made to all permits issued by the department. This section does not apply to permits by rule or interim status permits.

(2) Transfer of permits.

(a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under (b) of this subsection or subsection (3) of this section) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate act.

(b) Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the department in accordance with subsection (4) of this section. The new owner or operator must submit a revised permit application no later than ninety days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility

between the current and new permittees must also be submitted to the department. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of WAC 173-303-620 (Financial requirements) until the new owner or operator has demonstrated that he or she is complying with the financial requirements. The new owner or operator must demonstrate compliance with the financial requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with the financial requirements, the department shall notify the old owner or operator that he or she no longer needs to comply with the financial requirements as of the date of demonstration.

(3) Modification or revocation and reissuance of permits. When the department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for revocation and reissuance, or conducts a review of the permit file), the department may determine whether or not one or more of the causes listed in (a) and (b) of this subsection for modification or revocation and reissuance or both exist. If cause exists, the department may modify or revoke and reissue the permit accordingly, subject to the limitations of (c) of this subsection, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. If cause does not exist under this subsection, the department shall not modify or revoke and reissue the permit, except on request of the permittee. If a permit modification is requested by the permittee, the department shall approve or deny the request according to the procedures of subsection (4) of this section. Otherwise, a draft permit must be prepared and public review provided in accordance with WAC 173-303-840.

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, unless agreed to or requested by the permittee:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the department receives information that was not available at the time of permit issuance and which would have justified the application of different permit conditions at the time of issuance;

(iii) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause as follows:

(A) The department may modify the permit when the standards or regulations on which the permit was based have been changed by statute or amended standards or regulations.

(B) Permittee may request modification when:

(I) The permit condition requested to be modified was based on an effective regulation; and

(II) The department has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; and either

a. The department decides to modify the permit because there would be a potential threat to public health or the environment if the permit does not incorporate the requirements of the amended regulation; or

b. A permittee requests modification within ninety days after the date the regulation amendments are adopted;

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy;

(v) Closure plans or postclosure. When modification of a closure or postclosure plan is required under WAC 173-303-610 (3) or (8);

(vi) Revocation of changes approved prior to notice of closure. After the department receives the notification of expected closure under WAC 173-303-610(3), the department may determine that previously approved changes are no longer warranted. These include:

(A) Extension of the ninety or one hundred eighty day periods under WAC 173-303-610(4);

(B) Modification of the thirty year postclosure period under WAC 173-303-610(7);

(C) Continuation of security requirements under WAC 173-303-610(7); or

(D) Permission to disturb the integrity of the containment system under WAC 173-303-610(7);

(vii) When the permittee has filed a request under WAC 173-303-620 for a variance to the level of financial responsibility or when the department demonstrates under WAC 173-303-620 that an upward adjustment of the level of financial responsibility is required;

(viii) When the corrective action program specified in the permit under WAC 173-303-645 has not brought the regulated unit into compliance with the ground water protection standard within a reasonable period of time;

(ix) To include a detection monitoring program meeting the requirements of WAC 173-303-645, when the owner or operator has been conducting a compliance monitoring program under WAC 173-303-645 or a corrective action program under WAC 173-303-645 and compliance period ends before the end of the postclosure care period for the unit;

(x) When a permit requires a compliance monitoring program under WAC 173-303-645, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the ground water protection standard;

(xi) To include conditions applicable to units at a facility that were not previously included in the facility's permit; or

(xii) When a land treatment unit is not achieving complete treatment of dangerous constituents under its current permit conditions.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC 173-303-806(12) for final facility permits, and the department determines that modification or revocation and reissuance is appropriate; or

(ii) The department has received notification of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

(4) Permit modification at the request of the permittee.

(a) Class 1 modifications.

(i) Except as provided in (a)(ii) of this subsection, the permittee may put into effect Class 1 modifications listed in Appendix I of this section under the following conditions:

(A) The permittee must notify the department concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by WAC 173-303-806, 173-303-807, and 173-303-808.

(B) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the department in accordance with WAC 173-303-840 (3)(e)(i)(D), and the appropriate units of state and local government, as specified in WAC 173-303-840 (3)(e)(i)(E). This notification must be made within ninety calendar days after the change is put into effect. For the Class 1 modifications that require prior department approval, the notification must be made within ninety calendar days after the department approves the request.

(C) Any person may request the department to review, and the department may for cause reject, any Class 1 modification. The department must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

(ii) Class 1 permit modifications identified in Appendix I by an asterisk may be made only with the prior written approval of the department.

(iii) For a Class 1 permit modification, the permittee may elect to follow the procedures in (b) of this subsection for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the department of this decision in the notice required in (b)(i) of this subsection.

(b) Class 2 modifications.

(i) For Class 2 modifications, listed in Appendix I of this section, the permittee must submit a modification request to the department that:

(A) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) Identifies that the modification is a Class 2 modification;

(C) Explains why the modification is needed; and

(D) Provides the applicable information required by WAC 173-303-806, 173-303-807, and 173-303-808.

(ii) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the department and to the appropriate units of state and local government as specified in WAC 173-303-840 (3)(e)(i)(D) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the department evidence of the mailing and publication. The notice must include:

(A) Announcement of a sixty-day comment period, in accordance with (b)(v) of this subsection, and the name and address of a departmental contact to whom comments must be sent;

(B) Announcement of the date, time, and place for a public meeting held in accordance with (b)(iv) of this subsection;

(C) Name and telephone number of the permittee's contact person;

(D) Name and telephone number of a departmental contact person;

(E) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the department of ecology contact person."

(iii) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(iv) The permittee must hold a public meeting no earlier than fifteen days after the publication of the notice required in (b)(ii) of this subsection and no later than fifteen days before the close of the sixty-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(v) The public shall be provided sixty days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the department of ecology contact identified in the public notice.

(vi)(A) No later than ninety days after receipt of the notification request, the department must:

(I) Approve the modification request, with or without changes, and modify the permit accordingly;

(II) Deny the request;

(III) Determine that the modification request must follow the procedures in (c) of this subsection for Class 3 modifications for the following reasons:

(AA) There is significant public concern about the proposed modification; or

(BB) The complex nature of the change requires the more extensive procedures of Class 3;

(IV) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty days; or

(V) Notify the permittee that he or she will decide on the request within the next thirty days.

(B) If the department notifies the permittee of a thirty-day extension for a decision, the department must, no later than one hundred twenty days after receipt of the modification request:

(I) Approve the modification request, with or without changes, and modify the permit accordingly;

(II) Deny the request; or

(III) Determine that the modification request must follow the procedures in (c) of this subsection for Class 3 modifications for the following reasons:

(AA) There is significant public concern about the proposed modification; or

(BB) The complex nature of the change requires the more extensive procedures of Class 3.

(IV) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty days.

(C) If the department fails to make one of the decisions specified in (b)(vi)(B) of this subsection by the one hundred twentieth day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to one hundred eighty days, without formal departmental action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR Part 265 (as referenced by WAC 173-303-400). If the department approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in (b)(vi)(A), (B), or (C) of this subsection, such action cancels the temporary or automatic authorization.

(D)(I) In the case of an automatic authorization under (b)(vi)(C) of this subsection, or a temporary authorization under (b)(vi)(A)(IV) or (B)(IV) of this subsection, if the department has not made a final approval or denial of the modification request by the date fifty days prior to the end of the temporary or automatic authorization, the permittee must within seven days of that time send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:

(AA) The permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

(BB) Unless the department acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

(II) If the owner/operator fails to notify the public by the date specified in (b)(vi)(D)(I) of this subsection, the effective date of the permanent authorization will be deferred until fifty days after the owner/operator notifies the public.

(E) Except as provided in (b)(vi)(G) of this subsection, if the department does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under subsection (3) or (4) of this section. The activities authorized under this subsection (b)(vi)(E) must be conducted as described in the permit modification request and must be in compliance with all

appropriate standards of 40 CFR Part 265 (as referenced by WAC 173-303-400).

(F) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the department must consider all written comments submitted during the public comment period and must respond in writing to all significant comments in his or her decision.

(G) With the written consent of the permittee, the department may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

(vii) The department may deny or change the terms of a Class 2 permit modification request under (b)(6)(i) through (iii) of this subsection for the following reasons:

(A) The modification request is incomplete;

(B) The requested modification does not comply with the appropriate requirements of WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680 or other applicable requirements; or

(C) The conditions of the modification fail to protect human health and the environment.

(viii) The permittee may perform any construction associated with a Class 2 permit modification request beginning sixty days after the submission of the request unless the department establishes a later date for commencing construction and informs the permittee in writing before day sixty.

(c) Class 3 modifications.

(i) For Class 3 modifications listed in Appendix I of this section, the permittee must submit a modification request to the department that:

(A) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) Identifies that the modification is a Class 3 modification;

(C) Explains why the modification is needed; and

(D) Provides the applicable information required by WAC 173-303-806, 173-303-807, and 173-303-808.

(ii) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the department and to the appropriate units of state and local government as specified in WAC 173-303-840 (3)(e)(i)(D) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the department evidence of the mailing and publication. The notice must include:

(A) Announcement of a sixty-day comment period, and a name and address of an agency contact to whom comments must be sent;

(B) Announcement of the date, time, and place for a public meeting on the modification request, in accordance with (c)(4) of this subsection;

(C) Name and telephone number of the permittee's contact person;

(D) Name and telephone number of a departmental contact person;

(E) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the department of ecology contact person."

(iii) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(iv) The permittee must hold a public meeting no earlier than fifteen days after the publication of the notice required in (c)(ii) of this subsection and no later than fifteen days before the close of the sixty-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(v) The public shall be provided at least sixty days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the department of ecology contact identified in the notice.

(vi) After the conclusion of the sixty-day comment period, the department must grant or deny the permit modification request according to the permit modification procedures of WAC 173-303-840. In addition, the department must consider and respond to all significant written comments received during the sixty-day comment period.

(d) Other modifications.

(i) In the case of modifications not explicitly listed in Appendix I of this section, the permittee may submit a Class 3 modification request to the department, or he or she may request a determination by the department that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, he or she must provide the department with the necessary information to support the requested classification.

(ii) The department shall make the determination described in (d)(i) of this subsection as promptly as practicable. In determining the appropriate class for a specific modification, the department shall consider the similarity of the modification to other modifications codified in Appendix I and the following criteria:

(A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the department may require prior approval.

(B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:

(I) Common variations in the types and quantities of the wastes managed under the facility permit;

(II) Technological advancements; and

(III) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(C) Class 3 modifications substantially alter the facility or its operation.

(e) Temporary authorizations.

(i) Upon request of the permittee, the department may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations must have a term of not more than one hundred eighty days.

(ii)(A) The permittee may request a temporary authorization for:

(I) Any Class 2 modification meeting the criteria in (e)(iii)(B) of this subsection; and

(II) Any Class 3 modification that meets the criteria in (e)(iii)(B)(I) or (II) of this subsection; or that meets the criteria in (e)(iii)(B)(III) through (V) of this subsection and provides improved management or treatment of a dangerous waste already listed in the facility permit.

(B) The temporary authorization request must include:

(I) A description of the activities to be conducted under the temporary authorization;

(II) An explanation of why the temporary authorization is necessary; and

(III) Sufficient information to ensure compliance with the standards in WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680.

(C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the department and to appropriate units of state and local governments as specified in WAC 173-303-840 (3)(e)(i)(D). This notification must be made within seven days of submission of the authorization request.

(iii) The department shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the department must find:

(A) The authorized activities are in compliance with the standards of WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680.

(B) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

(I) To facilitate timely implementation of closure or corrective action activities;

(II) To allow treatment or storage in tanks or containers of restricted wastes in accordance with 40 CFR Part 268;

(III) To prevent disruption of ongoing waste management activities;

(IV) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

(V) To facilitate other changes to protect human health and the environment.

(iv) A temporary authorization may be reissued for one additional term of up to one hundred eighty days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

(A) The reissued temporary authorization constitutes the department's decision on a Class 2 permit modification in accordance with (b)(vi)(A)(IV) or (B)(IV) of this subsection; or

(B) The department determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to

continue while the modification procedures of (c) of this subsection are conducted.

(f) Public notice and appeals of permit modification decisions.

(i) The department shall notify persons on the facility mailing list and appropriate units of state and local government within ten days of any decision under this section to grant or deny a Class 2 or 3 permit modification request. The department shall also notify such persons within ten days after an automatic authorization for a Class 2 modification goes into effect under (b)(vi)(C) or (E) of this subsection.

(ii) The department's decision to grant or deny a Class 2 or 3 permit modification request under this section may be appealed under the permit appeal procedures of WAC 173-303-845.

(iii) An automatic authorization that goes into effect under (b)(vi)(C) or (E) of this subsection may be appealed under the permit appeal procedures of WAC 173-303-845; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the appeal has been granted pursuant to WAC 173-303-845, notwithstanding the provisions of WAC 173-303-840 (8)(b).

(g) Newly listed or identified wastes.

(i) The permittee is authorized to continue to manage wastes listed or identified as dangerous under WAC 173-303-070 if he or she:

(A) Was in existence as a dangerous waste facility with respect to the newly listed or identified waste on the effective date of the final rule listing or identifying the waste;

(B) Submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;

(C) Is in compliance with the standards of 40 CFR Part 265 (as referenced in WAC 173-303-400);

(D) In the case of Classes 2 and 3 modifications, also submits a complete permit modification request within one hundred eighty days after the effective date of the rule listing or identifying the waste; and

(E) In the case of land disposal units, certifies that such unit is in compliance with all applicable Part 265 ground water monitoring and financial responsibility requirements (as referenced in WAC 173-303-400) on the date twelve months after the effective date of the rule identifying or listing the waste as dangerous. If the owner or operator fails to clarify compliance with these requirements, he or she shall lose authority to operate under this section.

(ii) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the twenty-five percent capacity expansion limit for Class 2 modifications.

(h) Permit modification list. The department must maintain a list of all approved permit modifications and must publish a notice once a year in a state-wide newspaper that an updated list is available for review.

APPENDIX I

Modifications

Class

A. General Permit Provisions

- 1. Administrative and informational changes 1
- 2. Correction of typographical errors 1
- 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls) 1
- 4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
 - a. To provide for more frequent monitoring, reporting, sampling, or maintenance 1
 - b. Other changes 2
- 5. Schedule of compliance:
 - a. Changes in interim compliance dates, with prior approval of the Director 1
 - b. Extension of final compliance date 3
- 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Director 1
- 7. Changes in ownership or operational control of a facility, provided the procedures of subsection (2)(b) of this section are followed 1

B. General Facility Standards

- 1. Changes to waste sampling or analysis methods:
 - a. To conform with agency guidance or regulations 1
 - b. Other changes 2
- 2. Changes to analytical quality assurance/control plan:
 - a. To conform with agency guidance or regulations 1
 - b. Other changes 2
- 3. Changes in procedures for maintaining the operating record 1
- 4. Changes in frequency or content of inspection schedules 2
- 5. Changes in the training plan:
 - a. That affect the type or decrease the amount of training given to employees 2
 - b. Other changes 1
- 6. Contingency plan:
 - a. Changes in emergency procedures (i.e., spill or release response procedures) 2
 - b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed 1
 - c. Removal of equipment from emergency equipment list 2
 - d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan 1

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification.

C. Ground Water Protection

- 1. Changes to wells:
 - a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted ground water monitoring system 2
 - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well 1
- 2. Changes in ground water sampling or analysis procedures or monitoring schedule, with prior approval of the Director 1
- 3. Changes in statistical procedure for determining whether a statistically significant change in ground water quality between upgradient and downgradient wells has occurred, with prior approval of the Director 1
- 4. Changes in point of compliance 1
- 5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):
 - a. As specified in the ground water protection standard 3
 - b. As specified in the detection monitoring program 2
- 6. Changes to a detection monitoring program as required by WAC 173-303-645 (9)(j), unless otherwise specified in this appendix 2
- 7. Compliance monitoring program:
 - a. Addition of compliance monitoring program as required by WAC 173-303-645 (9)(h)(iv) and (10) 3
 - b. Changes to a compliance monitoring program as required by WAC 173-303-645 (10)(k), unless otherwise specified in this appendix 2
- 8. Corrective action program:
 - a. Addition of a corrective action program as required by WAC 173-303-645 (10)(i)(ii) and (11) 3
 - b. Changes to a corrective action program as required by WAC 173-303-645 (11)(h), unless otherwise specified in this appendix 2

D. Closure

- 1. Changes to the closure plan:
 - a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Director 1
 - b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the Director 1
 - c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Director 1
 - d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Director 1
 - e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix 2
 - f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive nondangerous wastes after final receipt of dangerous wastes under WAC 173-303-610 (4)(d) and (e) 2
- 2. Creation of a new landfill unit as part of closure 3

3. Addition of the following new units to be used temporarily for closure activities:

- a. Surface impoundments 3
 - b. Incinerators 3
 - c. Waste piles that do not comply with WAC 173-303-660 (1)(c) 3
 - d. Waste piles that comply with WAC 173-303-660 (1)(c) 2
 - e. Tanks or containers (other than specified below) 2
 - f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Director 11
- E. Post-Closure

- 1. Changes in name, address, or phone number of contact in post-closure plan 1
- 2. Extension of post-closure care period 2
- 3. Reduction in the post-closure care period 3
- 4. Changes to the expected year of final closure, where other permit conditions are not changed 1
- 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure 2

F. Containers

- 1. Modification or addition of container units:
 - a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F (1)(c) and F (4)(a) below 3
 - b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F (1)(c) and F (4)(a) below 2
 - c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the department. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11

2:

- a. Modification of a container unit without increasing the capacity of the unit 2
- b. Addition of a roof to a container unit without alteration of the containment system 1
- 3. Storage of different wastes in containers:
 - a. That require additional or different management practices from those authorized in the permit, except as provided in F(4) below 3
 - b. That do not require additional or different management practices from those authorized in the permit 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage of treatment of different wastes in containers:

- a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the

standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11

G. Tanks

1:

a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G (1)(c), G (1)(d), and G (1)(e) below 3

b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G (1)(d) and G (1)(e) below 2

c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation 2

d. After prior approval of the department, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation 11

e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the department. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit 2

3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided 1

- The capacity difference is no more than 1500 gallons,
- The facility's permitted tank capacity is not increased, and

-The replacement tank meets the same conditions in the permit.

4. Modification of a tank management practice . . . 2

5. Management of different wastes in tanks:

a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G (5)(c) below 3

b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G (5)(d) 2

c. That require addition of units or change in treatment processes or management standards, provided that the wastes

are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii). The modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11

(d) That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received waste of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

- 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity 3
- 2. Replacement of a surface impoundment unit . . . 3
- 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system . . . 2
- 4. Modification of a surface impoundment management practice 2

5. Treatment, storage, or disposal of different wastes in surface impoundments:

a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit 3

b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles except those complying with WAC 173-303-660 (1)(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with WAC 173-303-660 (1)(c).

1. Modification or addition of waste pile units:

a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity 3

b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity 2

2. Modification of waste pile unit without increasing the capacity of the unit 2

3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit 1

4. Modification of a waste pile management practice 2

5. Storage or treatment of different wastes in waste piles:

a. That require additional or different management practices or different design of the unit 3

b. That do not require additional or different management practices or different design of the unit 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

1. Modification or addition of landfill units that result in increasing the facility's disposal capacity 3

2. Replacement of a landfill 3

3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system 3

4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system 2

5. Modification of a landfill management practice 2

6. Landfill different wastes:

a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system 3

b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 1. Lateral expansion of or other modification of a land treatment unit to increase areal extent 3
- 2. Modification of run-on control system 2
- 3. Modify run-off control system 3
- 4. Other modifications of land treatment unit component specifications or standards required in permit 2
- 5. Management of different wastes in land treatment units:
 - a. That require a change in permit operating conditions or unit design specifications 3
 - b. That do not require a change in permit operating conditions or unit design specifications 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

- 6. Modification of a land treatment unit management practice to:
 - a. Increase rate or change method of waste application
 - b. Decrease rate of waste application 2
- 7. Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions 2
- 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops, or to modify operating plans for distribution of animal feeds resulting from such crops 3
- 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to WAC 173-303-655 (6)(g)(ii) 3
- 10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, number of sampling points, or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements 3
- 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements 2
- 12. Changes in background values for hazardous constituents in soil and soil-pore liquid 2
- 13. Changes in sampling, analysis, or statistical procedure 2
- 14. Changes in land treatment demonstration program prior to or during the demonstration 2
- 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Director's prior approval has been received 2
- 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the director 2

- 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration 3

L. Incinerators

- 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit, or an organic chlorine feed rate limit. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
- 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed limit, or an organic chlorine feed rate limit. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 2
- 3. Modification of an incinerator unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCI or particulate from the combustion gases, or by changing other features of the incinerator that could affect its capability to meet the regulatory performance standards. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
- 4. Modification of an incinerator unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The Director may require a new trial burn to demonstrate compliance with the regulatory performance standards 2
- 5. Operating requirements:
 - a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum combustion gas residence time, or oxygen concentration in the secondary combustion chamber. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
 - b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls 3
 - c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit 2

6. Incineration of different wastes:

a. If the waste contains a POHC that is more difficult to incinerate than authorized by the permit or if incineration of the waste requires compliance with different regulatory performance standards than specified in the permit. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3

b. If the waste does not contain a POHC that is more difficult to incinerate than authorized by the permit and if incineration of the waste does not require compliance with different regulatory performance standards than specified in the permit 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn 2

b. Authorization of up to an additional 720 hours of waste incineration during the shakedown period for determining operational readiness after construction, with the prior approval of the director 1

c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the director 1

d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the director 1

8. Substitution of an alternate type of fuel that is not specified in the permit 1

¹ Class 1 modifications requiring prior Agency approval.

(5) Permit termination. The department shall follow the applicable procedures in WAC 173-303-840, procedures for decision making, in terminating any permit. The following are causes for terminating a permit during its term or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and can only be regulated to acceptable levels by permit modification or termination.

(6) Schedules of compliance.

(a) General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with chapter 173-303 WAC.

(b) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.

(c) Interim dates. If a permit establishes a schedule of compliance which exceeds one year from the date of permit

issuance, the schedule shall set forth interim requirements and the dates for their achievement as follows;

(i) The time between interim dates shall not exceed one year; or

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(d) Reporting. The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the department in writing of its compliance or noncompliance with the interim or final requirements.

M. Corrective Action

1. Approval of a corrective action management unit pursuant to WAC 173-303-646 (4), (5), and (6) . . class 1.

2. Approval of a temporary unit or time extension for a temporary unit pursuant to WAC 173-303-646(7) class 2.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-830, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-830, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-830, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-830, filed 6/26/87; 84-09-088 (Order DE 83-36), § 173-303-830, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-830, filed 2/10/82.]

WAC 173-303-840 Procedures for decision making.

(1) Application and completeness.

(a) The department will not begin the processing of a permit until the applicant has fully complied with the application requirements for the permit. Permit applications must comply with the signature and certification requirements of WAC 173-303-810 (12) and (13).

(b) The department shall review for completeness each application for a permit under this chapter. Each application for a permit should be reviewed for completeness within sixty days of its receipt. Upon completing the review, the department shall notify the applicant in writing whether or not the application is complete. If the application is incomplete, the department shall list the information necessary to make the application complete, and shall specify in the notice of deficiency a date for submitting the necessary information. After the application is completed, the department may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

(c) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under chapter 70.105 RCW.

(d) If the department decides that a site visit is necessary for any reason in conjunction with the processing of an application, then the department shall notify the applicant and a date shall be scheduled.

(e) The effective date of an application is the date on which the department notifies the applicant that the application is complete as provided in (b) of this subsection.

(2) Draft permits.

(a) A draft permit is a document prepared by the department indicating the tentative decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) When an application is complete, the department shall tentatively decide whether to prepare a draft permit, or to deny the application.

(c) If the department tentatively decides to deny the permit application, then the department shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this subsection. If the department's final decision is that the tentative decision to deny was incorrect, then the department shall withdraw the notice of intent to deny and proceed to prepare a draft permit under this subsection.

(d) If the department decides to prepare a draft permit, it shall contain the following information:

(i) All conditions applicable to permits under WAC 173-303-810;

(ii) Applicable conditions under WAC 173-303-830; and

(iii) All applicable standards for storage, treatment and disposal, and other permit conditions.

(e) All draft permits must be accompanied by a fact sheet that is supported by administrative record and made available for public comment.

(f) Fact sheet; statement of basis.

(i) A fact sheet shall be prepared for every draft permit for a major dangerous waste management facility, and for every draft permit which the department finds is the subject of wide-spread public interest or raises major issues.

(ii) The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The department shall send this fact sheet to the applicant and, on request, to any other person.

(iii) The fact sheet shall include, when applicable:

(A) A brief description of the type of facility or activity which is the subject of the draft permit;

(B) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed, injected, emitted, or discharged;

(C) A brief summary of the basis for the draft permit conditions including supporting references;

(D) Reasons why any requested variances or alternatives to required standards do or do not appear justified; and

(E) A description of the procedures for reaching a final decision on the draft permit including:

(I) The beginning and ending dates of the comment period and the address where comments will be received;

(II) Procedures for requesting a hearing and the nature of that hearing;

(III) Any other procedures by which the public may participate in the final decision; and

(IV) Name and telephone number of a person to contact for additional information.

(iv) The department shall prepare a statement of basis for every draft permit for which a fact sheet is not prepared. The statement of basis shall briefly describe the derivation

of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

(3) Public notice and involvement.

(a) The department shall give public notice that the following actions have occurred:

(i) A draft permit has been prepared or an application is tentatively being denied;

(ii) A hearing on a permit has been scheduled; or

(iii) An appeal on a permit has been filed with the pollution control hearings board.

(b) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied. A written notice of the denial shall be given to the person who requested the permit change and to the permittee.

(c) The public notice may describe more than one permit or permit action.

(d) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application shall allow at least forty-five days for public comment. Public notice of a public hearing shall be given at least thirty days before the hearing.

(e) Public notice of activities described in this subsection shall be given by the following methods:

(i) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

(A) The applicant;

(B) Any other agency which the department knows has issued or is required to issue a permit for the same activity or facility;

(C) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the advisory council on historic preservation, state historic preservation officers, and other appropriate government authorities, including any affected states;

(D) Persons on the mailing list developed by:

(I) Including those who request in writing to be on the list;

(II) Soliciting persons for an area list from participants in past permit proceedings in that area; and

(III) Notifying the public of the opportunity to be put on the mailing list through periodic publications in the public press and in appropriate publications of the department;

(E) Any unit of local government having jurisdiction over the area where the facility is proposed to be located, and each state agency having any authority under state law with respect to construction or operation of such facility;

(ii) For major permits, by publication of a notice in a daily or weekly newspaper within the area affected by the facility;

(iii) For all permits, by publication of notice in a daily or weekly major local newspaper of general circulation, and local radio broadcast of the public notice; and

(iv) By any other method reasonably calculated to give notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(4) Contents of the public notice.

(a) All public notices issued shall contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(iii) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(iv) Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet or statement of basis, and the application;

(v) A brief description of the comment procedures and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

(vi) And any additional information considered necessary or proper.

(b) In addition to the general public notice described in (a) of this subsection, public notice of a hearing under subsection (5) of this section shall contain the following information:

(i) Date, time, and place of the hearing;

(ii) Reference to the date of the previous public notice relating to the permit; and

(iii) A brief description of the nature and purpose of the hearing including the applicable rules and procedures.

(c) In addition to the general public notice all persons identified in WAC 173-303-840 (3)(e)(i)(A), (B), and (C) shall be mailed a copy of the fact sheet, the permit application (if any), and the draft permit (if any).

(d) Public comments and request for public hearings. During the public comment period any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered according to WAC 173-303-840(9).

(5) Public hearings.

(a) The department shall hold a public hearing whenever, on the basis of requests, there is a significant degree of public interest in a draft permit or there is written notice of opposition and the director receives a request for a hearing during the forty-five day comment period. The department also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in WAC 173-303-840(3). Whenever possible, the department shall schedule a public hearing under this subsection at a location convenient to the nearest population center to the proposed facility.

(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under WAC 173-303-840(3) shall

automatically be extended to the close of any public hearing under this subsection. The hearing officer may also extend the comment period by so stating at the hearing.

(c) A tape recording or written transcript of the hearing shall be made available to the public.

(6) Obligation to raise issues and provide information during the public comment period.

(a) All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under WAC 173-303-840(3).

(b) All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the department. A comment period longer than thirty days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this subsection. Commenters may request a longer comment period.

(7) Reopening of the public comment period. If any data, information, or arguments submitted during the public comment period, including information or arguments required under subsection (6) of this section, appear to raise substantial new questions concerning a permit, the department may take one or more of the following actions:

(a) Prepare a new draft permit, appropriately modified;

(b) Prepare a revised statement of basis, a fact sheet or revised fact sheet, and reopen the comment period; or

(c) Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice shall define the scope of the reopening.

(8) Issuance and effective date of permit.

(a) After the close of the public comment period under WAC 173-303-840(5) on a draft permit, the department shall issue a final permit decision (or a decision to deny a permit for the active life of a RCRA dangerous waste facility or unit under WAC 173-303-840). The department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. For purposes of this section, a final permit means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision shall become effective thirty days after the service of notice of the decision, unless:

(i) A later effective date is specified in the decision; or

(ii) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

(9) Response to comments. At the time that any final permit is issued, the department shall issue a response to comments. This response shall specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reason for the change, and briefly describe and respond to all significant comments of the draft permit raised during the public comment period or during any hearing. The response to comments shall be available to the public.

(10) Decision-making procedure for modification, revocation and reissuance, or termination of permits.

(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the department's initiative. However, permits may only be modified or revoked and reissued for the reasons specified in WAC 173-303-830 (3) and (4), or terminated for the reasons specified in WAC 173-303-805 or 173-303-806. All requests shall be in writing and shall contain facts or reasons supporting the request.

(b) If the department tentatively decides to modify or revoke and reissue a permit under WAC 173-303-830(3), it shall prepare the draft permit under WAC 173-303-840(2), incorporating the proposed changes. The department may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the department shall require the submission of a new application.

(c) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(d) "Minor modifications" as defined in WAC 173-303-830(4) are not subject to the requirements of this section.

(e) If the department tentatively decides to terminate an interim status permit under WAC 173-303-805 or a final permit under WAC 173-303-806, it shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under WAC 173-303-840(2).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-840, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 84-14-031 (Order DE 84-22), § 173-303-840, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-840, filed 2/10/82.]

WAC 173-303-845 Appeal of decision. Any person who is adversely affected by a decision of the department under chapter 173-303 WAC may appeal the decision to the pollution control hearings board pursuant to chapter 43.21B RCW.

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-845, filed 2/10/82.]

WAC 173-303-900 Public involvement and participation. (1) Intent. Public involvement and participation plays a significant role in the decision making process. The

department intends to foster public awareness, information and consultation, and to respond actively to public concerns. The department will inform the public of major issues, proposed projects, and regulatory changes, and will consult interested and affected segments of the public before making important decisions. The overall goal of the department is to provide knowledge to the public about dangerous waste issues that vitally affect the state, to encourage broader understanding of the public role in dangerous wastes and their proper management, and to promote an open dialogue between the public, industry, and government.

(2) Applicable requirements. In fulfilling the intent of public involvement and participation in the decision making process, the department will refer to and, where applicable, follow the requirements and guidance set forth in the following:

(a) Chapter 34.04 RCW, Administrative Procedure Act;
(b) Chapter 34.08 RCW, Washington State Register Act of 1977;

(c) Chapter 42.17 RCW, Public Records Act;
(d) Chapter 197-11 WAC, Guidelines interpreting and implementing the State Environmental Policy Act;

(e) 40 CFR Part 25, Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act; and

(f) The Washington state solid waste management plan, December 1980.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-900, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-900, filed 2/10/82.]

WAC 173-303-902 Citizen/proponent negotiations.

(1) Intent and purpose. Successful siting of dangerous waste management facilities depends on public confidence, which requires affected communities to have opportunities to meet with owners/operators of proposed dangerous waste management facilities to resolve concerns about such facilities. RCW 70.105.260 authorizes the department to specify a procedure for conflict resolution activities for dangerous waste management facility proponents, host communities, citizens and citizen groups, and to expend funds to support such activities. The purpose of this section is to set forth a procedure for negotiations between affected communities and the proponent of a facility, and the eligibility criteria for financial assistance.

(2) Applicability.

(a) This section applies to local governments and citizens potentially affected by the siting and permitting of a dangerous waste management facility, owners and operators of proposed facilities, and owners and operators of facilities for which interim or final status permit applications have been submitted to the department prior to the effective date of this section. This section also applies to existing facilities with interim or final status for which the department receives an application for expansion. This section only applies to the expanded portion of the existing facility.

(b) A modified citizen/proponent negotiations (CPN) process shall apply to lead local governments who are also proponents of the facility.

(c) This section does not apply to owners/operators of facilities or portions of facilities applying for research, devel-

opment and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65. In addition, this section does not apply to mobile facilities for on-site cleanup at treatment, storage, or disposal facilities undergoing closure, facilities operating under an emergency permit pursuant to WAC 173-303-804, or facilities for on-site cleanup of sites under the Comprehensive Environmental Response, Compensation, and Liability Act, or chapters 70.105, 90.48 RCW, and The Model Toxics Control Act.

(3) Relationship to other legislation and administrative rules.

(a) The lead local government receiving a grant under this section, shall comply fully with all applicable federal, state, and local laws, orders, regulations, and permits.

(b) Nothing in this section shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to dangerous waste management and disposal.

(c) All grants under this section shall be subject to all existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

(4) Definitions. As used in this section:

(a) "Citizen/proponent negotiations (CPN)" means a communication process, as specified in these regulations and associated guidelines, between the proponent of a dangerous waste management facility and potentially affected citizens, to reach an agreement when there are shared and opposing interests.

(b) "Designated zone facility" means any facility that requires an interim or final status permit, located in a land use zone designated for handling hazardous substances and hazardous waste, and is not a preempted facility as defined in this section.

(c) "Environmental impact statement (EIS)" means an environmental document prepared according to the State Environmental Policy Act (SEPA), that provides decision makers and the public with an impartial discussion of probable significant environmental impacts, reasonable alternatives, and mitigation measures that would avoid impacts, minimize adverse impacts, or enhance environmental quality.

(d) "Existing facility," as defined by WAC 173-303-281, means a facility for which an interim or final status permit has been issued by the department pursuant to WAC 173-303-805 or 173-303-806.

(e) "Expansion," as defined by WAC 173-303-281, means the enlargement of the land surface area of an existing facility from that described in an interim status permit, the addition of a new dangerous waste management process, or an increase in the overall design capacity of existing dangerous waste management processes at a facility. However, a process or equipment change within the existing handling code (not to include "other") as defined under WAC 173-303-380 (2)(d) will not be considered a new dangerous waste management process.

(f) "Facilitator" means one who assists at a meeting or group discussion.

(g) "Grant applicant" means the lead local government requesting a citizen/proponent negotiations grant.

(h) "Lead local government" means the city or county in which all or a majority of the proposed dangerous waste

management facility would be located, unless the lead local government is a proponent of the project.

(i) "Local negotiating committee" means a committee, appointed by the lead local government, whose membership consists of broad representation from city and county government, citizen groups, academia, business, industry, Indian tribes, and environmental groups potentially affected by the siting of a dangerous waste management facility.

(j) "Mediator" means a neutral person who is accepted voluntarily by opposing parties in a dispute to assist in reaching a settlement.

(k) "Notice of intent," as specified in WAC 173-303-281, means the notice provided by the owner/operator of a facility to the department, local communities, and the public stating that the siting of a dangerous waste management facility, or the expansion of an existing facility, is being considered.

(l) "Neutral convener" means a nonpartisan person hired by the lead local government to convene and preside over the official public meeting.

(m) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (i) Landfill, (ii) incineration, (iii) land treatment, (iv) surface impoundment to be closed as a landfill, or (v) waste pile to be closed as a landfill.

Local jurisdictions who fail to establish designated land use zones for handling hazardous substances and hazardous waste within eighteen months after the enactment of siting criteria in accordance with RCW 70.105.210 shall be subject to preemptive provisions until such time as zone designations are completed and approved by the department.

(n) "Potentially affected area" means the area within a twenty-mile radius of a proposed dangerous waste management facility or a proposed expansion to an existing facility or, any area of impact larger or smaller than the twenty-mile radius as determined by the department.

(o) "Proponent" means any person applying to the department for a dangerous waste management facility permit or for the expansion of an existing permit under WAC 173-303-805 or 173-303-806.

(p) "Proposed facility" means a facility that does not have interim or final status on the effective date of this section, and for which the owner/operator applies for an interim or final status permit under WAC 173-303-805 or 173-303-806 after the effective date of this section.

(q) "SEPA" means the State Environmental Policy Act, chapter 43.21C RCW, and SEPA rules, chapter 197-11 WAC.

(5) Citizen/proponent negotiations procedures.

(a) Notice of intent. A proponent for a dangerous waste management facility must apply to the department for a dangerous waste management facility permit or for the expansion of an existing permit. In compliance with WAC 173-303-281, the proponent shall submit a notice of intent to the department no less than one hundred fifty days prior to filing an application for a permit or permit revision.

(b) Notice letter.

(i) Within fourteen days of receipt of the notice of intent, the department shall send, by registered mail, a copy of the notice of intent, a copy of the CPN regulation, associated guidelines, and a CPN grant application to the elected offi-

cial of the lead local government and all local governments within the potentially affected area.

(ii) The notice letter will alert all communities within the potentially affected area that a notice of intent to file was submitted to the department, the availability of a CPN grant, the procedures for applying for a CPN grant, and the procedures for conducting the CPN process.

(iii) Within thirty days of the effective date of this section, the department shall send, by registered mail, a notice letter to all local governments potentially affected by facilities for which the department has already received a permit application. The notice letter shall contain a copy of the CPN regulation, associated guidelines, and a CPN grant application.

(iv) If the lead local government is also a proponent of the facility, responsibility for CPN shall be deferred to a committee comprised of representatives from all incorporated cities and towns, and all the counties in the potentially affected area. This committee shall decide, among the government entities represented, who will be the lead local government for the purposes of applying for and administering the CPN grant and selecting members to the negotiating committee as set forth in subsection (6) of this section.

(c) Selection of the neutral convener. Within sixty days of the notice letter, the lead local government and the facility proponent shall jointly select a neutral convener, facilitator, or mediator to organize and preside over an official public meeting, assist in selecting the local negotiating committee, and mediate citizen/proponent negotiations.

(d) The public meeting. The purpose of the public meeting shall be:

(i) To advise local citizens within the potentially affected area of the CPN procedures, the State Environmental Policy Act (SEPA) requirements, and the dangerous waste management permit process;

(ii) To allow the proponent to present elements of the proposal;

(iii) To take public testimony on whether to agree to participate in the CPN process.

(e) Expenditures by the lead local government for the initial costs of the neutral convener and the official public meeting shall be reimbursed by the department through an interagency agreement with the lead local government.

(f) Decision notice. Within forty-five days of the public meeting the lead local government shall decide whether to proceed with the negotiations process. The lead local government shall forward notice of that decision to the department and the proponent of the facility. Notice to the department of an affirmative decision may include a completed grant application for financial assistance. If the lead local government decides to participate in the negotiations process for preempted facilities, then the proponent shall be required to participate. Citizen/proponent negotiations at designated zone facilities will be voluntary for both parties.

(g) Appointment of local negotiating committee. Within thirty days of the decision notice to proceed with CPN, the lead local government and local governments within the potentially affected area shall appoint members to a local negotiating committee, as set forth in subsection (6) of this section, and mail notice of those appointments to the department and to the facility proponent.

(h) Organizational meeting. Within twenty-one days of

the committee appointments, the committee shall hold an organizational meeting to establish the committee goals, set schedules, identify tasks, discuss funding, and identify issues to research.

(i) Negotiations process. The negotiations process may occur in two stages.

(i) Stage 1. Within thirty days of the organizational meeting, the local negotiating committee, with the assistance of the neutral convener, shall initiate negotiations and public information and education activities. The local negotiating committee shall have one hundred twenty days, or until completion of the SEPA process, to conduct public information and education activities on dangerous waste management and dangerous waste management facilities and to negotiate emerging issues and concerns.

(ii) Stage 2. Upon completion of the SEPA process, with the assistance of the neutral convener, the local negotiating committee may continue formal negotiations. If no environmental impact statement is required as part of the SEPA process, the local negotiating committee may negotiate for up to one hundred twenty days. If an environmental impact statement is required as part of the SEPA process, negotiations may take place until one hundred twenty days after the issuance of the final environmental impact statement. Upon completion of formal negotiations, all agreements should be submitted to the department for review for applicability to the operating permit.

(iii) Negotiations should focus on the mitigation of impacts identified by persons in the affected area and those impacts identified during the SEPA process, which may include but are not limited to:

- (A) Technical aspects of the facility proposal;
- (B) Emergency response;
- (C) Economic impacts;
- (D) Management of the facility;
- (E) Site characteristics;
- (F) Transportation;
- (G) Compliance assurance.

(iv) During each stage of the negotiations process, the committee shall, at a minimum:

(A) Arrange public forums at key points in the negotiations to solicit input from the local community and provide public education regarding the issues and elements of the proposed facility or facility expansion.

(B) Arrange smaller community gatherings with the whole committee or subgroups of the committee to supplement the larger meetings and to provide more opportunities for discussion with community members.

(C) Meet with key community leaders to solicit information and opinion.

(D) Prepare a draft of the completed local negotiating committee report and agreements. The draft shall be submitted for review and comment to the proponent and local county, city, and town officials who made the committee appointments.

(E) Prepare the final local negotiating committee report and agreements. Final copies shall be submitted to the department and distributed to the proponent and local county, city, and town officials who made the committee appointments.

(v) Negotiations may be reopened upon agreement by both parties as long as a draft permit has not been issued.

(j) Agreements. Any specific agreement reached between the local negotiating committee and the proponent, deemed valid and applicable by the department, may be incorporated in the operating permit issued by the department. Any agreements not applicable to the operating permit may be implemented by the proponent and local communities through a contract or other legal means.

(6) Local negotiating committee.

(a) Appointments to the local negotiating committee shall be made as follows:

(i) Four members shall be appointed by the lead local government.

If the lead local government is the county, committee appointments will be made by the county executive in charter counties or the board of county commissioners. If the lead local government is an incorporated town or city, committee appointments will be made by the mayor.

(ii) The mayor of each incorporated city or town in the potentially affected area, that is not a lead local government, shall appoint one member to the committee.

(iii) The county executive or the board of county commissioners of each county in the potentially affected area, that is not a lead local government, shall appoint one member to the committee.

(iv) Each federally-recognized Indian tribe located in the potentially affected area shall appoint one member to the committee.

(v) If all or the majority of a facility is located wholly within city limits, the board of county commissioners or county executive of the potentially affected county shall appoint two members to the citizen negotiating committee. If the facility is located wholly within the county, these appointments will not be made.

(b) Local negotiating committees shall have broad representation including but not limited to representation from academia, business and industry, citizen organizations, environmental groups, agricultural groups, health professionals, emergency response organizations, and fire districts.

(c) After the initial committee appointments are made, the neutral convener shall assess the group representation and determine which interest groups are not represented. The committee, with the aid of the neutral convener, will then select up to four additional members to serve on the local negotiating committee. These selections shall be made from interest groups not already represented on the negotiating committee.

(d) Elected officials will not be members of the local negotiating committee.

(7) Modified CPN procedures. Modified CPN procedures shall apply to lead local governments who are also proponents of a dangerous waste management facility.

(a) Notice letter. Within fourteen days of the notice of intent or thirty days of the effective date of this section, the department shall notify all local governments in the potentially affected area of applications for proposed facilities or expansions of existing facilities and of the opportunity for formal negotiations under CPN and the availability of a CPN grant.

(b) Decision notice. The local governments shall have forty-five days to form a committee to:

- (i) Determine whether they wish to participate in CPN;
- (ii) Determine who will be the lead local government;

(iii) Select a neutral convener, facilitator, or mediator;

(iv) Notify the department and the proponent of those decisions; and

(v) Complete a grant application for financial assistance if a decision is made to proceed with CPN.

(c) Once the lead local government is determined, modified CPN procedures shall follow CPN procedures set forth in subsections (5)(d) through (6)(d) of this section.

(8) Grant eligibility and eligible activities.

(a) Grant applicant eligibility and eligible activities shall be the same for CPN and modified CPN.

(b) Grant applicant eligibility. Grants up to fifty thousand dollars shall be awarded to the lead local government and may be renewed once during the permitting process.

(c) Eligible costs. Eligible costs include direct costs of the activities of the negotiating process. These costs include:

(i) The local committee's expenses such as travel, office space or lodging, supplies, postage, report production costs, and meeting room costs;

(ii) Neutral convener's, facilitator's, or mediator's fees and expenses;

(iii) Technical assistance for the committee; and

(iv) Other costs determined necessary by the department.

(d) Ineligible costs. Grant funds may not be used by the grant applicant to support legal actions against the department, or facility owners/operators.

(9) Grant administration and funding.

(a) A grant application package will be sent to the lead local government with the notice letter. Grant application packages include grant application deadlines, grant guidelines, and application forms.

(b) Completed grant applications will be reviewed by the department. To receive a grant offer, successful applications must include all required elements as outlined in the guidelines.

(c) The obligation of the department to make grant awards and payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the appropriation of funds during the next biennium.

(d) The department shall fund up to fifty percent of the total grant amount or up to fifty thousand dollars for citizen/proponent negotiations and the proponent of a dangerous waste management facility shall fund up to fifty percent of the total grant amount or up to fifty thousand dollars.

(e) Disbursement of funds. The department shall be responsible for reimbursement of all eligible CPN costs incurred. The proponent shall enter into a contract with the department for the proponent's share of the CPN grant. The department will be responsible for all eligible CPN costs incurred before the decision notice and its share of any eligible CPN costs incurred after the decision notice, up to fifty thousand dollars. The proponent shall be responsible for its share of all remaining eligible CPN costs incurred after the decision notice and after an executed grant award is made to the lead local government, up to fifty thousand dollars.

(f) The department, on at least a biennial basis, will determine the amount of funding available for citizen/proponent negotiation grants.

(g) All grantees shall be held responsible for payment of salaries, consultant's fees, and other overhead costs contracted under a grant awarded to the lead local government.

(h) To the extent that the Constitution and laws of the state of Washington permit, the grantee 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 grantee arising out of a grant contract, except for such damage, claim, or liability resulting from the negligent act or omission of the department.

(i) All grants under this chapter shall be consistent with the provisions of "Financial Guidelines for Grant Management" WDOE 80-6, May 1980, Reprinted March 1982, or subsequent guidelines adopted thereafter.

[Statutory Authority: RCW 70.105.260 and 1989 c 2. 89-21-071 (Order 89-25), § 173-303-902, filed 10/17/89, effective 11/17/89.]

WAC 173-303-905 Response to requests for public records. RCW 42.17.320 requires that the department, when responding to requests for public records make such responses "promptly." The department often receives requests, submitted pursuant to chapter 42.17 RCW, for public records that exist because of the requirements of or actions mandated by this chapter (such public records are referred to as dangerous waste records). When the department receives requests for such dangerous waste records, then the department shall respond promptly, as required by RCW 42.17.320, and in no event will the response occur later than twenty working days after receipt of the public request submitted pursuant to chapter 42.17 RCW.

[Statutory Authority: Chapter 70.105 RCW. 88-18-083 (Order 88-29), § 173-303-905, filed 9/6/88.]

WAC 173-303-910 Petitions. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. This subsection sets forth general requirements which apply to all such petitions. The remaining subsections of this section describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

- (i) The petitioner's name and address;
- (ii) A statement of the petitioner's interest in the proposed action;
- (iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and
- (iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice shall be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period shall be a minimum of forty-five days.

(d) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold a conference.

(e) After evaluating all public comments the department will make a final decision in accordance with RCW 34.05.330 or 34.05.240. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, initiate rule-making proceedings in accordance with RCW 34.05.330.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by subsection (1) of this section:

- (i) A full description of the proposed method, including all procedural steps and equipment used in the method;
- (ii) A description of the types of wastes or waste matrices for which the proposed method may be used;
- (iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;
- (iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and
- (v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-100.

(b) To be successful, the generator must make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4) and (5).

(c) Each petition must include, in addition to the information required by subsection (1) of this section:

- (i) The name and address of the laboratory facility performing the sampling or tests of the waste;
- (ii) The names and qualifications of the persons sampling and testing the waste;
- (iii) The dates of sampling and testing;
- (iv) The location of the generating facility;
- (v) A description of the manufacturing processes or other operations and feed materials producing the waste and

an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

(vi) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in WAC 173-303-072(3) and, where applicable, (4) and (5);

(viii) A description of the methodologies and equipment used to obtain the representative samples;

(ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests and the date of the last calibration for instruments which must be calibrated according to manufacturer's instructions; and

(xii) The following statement signed by the generator of the waste or his authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) After receiving a petition for a dangerous waste exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

(e) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

(f) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

(g) The department may (but shall not be required to) grant a temporary exemption before making a final decision under subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(h) Any waste for which an exemption is sought will remain designated and be subject to the applicable requirements of this chapter until the generator of the waste is notified by the department that his waste is exempt.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of a class of similar or identical wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator(s) must make the demonstrations required in WAC 173-303-072(6) for all those wastes generated in the state which might be excluded pursuant to granting a petition submitted under this subsection. No class of wastes will be excluded if any of the

wastes are regulated as hazardous waste under 40 CFR Part 261.

(b) Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section and any other information required by the department.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

(5) Petition for designation change. The provisions of (a)(i) of this subsection do not apply to any dangerous waste which is also designated as a hazardous waste under 40 CFR Part 261 Subpart D.

(a) A generator may petition the department to change the designation of his waste as follows:

(i) A waste which is designated only for toxicity pursuant to WAC 173-303-100 but which is toxic solely because it is highly acidic or basic (i.e., due to high or low pH) may be subject only to the requirements for corrosive dangerous wastes, provided that the generator can demonstrate this fact to the department's satisfaction through information provided under (b) of this subsection; and

(ii) A waste which is designated EHW may be redesignated DW, provided that the generator can demonstrate that such redesignation is appropriate through information provided under (b) of this subsection.

(b) A petition under this subsection must include:

(i) The information required by subsections (1) and (3)(c) of this section; and

(ii) Such other information as required by the department.

(c) A designation change under this subsection will become effective only after the department has approved the change and notified the generator of such approval.

(6) Petitions to allow land disposal of a waste restricted under WAC 173-303-140.

(a) Any person seeking a land disposal restriction exemption allowed under WAC 173-303-140(6) must submit a petition to the department. The petition must include the following general information:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action;

(iv) A statement of the need and justification for the proposed action;

(v) An identification of the specific waste and the specific land disposal unit for which the exemption is desired;

(vi) A waste analysis to describe fully the chemical and physical characteristics of the subject waste. All waste and environmental sampling, test, and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow; and

(vii) A quality assurance and quality control plan that addresses all sampling and testing aspects of the information provided in the petition.

(b) In addition to the general information requirements in subsection (a) of this section, the following specific information must be provided in the petition for individual case-by-case exemptions.

(i) Petition for land disposal exemption for treatment residuals. Petitions for exemption of treatment residuals, as allowed under WAC 173-303-140 (6)(a), must:

(A) Provide the type of waste management or treatment method applied to the waste and the rationale for selecting this method as the best achievable management method; and

(B) Document that the land disposal of the treatment residual would not pose a greater risk to public health and the environment than land disposal of the original wastes, including an analysis of the treatment residuals to fully describe their chemical and physical characteristics; and

(C) Provide the management alternatives for the treatment residuals and the factors which, if an exemption is not granted, would prevent the utilization of the best achievable management method for the original dangerous waste.

(ii) Petition for economic hardship exemption. Petitions for exemption on the basis of economic hardship, as allowed under WAC 173-303-140 (6)(b), must:

(A) Supply the current management costs and the projected management costs to comply with the requirements of WAC 173-303-140; and

(B) Provide the source of information utilized in determining the economic estimates; and

(C) Provide a discussion of how the projected compliance costs would impose an unreasonable economic burden.

(iii) Petition for leachable inorganic waste exemption. Petitions for exemption of leachable inorganic wastes, as allowed under WAC 173-303-140 (6)(c), must:

(A) Provide information demonstrating that the stabilization of the dangerous waste is less protective of public health and the environment than landfilling; or

(B) Provide a list of stabilization facilities that could accept the dangerous waste and information demonstrating that they do not have available capacity to stabilize the waste; or

(C) Provide information describing the types of stabilization utilized which did not reduce the solubility and mobility of the dangerous waste constituents and describe any other stabilization methods that have been considered but not utilized.

(iv) Petition for organic/carbonaceous waste exemption. Petitions for exemption of organic/carbonaceous wastes, as allowed under WAC 173-303-140 (6)(d), must:

(A) Provide information demonstrating that recycling, treatment and incineration facilities are unavailable for the waste, including a map marked both with the point of waste generation and the point(s) of the nearest treatment, recycling and incineration facility(s) that could manage the dangerous waste; or

(B) Provide information demonstrating that the alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization and landfilling; or

(C) Provide information demonstrating that:

(I) Recycling and treatment facilities are unavailable for the waste, including a map marked both with the point of waste generation and the point(s) of the nearest treatment, recycling and incineration facility(s) that could manage the dangerous waste; and

(II) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or a moisture content greater than sixty-five percent.

(c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) Each petition must be submitted to:

Department of Ecology
Hazardous Waste Land
Disposal Exemption
Mailstop PV-11
Olympia, WA 98504-8711

(e) After receiving a petition, the department may request any additional information that reasonably may be required to evaluate the petition and accompanying demonstration, such as a comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality. Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements.

(f)(i) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice shall be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period shall be a minimum of forty-five days.

(ii) Upon the written request of any interested person, the department may, at its discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The department may in any case decide on its own motion to hold a conference.

(iii) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060 or 34.04.080. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition.

(g) Prior to the department's decision, the applicant is required to comply with all restrictions on land disposal under WAC 173-303-140. The department should respond to a petition within ninety days.

(h) If an exemption is granted, the department may include specific conditions as deemed necessary by the department to protect public health and the environment.

(i) If granted, the exemption will apply to land disposal of the specific restricted waste at the individual disposal unit described in the petition and accompanying demonstration. The exemption will not apply to any other restricted waste at that disposal unit, nor will it apply to that specific restricted waste at any other disposal unit.

(j) If an exemption is granted, the department may withdraw the exemption on the following bases:

(i) If there is a threat to public health and the environment; or

(ii) If there is migration of dangerous waste constituents from the land disposal unit or site for as long as the waste remains dangerous; or

(iii) If the department finds reason to believe that the information submitted in a petition is inaccurate or has been falsified such that the petition should have been denied.

(k) The term of an exemption granted under this subsection will be established by the department at the time of issuance.

(l) Any exemption granted by the department does not relieve the petitioner of his responsibilities in the management of dangerous waste under chapter 173-303 WAC.

(m) The department may (but shall not be required to) grant a temporary exemption before making a final decision, whenever it finds that there is a substantial likelihood that an exemption will be finally granted. Temporary exemptions shall not be subject to the procedures of (f) of this subsection. Temporary exemptions shall not be a cause of delaying final decision making on the petition request.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-910, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 88-02-057 (Order DE 83-36), § 173-303-910, filed 1/5/88, effective 2/5/88; 86-12-057 (Order DE-85-10), § 173-303-910, filed 6/3/86; 84-14-031 (Order DE 84-22), § 173-303-910, filed 6/27/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-910, filed 2/10/82.]

WAC 173-303-950 Violations and enforcement.

Any violation of this chapter may be subject to the enforcement and penalty sanctions of chapter 70.105 RCW. Such violations include, but are not limited to:

(1) Offering or transporting dangerous waste to a facility which does not have a permit;

(2) Transferring, treating, storing, or disposing of dangerous waste without a permit; or

(3) Falsely representing information in any application, label, manifest, record, report, permit, petition, or other

document filed, maintained or used for the purpose of compliance with this chapter.

[Statutory Authority: Chapter 70.105 RCW. 84-09-088 (Order DE 83-36), § 173-303-950, filed 4/18/84.]

WAC 173-303-960 Special powers and authorities of the department. (1) Applicability. This section applies to departmental powers and authorities when taking actions against activities that may present an imminent and substantial endangerment to health or the environment.

(2) Notwithstanding any other provision of this chapter, upon receipt of evidence or with due cause the department believes that the handling, storage, treatment, transportation, recycling, or disposal of any dangerous waste or solid waste may present an imminent and substantial endangerment to health or the environment, the department may:

(a) Authorize an agency inspector to enter at reasonable times establishments regulated under this chapter for the purposes of inspection, monitoring, and sampling; and

(b) Direct the attorney general to bring suit on behalf of the state to immediately restrain any person contributing to such handling, storage, treatment, transportation, recycling, or disposal to immediately stop such handling, storage, treatment, transportation, recycling, or disposal or to take such other action as may be necessary.

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-960, filed 6/3/86.]

WAC 173-303-9901 Flow chart for designating dangerous wastes. (Reserved.)

[Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-9901, filed 6/26/87; 84-09-088 (Order DE 83-36), § 173-303-9901, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-9901, filed 2/10/82.]

WAC 173-303-9902 Narrative for designating dangerous wastes. (Reserved.)

[Statutory Authority: Chapter 70.105 RCW. 86-12-057 (Order DE-85-10), § 173-303-9902, filed 6/3/86. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9902, filed 2/10/82.]

WAC 173-303-9903 Discarded chemical products list.

DISCARDED CHEMICAL PRODUCTS LIST

Dangerous Waste No.	CAS No.	Substance	WDOE Hazard Designation	Reason for Designation*
ACUTELY DANGEROUS CHEMICAL PRODUCTS				
P023	107-20-0	Acetaldehyde, chloro-	EHW	B H
U001	75-07-0	Acetaldehyde	EHW	C
U034	75-87-6	Acetaldehyde, trichloro-	EHW	H
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-	EHW	B
P057	640-19-7	Acetamide, 2-fluoro-	EHW	B H
U240	94-75-7	Acetic acid, (2,4-dichlorophenoxy)0-, salts & esters	EHW	CH
P058	67-74-8	Acetic acid, fluoro-, sodium salt	EHW	A H
U144	301-04-2	Acetic acid, lead (2+) salt	EHW	D TC

P066	16752-77-5	Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester	EHW	B
U003	75-05-8	Acetonitrile	EHW	C I
P001	81-81-2	3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts	EHW	A
P002	591-08-2	1-Acetyl-2-thiourea	EHW	B
U006	75-36-5	Acetyl chloride	EHW	C H O R
P003	107-02-8	Acrolein	EHW	X I
U007	79-06-1	Acrylamide	EHW	C
U008	79-10-7	Acrylic acid	EHW	C O I
U009	107-13-1	Acrylonitrile	EHW	C I
P070	116-06-3	Aldicarb	EHW	B
P004	309-00-2	Aldrin	EHW	X H
P005	107-18-6	Allyl alcohol	EHW	B I
P006	20859-73-8	Aluminum phosphide (R,T)	EHW	B R
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	EHW	B
P008	504-24-5	4-alpha-Aninopyridine	EHW	B
P009	131-74-8	Ammonium picrate	EHW	R
P119	7803-55-6	Ammonium vanadate	EHW	B
U012	62-53-3	Aniline	EHW	C I
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	EHW	BR
P010	7778-39-4	Arsenic acid	EHW	B
P012	1327-53-3	Arsenic (III) oxide	EHW	B
P011	1303-28-2	Arsenic (V) oxide	EHW	B
P011	1303-28-2	Arsenic pentoxide	EHW	B
P012	1327-53-3	Arsenic trioxide	EHW	B
P038	692-42-2	Arsine, diethyl-	EHW	B
P036	696-28-6	Arsonous dichloride, phenyl-	EHW	?
U015	115-02-6	Azaserine	EHW	C
P054	151-56-4	Aziridine	EHW	B
P067	75-55-8	Aziridine, 2-methyl-	EHW	I
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2a)indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxy methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl- [1aS-(1aalpha, 8beta, 8aalpha)]]-	EHW	B
P013	542-62-1	Barium cyanide	EHW	A
U157	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	EHW	H P
U017	98-87-3	Benzal chloride	EHW	D H
U018	56-55-3	Benz[a]anthracene	EHW	P
U018	56-55-3	1,2-Benzanthracene	EHW	P
U094	57-97-6	1,2-Benzanthracene, 7,12-dimethyl-	EHW	C P
U012	62-53-3	Benzenamine	EHW	C I
P024	106-47-8	Benzenamine, 4-chloro-	EHW	C H
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	EHW	H
U093	60-11-7	Benzenamine, N, N-dimethyl-4-(phenylazo)-	EHW	C
U158	101-14-4	Benzenamine, 4,4-methylenebis(2-chloro-	EHW	H
P077	100-01-6	Benzenamine, 4-nitro-	EHW	D ?
P028	100-44-7	Benzene, (chloromethyl)-	EHW	B H
U019	71-43-2	Benzene	EHW	C I
U038	510-15-6	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethylester	EHW	H
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	EHW	H
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-	EHW	H
U037	108-90-7	Benzene, chloro-	EHW	B H I
U190	85-44-9	1,2-Benzenedicarboxylic acid anhydride	EHW	C
U070	95-50-1	Benzene, 1,2-dichloro-	EHW	B H
U071	541-73-1	Benzene, 1,3-dichloro-	EHW	B H
U072	106-46-7	Benzene, 1,4-dichloro-	EHW	B H
U017	98-87-3	Benzene, (dichloromethyl)-	EHW	D H
U223	26471-45-8	Benzene, 1,3-diisocyanatomethyl-	EHW	B R
U239	1330-20-7	Benzene, dimethyl-	EHW	C I
U201	108-46-3	1,3-Benzenediol	EHW	C
P046	122-09-8	Benzeneethanamine, alpha, alpha-dimethyl-	EHW	?
U127	118-74-1	Benzene, hexachloro-	EHW	H
U056	110-82-7	Benzene, hexahydro-	EHW	C I
U188	108-95-2	Benzene, hydroxy-	EHW	C
U220	108-88-3	Benzene, methyl-	EHW	C I
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro	EHW	C

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U106	606-20-2	Benzene, 2 Methyl-1,3 dinitro-	EHW	C
U055	98-82-8	Benzene, (1,methylethyl)-	EHW	C I
U169	98-95-3	Benzene, nitro-	EHW	C I
U183	608-93-5	Benzene, pentachloro	EHW	H
U185	82-68-8	Benzene, pentachloronitro-	EHW	D H
U020	98-09-9	Benzenesulfonic acid chloride	EHW	D H O R
U020	98-09-9	Benzenesulfonyl chloride	EHW	D H O R
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	EHW	D H
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy-H	EHW	DH
U023	98-07-7	Benzene, (trichloromethyl)-	EHW	H O R
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methyl-amino)ethyl]-	EHW	B
P014	108-98-5	Benzenethiol	EHW	A
U021	97-87-5	Benzidine	EHW	B
U064	189-55-9	Benzo[rs]t]pentaphene	EHW	P
P001	81-81-2	2H- 1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%	EHW	B
U022	50-32-8	Benzo[a]pyrene	EHW	P
U022	50-32-8	3,4-Benzopyrene	EHW	P
U197	- -	p-Benzoquinone	EHW	C
U023	98-07-7	Benzotrichloride	EHW	H O R
U050	218-01-9	1,2-Benzophenanthrene	EHW	P
P028	100-44-7	Benzyl chloride	EHW	B H
P015	7440-41-7	Beryllium	EHW	C
U085	1464-53-5	2,2'-Bioxirane	EHW	B I
U021	97-87-5	(1,1'-Biphenyl)-4,4'-diamine	EHW	B
U073	91-94-1	(1,1'-Biphenyl-4,4'-diamine, 3,3'-dichloro-	EHW	H
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	EHW	C
U024	111-91-1	Bis(2-chloroethoxy) methane	EHW	C H
U027	108-60-1	Bis(2-chloroisopropyl) ether	EHW	C H O
P016	542-88-1	Bis(chloromethyl) ether	EHW	B H
U246	506-68-3	Bromine cyanide	EHW	C H
P017	598-31-2	Bromoacetone	EHW	C H
U225	75-25-2	Bromoform	EHW	H
U030	101-55-3	4-Bromophenyl phenyl ether	EHW	H
P018	357-57-3	Brucine	EHW	A
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	EHW	C H
U035	305-03-3	Butanoic acid, 4-[bis(2-chloroethyl)amino] benzene-	EHW	H
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)- O-[methylamino]carbonyl] oxime	EHW	B
U160	1338-23-4	2-Butanone peroxide	EHW	B R
U053	4170-30-3	2-Butenal	EHW	B I
U074	764-41-0	2-Butene, 1,4-dichloro-	EHW	C H I
U143	303-34-4	2-Butanoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3 methyl-1-oxobutyloxy]methyl]-2,3,5,7a-tetrahydro- 1H-pyrrolizin-1yl ester, [1S-[1alspha(Z), 7(2S*,3R*),7aalpha]]-	EHW	C
U032	13765-19-0	Calcium chromate	EHW	C T C
P021	592-01-8	Calcium cyanide	EHW	B
P021	592-01-8	Calcium cyanide Ca(CN)2	EHW	R
P123	8001-35-2	Camphene, octachloro-	EHW	X H
U178	615-53-2	Carbamic acid, methylnitroso-, ethylester	EHW	C
U176	759-73-9	Carbamide, N-ethyl-N-nitroso-	EHW	C
U177	684-93-5	Carbamide, N-methyl-N-nitroso-	EHW	C
U219	62-56-6	Carbamide, thio-	EHW	C
P103	630-10-4	Carbamimidoseleonic acid	EHW	B
U062	2303-16-4	Carbamothioic acid, bis (1-methylethyl)-, S-(2,3-dichloro-2propenyl)ester	EHW	C H
U097	79-44-7	Carbamoyl chloride, dimethyl-	EHW	D H
P022	75-15-0	Carbon bisulfide	EHW	D I ?
P022	75-15-0	Carbon disulfide	EHW	D I ?
U156	79-22-1	Carbonochloridic acid, methyl ester	EHW	B H I
U033	353-50-4	Carbon oxyfluoride	EHW	B H R
U211	56-23-5	Carbon tetrachloride	EHW	C H
P095	75-44-5	Carbonic dichloride	EHW	B H
U033	353-50-4	Carbonic difluoride	EHW	BH
U033	353-50-4	Carbonyl fluoride	EHW	B H R
U035	305-03-3	Chlorambucil	EHW	H

U036	57-74-9	Chlordane, alpha and gamma isomers	EHW	X H
P033	506-77-4	Chlorine cyanide	EHW	A H
U026	494-03-1	Chlornaphazine	EHW	H
P023	107-20-0	Chloroacetaldehyde	EHW	B H
P024	106-47-8	p-Chloroaniline	EHW	C H
U037	108-90-7	Chlorobenzene	EHW	B H I
U038	510-15-6	Chlorobenzilate	EHW	DH
U039	59-50-7	P-Chloro-m-cresol	EHW	H
U041	106-89-8	1-Chloro-2,3-epoxypropane	EHW	C H I
U042	110-75-8	2-Chloroethyl vinyl ether	EHW	C H
U044	67-66-3	Chloroform	EHW	C H
U046	107-30-2	Chloromethyl methyl ether	EHW	D H I
U047	91-58-7	beta-Chloronaphthalene	EHW	D H
U048	95-57-8	o-Chlorophenol	EHW	D H
P026	5344-82-1	1-(o-Chlorophenyl)thiourea	EHW	A H
P027	542-76-7	3-Chloropropionitrile	EHW	B H
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	EHW	H
U032	13765-19-0	Chromic acid, calcium salt	EHW	C TC
U050	218-01-9	Chrysene	EHW	P
P029	544-92-3	Copper cyanide Cu(CN)	EHW	R
P029	544-92-3	Copper cyanides	EHW	B
U052	1319-77-3	Cresols	EHW	B
U052	1319-77-3	Cresylic acid	EHW	B
U053	4170-30-3	Crotonaldehyde	EHW	B I
U055	98-82-8	Cummene	EHW	C I
P030	xx-xx-x	Cyanides (soluble cyanide salts), not elsewhere specified	EHW	A
P031	460-19-5	Cyanogen	EHW	B I
U246	506-68-3	Cyanogen bromide	EHW	C H
P033	506-77-4	Cyanogen chloride	EHW	A H
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	EHW	C
U056	110-82-7	Cyclohexane	EHW	C I
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro- (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-	EHW	C H
U057	108-94-1	Cyclohexanone	EHW	C I
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol	EHW	C
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5- hexa-chloro-	EHW	X H
U058	50-18-0	Cyclophosphamide	EHW	C H I
U240	94-75-7	2,4-D, salts and esters	EHW	B H
U060	72-54-8	DDD	EHW	C H
U061	50-29-3	DDT	EHW	X H
U142	143-50-0	Decachlorooctahydro-1,3,4-metheno- 2H-cyclobuta[c,d]-pentalen-2-one	EHW	X H
U062	2303-16-4	Diallate	EHW	C H
U133	302-01-2	Diamine	EHW	B R
U063	55-70-3	Dibenz[a,h]anthracene	EHW	A P
U063	55-70-3	1,2:5,6-Dibenzanthracene	EHW	P A
U064	189-55-9	1,2:7,8-Dibenzopyrene	EHW	P
U064	189-55-9	Dibenz[a,i]pyrene	EHW	P
U066	96-12-8	1,2-Dibromo-3-chloropropane	EHW	C H
U062	2303-16-4	S-(2,3-Dichloroallyl) diisopropylthiocarbamate	EHW	C H
U070	95-50-1	o-Dichlorobenzene	EHW	B H
U071	541-73-1	m-Dichlorobenzene	EHW	B H
U072	106-46-7	p-Dichlorobenzene	EHW	B H
U073	91-94-1	3,3'-Dichlorobenzidine	EHW	H
U074	764-41-0	1,4-Dichloro-2-butene	EHW	C H I
U075	75-71-8	Dichlorodifluoromethane	EHW	H
U060	72-54-8	Dichloro diphenyl dichloroethane	EWH	C H
U061	50-29-3	Dichloro diphenyl trichloroethane	EWH	X H
U078	75-35-4	1,1-Dichloroethylene	EHW	C H
U079	156-60-5	1,2-Dichloroethylene	EHW	D H
U025	111-44-4	Dichloroethyl ether	EHW	C H
U027	108-60-1	Dichloroisopropyl ether	EHW	CHR
P016	542-88-1	Dichloromethyl ether	EHW	HI
U081	120-83-2	2,4-Dichlorophenol	EHW	D H
U082	87-65-0	2,6-Dichlorophenol	EHW	D H
U240	94-75-7	2,4-Dichlorophenoxyacetic acid, salts and esters	EHW	B H
P036	696-28-6	Dichlorophenylarsine	EHW	B H
U083	78-87-5	1,2-Dichloropropane	EHW	C H I
U084	542-75-6	1,3-Dichloropropene	EHW	C H
P037	60-57-1	Dieldrin	EHW	X H
U085	1464-53-5	1,2:3,4-Diepoxybutane	EHW	B I
P038	692-42-2	Diethylarsine	EHW	B

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P039	298-04-4	O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate	EHW	A
U087	3288-58-2	O,O-Diethyl-S-methyl-dithiophosphate	EHW	B
P041	311-45-5	Diethyl-p-nitrophenyl phosphate	EHW	A
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate	EHW	A
P043	55-91-4	Diisopropyl fluorophosphate	EHW	B H
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10, 10-hexachloro-1,4,4a,5,8,8a, -hexahydro-, (1alpha, 4alpha, 4abeta, 5alpha, 8alpha, 8abeta)-	EHW	B H
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro - 1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4abeta, 5beta, 8beta, 8abeta)	EHW	B H
P037	60-57-1	2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6, 9, 9-hexachloro- 1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha, 2beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7alpha)-	EHW	B H
P051	72-20-8	2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9, 9-hexachloro- 1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha, 2beta, 2alpha, 3alpha, 6alpha, 6abeta, 7beta, 7alpha)- & metabolites	EHW	B H
P044	60-51-5	Dimethoate	EHW	A
U092	124-40-3	Dimethylamine	EHW	C I
U093	60-11-7	P-Dimethylaminoazobenzene	EHW	C
U094	57-97-6	7,12-Dimethylbenz[a]anthracene	EWH	C P
U095	119-93-7	3,3'-Dimethylbenzidine	EHW	C
U096	80-15-9	alpha, alpha-Dimethylbenzylhydro peroxide	EHW	C R
U097	79-44-7	Dimethylcarbamoyl chloride	EHW	D H
U099	540-73-8	1,2-Dimethylhydrazine	EHW	C I
P045	39196-18-4	3,3-Dimethyl-1-(methylthio)-2-butanone,O-[(methylamino) carbonyl] oxime	EHW	B
P071	298-00-0	O,O-Dimethyl O-p-nitrophenyl phosphorothioate	EHW	A
P082	62-75-9	Dimethylnitrosamine	EHW	B
P046	122-09-8	alpha, alpha-Dimethylphenethylamine	EHW	C
U103	77-78-1	Dimethyl sulfate	EHW	C O
P047	534-52-1	4,6-Dinitro-o-cresol and salts	EHW	B
P034	131-89-5	4,6-Dinitro-o-cyclohexylphenol	EHW	C
P048	51-28-5	2,4-Dinitrophenol	EHW	B
U105	121-14-2	2,4-Dinitrotoluene	EHW	C
U106	606-20-2	2,6-Dinitrotoluene	EHW	C
P020	88-85-7	Dinoseb	EHW	B
U109	122-66-7	1,2-Diphenylhydrazine	EHW	C
P085	152-16-9	Diphosphoramidate, octamethyl	EHW	?
P111	107-49-3	Diphosphoric acid, tetraethyl ester	EHW	A
U110	142-84-7	Dipropylamine	EHW	C I
U111	621-64-7	Di-n-propylnitrosamine	EHW	C
P039	298-04-4	Disulfoton	EHW	A
P049	541-53-7	Dithiobiuret	EHW	A
P109	3689-24-5	Dithiopyrophosphoric acid, tetraethyl ester	EHW	A
P050	115-29-7	Endosulfan	EHW	X H
P088	145-73-3	Endothall	EHW	B
P051	72-20-8	Endrin	EHW	X H
P051	72-20-8	Endrin, & metabolites	EHW	B H
U041	106-89-8	Epichlorhydrin	EHW	B I R
P042	51-43-4	Epinephrine	EHW	B
U001	75-07-0	Ethanal	EHW	C
U174	55-18-4	Ethanamine, N-ethyl-N-nitroso-	EHW	C
P046	122-09-8	Ethanamine, 1,1-dimethyl-2-phenyl-	EHW	C
U067	106-93-4	Ethane, 1,2-dibromo-	EHW	C H
U076	75-34-3	Ethane, 1,1-dichloro-	EHW	D H
U077	107-06-2	Ethane, 1,2-dichloro-	EHW	D H
P031	460-19-5	Ethanedinitrite	EHW	R
U114	111-54-6	1,2-Ethanediylbiscarbamodithioic acid	EHW	B
U131	67-72-1	Ethane, hexachloro-	EHW	H
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)] bis[2-chloro-	EHW	C H
U247	72-43-5	Ethane, 1,1,1-trichloro-2,2-bis(p-methoxy phenyl)	EHW	D H
U003	75-05-8	Ethanenitrile	EHW	C
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-	EHW	C H
U184	76-01-7	Ethane, pentachloro-	EHW	A H
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	EHW	H

U209	79-34-5	Ethane, 1,1,2,2-Tetrachloro-	EHW	H
U227	79-00-5	Ethane, 1,1,2-trichloro-	EHW	C H
P066	16752-77-5	Ethanimidothioc acid, N-[[[(methylamino) carbonyl]oxy]-, methyl ester	EHW	B
P084	4549-40-0	Ethenamine, N-methyl-N-nitroso	EHW	B
U043	75-01-4	Ethene, chloro-	EHW	D H
U042	110-75-8	Ethane, 2-chloroethoxy-	EHW	C H
U078	75-35-4	Ethene, 1,1-dichloro-	EHW	C H
U079	156-60-5	Ethene, 1,2 -dichloro-, (E)-	EHW	D H
U210	127-18-4	Ethene, tetrachloro-	EHW	C H
U006	75-36-5	Ethanoyl chloride	EHW	C H O R
P101	107-12-0	Ethyl cyanide	EHW	B
U038	510-15-6	Ethyl 4,4'-dichlorobenzilate	EHW	D H
U114	111-54-6	Ethylenebis(dithiocarbamic acid), salts and esters	EHW	B
U067	106-93-4	Ethylene dibromide	EHW	C H
U077	75-34-3	Ethylene dichloride	EHW	D H
U115	75-21-8	Ethylene oxide	EHW	C I
P054	151-56-4	Ethylenimine	EHW	B
U076	75-34-3	Ethylidene dichloride	EHW	D H
P097		Famphur	EHW	A
P056	7782-41-4	Fluorine	EHW	B
P057	640-19-7	Fluoroacetamide	EHW	B H
P058	62-74-8	Fluoroacetic acid, sodium salt	EHW	A H
U122	50-00-0	Formaldehyde	EHW	C
P065	628-86-4	Fulminic acid, mercury (II) salt	EHW	R ?
U125	98-01-1	2-Furancarboxaldehyde	EHW	C I
U147	108-31-6	2,5-Furandione	EHW	C
U125	98-01-1	Furfural	EHW	C I
U126	765-34-4	Glycidylaldehyde	EHW	C
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	EHW	C
P059	76-44-8	Heptachlor	EHW	X H
U127	118-74-1	Hexachlorobenzene	EHW	H
U128	87-68-3	Hexachlorobutadiene	EHW	C H
U129	58-89-9	Hexachlorocyclohexane (gamma isomer)	EHW	H
U130	77-47-4	Hexachlorocyclopentadiene	EHW	X H
P051	72-20-8	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, endo-1,4,5,8-dimethanophthalene	EHW	X H
P037	60-57-1	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, exo-1,4,5,8-dimethanonaphthalene	EHW	X H
U131	67-72-1	Hexachloroethane	EHW	H
P060	465-73-6	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, endo-dimethanonaphthalene	EHW	B H
P004	309-00-2	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, exodimethanonaphthalene	EHW	B H
P060	465-73-6	Hexachlorohexahydro-endo, endo-dimethanonaphthalene	EHW	B H
U132	70-30-4	Hexachlorophene	EHW	C H
U243	1888-71-7	Hexachloropropene	EHW	H
P062	757-58-4	Hexaethyl tetraphosphate	EHW	B
U133	302-01-2	Hydrazine	EHW	B R
P116	79-19-6	Hydrazinecarbothioamide	EHW	B
U099	540-73-8	Hydrazine, 1,2-dimethyl-	EHW	C I
U109	122-66-7	Hydrazine, 1,2-diphenyl-	EHW	C
P068	60-34-4	Hydrazine, methyl-	EHW	A I
P063	74-90-8	Hydrocyanic acid	EHW	A
P063	74-90-8	Hydrogen cyanide	EHW	A
P096	7803-51-2	Hydrogen phosphide	EHW	B I
U135	7783-06-4	Hydrogen sulfide	EHW	B I
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	EHW	C R
U245	53-86-1	Indomethacin	EHW	B H
P064	624-83-9	Isocyanic acid, methyl ester	EHW	I ?
P060	465-73-6	Isodrin	EHW	B H
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	EHW	B
U142	143-50-0	Kepone	EHW	X H
U143	303-34-4	Lasiocarpine	EHW	C
U144	301-04-2	Lead acetate	EHW	D TC
U129	58-89-9	Lindane	EHW	H
U163	70-25-7	MNNG	EHW	C
U147	108-31-6	Maleic anhydride	EHW	C
U149	109-77-3	Malononitrile	EHW	C

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U151	7439-97-6	Mercury	EHW	TC
P092	62-38-4	Mercury, (acetato-O)phenyl-	EHW	B
P065	628-86-4	Mercury fulminate	EHW	R ?
U152	126-98-7	Methacrylonitrile	EHW	B I
U092	124-40-3	Methanamine, N-methyl-	EHW	C I
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	EHW	?
P016	542-88-1	Methane, oxybis(chloro)-	EHW	B H
P112	509-14-8	Methane, tetranitro-	EHW	A R
U029	74-83-9	Methane, bromo-	EHW	H
U045	74-87-3	Methane, chloro-	EHW	H I
U046	107-30-2	Methane, chloromethoxy-	EHW	D H I
U068	74-95-3	Methane, dibromo-	EHW	C H
U080	75-09-2	Methane, dichloro-	EHW	C H
U075	75-71-8	Methane, dichlorodifluoro-	EHW	H
U138	74-88-4	Methane, iodo-	EHW	H
P064	624-83-9	Methane isocyanato-	EHW	C I R
U211	56-23-5	Methane, tetrachloro-	EHW	C H
P118	75-70-7	Methanethiol, trichloro-	EHW	H
U153	74-93-1	Methanethiol	EHW	B I
U225	75-25-2	Methane, tribromo	EHW	H
U121	75-69-4	Methane, trichlorofluoro-	EHW	H
U044	67-66-3	Methane, trichloro-	EHW	C H
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexaydro-,3-oxide	EHW	B H
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7, 8,8-heptachloro-3a,4,7,7a-tetrahydro-	EHW	X H
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	EHW	X H
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a3,3a,4,5,5a,5b,6-decachlorooctahydro-	EHW	C H
P066	16752-77-5	Methomyl	EHW	B
U247	72-43-5	Methoxychlor	EHW	D H
P067	75-55-8	2-Methylaziridine	EHW	B I
P068	60-34-4	Methyl hydrazine	EHW	A I
P064	624-83-9	Methyl isocyanate	EHW	I ?
P069	75-86-5	2-Methylactonitrile	EHW	A
P071	298-00-0	Methyl parathion	EHW	A
U029	74-83-9	Methyl bromide	EHW	H
U045	74-87-3	Methyl chloride	EHW	H I
U156	79-22-1	Methyl chlorocarbonate	EHW	B H I
U226	71-55-6	Methylchloroform	EHW	C H
U157	56-49-5	3-Methylcholanthrene	EHW	H P
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	EHW	H
U132	70-30-4	2,2'-Methylenebis(3,4,6- trichlorophenol)	EHW	C H
U068	74-95-3	Methylene bromide	EHW	C H
U080	75-09-2	Methylene chloride	EHW	C H
U122	50-00-0	Methylene oxide	EHW	C
U160	1338-23-4	Methyl ethyl ketone peroxide	EHW	B R
U138	74-88-4	Methyl iodide	EHW	H
U163	70-25-7	N-Methyl-N'-nitro-N-nitrosoguanidine	EHW	C R
U010	50-07-7	Mitomycin C	EHW	B
U165	91-20-3	Naphthalene	EHW	B
U047	91-58-7	Naphthalene, 2-chloro-	EHW	D H
U166	130-15-4	1,4-Naphthalenedione	EHW	C
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3, 3'-[(3,3'-dimethyl-(1,1'-biphenyl) -4,4'-diyl]-bis (azo)bis(5-amino-4- hydroxy)-,tetrasodium salt	EHW	H
U166	130-15-4	1,4-Naphthoquinone	EHW	C
U167	134-32-7	1-Naphthalenamine	EHW	B
U168	91-59-8	2-Naphthalenamine	EHW	B
U167	134-32-7	alpha-Naphthalenamine	EHW	B
U168	91-59-8	beta-Naphthalenamine	EHW	B
U026	494-03-1	2-Naphthalenamine, N,N-bis(2-chloro- ethyl)-	EHW	H
P072	86-88-4	alpha-Naphthylthiourea	EHW	B
P073	13463-39-3	Nickel carbonyl	EHW	B
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-	EHW	I
P074	557-19-7	Nickel cyanide	EHW	D R ?
P074	557-19-7	Nickel (II) cyanide	EHW	D R ?
P073	13463-39-3	Nickel tetracarbonyl	EHW	B
P075	54-11-5	Nicotine and salts	EHW	B
U217	10102-45-1	Nitric acid, thallium(1+)-salt	EHW	?
P076	10102-43-9	Nitric oxide	EHW	B
P077	100-01-6	p-Nitroaniline	EHW	D ?

U169	98-95-3	Nitrobenzene	EHW	C I
P078	10102-44-0	Nitrogen dioxide	EHW	A
P076	10102-43-9	Nitrogen (II) oxide	EHW	B
P078	10102-44-0	Nitrogen (IV) oxide	EHW	A
P081	55-63-0	Nitroglycerine	EHW	R ?
U170	100-02-7	p-Nitrophenol	EHW	C
U171	79-46-9	2-Nitropropane	EHW	C I
U174	55-18-4	N-Nitrosodiethylamine	EHW	C
P082	62-75-9	N-Nitrosodimethylamine	EHW	B
U176	759-73-9	N-Nitroso-N-ethylurea	EHW	C
U177	684-93-5	N-Nitroso-N-methylurea	EHW	C
U178	615-53-2	N-Nitroso-N-methylurethane	EHW	C
P084	4549-40-0	N-Nitrosomethylvinylamine	EHW	B
U179	100-75-4	N-Nitrosopiperidine	EHW	C
U111	621-64-7	N-Nitroso-n-propylamine	EWH	C
P050	115-29-7	5-Norbornene-2,3,-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	EHW	X H
P085	152-16-9	Octamethylpyrophosphoramidate	EHW	A
P087	20816-12-0	Osmium oxide	EHW	B
P087	20816-12-0	Osmium tetroxide	EHW	B
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3- dicarboxylic acid	EHW	B
U058	62-74-8	2H-1,3,2-Oxazaphosphorine-2-amine, N,N-bis(2-chloroethyl)tetrahydro-,2-oxide	EHW	C H I
U115	75-21-8	Oxirane	EWH	C I
U041	106-89-8	Oxirane, (chloromethyl)-	EHW	C H I
P089	56-38-2	Parathion	EHW	X
U183	608-93-5	Pentachlorobenzene	EHW	H
U184	76-01-7	Pentachloroethane	EHW	A H
U185	82-68-8	Pentachloronitrobenzene (PCNB)	EHW	D H
See	F027	Pentachlorophenol	EHW	A H
U188	108-95-2	Phenol	EHW	C
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-	EHW	C
P048	51-28-5	Phenol, 2,4-dinitro-	EHW	B
P047	534-52-1	Phenol, 2-methyl-4,6 dinitro-, and salts	EHW	B
P020	88-85-7	Phenol, 2,4-dinitro-6- (1-methylpropyl)-	EHW	B
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro	EHW	B I
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	EHW	R
U048	95-57-8	Phenol, 2-chloro-	EHW	D H
U039	59-50-7	Phenol, 4-chloro-3-methyl-	EHW	H
U081	120-83-2	Phenol, 2,4-dichloro-	EHW	D H
U082	87-65-0	Phenol, 2,6-dichloro-	EHW	D H
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-	EHW	C H I
U170	100-02-7	Phenol, 4-nitro-	EHW	C
See	F027	Phenol, pentachloro-	EHW	A H
See	F027	Phenol, 2,3,4,6-tetrachloro-	EHW	C H
See	F027	Phenol, 2,4,5-trichloro-	EHW	A H
See	F027	Phenol, 2,4,6-trichloro-	EHW	A H
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]	EHW	B H
P036	696-28-6	Phenyl dichloroarsine	EHW	B H
P092	62-38-4	Phenylmercury acetate	EHW	B
P093	103-85-5	Phenylthiourea	EHW	A
P094	298-02-2	Phorate	EHW	X
P095	75-44-5	Phosgene	EHW	B H
P096	7803-51-2	Phosphine	EHW	B I
P041	311-45-5	Phosphoric acid, diethyl p-nitrophenyl ester	EHW	A
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2- (ethylthio)ethyl] ester	EHW	A
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	EHW	A
P043	55-91-4	Phosphorofluoridic acid, bis(1-methyl-ethyl)ester	EHW	B H
P094	298-02-2	Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester	EHW	X

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P097	52-85-7	Phosphorothioic acid, O,O-dimethyl O-[p-(dimethylamino)-sulfonyl phenyl]ester	EHW	A
P071	298-00-0	Phosphorothioic acid, O,O -dimethyl O-(4-nitrophenyl) ester	EHW	B I
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl)ester	EHW	X
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyra-zinyl ester	EHW	A
U189	1314-80-3	Phosphorus sulfide	EHW	B I R
U190	85-44-9	Phthalic anhydride	EHW	C
U191	109-06-8	2-Picoline	EHW	C
U179	100-75-4	Piperidine, 1-nitroso-	EHW	C
P110	78-00-2	Plumbane, tetraethyl-	EHW	A
P098	150-50-8	Potassium cyanide	EHW	A
P098	151-50-8	Potassium cyanide K(CN)	EHW	B R
P099	506-61-6	Potassium silver cyanide	EHW	A
P070	116-06-3	Propanal, 2-methyl-2(methylthio)-O-[(methylamino)carbonyl]oxime	EHW	B
U194	107-10-8	1-Propanamine	EHW	C I
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl	EHW	C
U110	142-84-7	1-Propanamine, N-propyl-	EHW	C I
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	EHW	CH
U149	109-77-3	Propanedinitrile	EHW	C
P101	107-12-0	Propanenitrile	EHW	B
P027	542-76-7	Propanenitrile, 3-chloro-	EHW	B H
P069	- -	Propanenitrile, 2-hydroxy-2-methyl-	EHW	A
U083	78-87-5	Propane, 1,2-dichloro-	EHW	D H I
U171	79-46-9	Propane, 2-nitro-	EHW	C I
U027	108-60-1	Propane, 2,2' oxybis[2-chloro-	EHW	CH O
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	EHW	R ?
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	EHW	D H
U126	765-34-4	1-Propanol, 2,3-epoxy-	EHW	C
P017	598-31-2	2-Propanone, 1-bromo-	EHW	CH
P102	107-19-7	Propargyl alcohol	EHW	X
P003	107-02-8	2-Propenal	EHW	X
U007	79-06-1	2-Propenamide	EHW	C
U084	542-75-6	Propene, 1,3-dichloro-	EHW	CH
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	EHW	H
U009	107-13-1	2-Propenenitrile	EHW	C I
U152	126-98-7	2-Propenenitrile, 2-methyl-	EHW	B I
U008	79-10-7	2-Propenoic acid	EHW	CO I
P005	107-18-6	2-Propen-1-ol	EHW	B I
U194	107-10-8	n-Propylamine	EHW	C I
U083	78-87-5	Propylene dichloride	EHW	CH I
P067	75-55-8	1,2-Propylenimine	EHW	B I
P102	107-19-7	2-Propyn-1-ol	EHW	X
P008	504-24-5	4-Pyridinamine	EHW	B
P075	54-11-5	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts	EHW	B
U196	110-86-1	Pyridine	EHW	C I
U179	100-75-4	Pyridine, hexahydro-N-nitroso-	EHW	C
U191	109-06-8	Pyridine,2-methyl-	EHW	C
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[(bis(2-chloroethyl)amino)-	EHW	B H
P111	107-49-3	Pyrophosphoric acid, tetraethyl ester	EHW	A
U201	108-46-3	Resorcinol	EHW	C
P114	12039-52-0	Selenious acid, dithallium (1+) salt	EHW	?
U205	7488-56-4	Selenium sulfide SeS2	EHW	C
P103	630-10-4	Selenourea	EHW	B
U015	115-02-6	L-Serine, diazoacetate (ester)	EHW	C
See	F027	Silvex		
P104	506-64-9	Silver cyanide	EHW	C
P104	506-64-9	Silver cyanide AG(CN)	EHW	C R
P105	26628-22-8	Sodium azide	EHW	A
P106	143-33-9	Sodium cyanide	EHW	A
P106	143-33-9	Sodium cyanide NA(CN)	EHW	B R
P107	1314-96-1	Strontium sulfide	EHW	R
P108	57-24-9	Strychnidin-10-one, and salts	EHW	B
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	EHW	A
P108	57-24-9	Strychnine and salts	EHW	B
U135	7783-06-4	Sulfur hydride	EHW	B I
U103	77-78-1	Sulfuric acid, dimethyl ester	EHW	CO
P115	7446-18-6	Sulfuric acid, thallium (I) salt	EHW	B

U189	1314-80-3	Sulfur phosphide	EHW	B I R
See				
F027	93-76-5	2,4,5-T	EHW	B H
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	EHW	D H
U208	630-20-8	1,1,1,2-Tetrachloroethane	EHW	H
U209	79-34-5	1,1,2,2-Tetrachloroethane	EHW	H
U210	127-18-4	Tetrachloroethylene	EHW	C H
U212	58-90-2	2,3,4,6-Tetrachlorophenol	EHW	C H
P109	3689-24-5	Tetraethyldithiopyrophosphate	EHW	A
P110	78-00-2	Tetraethyl lead	EHW	A
P111	107-49-3	Tetraethylpyrophosphate	EHW	A
P112	509-14-8	Tetranitromethane	EHW	A R
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	EHW	B
P113	1314-32-5	Thallic oxide	EHW	B
P113	1314-32-5	Thallium (III) oxide	EHW	B
P114	12039-52-0	Thallium (I) selenide	EHW	C
P115	7446-18-6	Thallium (I) sulfate	EHW	B
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	EHW	B
P045	39196-18-6	Thiofanox	EHW	B
P049	541-53-7	Thioimidodicarbonic diamide	EHW	A
U153	74-93-1	Thiomethanol	EHW	B I
P014	108-98-5	Thiophenol	EHW	A
P116	79-19-6	Thiosemicarbazide	EHW	B H
U219	62-56-6	Thiourea	EHW	C
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	EHW	A H
P072	86-88-4	Thiourea, 1-naphthalenyl-	EHW	B
P093	103-85-5	Thiourea, phenyl-	EHW	A
U220	108-88-3	Toluene	EHW	C I
U223	26471-62-5	Toluene diisocyanate	EHW	B R
P123	8001-35-2	Toxaphene	EHW	X H
U226	71-55-6	1,1,1-Trichloroethane	EHW	C H
U227	79-00-5	1,1,2-Trichloroethane	EHW	C H
U228	79-01-6	Trichloroethene	EHW	C H
U228	79-01-6	Trichloroethylene	EHW	C H
P118	75-70-7	Trichloromethanethiol	EHW	H
U121	75-69-4	Trichloromonofluoromethane	EHW	H
See				
F027	95-95-4	2,4,5-Trichlorophenol	EHW	A H
See				
F027	88-06-2	2,4,6-Trichlorophenol	EHW	A H
U232	93-76-4	2,4,5-Trichlorophenoxy-acetic acid, salts and esters	EHW	B H
U233	93-72-1	2,4,5-Trichlorophenoxy-propionic acid, salts and esters	EHW	B H
U234	99-35-4	1,3,5-Trinitrobenzene	EHW	C
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate	EHW	D H
U236	72-57-1	Trypan blue	EHW	H
U237	66-75-1	Uracil, 5[bis(2-chloroethyl)amino]-	EHW	B H
U237	66-75-1	Uracil mustard	EHW	B H
U176	759-73-9	Urea, N-ethyl-N-nitroso-	EHW	C
U176	684-93-5	Urea, N-methyl-N-nitroso-	EHW	C
P119	7803-55-6	Vanadic acid, ammonium salt	EHW	B
P120	1314-62-1	Vanadium pentoxide	EHW	B
P120	1314-62-1	Vanadium (V) oxide	EHW	B
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	EHW	B
U043	75-01-4	Vinyl chloride	EHW	D H
P001	81-81-2	Warfarin	EHW	A
U239	1330-20-7	Xylene	EHW	C I
P121	557-21-1	Zinc cyanide	EHW	C
P122	1314-84-7	Zinc phosphide when present at concentrations greater than 10%	EHW	B R

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U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	DW	D
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	DW	?
U112	141-78-6	Acetic acid, ethyl ester	DW	D I
U214	563-68-8	Acetic acid, thallium(I) salt	DW	?
U002	67-64-1	Acetone	DW	D I
U004	98-86-2	Acetophenone	DW	D
U005	53-96-3	2-Acetylaminofluorene	DW	?
U150	148-82-3	Alanine, 3-[p-bis(2-chloroethyl)amino] phenyl-, L-	DW	

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U328	95-53-4	2-Amino-1-methylbenzene	DW	D
U353	106-49-0	4-Amino-1-methylbenzene	DW	D
U011	61-82-5	Amitrole	DW	D
U136	75-60-5	Arsinic acid, dimethyl-	DW	D
U014	492-80-8	Auramine	DW	
U016	225-51-4	Benz[c]acridine	DW	
U016	225-51-4	3,4-Benzacridine	DW	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	DW	?
U014	492-80-8	Benzenamine, 4,4-carbonimidoylbis (N,N-dimethyl-	DW	
U328	95-53-4	Benzenamine, 2-methyl-	DW	D
U353	106-49-0	Benzenamine, 4-methyl-	DW	D
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	DW	D
U181	99-55-8	Benzenamine, 2-methyl-5-nitro	DW	D
U221	25376-45-8	Benzenediamine, ar-methyl-	DW	?
U028	117-81-7	1,2-Benzenedicarboxylic acid, [bis(2-ethyl-hexyl)] ester	DW	?
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	DW	D
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	DW	?
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	DW	?
U107	117-84-0	1,2-Benzenedicarboxylic acid, di-n-octyl ester	DW	?
U203	94-59-7	Benzene, 1,2-methylenedioxy-4-allyl-	DW	D
U141	120-58-1	Benzene, 1,2-methylenedioxy-4-propenyl-	DW	D
U090	94-58-6	Benzene, 1,2-methylenedioxy-4-propyl-	DW	D
U234	99-35-4	Benzene, 1,3,5-trinitro-	DW	D R
U202	81-07-2	1,2-Benzisothiazilin-3-one, 1,1-dioxide, and salts	DW	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	DW	D
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	DW	D
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	DW	D
U120	206-44-0	Benzo[j,k]fluorene	DW	D
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less	DW	?
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	DW	D
U244		Bis(dimethylthiocarbonyl) disulfide	DW	D
U028	117-81-7	Bis(2-ethoxy) phthalate	DW	?
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	DW	D
U031	71-36-3	1-Butanol	DW	D I
U159	78-93-3	2-Butanone	DW	D I
U031	71-36-3	n-Butyl alcohol	DW	D I
U136	75-60-5	Cacodylic acid	DW	D
U238	51-79-6	Carbamic acid, ethyl ester	DW	
U114	111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters	DW	?
U215	6533-73-9	Carbonic acid, dithallium(I) salt	DW	?
U034	75-87-6	Chloral	DW	?
U051	- -	Creosote	DW	D
U059	20830-81-3	Daunomycin	DW	
U221	25376-45-8	Diaminotoluene	DW	?
U069	84-74-2	Dibutyl phthalate	DW	D
U192	23950-58-5	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide	DW	?
U024	111-19-1	Dichloromethoxy ethane	DW	?
U108	123-91-1	1,4-Diethylene dioxide	DW	D
U028	117-81-7	Diethylhexyl phthalate	DW	?
U086	1615-80-1	N,N-Diethylhydrazine	DW	
U088	84-66-2	Diethyl phthalate	DW	?
U089	56-53-1	Diethylstilbestrol	DW	
U148	123-33-1	1,2-Dihydro-3-,6-pyridizinedione	DW	D
U090	94-58-6	Dihydrosafrole	DW	D
U091	119-90-4	3,3'-Dimethoxybenzidine	DW	D
U098	57-14-7	1,1-Dimethylhydrazine	DW	I
U101	105-67-9	2,4-Dimethylphenol	DW	D
U102	131-11-3	Dimethyl phthalate	DW	?
U107	117-84-0	Di-n-octyl phthalate	DW	?
U108	123-91-1	1,4-Dioxane	DW	D

U155	91-80-5	1,2-Eethanediamine, N,N-dimethyl-N'2pyridinyl-N'-(2-thienylmethyl)-	DW	?
U117	60-29-7	Ethane, 1,1'-oxybis-	DW	D I
U218	65-55-5	Ethanethioamide	DW	
U226	71-55-6	Ethane, 1,1,1-trichloro-	DW	D
U173	1116-54-7	Ethanol, 2,2-(nitrosoimino)bis-	DW	
U359	110-80-5	Ethanol, 2-ethoxy-	DW	D I
U004	98-86-2	Ethanone, 1-phenyl-	DW	D
U228	79-01-6	Ethene, trichloro-	DW	I
U112	141-78-6	Ethyl acetate	DW	D I
U113	140-88-5	Ethyl acrylate	DW	D I
U238	51-79-6	Ethyl carbamate (urethan)	DW	
U359	110-80-5	Ethylene glycol monoethyl ether	DW	D I
U116	96-45-7	Ethylene thiourea	DW	D
U117	60-29-7	Ethyl ether	DW	D I
U118	97-63-2	Ethyl methacrylate	DW	I
U119	62-50-0	Ethyl methanesulfonate	DW	
U120	206-44-0	Fluoranthene	DW	D
U123	64-18-6	Formic Acid	DW	D O
U124	110-00-9	Furan	DW	I
U213	109-99-9	Furan, tetrahydro-	DW	I
U124	110-00-9	Furfuran	DW	I
U206	18883-66-4	D-Glucopyranose, 2-deoxy-2(3- methyl-3-nitrosoureido)-	DW	
U206		D-Glucose, 2-deoxy-2- (3-methyl-3-nitrosoureido)-, D-	DW	
U086	1615-80-1	Hydraxine, 1,2-diethyl-	DW	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	DW	I
U134	7664-39-3	Hydrofluoric acid	DW	D O
U134	7664-39-3	Hydrogen fluoride	DW	D O
U135	7783-06-4	Hydrogen sulfide H2S	DW	?
U136	75-60-5	Hydroxydimethylarsine oxide	DW	D
U190	85-44-9	1,3-Ibenzofurandione	DW	D
U116	96-45-7	2-Imidazolidinethione	DW	D
U137	193-39-5	Indeno[1,2,3-cd]pyrene	DW	
U139	cancel	Iron dextran	DW	
U140	78-83-1	Isobutyl alcohol	DW	D I
U141	120-58-1	Isosafrole	DW	D
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	DW	?
U145	7446-27-7	Lead phosphate	DW	
U146	1335-32-6	Lead subacetate	DW	
U148	123-33-1	Maleic hydrazide	DW	D
U150	148-82-3	Melphalan	DW	
U119	62-50-0	Methanesulfonic acid, ethyl ester	DW	
U123	64-18-6	Methanoic acid	DW	D O
U154	67-56-1	Methanol	DW	D I
U155	91-80-5	Methapyrilene	DW	D
U154	67-56-1	Methyl alcohol	DW	D I
U186	504-60-9	1-Methylbutadiene	DW	D I
U159	78-93-3	Methyl ethyl ketone (MEK)	DW	D I
U161	108-10-1	Methyl isobutyl ketone	DW	D I
U162	80-62-6	Methyl methacrylate	DW	D I
U161	108-10-1	4-Methyl-2-pentanone	DW	
U164	56-04-2	Methylthiouracil	DW	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2, 3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl]oxy]-7,8,9, 10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	DW	?
U172	924-16-3	N-Nitrosodi-n-butylamine	DW	D
U173	1116-54-7	N-Nitrosodiethanolamine	DW	
U180	930-55-2	N-Nitrosopyrrolidine	DW	D
U181	99-55-8	5-Nitro-o-toluidine	DW	D
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	DW	
U126	765-34-4	Oxiranecarboxyaldehyde	DW	D I
U182	123-63-7	Paraldehyde	DW	D I
U186	504-60-9	1,3-Pentadiene	DW	D I
U161	108-10-1	Pentanol, 4-methyl-	DW	D I
U187	62-44-2	Phenacetin	DW	D
U101	105-67-9	Phenol, 2,4-dimethyl-	DW	D
U052	1319-77-3	Phenol, methyl-	DW	D
U137	193-39-5	1,10-(1,2-Phenylene)pyrene	DW	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	DW	
U087	3288-58-2	Phosphorodithioic acid, O,O- diethyl-,S-methyl ester	DW	?
U192	23950-58-5	Pronamide	DW	?
U193	1120-71-4	1,3-Propane sultone	DW	

Dangerous Waste Regulations

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See				
F027	Prioponic acid, 2-(2,4,5 trichlorophenoxy)			
U140	78-83-1	1-Propanol, 2-methyl-	DW	D I
U002	67-64-1	2-Propanone	DW	D I
U113	140-88-5	2-Propenoic acid, ethyl ester	DW	D I
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	DW	I
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	DW	D I
U148	123-33-1	3,6-Pyridazinedione, 1,-dihydro-	DW	D
U155	91-80-5	Pyridine, 2-[(2dimethylamino) ethyl]- 2-phenylamino		
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thio-	DW	
U180	930-55-2	Pyrrolidine, 1-nitroso	DW	D
U200	50-55-5	Reserpine	DW	?
U202	81-07-2	Saccharin and salts	DW	
U203	94-59-7	Safrole	DW	D
U204	7783-00-8	Seleniousacid	DW	O
U204	7783-00-8	Selenium dioxide	DW	O
U205	7488-56-4	Selenium sulfide	DW	R
U089	56-53-1	4,4'-Stilbenediol, alpha,alpha'-diethyl-	DW	
U206	18883-66-4	Streptozotocin	DW	
U205	7488-56-4	Sulfur selenide	DW	R
U213	109-99-9	Tetrahydrofuran	DW	I
U214	563-68-8	Thallium(1) acetate	DW	?
U215	6533-73-9	Thallium(1) carbonate	DW	?
U216	7791-12-0	Thallium(1) chloride	DW	?
U216	7791-12-0	Thallium chloride TlCl	DW	?
U217	10102-45-1	Thallium(1) nitrate	DW	?
U218	62-55-5	Thioacetamide	DW	
U244	137-26-8	Thioperoxydicarbonic diamide [(H2N)C(S)]2S2, tetramethyl:	DW	D
U244	137-26-8	Thiram	DW	D
U244	137-26-8	Thiran	DW	D
U221	25376-45-8	Toluenediamine	DW	?
U328	95-53-4	o-Toluidine	DW	D
U353	106-49-0	p-Toluidine	DW	D
U222	636-21-5	o-Toluidine hydrochloride	DW	D
U011	61-82-5	1H-1,2,4-Triazol-3-amine	DW	D
U234	99-35-4	sym-Trinitrobenzene	DW	D R
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	DW	D I
U248		Warfarin, & salts, when present at concentrations of 0.3% or less		
U200	50-55-5	Yohimban-16-carboxylic acid, 11, 17-di-methoxy-18-[(3,4,5-trimethoxy-benzoyl)oxy]-,methyl ester (3beta, 16 beta, 17alpha, 18 beta, 20alpha)-	DW	?
U249		Zinc phosphide Zn3P2, when present at concentrations of 10% or less		

- * EHW = Extremely Hazardous Waste
- DW = Dangerous Waste
- X = Toxic, Category X
- A = Toxic, Category A
- B = Toxic, Category B
- C = Toxic, Category C
- D = Toxic, Category D
- ? = Toxic, Category not determined
- H = Persistent, Halogenated Hydrocarbon
- O = Corrosive
- P = Persistent, Polycyclic Aromatic Hydrocarbon
- I = Ignitable
- R = Reactive
- TC = Toxicity Characteristic

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-9903, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-9903, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-9903, filed 1/4/89; 86-12-057 (Order DE-85-10), § 173-303-9903, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-9903, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9903, filed 2/10/82.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-303-9904 Dangerous waste sources list.

DANGEROUS WASTE SOURCES LIST

Dangerous
Waste No.

Sources

Nonspecific Sources**Generic:**

- F001 The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.)
- F002 The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2 trichloroethane; and the still bottoms from the recovery of these solvents. (See footnote 1, below.)
- F003 The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.
- F004 The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; and the still bottoms from the recovery of these solvents.
- F005 The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, 2-nitropropane; and the still bottoms from the recovery of these solvents.
- F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
- F007 Spent cyanide plating bath solutions from electroplating operations.
- F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
- F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
- F010 Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.
- F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
- F012 Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.
- F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.
- F020 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote 2, below.)
- F021 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote 2, below.)
- F022 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote 2, below.)
- F023 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (See footnote 2, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)
- F024 Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of certain chlorinated aliphatic hydrocarbons by radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (See footnote 1, below). (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed under specific sources, below.)
- F025 Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated

- aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.
- F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote 2, below.)
- F027 Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (See footnote 2, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)
- F028 Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027.

Specific Sources

Wood Preservation:

- K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (See footnote 1, below.)

Inorganic Pigments:

- K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments.
- K003 Wastewater treatment sludge from the production of molybdate orange pigments.
- K004 Wastewater treatment sludge from the production of zinc yellow pigments.
- K005 Wastewater treatment sludge from the production of chrome green pigments.
- K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
- K007 Wastewater treatment sludge from the production of iron blue pigments.
- K008 Oven residue from the production of chrome oxide green pigments.

Organic Chemicals:

- K009 Distillation bottoms from the production of acetaldehyde from ethylene.
- K010 Distillation side cuts from the production of acetaldehyde from ethylene.
- K011 Bottom stream from the wastewater stripper in the production of acrylonitrile.
- K013 Bottom stream from the acetonitrile column in the production of acrylonitrile.

- K014 Bottoms from the acetonitrile purification column in the production of acrylonitrile.
- K015 Still bottoms from the distillation of benzyl chloride. (See footnote 1, below.)
- K016 Heavy ends or distillation residues from the production of carbon tetrachloride. (See footnote 1, below.)
- K017 Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (See footnote 1, below.)
- K018 Heavy ends from the fractionation column in ethyl chloride production. (See footnote 1, below.)
- K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (See footnote 1, below.)
- K020 Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (See footnote 1, below.)
- K021 Aqueous spent antimony catalyst waste from fluoromethanes production. (See footnote 1, below.)
- K022 Distillation bottom tars from the production of phenol/acetone from cumene.
- K023 Distillation light ends from the production of phthalic anhydride from naphthalene.
- K024 Distillation bottoms from the production of phthalic anhydride from naphthalene.
- K093 Distillation light ends from the production of phthalic anhydride from ortho-xylene.
- K094 Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
- K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
- K026 Stripping still tails from the production of methyl ethyl pyridines.
- K027 Centrifuge and distillation residues from toluene diisocyanate production.
- K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (See footnote 1, below.)
- K029 Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (See footnote 1, below.)
- K095 Distillation bottoms from the production of 1,1,1-trichloroethane. (See footnote 1, below.)
- K096 Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (See footnote 1, below.)
- K030 Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (See footnote 1, below.)
- K083 Distillation bottoms from aniline production.

- K103 Process residues from aniline extraction from the production of aniline. (See footnote 1, below.)
- K104 Combined wastewater streams generated from nitrobenzene/aniline production.
- K085 Distillation of fractionation column bottoms from the production of chlorobenzenes. (See footnote 1, below.)
- K105 Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (See footnote 1, below.)
- K111 Product washwaters from the production of dinitrotoluene via nitration of toluene.
- K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.
- K113 Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
- K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
- K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
- K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (See footnote 1, below.)
- K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.
- K118 Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
- K136 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
- Explosives:**
- K044 Wastewater treatment sludges from the manufacturing and processing of explosives.
- K045 Spent carbon from the treatment of wastewater containing explosives.
- K046 Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
- K047 Pink/red water from TNT operations.
- Inorganic Chemicals:**
- K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.
- K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (See footnote 1, below.)
- K106 Wastewater treatment sludge from the mercury cell process in chlorine production.
- Petroleum Refining:**
- K048 Dissolved air flotation (DAF) float from the petroleum refining industry.
- K049 Slop oil emulsion solids from the petroleum refining industry.
- K050 Heat exchanger bundle cleaning sludge from the petroleum refining industry.
- K051 API separator sludge from the petroleum refining industry.
- K052 Tank bottoms (leaded) from the petroleum refining industry.
- Iron and Steel:**
- K061 Emission control dust/sludge from the primary production of steel in electric furnaces.
- K062 Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).
- Pesticides:**
- K031 Byproduct salts generated in the production of MSMA and cacodylic acid.
- K032 Wastewater treatment sludge from the production of chlordane. (See footnote 3, below.)
- K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (See footnote 3, below.)
- K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (See footnote 3, below.)
- K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (See footnote 3, below.)
- K035 Wastewater treatment sludges generated in the production of creosote.
- K036 Still bottoms from toluene reclamation distillation in the production of disulfoton.
- K037 Wastewater treatment sludges from the production of disulfoton.
- K038 Wastewater from the washing and stripping of phorate production. (See footnote 3, below.)
- K039 Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (See footnote 3, below.)
- K040 Wastewater treatment sludge from the production of phorate. (See footnote 3, below.)
- K041 Wastewater treatment sludge from the production of toxaphene. (See footnote 3, below.)

- K098 Untreated process wastewater from the production of toxaphene. (See footnote 3, below.)
- K042 Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (See footnote 1, below.)
- K043 2,6-Dichlorophenol waste from the production of 2,4-D. (See footnote 1, below.)
- K099 Untreated wastewater from the production of 2,4-D. (See footnote 1, below.)
- K123 Process wastewater (including supernates, filtrates, and wastewaters) from the production of ethylenebisdithiocarbamic acid and its salts.
- K124 Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.
- K125 Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.
- K126 Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.
- K131 Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.
- K132 Spent absorbent and wastewater separator solids from the production of methyl bromide.

Primary Copper:

- K064 Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.

Primary Lead:

- K065 Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.

Primary Zinc:

- K066 Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.

Primary Aluminum:

- K088 Spent potliners from primary aluminum reduction.

Ferroalloys:

- K090 Emission control dust or sludge from ferrochromium-silicon production.
- K091 Emission control dust or sludge from ferrochromium production.

Secondary Lead:

- K069 Emission control dust/sludge from secondary lead smelting.
- K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.

Veterinary Pharmaceuticals:

- K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
- K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
- K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Ink Formulation:

- K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Coking:

- K060 Ammonia still-lime sludge from coking operations.
- K087 Decanter tank tar sludge from coking operations.

Footnotes

- 1 These wastes contain or may contain halogenated hydrocarbons. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than one percent of these listed halogenated hydrocarbons to designate their waste EHW.
- 2 For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.
- 3 These wastes contain or may contain X Category toxic constituents. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than 0.1 percent of these listed toxic constituents to designate their waste EHW.

State Sources

- W001 The following wastes generated from the salvaging, rebuilding, or discarding of transformers, bushing, or capacitors which contain polychlorinated biphenyls (PCB): Cooling and insulating fluids; cores, including core papers, from unrinsed transformers and capacitors; transformers and capacitors which will no longer be used for their intended use, except for those transformers or capacitors which have been rinsed; and, rinsate from the rinsing of transformers and capacitors. For the purposes of this listing, the rinsing of PCB containing items shall be conducted as follows: First, the item is drained of all free flowing liquid; second, the item is filled with solvent and allowed to stand for at least eighteen hours; last, the item is drained thoroughly and the solvent is collected. Solvents

may include kerosene, xylene, toluene and other solvents in which PCB are readily soluble. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if his PCB waste is excluded from the requirements of chapter 173-303 WAC.)

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-9904, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-9904, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-9904, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-9904, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-9904, filed 6/3/86; 85-09-042 (Order DE-85-02), § 173-303-9904, filed 4/15/85; 84-09-088 (Order DE 83-36), § 173-303-9904, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-9904, filed 2/10/82.]

WAC 173-303-9905 Dangerous waste constituents list.

Acetic Acid, 2,4,5-trichlorophenoxy-, salts and esters

(2,4,5-T, salts and esters)

Acetonitrile [Ethanenitrile]

Acetophenone (Ethanone, 1-phenyl)

-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts (Warfarin)

2-Acetylaminofluorene (Acetamide, N-9H-fluoren-2-yl-)

Acetyl chloride (Ethanoyl chloride)

1-Acetyl-2-thiourea (Acetamide, N-(aminothioxomethyl)-)

Acrolein (2-Propenal)

Acrylamide (2-Propenamide)

Acrylonitrile (2-Propenenitrile)

Aflatoxins

Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-endo,exo-1,4:5,8-Dimethanonaphthalene)

Allyl alcohol (2-Propen-1-ol)

Allyl chloride (1-Propane, 3-chloro)

Aluminum phosphide

4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)

6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methyl-carbamate azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, (ester) (Mitomycin C)
(Azirino[2',3':3,4]pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8[

4-Aminopyridine(4-Pyridinam...

Arsenic and compounds, N.O.S.*

Barium and compounds, N.O.S.*

Barium cyanide

Benz[c]acridine (3,4-Benzacridine)

Benz[a]anthracene (1,2-Benzanthracene)

Benzene (Cyclohexatriene)

Benzene arsonic acid (Arsonic acid, phenyl-)

Benzene, 2-amino-1-methyl (o-Toluidine)

Benzene, 4-amino-1-methyl (p-Toluidine)

Benzene, dichloromethyl- (Benzal chloride)

Benzenethiol (Thiophenol)

Benzidine ([1,1'-Biphenyl]-4,4' diamine)

Benzo[b]fluoranthene (2,3-Benzofluoranthene)

Benzo[j]fluoranthene (7,8-Benzofluoranthene)

Benzo[a]pyrene (3,4-Benzopyrene)

p-Benzoquinone (1,4-Cyclohexadienedione)

Benzotrichloride (Benzene, trichloromethyl-)

Benzyl chloride (Benzene, (chloromethyl)-)

Beryllium and compounds, N.O.S.*

Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])

Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])

N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)

Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])

Bis(chloromethyl) ether (Methane, oxybis[chloro-])

Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)

Bromoacetone (2-Propanone, 1-bromo-)

Bromomethane (Methyl bromide)

4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)

Brucine (Strychnidin-10-one, 2,3-dimethoxy-)

2-Butanone peroxide (Methyl ethyl ketone, peroxide)

Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)

2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methylpropyl)-)

Cadmium and compounds, N.O.S.*

Calcium chromate (Chromic acid, calcium salt)

Calcium cyanide

Carbamic Acid, ethyl ester

Carbon disulfide (Carbon bisulfide)

Carbon oxyfluoride (Carbonyl fluoride)

Chloral (Acetaldehyde, trichloro-)

Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)

Chlordane (alpha and gamma isomers) (4,7-

Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro-) (alpha and gamma isomers)

Chlorinated benzenes, N.O.S.*

Chlorinated ethane, N.O.S.*

Chlorinated fluorocarbons, N.O.S.*

Chlorinated naphthalene, N.O.S.*

Chlorinated phenol, N.O.S.*

Chloroacetaldehyde (Acetaldehyde, chloro-)

Chloroalkyl ethers, N.O.S.*

p-Chloroaniline (Benzenamine, 4-chloro-)

Chlorobenzene (Benzene, chloro-)

Chlorobenzilate (Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester)

2-Chloro-1,3-butadiene

p-Chloro-m-cresol (Phenol, 4-Chloro-3-methyl)

1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)

2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)

Chloroform (Methane, trichloro-)

Chloromethane (Methyl chloride)

Chloromethyl methyl ether (Methane, chloromethoxy-)

2-Chloronaphthalene (Naphthalene, beta-chloro-)

2-Chlorophenol (Phenol, o-chloro-)

- 1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)
- 3-Chloropropene
- 3-Chloropropionitrile (Propanenitrile, 3-chloro-)
- Chromium and compounds, N.O.S.*
- Chrysene (1,2-Benzphenanthrene)
- Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
- Coal tars
- Copper cyanide
- Creosote (Creosote, wood)
- Cresols (Cresylic acid) (Phenol, methyl-)
- Crotonaldehyde (2-Butenal)
- Cyanides (soluble salts and complexes), N.O.S.*
- Cyanogen (Ethanedinitrile)
- Cyanogen bromide (Bromine cyanide)
- Cyanogen chloride (Chlorine cyanide)
- Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
- 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
- Cyclophosphamide (2H-1,3,2,-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
- Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxohexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
- DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)
- DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
- DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
- Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
- Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
- Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
- Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
- 7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
- Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)
- Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)
- Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)
- 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
- 1,2-Dibromoethane (Ethylene dibromide)
- Dibromomethane (Methylene bromide)
- Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
- o-Dichlorobenzene (Benzene, 1,2-dichloro-)
- m-Dichlorobenzene (Benzene, 1,3-dichloro-)
- p-Dichlorobenzene (Benzene, 1,4-dichloro-)
- Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
- 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
- 1,4-Dichloro-2-butene (2-Butene, 1,4-Butene, 1,4-dichloro-)
- Dichlorodifluoromethane (Methane, dichlorodifluoro-)
- 1,1-Dichloroethane (Ethylidene dichloride)
- 1,2-Dichloroethane (Ethylene dichloride)
- trans-1,2-Dichloroethene (1,2-Dichloroethylene)
- Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
- 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
- Dichloromethane (Methylene chloride)
- 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
- 2,6-Dichlorophenol (Phenol, 2,6-dichloro-)
- 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
- Dichlorophenylarsine (Phenyl dichloroarsine)
- Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
- 1,2-Dichloropropane (Propylene dichloride)
- Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
- Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
- 1,3-Dichloropropene, (1-Propene, 1,3-dichloro-)
- Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)
- 1,2:3,4-Diepoxybutane (2,2'-Bioxirane)
- Diethylarsine (Arsine, diethyl-)
- N,N'-Diethylhydrazine (Hydrazine, 1,2-diethyl)
- O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)
- O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)
- Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)
- O,O-Diethyl O-2-pyraxinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)
- Diethylstilbesterol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
- Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)
- 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
- Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)
- Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
- 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'diamine, 3-3'dimethoxy-)
- p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)
- 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)
- 3,3'Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
- Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)
- 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)
- 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)
- 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)
- alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl)

- 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)
 Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)
 Dimethyl sulfate (Sulfuric acid, dimethyl ester)
 Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*
 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)
 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)
 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)
 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)
 Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)
 1,4-Dioxane (1,4-Diethylene oxide)
 Diphenylamine (Benzenamine, N-Phenyl-)
 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)
 Di-n-propylmitrosamine (N-Nitroso-di-n-propylamine)
 Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
 2,4-Dithiobiuret (Thioimidodicarbonic diamide)
 Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
 Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
 Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)
 Ethyl cyanide (propanenitrile)
 Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediylobiscarbamodithioic acid, salts and esters)
 Ethylene glycol monoethyl ether (2-Ethoxyethanol)
 Ethyleneimine (Aziridine)
 Ethylene oxide (Oxirane)
 Ethylenethiourea (2-Imidazolidinethione)
 Ethylmethacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)
 Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
 Fluoranthene (Benzo[j,k]fluorene)
 Fluorine
 2-Fluoroacetamide (Acetamide, 2-fluoro-)
 Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)
 Formaldehyde (Methylene, oxide)
 Formic acid (Methanoic acid)
 Glycidylaldehyde (1-Propanol-2,3-epoxy)
 Halomethane, N.O.S.*
 Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
 Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)
 Hexachlorobenzene (Benzene, hexachloro-)
 Hexachlorobutadiene (1,3-Butadiene, hexachloro-)
 Hexachlorocyclohexane (all isomers) (Lindane and isomers)
 Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)
 Hexachlorodibenzo-p-dioxins
 Hexachlorodibenzofurans
 Hexachloroethane (Ethane, hexachloro-)
 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonphthalene (Hexachlorohexahydro-endo,endo-dimethanonaphthalene)
 Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))
 Hexachloropropene (Propene, hexachloro-)
 Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
 Hydrazine (Diamine)
 Hydrocyanic acid (Hydrogen cyanide)
 Hydrofluoric acid (Hydrogen fluoride)
 Hydrogen sulfide (Sulfur hydride)
 Hydroxydimethylarsine oxide (Cacodylic acid)
 Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
 Iodomethane (Methyl iodide)
 Iron Dextran (Ferric dextran)
 Isocyanic acid, methyl ester (Methyl isocyanate)
 Isobutyl alcohol (1-Propanol, 2-methyl-)
 Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
 Kepone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta[cd]pentalene-2-one)
 Lasiocarpine (2-Butanoic acid, 2-methyl-,7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
 Lead and compounds, N.O.S.*
 Lead acetate (Acetic acid, lead salt)
 Lead phosphate (Phosphoric acid, lead salt)
 Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)
 Maleic anhydride (2,5-Furandione)
 Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)
 Malononitrile (Propanedinitrile)
 Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)
 Mercury Fulminate (Fulminic acid, mercury salt)
 Mercury and compounds, N.O.S.*
 Methacrylonitrile (2-Propenenitrile, 2-methyl-)
 Methanethiol (Thiomethanol)
 Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
 Metholonyl (Acetimidic acid, N-[(methylcarbamoxy)oxy]thio-,methyl ester)
 Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
 2-Methylaziridine (1,2-Propylenimine)
 3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
 Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis-(2-chloro-))
 Methyl ethyl ketone (MEK) (2-Butanone)
 Methyl hydrazine (Hydrazine, methyl-)
 2-Methylactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
 Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
 Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime

- N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitros-N-methyl-N' nitro-)
- Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
- Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
- Mustard gas (Sulfide, bis(2-chloroethyl)-)
- Naphthalene
- 1,4-Naphthoquinone (1,4-Naphthalenedione)
- 1-Naphthylamine (alpha-Naphthylamine)
- 2-Naphthylamine (beta-Naphthylamine)
- 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
- Nickel and compounds, N.O.S.*
- Nickel carbonyl (Nickel tetracarbonyl)
- Nickel cyanide (nickel (II) cyanide)
- Nicotine and salts, Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
- Nitric oxide (Nitrogen (II) oxide)
- p-Nitroaniline (Benzenamine, 4-nitro-)
- Nitrobenzine (Benzene, nitro-) Nitrobenzene
- Nitrogen dioxide (Nitrogen (IV) oxide)
- Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
- Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, N-oxide, and hydro-chloride salt)
- Nitroglycerine (1,2,3-Propanetriol, trinitrate)
- 4-Nitrophenol (Phenol, 4-nitro-)
- 2-Nitropropane (Propane 2-nitro)
- 4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
- Nitrosamine, N.O.S.*
- N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
- N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
- N-Nitrosodiethylamine (Ethanamine, N-Ethyl-N-nitroso-)
- N-Nitrosodimethylamine (Dimethylnitrosamine)
- N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
- N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)
- N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
- N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
- N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
- N-Nitrosomorpholine (Morpholine, N-nitroso-)
- N-Nitrosornicotine (Nornicotine, N-nitroso-)
- N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
- N-Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
- N-Nitrososacrosine (Sarcosine, N-nitroso-)
- 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
- Octamethylpyrophosphoramidate (Diphosphoramidate, octamethyl-)
- Osmium tetroxide (Osmium (VIII) oxide)
- 7-Occabicyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)
- Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)
- Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)
- Pentachlorobenzene (Benzene, pentachloro-)
- Pentachlorodibenzo-p-dioxins
- Pentachlorodibenzofurans
- Pentachloroethane (Ethane, pentachloro-)
- Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
- Pentachlorophenol (Phenol, pentachloro-)
- Perchloromethyl mercaptan (Methanesulferryl chloride, trichloro-)
- Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)
- Phenol (Benzene, hydroxy-)
- Phenylenediamine (Benzenediamine)
- Phenylmercury acetate (Mercury, acetatophenyl-)
- N-Phenylthiourea (Thiourea, phenyl-)
- Phosgene (Carbonyl chloride)
- Phosphine (Hydrogen phosphide)
- Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)
- Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)
- Phthalic acid esters, N.O.S.* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.*
- Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)
- 2-Picoline (Pyridine, 2-methyl-)
- Polychlorinated biphenyl, N.O.S.*
- Potassium cyanide
- Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
- Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
- 1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)
- Propionic acid, 2-(2,4,5-trichlorophenoxy), salts and esters (2,4,5-TP,Silvex, salts and esters)
- n-Propylamine (1-Propane)
- Propylthiouracil (2,3 dihydro-6-propyl-2 thioxo-4(1H)-pyrimidinone)
- 2-Propyn-1-ol (Propargyl alcohol)
- Pyridine
- Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
- Resorcinol (1,3-Benzenediol)
- Saccharin and salts (1,2-Benzoisothiazolin-3-one, 1,1-dioxide, and salts)
- Safrol (Benzene, 1,2-methylenedioxy-4-allyl-)
- Selenious acid (Selenium dioxide)
- Selenium and compounds, N.O.S.*
- Selenium sulfide (Sulfur selenide)
- Selenourea (Carbamimidoseleonic acid)
- Silver and compounds, N.O.S.*
- Silver cyanide
- Sodium cyanide
- Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
- Strontium sulfide
- Strychnine and salts (Strychnidin-10-one, and salts)
- 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
- Tetrachlorodibenzo-p-dioxins

Tetrachlorodibenzofurans
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) Dibenzo-
 p-dioxin, 2,3,7,8-tetrachloro-)
 Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-,
 N.O.S.*)
 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)
 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)
 Tetrachlorethylene (Ethene, 1,1,2,2-tetrachloro-)¹
 Tetrachloromethane (Carbon tetrachloride)
 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)
 Tetraethylthiopyrophosphate (Dithiopyrophosphoric
 acid, tetraethyl-ester)
 Tetraethyl lead (Plumbane, tetraethyl-)
 Tetraethylpyrophosphate (Pyrophosphoric acid, tetra-
 ethyl ester)
 Tetranitromethane (Methane, tetranitro-)
 Thallium and compounds, N.O.S.*
 Thallous oxide (Thallium (III) oxide)
 Thallium (I) acetate (Acetic acid, thallium (I) salt)
 Thallium (I) carbonate (Carbonic acid, dithallium (I)
 salt)
 Thallium (I) chloride
 Thallium (I) nitrate (Nitric acid, thallium (I) salt)
 Thallium selenite
 Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)
 Thioacetamide (Ethanethioamide)
 Thiourea (Carbamide thio-)
 Thiuram (Bis(dimethylthiocarbamoyl) disulfide)
 Toluene (Benzene, methyl-)
 Toluenediamine, N.O.S. (Toluene, 2,5-diamine-)
 2,4-Toluenediamine
 2,6-Toluenediamine
 3,4-Toluenediamine
 o-Toluidine hydrochloride (Benzenamine, 2-methyl-,
 hydrochloride)
 Toluene diisocyanate (Benzene, 2,4- and 2,6-
 diisocyanato-
 methyl-)
 Toxaphene (Camphene, octachloro-)
 Tribromomethane (Bromoform)
 1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
 1,1,1-Trichloroethane (Methyl chloroform)
 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
 Trichloroethene (Trichloroethylene)
 Trichloromonofluoromethane (Methane,
 trichlorofluoro-)
 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)
 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T, salts and
 esters) (Acetic acid, 2,4,5-trichlorophenoxy-, salts
 and esters)
 2,4,5-Trichlorophenoxypropionic acid (Propionic
 acid, 2-(2,4,5-trichlorophenoxy), salts and esters
 (2,4,5-TP, Silvex, salts and esters))
 Trichloropropane, N.O.S.* (Propane, trichloro-,
 N.O.S.*)
 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
 O,O,O-Triethyl phosphorothioate (Phosphorothioic
 acid, O,O,O-triethyl ester)
 sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)

Tris(1-aziridinyl) phosphine sulfide (Phosphine sul-
 fide, tris(1-aziridinyl)-)
 Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-
 dibromo-, phosphate)
 Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-
 [(3,3'-dimethyl(1,1'-biphenyl)-4,4'-
 diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium
 salt)
 Undecamethylenediamine, N,N'-bis-(2-chloro-benzyl)-
 ,dihydrochloride N,N'-Undecamethyl-enebis(2-
 chlorobenzylamine, dihydrochloride)
 Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)
 Vanadic acid, ammonium salt (ammonium vanadate)
 Vanadium pentoxide (Vanadium (V) oxide)
 Vinyl chloride (Ethane, chloro-)
 Zinc cyanide
 Zinc phosphide

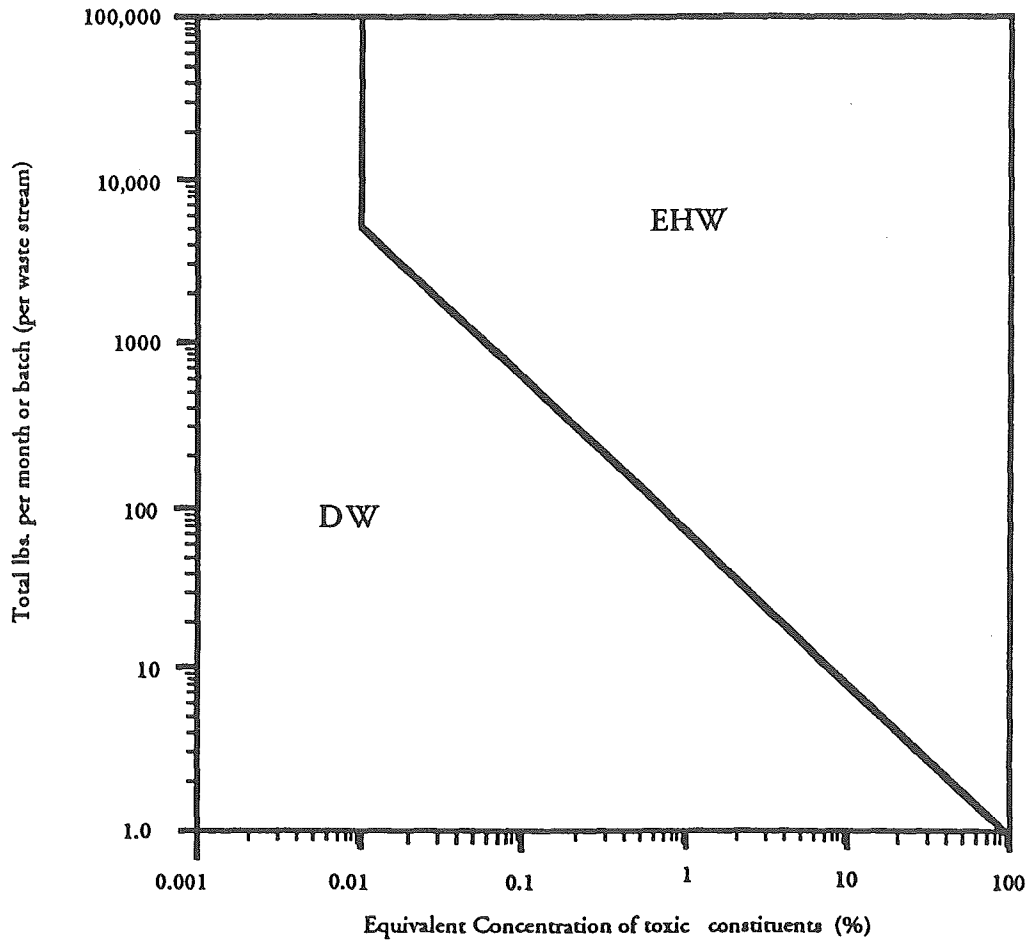
* The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-9905, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. 89-02-059 (Order 88-24), § 173-303-9905, filed 1/4/89; 87-14-029 (Order DE-87-4), § 173-303-9905, filed 6/26/87; 86-12-057 (Order DE-85-10), § 173-303-9905, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-9905, filed 4/18/84. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-9905, filed 2/10/82.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-303-9906 Toxic dangerous waste mixtures graph.

WAC 173-303-9906 : Toxic Dangerous Waste Criteria Graph

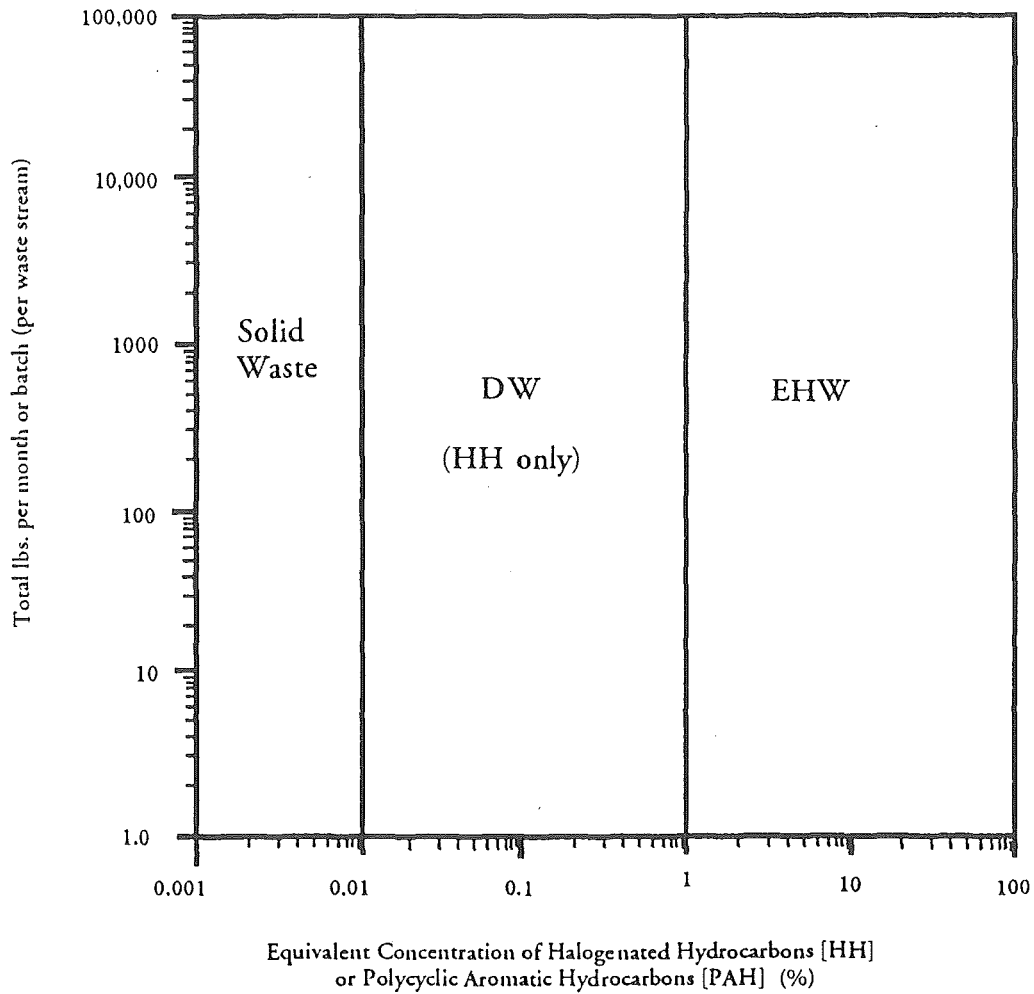


Note: The above graph should be used to determine whether a toxic waste (WAC 173-303-100(5)) is a dangerous waste (DW) or an extremely hazardous waste (EHW).

[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-9906, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-9906, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-9906, filed 6/26/87. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-9906, filed 2/10/82.]

WAC 173-303-9907 Persistent dangerous waste mixtures graph.

WAC 173-303-9907 : Persistent Dangerous Waste Graph



[Statutory Authority: Chapters 70.105 and 70.105D RCW. 94-01-060 (Order 92-33), § 173-303-9907, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 CFR Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). 91-07-005 (Order 90-42), § 173-303-9907, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. 87-14-029 (Order DE-87-4), § 173-303-9907, filed 6/26/87. Statutory Authority: RCW 70.95.260 and chapter 70.105 RCW. 82-05-023 (Order DE 81-33), § 173-303-9907, filed 2/10/82.]

Chapter 173-304 WAC
MINIMUM FUNCTIONAL STANDARDS FOR
SOLID WASTE HANDLING

WAC

173-304-010	Authority and purpose.
173-304-011	County planning requirements.
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173-304-190	Owner responsibilities for solid waste.
173-304-195	Permit required.
173-304-200	On-site containerized storage, collection and transportation standards for solid waste.
173-304-300	Waste recycling facility standards.
173-304-400	Solid waste handling facility standards.
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173-304-407	General closure and post-closure requirements.
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173-304-450	Landspreading disposal standards.
173-304-460	Landfilling standards.
173-304-461	Inert waste and demolition waste landfilling facility requirements.
173-304-462	Woodwaste landfilling facility requirements.
173-304-463	Problem waste landfills. (Reserved.)
173-304-467	Financial assurance for public facilities.
173-304-468	Financial assurance for private landfill disposal facilities.
173-304-470	Other methods of solid waste handling.
173-304-490	Ground water monitoring requirements.
173-304-600	Permit requirements for solid waste facilities.
173-304-700	Variations.
173-304-9901	Maximum contaminant levels for ground water.

WAC 173-304-010 Authority and purpose. This regulation is promulgated under the authority of chapter 70.95 RCW to protect public health, to prevent land, air, and water pollution, and conserve the state's natural, economic, and energy resources by:

(1) Setting minimum functional performance standards for the proper handling of all solid waste materials originating from residences, commercial, agricultural and industrial operations and other sources;

(2) Identifying those functions necessary to assure effective solid waste handling programs at both the state and local level;

(3) Following the direction set by the legislature for the management of solid waste in order of descending priority as applicable:

- (a) Waste reduction;
- (b) Waste recycling;
- (c) Energy recovery or incineration;
- (d) Landfill.

(4) Describing the responsibility of persons, municipalities, regional agencies, state and local government under existing laws and regulations related to solid waste;

(5) Requiring use of the best available technology for siting, and all known available and reasonable methods for

designing, constructing, operating and closing solid waste handling facilities; and

(6) Establishing these standards as minimum standards for solid waste handling to provide a state-wide consistency and expectation as to the level at which solid waste is managed throughout the state. Local ordinances setting standards for solid waste handling shall not be less stringent than these minimum standards, and shall be adopted not later than one year after the effective date of this regulation. Local ordinances need not adopt WAC 173-304-011, County planning requirements, but shall otherwise comply with the requirements of WAC 173-304-011. Solid waste regulations or ordinances adopted by counties, cities, or jurisdictional boards of health shall be filed with the department ninety days following adoption.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-010, filed 10/28/85.]

WAC 173-304-011 County planning requirements.

The concept of "solid waste management" includes in addition to proper storage, collection, and disposal of discards, other management functions or operational activities including waste reduction, source separation, waste recycling, transportation, processing, treatment, resource recovery, energy recovery, incineration, and landfilling. Under the State Solid Waste Management Act, chapter 70.95 RCW, primary responsibility for managing solid waste is assigned to local government (RCW 70.95.020). The state, however, is responsible for assuring that effective local programs are established throughout Washington state. Therefore, state and local solid waste planning for the aforementioned activities is an essential part of proper solid waste management.

(1) State responsibility. As described in RCW 70.95.260, the department shall coordinate the development of a state solid waste management plan in cooperation with local government, the department of community development, and other appropriate state and regional agencies. The state plan shall be reviewed at two-year intervals, revised as necessary, and extended so that the plan shall look to the future for twenty years as a guide in carrying out a coordinated state solid waste management program.

(2) Local government responsibility. The overall purpose of local comprehensive solid waste planning is to determine the nature and extent of the various solid waste categories and to establish management concepts for their handling, utilization, and disposal consistent with the priorities established in RCW 70.95.010 for waste reduction, waste recycling, energy recovery and incineration, and landfill. Each local plan shall be prepared in accordance with RCW 70.95.080, 70.95.090, 70.95.100, and 70.95.110. Additionally, the department has available "Guidelines for the development of local or regional solid waste management plans and plan revisions" to be followed by local government. RCW 70.95.165 also requires counties to establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-011, filed 10/28/85.]

WAC 173-304-012 Planning requirements for energy recovery or incineration facilities. In order to implement the priorities and provide a basis for permit requirements established in chapter 70.95 RCW, each comprehensive solid waste management plan shall contain an analysis for waste reduction and recycling. The analysis will include a determination of levels of waste reduction and recycling which could occur for solid wastes that are proposed to be landfilled or incinerated. The analysis shall include: A description of markets for recycled material, a review of waste generation trends, a description of waste composition, a cost analysis of the impact of recycling or reduction programs on collection and disposal rates and a discussion and description of any additional programs needed to assist public and private sector recycling programs.

[Statutory Authority: Chapter 70.95 RCW. 87-15-049 (Order 87-3), § 173-304-012, filed 7/14/87.]

WAC 173-304-015 Applicability. These regulations apply to solid wastes as that term is defined in WAC 173-304-100. These regulations shall not apply to the following solid wastes:

- (1) Overburden from mining operations intended for return to the mine;
- (2) Liquid wastes whose discharge or potential discharge is regulated under federal, state or local water pollution permits;
- (3) Dangerous wastes as defined by chapter 70.105 RCW and chapter 173-303 WAC;
- (4) Woodwaste used for ornamental, animal bedding, mulch and plant bedding, or roadbuilding purposes;
- (5) Agricultural wastes, limited to manures and crop residues, returned to the soils at agronomic rates;
- (6) Clean soils and clean dredge spoils as defined in WAC 173-304-100 or as otherwise regulated by section 404 of the Federal Clean Water Act (PL 95-217);
- (7) Septage taken to a sewage treatment plant permitted under chapter 90.48 RCW;
- (8) Radioactive wastes, defined by chapters 402-12 and 402-19 WAC; and
- (9) Wood debris resulting from the harvesting of timber and whose disposal is permitted under chapter 76.04 RCW, the State Forest Practices Act.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-015, filed 10/28/85.]

WAC 173-304-100 Definitions. When used in this regulation, the following terms have the meanings given below.

- (1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Buffer zones shall not be considered part of the active area of a facility.
- (2) "Agricultural wastes" means wastes on farms resulting from the production of agricultural products including but not limited to manures, and carcasses of dead

animals weighing each or collectively in excess of fifteen pounds.

(3) "Agronomic rates" means the rates of application of sludges, manures, or crop residues in accordance with rates specified by the appropriate fertilizer guide for the crop under cultivation.

(4) "Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

(5) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(6) "Ashes" means the residue including any air pollution flue dusts from combustion or incineration of material including solid wastes.

(7) "Balefill" means a landfill which uses compacted bales of solid waste to form discrete lifts as the landfill is filled.

(8) "Buffer zone" means that part of a facility that lies between the active area and the property boundary.

(9) "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable or disposable containers.

(10) "Clean soils and clean dredge spoils" means soils and dredge spoils which are not dangerous wastes or problem wastes as defined in this section.

(11) "Closure" means those actions taken by the owner or operator of a solid waste site or facility to cease disposal operations and to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

(12) "Collecting agency" means any agency, business or service operated by a person for the collecting of solid waste.

(13) "Compliance schedule" means a written schedule of required measures in a permit including an enforceable sequence leading to compliance with these regulations.

(14) "Composting" means the controlled degradation of organic solid waste yielding a product for use as a soil conditioner.

(15) "Container" means a device used for the collection, storage, and/or transportation of solid waste including but not limited to reusable containers, disposable containers, detachable containers and tanks, fixed or detachable.

(16) "Contaminate" means to allow to discharge a substance into ground water that would cause:

(a) The concentration of that substance in the ground water to exceed the maximum contamination level specified in WAC 173-304-9901, or

(b) A statistically significant increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in WAC 173-304-9901, or

(c) A statistically significant increase above background in the concentration of a substance which:

(i) Is not specified in WAC 173-304-9901, and

(ii) Is present in the solid waste, and

(iii) Has been determined to present a substantial risk to human health or the environment in the concentrations found at the point of compliance by the jurisdictional health

department in consultation with the department and the department of social and health services.

(17) "Cover material" means soil or other suitable material that has been approved by the jurisdictional health department as cover for wastes.

(18) "Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC.

(19) "Demolition waste" means solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (i.e., sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process and asbestos wastes are not considered to be demolition waste for the purposes of this regulation.

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

(21) "Detachable containers" means reusable containers that are mechanically loaded or handled such as a "dumpster" or drop box.

(22) "Disposable containers" means containers that are used once to handle solid waste such as plastic bags, cardboard boxes and paper bags.

(23) "Disposal" or "deposition" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

(24) "Disposal site" means the location where any final treatment, utilization, processing, or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

(25) "Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

(26) "Energy recovery" means the recovery of energy in a useable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

(27) "Existing facility" means a facility which is owned or leased, and in operation, or for which construction has begun, on or before the effective date of this regulation and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

(a) A continuous on-site physical construction program has begun; or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss for physical construction of the facility to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of this regulation shall be considered existing facilities.

(28) "Expanded facility" means a facility adjacent to an existing facility for which the land is purchased and approved by the jurisdictional health department after the effective date of this regulation. A vertical expansion approved and permitted by the jurisdictional health department after the effective date of this regulation shall also be considered an expanded facility.

(29) "Facility" means all contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for solid waste handling.

(30) "Facility structures" means buildings, sheds, utility lines, and drainage pipes on the facility.

(31) "Final treatment" means the act of processing or preparing solid waste for disposal, utilization, reclamation, or other approved method of use.

(32) "Free liquids" means any sludge which produces measurable liquids when the Paint Filter Liquids Test, Method 9095 of EPA Publication Number SW-846, is used.

(33) "One hundred year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source.

(34) "Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

(35) "Ground water" means that part of the subsurface water which is in the zone of saturation.

(36) "Holocene fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side and that has occurred in the most recent epoch of the quaternary period extending from the end of the pleistocene to the present.

(37) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(38) "Interim solid waste handling site" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes, baling and compaction sites, source separation centers, and treatment are considered interim solid waste handling sites.

(39) "Industrial solid wastes" means waste by-products from manufacturing operations such as scraps, trimmings, packing, and other discarded materials not otherwise designated as dangerous waste under chapter 173-303 WAC.

(40) "Inert wastes" means noncombustible, nondangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including resistance to biological attack and chemical attack from acidic rainwater.

(41) "Jurisdictional health department" means city, county, city-county or district public health department.

(42) "Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

(43) "Landspreading disposal facility" means a facility that applies sludges or other solid wastes onto or incorporates solid waste into the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates.

(44) "Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases therefrom.

(45) "Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

(46) "Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(47) "Medical waste" means all the infectious, and injurious waste originating from a medical, veterinary, or intermediate care facility.

(48) "New facility" means a facility which begins operation or construction after the effective date of this regulation (see also definition of "existing facility").

(49) "Nonconforming site" means a solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304-400 but does comply with a compliance schedule issued in a solid waste permit by the jurisdictional health department.

(50) "Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

(51) "Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(52) "Performance standard" means the criteria for the performance of solid waste handling facilities.

(53) "Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of 1×10^{-7} cm/sec or less may be considered impermeable.

(54) "Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

(55) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(56) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(57) "Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life and during closure and post-closure.

(58) "Point of compliance" means that part of ground water that lies beneath the perimeter of a solid waste facilities' active area as that active area would exist at closure of the facility.

(59) "Post-closure" means the requirements placed upon disposal sites after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

(60) "Premises" means a tract or parcel of land with or without habitable buildings.

(61) "Problem wastes" means: (a) Soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous wastes, or (b) dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by section 404 of the Federal Clean Water Act (PL 95-217).

(62) "Processing" means an operation to convert a solid waste into a useful product or to prepare it for disposal.

(63) "Putrescible waste" means solid waste which contains material capable of being decomposed by microorganisms.

(64) "Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

(65) "Reclamation site" means a location used for the processing or the storage of recycled waste.

(66) "Reusable containers" means containers that are used more than once to handle solid waste such as garbage cans.

(67) "Run-off" means any rainwater, leachate or other liquid which drains over land from any part of the facility.

(68) "Run-on" means any rainwater or other liquid which drains over land onto any part of a facility.

(69) "Scavenging" means the removal of materials at a disposal site, or interim solid waste handling site without the approval of the owner or operator and the jurisdictional health department.

(70) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

(71) "Sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source.

(72) "Sole source aquifer" means an aquifer designated by the Environmental Protection Agency pursuant to Section 1424e of the Safe Drinking Water Act (PL 93-523).

(73) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste, dangerous waste, and problem wastes.

(74) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization,

processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(75) "Solid waste management" means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

(76) "Storage" means the holding of solid waste materials for a temporary period.

(77) "Twenty-five year storm" means a storm of a particular duration and of such an intensity that it has a four percent probability of being equalled or exceeded each year.

(78) "Twenty-four hour, twenty-five year storm" means a twenty-five year storm of twenty-four hours duration.

(79) "Stream" means the point at which any confined freshwater body of surface water reaches a mean annual flow of twenty cubic feet per second.

(80) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

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

(82) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations may also include recycling facilities.

(83) "Treatment" means the physical, chemical or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for energy or material resource recovery or reduced in volume.

(84) "Utilization" means consuming, expending, or exhausting by use, solid waste materials.

(85) "Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

(86) "Vector" means a living animal, insect or other arthropod which transmits an infectious disease from one organism to another.

(87) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(88) "Waste reduction" means reducing the amount or type of waste generated.

(89) "Water quality standard" means a standard set for maximum allowable contamination in surface waters as set forth in chapter 173-201 WAC, Water quality standards for waters of the state of Washington.

(90) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil

conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, estuaries, and similar areas.

(91) "Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

(92) "Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

(93) "Buy-back recycling center" means any facility which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of accumulating, grading, or packaging recyclable materials for subsequent shipment and reuse, other than direct application to land.

(94) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

(95) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

(96) "Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

(97) "Reserved" means a section having no requirements and which is set aside for future possible rule-making as a note to the regulated community.

(98) "Limited purpose landfills" means a landfill that receives solid waste of limited types, known and consistent composition, other than woodwastes, garbage, inert waste, and demolition waste.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-100, filed 10/4/88. Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-100, filed 10/28/85.]

WAC 173-304-130 Locational standards for disposal sites. (1) Applicability. These standards apply to all new and expanded disposal sites including landfills, landspreading disposal sites, and piles and surface impoundments that are to be closed as landfills. These standards do not apply to:

(a) Existing facilities or facilities that have engaged in closure and closed before the effective date of this regulation;

(b) Interim solid waste handling sites;

(c) Energy recovery and incineration sites;

(d) Piles and surface impoundments used for storage, unless otherwise referred to in WAC 173-304-400, Solid waste handling facility standards;

(e) Utilization of sludge and other waste on land;

(f) Inert wastes and demolition wastes as defined in WAC 173-304-100 unless otherwise referred to in WAC 173-304-400, Solid waste handling facility standards; and

(g) Problem wastes, as defined in WAC 173-304-100.

(2) Locational standards. All applicable solid waste facilities shall be subject to the following locational standards:

(a) Geology. No facility shall be located over a holocene fault, in subsidence areas, or on or adjacent to geologic features which could compromise the structural integrity of the facility.

(b) Ground water.

(i) No facility shall be located at a site where the bottom of the lowest liner is any less than ten feet above the seasonal high level of ground water in the uppermost aquifer, or five feet when a hydraulic gradient control system or the equivalent has been installed to control ground water fluctuations;

(ii) No landfill shall be located over a sole source aquifer; and

(iii) No facility's active area shall be located closer than one thousand feet to a down-gradient drinking water supply well, in use and existing at the time of the county's adoption of the comprehensive solid waste management plan unless the owner or operator can show that the active area is no less than ninety days travel time hydraulically to the nearest down-gradient drinking water supply well in the uppermost useable aquifer.

(c) Natural soils. See WAC 173-304-400, such as WAC 173-304-460 (3)(c)(i), landfill liners;

(d) Flooding. See WAC 173-304-400 such as WAC 173-304-460 (3)(d), landfill, floodplains;

(e) Surface water. No facility's active area shall be located within two hundred feet measured horizontally, of a stream, lake, pond, river, or salt water body, nor in any wetland nor any public land that is being used by a public water system for watershed control for municipal drinking water purposes in accordance with WAC 248-54-660(4);

(f) Slope. No facility's active area shall be located on any hill whose slope is unstable;

(g) Cover material. See WAC 173-304-400, such as WAC 173-304-460 (3)(e), landfills, closure;

(h) Capacity. See WAC 173-304-400, such as WAC 173-304-460, Landfilling standards, (for standards that vary according to capacity);

(i) Climatic factors. See WAC 173-304-400 such as WAC 173-304-460(3) landfill standards, (for standards applicable to arid climates);

(j) Land use. No facility shall be located:

(i) Within ten thousand feet of any airport runway currently used by turbojet aircraft or five thousand feet of any airport runway currently used by only piston-type aircraft unless a waiver is granted by the federal aviation administration. This requirement is only applicable where such facility is used for disposing of garbage such that a bird hazard to aircraft would be created;

(ii) In areas designated by the United States Fish and Wildlife Service or the department of game as critical habitat for endangered or threatened species of plants, fish, or wildlife;

(iii) So that the active area is any closer than one hundred feet to the facility property line for land zoned as nonresidential, except that the active area may be no closer than two hundred and fifty feet to the property line of adjacent land zoned as residential existing at the time of the

county's adoption of the comprehensive solid waste management plan;

(iv) So as to be at variance with any locally-adopted land use plan or zoning requirement unless otherwise provided by local law or ordinance; and

(v) So that the active area is any closer than one thousand feet to any state or national park.

(k) Toxic air emissions. See WAC 173-304-400 such as WAC 173-304-460 (2)(b), landfill performance standards.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-130, filed 10/28/85.]

WAC 173-304-190 Owner responsibilities for solid waste. The owner, operator, or occupant of any premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste accumulated by them on the property.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-190, filed 10/28/85.]

WAC 173-304-195 Permit required. After approval by the department of the comprehensive solid waste plan required by RCW 70.95.100, no solid waste disposal site or facility shall be maintained, established, substantially altered, expanded or improved until the county, city or other person operating or owning such site has obtained a permit from the jurisdictional health department pursuant to the provisions of WAC 173-304-600.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-195, filed 10/28/85.]

WAC 173-304-200 On-site containerized storage, collection and transportation standards for solid waste. (1) Applicability. These standards apply to all persons storing containerized solid waste generated on-site, and to all persons who are engaged in the collection and transportation of solid waste of more than one single family residence or single family farm including collection and transportation of septage and septic tank pumpings.

(2) On-site storage standards.

(a) The owner or occupant of any premises, business establishment, or industry shall be responsible for the safe and sanitary storage of all containerized solid wastes accumulated at that premises.

(b) The owner, operator, or occupant of any premises, business establishment, or industry shall store containerized solid wastes in containers that meet the following requirements:

(i) Disposable containers shall be sufficiently strong to allow lifting without breakage and shall be thirty-two gallons in capacity or less where manual handling is practiced;

(ii) Reusable containers, except for detachable containers, shall be:

(A) Rigid and durable;

(B) Corrosion resistant;

(C) Nonabsorbent and water tight;

(D) Rodent-proof and easily cleanable;

(E) Equipped with a close fitting cover;

(F) Suitable for handling with no sharp edges or other hazardous conditions; and

(G) Equal to or less than thirty-two gallons in volume where manual handling is practiced.

(iii) Detachable containers shall be durable, corrosion-resistant, nonabsorbent, nonleaking and having either a solid cover or screen cover to prevent littering.

(3) Collection and transportation standards.

(a) All persons collecting or transporting solid waste shall avoid littering, or the creation of other nuisances at the loading point, during transport and for the proper unloading of the solid waste at a permitted transfer station, or other permitted solid waste handling site.

(b) Vehicles or containers used for the collection and transportation of solid waste shall be tightly covered or screened where littering may occur, durable and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned as necessary to prevent nuisances, odors and insect breeding and shall be maintained in good repair.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such manner that the contents will not fail, leak in quantities to cause a nuisance, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.

(d) All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles monthly, for repairs to containers such as missing or loose-fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two years, and be made available upon the request of the jurisdictional health department.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-200, filed 10/28/85.]

WAC 173-304-300 Waste recycling facility standards. (1) Applicability.

(a) These standards apply to facilities engaged in recycling or utilization of solid waste on the land, including but not limited to:

(i) Noncontainerized composting in piles;

(ii) Utilization of sewage sludge, septage and other organic wastes on land for beneficial use;

(iii) Accumulation of wastes in piles for recycling or utilization.

(b) These standards do not apply to:

(i) Single family residences and single family farms engaged in composting of their own wastes;

(ii) Facilities engaged in the recycling of solid waste containing garbage, such as garbage composting, which are subject to WAC 173-304-400, Solid waste handling facility standards;

(iii) Facilities engaged in the storage of tires which are subject to WAC 173-304-400, Solid waste handling facility standards;

(iv) Problem wastes as defined in WAC 173-304-100;

(v) Facilities engaged in recycling of solid waste stored in surface impoundments which are subject to WAC 173-304-400, Solid waste handling facility standards; and

(vi) Woodwaste or hog fuel piles to be used as fuel or raw materials stored temporarily in piles being actively used so long as the criteria of WAC 173-304-300 (3)(c)(i) are met.

(c) These standards do not apply to any facility that recycles or utilizes solid wastes in containers, tanks, vessels, or in any enclosed building, including buy-back recycling centers.

(2) Effective dates. All existing facilities recycling solid waste not in conformance with this section shall be placed upon a compliance schedule under WAC 173-304-600(1) to assure compliance within two years of the effective date of this regulation.

(3) Waste recycling requirements.

(a) All applicable solid waste recycling facilities shall apply for and obtain a solid waste permit under WAC 173-304-600, permits.

(b) Applicable waste recycling facilities shall submit annual reports to the jurisdictional health department and the department by March 1 of the following year for which the data is collected on forms supplied by the department. The annual reports shall include quantities and types of waste recycled for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4). Such facilities may request and be assured of confidentiality for their reports in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(c) All facilities storing solid waste in outdoor piles or surface impoundments for the purpose of waste recycling shall be considered to be storing or disposing of solid waste if:

(i) At least fifty percent of the material has not been shown to have been recycled in the past three years and any material has been on-site more than five years; or

(ii) Ground water or surface water, air, and/or land contamination has occurred or will likely occur under current conditions of storage or in case of fire, or flood.

Upon such a determination by the jurisdictional health department that (c)(i) or (ii) of this subsection are met, the jurisdictional health department may require a permit application and issuance of a permit under WAC 173-304-600 of these rules.

(d) Waste recycling facilities shall allow jurisdictional health department and department representatives entry for inspection purposes and to determine compliance with these rules at reasonable times.

(e) All applicable waste recycling facilities shall not conflict with the county comprehensive solid waste management plan required by WAC 173-304-011 of these rules.

(f) All waste recycling facilities shall comply with applicable local, state and federal laws and regulations, including but not limited to environmental regulations and laws.

(4) Sewage sludge utilization requirements.

In addition to the requirements of subsection (3) of this section, all facilities utilizing sewage sludge, including septage shall comply with the department's *Municipal and Domestic Sludge Utilization Guidelines* WDOE 82-11, dated

September 1982 or as hereafter amended. Facilities utilizing sewage sludge on the land in a manner not consistent with nor meeting the requirement of the guidelines are required to meet the landspreading disposal standards of WAC 173-304-450.

(5) Woodwaste and other organic sludge utilization requirements.

(a) Facilities utilizing woodwaste not otherwise excluded under WAC 173-304-015, shall comply with these recycling standards. Applying woodwaste and other primarily organic sludges such as pulp and paper mill treatment sludges to the land shall be in a manner consistent with the *Municipal and Domestic Sludge Utilization Guidelines* WDOE 82-11 dated September 1982 or as hereafter amended. Only agricultural or silvicultural sites where such sludges are demonstrated to have soil conditioning or fertilizer value shall be acceptable, provided that the woodwaste and other primarily organic sludges are applied as a soil conditioner or fertilizer in accordance with accepted agricultural and silvicultural practice. Facilities utilizing woodwaste or other primarily organic sludges on the land in a manner not consistent with nor meeting the requirement of the guidelines are required to meet the landspreading disposal standards of WAC 173-304-450.

(b) Facilities utilizing woodwaste or other primarily organic sludges shall also comply with the standards of subsection (3) of this section.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-300, filed 10/28/85.]

WAC 173-304-400 Solid waste handling facility standards. (1) Applicability. The standards of WAC 173-304-405 through 173-304-490 are the solid waste handling facility standards and apply to all solid waste handling facilities, except for:

(a) Waste recycling facilities, whose standards are spelled out in WAC 173-304-300;

(b) On-site containerized storage, collection and transportation facilities which are spelled out in WAC 173-304-200;

(c) Single family residences and single family farms whose year round occupants engage in solid waste handling of the single family's solid waste on-site;

(d) Problem wastes as defined in WAC 173-304-100;

(e) Solid waste handling facilities that have engaged in closure and closed before the effective date of this regulation; and

(f) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits except for any portion that utilizes or engages in landspreading disposal sludges or solid residues directly on the land.

(2) Standards for permits. The standards of WAC 173-304-405 through 173-304-490 shall be used as the basis for permitting as required in WAC 173-304-600.

(3) Effective dates.

(a) All existing facilities not in conformance with the following sections of the facility standards shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure full compliance within eighteen months of the effective date of this regulation for:

(i) The general facility standards, WAC 173-304-405;
(ii) The transfer stations, baling and compaction standards, WAC 173-304-410;

(iii) Ground water monitoring required in WAC 173-304-490;

(iv) The landfill operating and maintenance standards, WAC 173-304-460(4);

(v) The tire pile standards of WAC 173-304-420(4); and

(vi) The landspreading disposal standards of WAC 173-304-450(5).

(b) All applicable solid waste facilities shall be in compliance with the general closure and post-closure standards of WAC 173-304-407 and the financial assurance standards of WAC 173-304-467 and 173-304-468 by twelve months after the effective date of WAC 173-304-407, 173-304-467, and 173-304-468, except for owners or operators of existing facilities that have a closure plan approved by the jurisdictional health department in a solid waste permit issued before the effective date of these amendments and are closing before November 27, 1989. Existing solid waste facilities shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure compliance by the effective date of this subsection.

(c) All existing solid waste facilities not in conformance with facility standards other than those in (a) and (b) of this subsection shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure full compliance within four years of the effective date of this regulation.

(d) All new and expanded facilities other than those in (b) of this subsection shall meet the facility standards of WAC 173-304-405 to 173-304-490 after the effective date of this regulation.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-400, filed 10/4/88. Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-400, filed 10/28/85.]

WAC 173-304-405 General facility requirements.

(1) Applicability. All applicable solid waste handling facilities shall meet the requirements of this section.

(2) Plan of operation. Each owner or operator shall develop, keep and abide by a plan of operation approved as part of the permitting process in WAC 173-304-600. The plan shall describe the facilities' operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health officer. The facility must be operated in accordance with the plan or the plan must be so modified with the approval of the jurisdictional health department. Owners or operators of drop boxes may develop a generic plan of operation applicable to all such drop boxes, owned or operated.

Each plan of operation shall include:

(a) How solid wastes are to be handled on-site during its active life;

(b) How inspections and monitoring are conducted and their frequency;

(c) Actions to take if there is a fire or explosion;

(d) Actions to take if leaks are detected;

(e) Corrective action programs to take if ground water is contaminated;

(f) Actions to take for other releases (e.g. failure of run-off containment system);

(g) How equipment such as leachate collection and gas collection equipment are to be maintained;

(h) A safety plan or procedure; and

(i) Other such details as required by the jurisdictional health department.

(3) Recordkeeping. Each owner or operator shall maintain daily operating records on the weights (or volumes), number of vehicles entering and, if available, the types of wastes received. Major deviations from the plan of operation shall also be noted on the operating record.

(4) Reporting. Each owner or operator shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by March 1 of each year. The annual report shall cover facility activities during the previous year and must include the following information:

(a) Name and address of the facility;

(b) Calendar year covered by the report;

(c) Annual quantity, in tons, or volume, in cubic yards, and estimated in-place density in pounds per cubic yard of solid waste handled, by type of solid waste if available, for each type of treatment, storage, or disposal facility, including applicable recycling facilities; and

(d) Results of ground water monitoring required in WAC 173-304-490.

(5) Inspections. The owner or operator shall inspect the facility to prevent malfunctions and deterioration, operator errors and discharges which may cause or lead to the release of wastes to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including at least the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection. Inspection records shall be available to the jurisdictional health department upon request.

(6) Recording with county auditor. Maps and a statement of fact concerning the location of the disposal site shall be recorded as part of the deed with the county auditor not later than three months after closure. Records and plans specifying solid waste amounts, location and periods of operation shall be submitted to the local zoning authority or the authority with jurisdiction over land use and be made available for inspection.

(7) State and local requirements. All solid waste disposal facilities shall comply with all state and local requirements such as zoning land use, fire protection, water pollution prevention, air pollution prevention, nuisance and aesthetics.

[Statutory Authority: RCW 70.95.215, 88-20-066 (Order 88-28), § 173-304-405, filed 10/4/88. Statutory Authority: Chapter 43.21A RCW, 85-22-013 (Order 85-18), § 173-304-405, filed 10/28/85.]

WAC 173-304-407 General closure and post-closure requirements. (1) Applicability. The requirements of subsections (2), (3), (4), and (5) of this section apply to all solid waste handling facilities. The requirements of subsections (6), (7), and (8) of this section apply to:

(a) Landfills subject to WAC 173-304-460 including limited purpose landfills under WAC 173-304-460(5);

(b) Surface impoundments under WAC 173-304-430 (2)(g) closed with waste remaining in place;

(c) Woodwaste landfills under WAC 173-304-462; and

(d) Landspreading disposal facilities under WAC 173-304-450(2).

(2) Effective dates. Existing facilities subject to the requirements of this section shall meet the applicable facility standards of this section within twelve months of the effective date of this regulation. All new or expanded facilities subject to the requirements of this section shall meet the applicable facility standards on the effective date of this regulation.

(3) Closure performance standard. Each owner or operator shall close their facility in a manner that:

(a) Minimizes the need for further maintenance;

(b) Controls, minimizes, or eliminates threats to human health and the environment from post-closure escape of solid waste constituents, leachate, landfill gases, contaminated rainfall or waste decomposition products to the ground, ground water, surface water, and the atmosphere; and

(c) Prepares the facility for the post-closure period.

(4) Closure plan and amendment(s). Closure as defined in WAC 173-304-100(11), includes but is not limited to grading, seeding, landscaping, contouring, and/or screening. For interim solid waste handling sites, closure includes waste removal and decontamination of the site.

(a) Each owner or operator shall develop, keep and abide by a plan of closure approved by the jurisdictional health department as part of the permitting process in WAC 173-304-600.

(b) The closure plan shall project time intervals at which sequential partial closure is to be implemented, and identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument.

(c) Each owner or operator shall not commence disposal operations in any part of a facility until a closure plan for the entire facility has been approved by the jurisdictional health department, and until a financial assurance instrument has been provided, as required by applicable laws and regulations.

(d) The jurisdictional health department shall approve, disapprove, or require amendment of the closure plan as part of the permitting process of WAC 173-304-600 in accordance with applicable laws and regulations.

(e) Each owner and operator shall close the facility in accordance with the approved closure plan and all approved amendments.

(5) Closure procedures.

(a) Each owner and operator shall notify the jurisdictional health department and where applicable, the financial assurance instrument trustee, of the intent to implement the closure plan in part or whole, no later than one hundred eighty days prior to the projected final receipt of waste at the entire facility unless otherwise specified in the closure plan.

(b) The owner or operator shall commence implementation of the closure plan in part or whole within thirty days after receipt of the final volume of waste and/or attaining the final landfill elevation at part of or at the entire facility as identified in the approved facility closure plan unless otherwise specified in the closure plan.

(c) Waste shall not be accepted for disposal or for use in closure except as identified in the closure plan approved by the jurisdictional health department, as required in subsection (3)(a) of this section.

(d) When facility closure is completed in part or whole, each owner and operator shall submit the following to the jurisdictional health department:

(i) Facility closure plan sheets signed by a professional engineer registered in the state of Washington and modified as necessary to represent as-built changes to final closure construction as approved in the closure plan;

(ii) Certification by the owner or operator, and a professional engineer registered in the state of Washington that the site has been closed in accordance with the approved closure plan.

(e) The jurisdictional health department shall notify the owner or operator and the department of ecology of the date when the facility post-closure period has begun, which period shall commence when the jurisdictional health department has verified the facility has been closed in accordance with the specifications of the approved closure plan and the closure requirements of this section.

(6) Post-closure performance standard. Each owner or operator shall provide post-closure activities to allow for continued facility maintenance and monitoring of air, land, and water as long as necessary for the facility to stabilize and to protect human health and the environment.

(7) Post-closure plan and amendment. For disposal facilities; post-closure includes ground water monitoring; surface water monitoring; gas monitoring; and maintenance of the facility, facility structures, and monitoring systems for their intended use for a period of twenty years and any other activities deemed appropriate by the jurisdictional health department.

(a) Each owner or operator shall develop, keep and abide by a post-closure plan approved as a part of the permitting process in WAC 173-304-600. The post-closure plan shall address facility maintenance and monitoring activities for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production or leachate generation), and monitoring of ground water, surface water, and gases can be safely discontinued.

(b) The post-closure plan shall project time intervals at which post-closure activities are to be implemented, and identify post-closure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated post-closure costs.

(c) Each owner or operator shall not commence disposal operations in any part of a facility until a post-closure plan for the entire facility has been approved by the jurisdictional health department, and until a financial assurance instrument has been provided where applicable, as required by WAC 173-304-467.

(d) Each owner or operator shall complete the post-closure activities in accordance with the approved post-

closure plan and schedule. Facility post-closure activities shall be completed in accordance with the approved post-closure plan or the plan shall be so amended with the approval of the jurisdictional health department.

(e) The jurisdictional health department may determine that a facility post-closure plan is invalid and require an owner or operator to amend the facility post-closure plan.

(i) The health department may direct facility post-closure activities, in part or whole, to cease until the post-closure plan amendment has received written approval by the health department.

(ii) When the health department determines a facility post-closure amendment is required, the health department shall, after consultation with the owner/operator, designate a compliance schedule for submittal of the amendment and its review and approval by the department.

(8) Post-closure procedures.

(a) Each owner or operator shall commence post-closure activities after completion of closure activities outlined in subsection (5)(d)(i) and (ii) of this section. The jurisdictional health department may direct that post-closure activities cease until the owner or operator receives a notice to proceed with post-closure activities.

(b) When post-closure activities are complete, the owner or operator shall certify to the jurisdictional health department, signed by the owner or operator, and a professional engineer registered in the state of Washington stating why post-closure activities are no longer necessary (i.e., little or no settlement, gas production, or leachate generation).

(c) If the jurisdictional health department finds that post-closure monitoring has established that the facility is stabilized (i.e., little or no settlement, gas production, or leachate generation), the health department may authorize the owner or operator to discontinue post-closure maintenance and monitoring activities.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-407, filed 10/4/88.]

WAC 173-304-410 Transfer stations, baling and compaction systems, and drop box facilities. (1) Applicability. All transfer stations, baling and compaction systems and drop boxes receiving solid waste from off-site shall meet the requirements of this section. Facilities receiving solid waste from on-site shall meet the requirements of WAC 173-304-200.

(2) Transfer stations, baling and compacting systems standards. Transfer stations, baling and compaction systems shall be designed, constructed, and operated so as to:

(a) Be surrounded by a fence, trees, shrubbery, or natural features so as to control access and be screened from the view of immediately adjacent neighbors, unless the tipping floor is fully enclosed by a building;

(b) Be sturdy and constructed of easily cleanable materials;

(c) Be free of potential rat harborage and provide effective means to control rodents, insects, birds and other vermin;

(d) Be adequately screened to prevent blowing of litter and to provide effective means to control litter;

(e) Provide protection of the tipping floor from wind, rain or snow other than below grade bins or detachable containers;

(f) Have an adequate buffer zone around the operating area to minimize noise and dust nuisances, and for transfer stations, baling, or compaction systems, a buffer zone of fifty feet from the active area to the nearest property line in areas zoned residential;

(g) Comply with local zoning and building codes including approved local variances and waivers;

(h) Provide pollution control measures to protect surface and ground waters, including run-off collection and discharge designed and operated to handle a twenty-four hour, twenty-five year storm and equipment cleaning and washdown water;

(i) Provide all-weather approach roads, exit roads, and all other vehicular areas;

(j) Provide pollution control measures to protect air quality including a prohibition against all burning and the development of odor and dust control plans to be made a part of the plan of operation in WAC 173-304-405(2);

(k) Prohibit scavenging;

(l) Provide attendant(s) on-site during hours of operation;

(m) Have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what constitutes materials not to be accepted and other necessary information posted at the site entrance;

(n) Have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency; and

(o) Remove all wastes at closure, as defined in WAC 173-304-100, from the facility to a permitted facility.

(3) Drop box facility standards. Drop box facilities, as defined in WAC 173-304-100, shall:

(a) Be constructed of durable water tight materials with a lid or screen on top that prevents the loss of materials during transport and access by rats and other vermin;

(b) Be located in an easily identifiable place accessible by all-weather roads;

(c) Be designed and serviced as often as necessary to ensure adequate dumping capacity at all times. Storage of solid waste outside the drop boxes is prohibited;

(d) Comply with subsection (2)(m) of this section, signs; and

(e) Remove all remaining wastes at closure, as defined in WAC 173-304-100, to a permitted facility, and remove the drop box from the facility.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-410, filed 10/28/85.]

WAC 173-304-420 Piles used for storage and treatment—Facility standards. (1) Applicability.

(a) This section is applicable to solid wastes stored or treated in piles as defined in WAC 173-304-100 where putrescible wastes (other than garbage) are in place for more than three weeks, other wastes not intended for recycling are in place for more than three months, and garbage is in place for more than three days. These standards are also applicable to composting or storing of garbage and sludge in piles,

and to tire piles where more than eight hundred tires are stored at one facility.

(b) Other solid wastes stored or treated in piles prior to waste recycling including compost piles of vegetative waste, piles of woodwaste used for fuel or raw materials are subject to WAC 173-304-300.

(c) Waste piles stored in fully enclosed buildings are not subject to these standards, provided that no liquids or sludges with free liquids are added to the pile.

(d) Inert wastes and demolition wastes are not subject to these standards.

(2) Requirements. All owners and operators shall:

(a) Comply with the requirements of the General facility requirements, WAC 173-304-405;

(b) Design piles located in a one hundred year flood plain to:

(i) Comply with local flood plain management ordinances and chapter 508-60 WAC, Administration of flood control zones; and

(ii) To avoid washout or restriction of flow; and

(c) Remove all solid wastes from the pile at closure to another permitted facility.

(3) Requirements for putrescible wastes or wastes likely to produce leachate.

(a) Waste piles shall be placed upon a surface such as sealed concrete, asphalt, clay or an artificial liner underlying the pile, to prevent subsurface soil and potential ground water contamination and to allow collection of run-off and leachate. The liner shall be designed of sufficient thickness and strength to withstand stresses imposed by pile handling vehicles and the pile itself;

(b) Run-off systems shall be installed, designed and maintained to handle a twenty-four hour, twenty-five year storm event;

(c) Waste piles having a capacity of greater than ten thousand cubic yards shall have either:

(i) A ground water monitoring system that complies with WAC 173-304-490; or

(ii) A leachate detection, collection and treatment system.

For purposes of this subsection, capacity refers to the total capacity of all putrescible or leachate-generating piles at one facility (i.e., two, five thousand cubic yard piles will subject the facility to the requirements of this subsection).

(d) Run-on prevention systems shall be designed and maintained to handle the maximum flow from a twenty-five year storm event; and

(e) A jurisdictional health department may require that the entire base or liner shall be inspected for wear and integrity and repaired or replaced by removing stored wastes or otherwise providing inspection access to the base or liner; the request shall be in writing and cite the reasons including valid ground water monitoring or leachate detection data leading the jurisdictional health department to request such an inspection, repair or replacement.

(4) Requirements for tire piles. Owners or operators shall:

(a) Control access to the tire pile by fencing;

(b) Limit the tire pile to a maximum of one-half acre in size;

(c) Limit the height of the tire pile to twenty feet;

- (d) Provide for a thirty foot fire lane between tire piles; and
- (e) Provide on-site fire control equipment.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-420, filed 10/28/85.]

WAC 173-304-430 Surface impoundment standards.

(1) Applicability.

(a) These standards are applicable to solid wastes that are liquids or sludges containing free liquids as defined in WAC 173-304-100 and applicable under WAC 173-304-015(2) and are stored or treated in surface impoundments;

(b) These standards are also applicable to sludges and septage stored or treated in surface impoundments; and

(c) These standards are not applicable to:

(i) Surface impoundments whose facilities and discharges are otherwise regulated under federal, state, or local water pollution permits; and

(ii) Retention or detention basins used to collect and store stormwater runoff.

(2) Requirements. All surface impoundments must be designed, constructed, and operated so as to:

(a) Meet the performance standards of WAC 173-304-460(2);

(b) Have an in-place or imported soil liner of at least two feet of 1×10^{-7} cm/sec permeability or an equivalent combination of any thickness greater than two feet and a greater permeability to protect the underlying aquifers or a thirty mil reinforced artificial liner placed on top of a structurally stable foundation to support the liners and solid waste and to prevent settlement that would destroy the liner; natural soils shall be recompacted to achieve an equivalent permeability. Owners or operators shall be allowed to use alternative designs, operating practices and locational characteristics which prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection;

(c) Avoid washout including the use of an extended liner or dikes or restriction of flow in the one hundred year floodplain and to comply with local floodplain management ordinances and chapter 508-60 WAC, Administration of flood control zones;

(d) Have dikes designed with slopes so as to maintain the structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action;

(e) Have the freeboard equal to or greater than eighteen inches to avoid overtopping from wave action, overfilling, or precipitation;

(f) Have either a ground water monitoring system, or a leachate detection, collection and treatment system, for surface impoundments having a capacity of more than two million gallons unless the jurisdictional health department and the department require either for smaller surface impoundments. For purposes of this subsection, capacity refers to the total capacity of all surface impoundments on-site (i.e., two, one million gallon surface impoundments on one site will trigger these monitoring requirements);

(g) Be closed in a manner which removes all solid wastes including liners, etc. to another permitted facility and the site returned to its original or acceptable topography except that surface impoundments closed with the waste

remaining in place shall meet the requirements of WAC 173-304-407 and 173-304-130;

(h) A jurisdictional health department may require that the liner be inspected for wear and integrity and repaired or replaced by removing stored solid wastes or otherwise inspecting the liner or base at any time. The request shall be in writing and cite the reasons including valid ground water monitoring or leachate detection data leading to such an inspection and repair;

(i) Surface impoundments containing septage will also be subject to the department's "criteria for sewage works design" used to review plans for septage surface impoundments; and

(j) Surface impoundments that have the potential to impound more than ten acre-feet of waste measured from the top of the dike and which would be released by a failure of the containment dike shall be reviewed and approved by the dam safety section of the department.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-430, filed 10/4/88. Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-430, filed 10/28/85.]

WAC 173-304-440 Energy recovery and incinerator standards. (1) Applicability. These standards apply to all facilities designed to burn more than twelve tons of solid waste per day, except for facilities burning woodwaste or gases recovered at a landfill.

(2) Requirements for energy recovery facilities and incinerators.

(a) Incinerators and energy recovery facilities storing putrescible wastes shall be confined to storage compartments specifically designed to store wastes temporarily in piles, surface impoundments, tanks or containers. The storage facilities shall meet the facility standards of WAC 173-304-400. Storage of wastes other than in the specifically designed storage compartments is prohibited. Equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as may be required in order to maintain the plant in a sanitary and clean condition;

(b) All residues from energy recovery facilities or incinerator facilities shall be used, handled or disposed of as solid or dangerous wastes according to these standards or the standards of the dangerous waste regulation, chapter 173-303 WAC;

(c) Each owner or operator of an energy recovery facility or incinerator facility shall comply with WAC 173-304-405. The plan of operation shall address alternative storage, and/or disposal plans for all breakdowns that would result in overfilling of the storage facility;

(d) Energy recovery facilities and incinerators must be designed, constructed and operated in a manner to comply with appropriate state and local air pollution control authority emission and operating requirements;

(e) Each owner or operator shall close their energy recovery facility or incinerator by removing all ash, solid wastes and other residues to a permitted facility;

(f) Each owner or operator of an energy recovery facility or incinerator shall be required to provide recycling facilities in a manner equivalent to WAC 173-304-460 (4)(f); and

(g) Owners or operators of energy recovery facilities or incinerators shall not knowingly dispose of, treat, store or otherwise handle dangerous waste unless the requirements of chapter 173-303 WAC are met.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-440, filed 10/28/85.]

WAC 173-304-450 Landspreading disposal standards. (1) Applicability. These standards apply to facilities that engage in landspreading disposal of solid wastes. These standards do not apply to:

(a) Facilities utilizing sludge, woodwaste or other primarily organic sludges according to the *Municipal and Domestic Sludge Utilization Guidelines* WDOE 82-11, specified in WAC 173-304-300 (4) and (5);

(b) Agricultural solid wastes resulting from the operation of a farm including farm animal manure and agricultural residues; and

(c) Inert wastes and demolition wastes.

(2) Owners or operators of landspreading disposal facilities shall meet the minimum functional standards for performance of WAC 173-304-460(2) and the general facilities standards of WAC 173-304-405.

(3) Owners or operators of landspreading disposal facilities shall meet the locational standards of WAC 173-304-130.

(4) Minimum functional standard for design. Owners or operators of landspreading disposal facilities shall design landspreading facilities so as to:

(a) Provide interim waste storage facilities that meet the requirements of WAC 173-304-400 standards (i.e., for piles, surface impoundments, etc.);

(b) Collect and treat all run-off from a twenty-four hour, twenty-five year storm, and divert all run-on for the maximum flow of a maximum twenty-five year storm around the active area;

(c) Avoid standing water anywhere on the active area;

(d) Avoid slopes and other features that will lead to soil and waste erosion, unless contour plowing or other measures are taken to avoid erosion;

(e) Monitor ground water according to WAC 173-304-490; and

(f) Control access to site by fencing or other means and erect signs.

(5) Minimum functional standards for maintenance and operation. Owners or operators of landspreading disposal facilities shall maintain and operate the facilities so as to:

(a) Avoid any landspreading disposal of garbage or medical waste;

(b) Analyze solid wastes according to the requirements spelled out in the *Municipal and Domestic Sludge Utilization Guidelines* WDOE 82-11;

(c) Avoid applying wastes at rates greater than ten times agronomic rates using the proposed cover crop, or depths greater than would allow for discing the soil by tracked vehicles;

(d) Provide discing of soils during the growing season and after each application of waste to maintain aerobic soil conditions, minimize odors and lessen run-off;

(e) Avoid applying waste to any active area having standing water;

(f) Conform to the operating plan and the requirements of WAC 173-304-405;

(g) Avoid food chain crops during the active life of the facility and until demonstrated to be safe, after closure, according to the closure and post-closure plans filed with the plan of operation. Specific approval in writing from the jurisdictional health department is required for any landspreading disposal facility that is used to raise food crops after closure. Any new owner or operator of a closed landspreading disposal facility shall notify the jurisdictional health department within sixty days of the purchase; and

(h) Provide for a written contract between landowners, waste generators, waste haulers and waste operators requiring compliance with rules as a condition of the contract.

(6) Minimum functional standards for closure.

(a) All owners or operators of landspreading disposal facilities shall close in such a manner as to comply with WAC 173-304-407;

(b) Financial assurance. All owners or operators of landspreading disposal facilities shall have a written estimate, in current dollars, of the cost of closing the facility. The closure cost estimate must equal the cost of closure at the point in the operating life of the facility when the extent and manner of operation would make closure the most expensive, as indicated by the closure plan.

In addition, all facilities shall have a written post-closure estimate, in current dollars, the cost of post-closure monitoring and maintenance during the post-closure period.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-450, filed 10/4/88. Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-450, filed 10/28/85.]

WAC 173-304-460 Landfilling standards. (1) Applicability. These standards apply to facilities that dispose of solid waste in landfills except for:

(a) Inert wastes and demolition wastes landfills, that must meet WAC 173-304-461 standards; and

(b) Woodwaste landfills that must meet WAC 173-304-462 standards.

(2) Minimum functional standards for performance.

(a) Ground water. An owner or operator of a landfill shall not contaminate the ground water underlying the landfill, beyond the point of compliance. Contamination and point of compliance are defined in WAC 173-304-100.

(b) Air quality and toxic air emissions.

(i) An owner or operator of a landfill shall not allow explosive gases generated by the facility whose concentration exceeds:

(A) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding gas control or recovery system components);

(B) The lower explosive limit for the gases at the property boundary or beyond; and

(C) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures.

(ii) An owner or operator of a landfill shall not cause a violation of any ambient air quality standard at the property boundary or emission standard from any emission of landfill gases, combustion or any other emission associated with a landfill.

(c) Surface waters. An owner or operator of a landfill shall not cause a violation of any receiving water quality standard or violate chapter 90.48 RCW from discharges of surface run-off, leachate or any other liquid associated with a landfill.

(3) Minimum functional standards for design.

(a) Minimizing liquids. All owners or operators of landfills shall minimize liquids admitted to active areas of landfills by:

(i) Covering according to WAC 173-304-460 (4)(d);

(ii) Prohibiting the disposal of noncontainerized liquids or sludges containing free liquids in landfills unless approved by the jurisdictional health department;

(iii) Designing the landfill to prevent all the run-on of surface waters and other liquids resulting from a maximum flow of a twenty-five year storm into the active area of the landfill;

(iv) Designing the landfill to collect the run-off of surface waters and other liquids resulting from a twenty-four hour, twenty-five year storm from the active area and the closed portions of a landfill;

(b) Leachate systems. All owners or operators of landfills shall:

(i) Install a leachate collection system sized according to water balance calculations or using other accepted engineering methods either of which shall be approved by the jurisdictional health department;

(ii) Install a leachate collection system so as to prevent no more than two feet of leachate developing at the topographical low point of the active area; and

(iii) Install a leachate treatment, or a pretreatment system if necessary in the case of discharge to a municipal waste water treatment plant, to meet the requirements for permitted discharge under chapter 90.48 RCW and the Federal Clean Water Act (PL 95-217).

(c) Liner designs. All owners or operators of landfills shall use liners of one of the following designs:

(i) Standard design. The liner shall be constructed of at least a four feet thick layer of recompacted clay or other material with a permeability of no more than 1×10^{-7} cm/sec and sloped no less than two percent; or

(ii) Alternative design. The design shall have two liners:

(A) An upper liner of at least fifty mils thickness made of synthetic material; and

(B) A lower liner of at least two feet thickness of recompacted clay or other material with a permeability of no more than 1×10^{-6} cm/sec and sloped no less than two percent; or

(iii) Equivalent design. The design shall use alternative methods, operating practices and locational characteristics which will minimize the migration of solid waste constituents or leachate into the ground or surface water at least as effectively as the liners of (c)(i) and (ii) of this subsection; or

(iv) Arid design. This design will apply to locations having less than twelve inches of precipitation annually, and, in lieu of (c)(i), (ii), and (iii) of this subsection, shall consist of vadose zone moisture monitoring, provided that:

(A) Waste material is no less than ten feet above the seasonal high level of ground water in the uppermost aquifer; and

(B) Any evidence of leachate or waste constituents detected in the vadose zone that violates or could be expected to violate the performance standard of WAC 173-304-460(2) shall cause the owner or operator to:

(I) Take corrective action, and either

(II) Close the facility according to these rules, or

(III) For all future expansions at that facility, meet the liner requirement of (c)(i) or (ii) of this subsection.

(v) Small landfill designs. For a landfill whose design and permit allow a total capacity at closure of two hundred thousand cubic yards or less, the need for a liner and leachate collection system shall be determined on a case-by-case basis by the jurisdictional health department in consultation with the department.

(d) Floodplains. All owners or operators of landfills that are located in a one hundred year floodplain shall:

(i) Comply with local floodplain management ordinances and chapter 508-60 WAC, Administration of flood control zones; and

(ii) Design the landfill so that the landfill entrance or exit roads or practices shall not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste, so as to pose a hazard to human life, wildlife, land or water resources.

(e) Closure. All owners and operators shall design landfills so that at closure:

(i) At least two feet of 1×10^{-6} cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts unless the landfill is located in an area having mean annual precipitation of less than twelve inches in which case at least two feet of 1×10^{-5} cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts. Artificial liners may replace soil covers provided that a minimum of fifty mils thickness is used;

(ii) The grade of surface slopes shall not be less than two percent, nor the grade of side slopes more than thirty-three percent; and

(iii) Final cover of at least six inches of topsoil be placed over the soil cover and seeded with grass, other shallow rooted vegetation or other native vegetation.

(f) Gas control.

(i) All owners and operators shall design landfills, having a permitted capacity of greater than ten thousand cubic yards per year, so that methane and other gases are continuously collected, and

(A) Purified for sale;

(B) Flared; or

(C) Utilized for its energy value.

(ii) Collection and handling of landfill gases shall not be required if it can be shown that little or no landfill gases will be produced or that landfill gases will not support combustion; in such cases installation of vents shall be required.

(g) Other requirements. All owners and operators of landfills shall design landfills to:

(i) Be fenced at the property boundary or use other means to impede entry by the public and animals. A lockable gate shall be required at the entry to the landfill;

(ii) Monitor ground water according to WAC 173-304-490 using a design approved by the local jurisdictional health department with the guidance of the department. The jurisdictional health department may also require monitoring of:

- (A) Surface waters, including run-off;
 - (B) Leachate;
 - (C) Subsurface landfill gas movement and ambient air;
- and
- (D) Noise.

(iii) Weigh all incoming waste on scales for landfills having a permitted capacity of greater than ten thousand cubic yards per year or provide an equivalent method of measuring waste tonnage capable of estimating total annual solid waste tonnage to within plus or minus five percent;

(iv) Provide for employee facilities including shelter, toilets, hand washing facilities and potable drinking water for landfills having the equivalent of three or more full-time employees;

(v) Erect a sign at the site entrance that identifies at least the name of site, if applicable, the hours during which the site is open for public use, unacceptable materials and an emergency telephone number. Other pertinent information may be required by the jurisdictional health department;

(vi) Provide on-site fire protection as determined by the local and state fire control jurisdiction;

(vii) Prevent potential rat and other vectors (such as insects, birds, and burrowing animals) harborage in buildings, facilities, and active areas;

(viii) Provide the unloading area(s) to be as small as possible, consistent with good traffic patterns and safe operation;

(ix) Provide approach and exit roads to be of all-weather construction, with traffic separation and traffic control on-site, and at the site entrance; and

(x) Provide communication between employees working at the landfill and management offices on-site and off-site (such as telephones) to handle emergencies.

(4) Minimum functional standards for maintenance and operation.

(a) Operating plans. All owners or operators of landfills shall maintain and operate the facility so as to conform to the approved plan of operation.

(b) Operating details. All owners or operators of landfills shall operate the facility so as to:

(i) Control road dust;

(ii) Perform no open burning unless permitted by the jurisdictional air pollution control agency or the department under the Washington Clean Air Act, chapter 70.94 RCW. Garbage shall not be open burned.

(iii) Collect scattered litter as necessary to avoid a fire hazard or an aesthetic nuisance;

(iv) Prohibit scavenging;

(v) Conduct on-site reclamation in an orderly sanitary manner, and in a way that does not interfere with the disposal site operation;

(vi) Insure that at least two landfill personnel are on-site with one person at the active face when the site is open to the public for landfills with a permitted capacity of greater than fifty thousand cubic yards per year;

(vii) Control insects, rodents and other vectors; and

(viii) Insure that reserve operational equipment shall be available to maintain and meet these standards.

(c) Boundary posts. All owners or operators of landfills shall clearly mark the active area boundaries authorized in the permit, with permanent posts or using equivalent method clearly visible for inspection purposes.

(d) Compaction and daily cover. All owners or operators of landfills shall:

(i) Thoroughly compact the solid waste before succeeding layers are added; and

(ii) Cover compacted waste containing garbage fully with at least six inches of compacted cover material after each day of operation. The jurisdictional health department may allow less frequent covering by considering:

(A) The characteristics of the solid waste;

(B) The climatic and geologic setting;

(C) The size of the facility; and

(D) The potential for nuisance conditions.

(e) Monitoring systems. All owners and operators of landfills shall maintain the monitoring system required in subsection (3)(g)(ii) of this section.

(f) Recycling required.

(i) All owners or operators of landfills at which the general public delivers household solid waste shall provide the opportunity for the general public to recycle cans, bottles, paper and other material for which a market exists and brought to the landfill site:

(A) During the normal hours of operation;

(B) In facilities convenient to the public (i.e., near entrance to the gate).

(ii) Owners or operators may demonstrate alternative means to providing an opportunity to the general public to recycle household solid waste.

(g) Disposal of dangerous waste prohibited. Owners or operators of landfills shall not knowingly dispose, treat, store, or otherwise handle dangerous waste unless the requirements of the dangerous waste regulation, chapter 173-303 WAC are met.

(5) Limited purpose landfill standards.

(a) Limited purpose landfills shall meet the following requirements:

(i) The general facility standards of WAC 173-304-405;

(ii) The general closure and post-closure standards of WAC 173-304-407;

(iii) The performance standards of WAC 173-304-460(2);

(iv) The financial assurance standards of WAC 173-304-467 and 173-304-468; and

(v) The ground water monitoring standards of WAC 173-304-490.

(b) In addition, limited purpose landfills must meet all other standards of WAC 173-304-130 and 173-304-460 unless the owner or operator applies for relief from each of these requirements as part of his permit application and includes evidence or reasons why the nature of the waste, the disposal site and other factors can protect the environment and the public health.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-460, filed 10/4/88. Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-460, filed 10/28/85.]

WAC 173-304-461 Inert waste and demolition waste landfilling facility requirements. (1) Applicability. These standards apply to facilities that landfill more than two thousand cubic yards of inert wastes and demolition wastes, as defined in WAC 173-304-100, including facilities that use inert waste and demolition waste as a component of fill.

Inert wastes and demolition wastes used as road building materials are excluded from this section. These standards do not apply to asbestos containing waste regulated under the federal 40 CFR Part 61 rules and the dangerous waste regulation, chapter 173-303 WAC.

(2) Inert wastes and demolition waste landfilling facilities shall not be subject to the Locational standards for disposal sites, WAC 173-304-130 except for WAC 173-304-130 (2)(f), slope.

(3) Owners or operators of inert waste and demolition waste landfill shall maintain a record of the weights or volumes and types of waste disposed of at each site.

(4) Owners or operators of inert wastes and demolition landfills shall employ measures to prevent emission of fugitive dusts, when weather conditions or climate indicate that transport of dust off-site is liable to create a nuisance. Preventative measures include watering of roads and covering.

(5) Timbers, wood and other combustible waste shall be covered as needed during the summer months to avoid a fire hazard.

(6) Owners or operators of inert wastes and demolition landfills shall close the facility by leveling the wastes to the extent practicable and shall fill any voids posing a physical hazard for persons after closure and to maintain an aesthetic appearance. A minimum of one foot of soil cover shall be used to close landfills.

(7) Owners or operators of inert waste and demolition waste landfills shall obtain a permit, as set forth in WAC 173-304-600 from the jurisdictional health department.

(8) Owners or operators of inert wastes and demolition landfills shall meet the requirements of WAC 173-304-405(7), recording with the county auditor.

(9) Owners or operators of inert waste or demolition waste landfills shall not accept any other form of waste except inert waste and demolition waste.

(10) Owners or operators of inert waste and demolition waste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e., lockable gate or barrier) when the facility is not being used.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-461, filed 10/28/85.]

WAC 173-304-462 Woodwaste landfilling facility requirements. (1) Applicability. These requirements apply to facilities that landfill more than two thousand cubic yards of woodwaste including facilities that use woodwaste as a component of fill. Woodwaste is defined in WAC 173-304-100. These standards are not applicable to woodwaste landfills on forest lands regulated under the Forest Practices Act, chapter 76.09 RCW.

(2) Minimum functional standards.

(a) Woodwaste landfills are not subject to WAC 173-304-130 standards, Locational standards for disposal sites, except for WAC 173-304-130 (2)(e) surface water locational standards and WAC 173-304-130 (2)(b)(iii) down gradient drinking water supply wells. Woodwastes may be used as a component of fill within a shoreline and associated wetlands only if a demonstrated and proven technology to prevent ground and surface water contamination is used.

(b) Owners or operators of woodwaste landfills shall maintain a record of the weights or volumes of waste disposed of at each facility.

(c) Owners or operators of woodwaste landfills shall not accept any other wastes except woodwaste.

(d) Owners or operators of woodwaste landfills shall prevent run-on from a maximum twenty-five year storm.

(e) All wood waste landfills having a capacity of greater than ten thousand cubic yards at closure shall either:

(i) Have a ground water monitoring system that complies with WAC 173-304-490 and the woodwaste landfill meet the performance standards of WAC 173-304-460(2); or

(ii) Have a leachate collection and treatment system.

(f) Owners or operators of woodwaste landfills shall not deposit woodwaste in lifts to a height of more than ten feet per lift with at least one foot of cover material between lifts to avoid hot spots and fires in the summer and to avoid excessive build-up of leachate in the winter, and shall compact woodwaste as necessary to prevent voids.

(g) Owners or operators of woodwaste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e., lockable gate or barrier), when the facility is not being used.

(h) Owners or operators of woodwaste landfills shall close the facility by leveling and compacting the wastes and applying a compacted soil cover of at least two feet thickness.

(i) Owners or operators of woodwaste landfills shall obtain a permit as set forth in WAC 173-304-600 from the jurisdictional health department.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-462, filed 10/28/85.]

WAC 173-304-463 Problem waste landfills. (Reserved)

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-463, filed 10/28/85.]

WAC 173-304-467 Financial assurance for public facilities. (1) Applicability.

(a) These standards apply to all new and expanded landfill disposal facilities, and to existing landfill disposal facilities that have not been closed on or before November 27, 1989. Landfill disposal facilities include:

(i) All solid waste facilities operated as landfills under WAC 173-304-460, including limited purpose landfills under WAC 173-304-460(5);

(ii) Facilities operated as surface impoundments under WAC 173-304-430 that are closed with the waste remaining in place and therefore required to meet the requirements of WAC 173-304-407; and

(iii) Woodwaste landfills operated under WAC 173-304-462;

(b) For the purposes of this section, landfill disposal facilities are divided into the following ownership/use categories:

(i) A privately-owned facility that accepts waste from the general public;

(ii) A publicly-owned facility that accepts waste from the general public.

(c) For the purposes of this section, publicly-owned or operated facilities may set up one account for both closure and post-closure care of each facility.

(2) Cost estimate for closure.

(a) Each owner or operator shall prepare a written closure cost estimate as part of the facility closure plan. The closure cost estimate shall be in current dollars and represent the cost of closing the facility in accordance with the closure requirements in WAC 173-304-407.

(i) The cost estimate shall be based on a reasonable cost estimate for completing design, purchase, construction, and other activities as identified in the facility closure plan as required under WAC 173-304-407;

(ii) The closure plan shall project intervals for withdrawal of closure funds from the closure financial assurance instrument to complete the activities identified in the approved closure plan;

(iii) The closure cost estimate shall not be reduced by allowance for salvage value of equipment, waste, or the resale value of property or land;

(b) Each owner or operator shall prepare a new closure cost estimate in accordance with (a) and (c) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure plan;

(ii) There is a change in the expected year of closure that affects the closure plan; or

(iii) The jurisdictional health department directs the owner or operator to revise the closure plan or closure cost estimate.

(c) Each owner or operator shall review the closure cost estimate annually thirty days prior to the anniversary date of the first closure cost estimate. The review will examine all factors, including inflation, involved in estimating the closure cost. Any cost changes must be factored into a revised closure cost estimate and submit the revised cost estimate to the jurisdictional health department for review and approval.

(d) During the operating life of the facility, the owner or operator shall make the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and when this estimate has been adjusted in accordance with (c) of this subsection, made available for review.

(3) Financial assurance account for closure. Each owner or operator of an applicable landfill disposal facility shall establish a financial assurance account in an amount that, over the life of the facility, will accumulate funds to be equal to the closure cost estimate prepared in accordance with subsection (2) of this section unless otherwise specified.

(a) Landfill disposal facilities that accept waste from the general public shall choose from the following options or combination of options for accounting for the financial assurance account:

(i) For landfill disposal facilities owned or operated by municipal corporations, the closure and post-closure reserve account shall be handled in one of the following ways:

(A) Cash and investments accumulated and restricted for closure with an equivalent amount of fund balance reserved in the fund accounting for solid waste activity; or

(B) The cash and investments held in a nonexpendable trust fund.

(C) Other approved method.

(ii) Closure trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the local health department. The purpose of the closure trust fund is to receive and manage any funds paid by the owner or operator and to disburse those funds only for closure activities as identified in the approved closure plan.

(b) For private disposal facilities that accept public waste, established closure financial assurance accounts shall not constitute an asset of the facility owner or operator.

(c) During the operating life of the facility, the owner or operator must review the closure cost estimate thirty days before each anniversary of the date on which the first closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the closure cost estimate. Any changes in costs shall be factored into a revised closure cost estimate. The new estimate shall be submitted to the jurisdictional health department for review and approval.

(d) For disposal facilities of this section, any income in excess of the closure cost estimate accruing to the established closure financial assurance account will be at the owner's discretion as to the use of said funds.

(e) Excess moneys remaining in the closure financial assurance account after the completion of all identified closure activities will be released to the facility owner or operator.

(4) Cost estimate for post-closure.

(a) Each owner or operator shall prepare a written post-closure cost estimate as part of the facility post-closure plan. The post-closure cost estimate shall be in current dollars and represent the total cost of completing post-closure activities for the facility for at least a twenty-year post-closure period in accordance with the post-closure requirements in WAC 173-304-407.

(i) The post-closure cost estimate shall be based on a reasonable cost estimate for completing post-closure monitoring, maintenance, and other activities identified in the approved facility post-closure plan as required under WAC 173-304-407;

(ii) The post-closure plan shall project annual or other intervals for withdrawal of post-closure funds from the post-closure financial assurance instrument to complete the activities identified in the approved post-closure plan;

(iii) The post-closure cost estimate shall not be reduced by allowance for salvage, value of equipment, waste, or resale value of property or land.

(b) Each owner or operator shall prepare a new post-closure cost estimate for the remainder of the post-closure care twenty-year period in accordance with (a) and (c) of this subsection, whenever:

(i) Change in the post-closure plan increases or decreases the cost of post-closure care; or

(ii) The jurisdictional health department directs the owner or operator to revise the post-closure plan or post-closure cost estimate.

(c) During the operating life of the facility, the owner or operator shall review the post-closure cost estimate thirty days prior to each anniversary of the date on which the first post-closure cost estimate was prepared. The review shall

examine all factors, including inflation, involved in estimating the post-closure cost estimate. Any changes in costs must be factored into a revised post-closure cost estimate. The new estimate must be submitted to the jurisdictional health department for approval.

(d) During the operating life of the facility, the owner or operator shall keep the latest post-closure cost estimate prepared in accordance with (a) and (b) of this subsection, available for review.

(5) Financial assurance account for post-closure. Each owner or operator of a landfill disposal facility shall establish a financial assurance account in an amount equal to the post-closure cost estimate prepared in accordance with subsection (4) of this section.

(a) Applicable landfill disposal facilities that accept waste from the general public shall choose from the following options or combinations of options for accounting for the financial assurance account:

(i) For landfill disposal facilities owned or operated by municipal corporations, the post-closure reserve shall be handled in one of the following ways:

(A) Cash and investments accumulated and restricted for post-closure with an equivalent amount of fund balance reserved in the fund accounting for solid waste activity;

(B) Cash and investments held in a nonexpendable trust fund.

(C) Other approved method.

(ii) Post-closure trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department of ecology. The purpose of the post-closure trust fund is to receive and manage any funds paid by the owner or operator and to disburse those funds only for post-closure activities as identified in the approved post-closure plan.

(b) For disposal facilities as categorized in subsection (1)(b) of this section, established post-closure financial assurance accounts shall not constitute an asset of the facility owner or operator.

(c) For applicable disposal facilities of this section any income accruing to the established post-closure financial assurance account will be at the owner's discretion as to the use of said excess funds.

(d) Excess moneys remaining in the post-closure financial assurance account after the completion of all identified post-closure activities shall be released to the facility owner or operator.

(6) Closure/post-closure financial assurance account establishment and reporting.

(a) Closure and post-closure financial assurance funds shall be generated at each facility by transferring a percentage of the facility user fees to the selected financial assurance instrument at the schedule specified in the closure and post-closure plans, such that adequate closure and post-closure funds will be generated to ensure full implementation of the approved closure and post-closure plans.

(b) Each facility owner or operator must establish a procedure with the financial assurance instruments trustee for notification of nonpayment of funds to be sent to the jurisdictional health department and the department of ecology.

(c) Each owner or operator shall file with the department of ecology an annual audit of the financial assurance accounts established for closure and post-closure activities, and a statement of the percentage of user fees, as applicable, diverted to the financial assurance instruments.

(i) For landfill disposal facilities owned and operated by municipal corporations, the closure reserve account shall be audited according to the audit schedule of the office of state auditor and shall be filed with the department of ecology, including each of the post-closure care years.

(ii) For landfill disposal facilities not owned or operated by municipal corporations:

(A) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington, and shall be filed with the department of ecology no later than March 31 of each year for the previous calendar year, including each of the post-closure care years.

(B) The audit shall also include calculations demonstrating the proportion of closure completed during the preceding year as specified in the closure and post-closure plans.

(d) Existing landfill disposal facilities may submit a written request with their annual audit to the department of ecology requesting a waiver from utilizing user fees to generate the moneys necessary for the closure and/or post-closure financial assurance account.

(i) The waiver request should provide documentation to demonstrate the facility user fees are prohibitively high, and include alternate method(s) for funding the facility's closure and/or post-closure financial assurance account;

(ii) The waiver request review procedure will be according to WAC 173-304-700.

(7) Authorization for financial assurance account fund withdrawal for closure and post-closure activities.

(a) Each owner or operator will withdraw funds from the closure and/or post-closure financial assurance instrument as specified in the approved closure/post-closure plans;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure and/or post-closure plan, the closure and/or post-closure plan shall be amended.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-467, filed 10/4/88.]

WAC 173-304-468 Financial assurance for private landfill disposal facilities. (1) Applicability.

(a) For the purposes of this regulation private landfill disposal facilities are privately-owned facilities that do not accept waste from the general public and dispose of only their own generated waste.

(b) These standards apply to all new and expanded landfill disposal facilities, and to existing landfill disposal facilities that have not been closed on or before November 27, 1989. Landfill disposal facilities include:

(i) Facilities operated as surface impoundments under WAC 173-304-430 that are closed with waste remaining in place and therefore required to meet the requirements of WAC 173-304-407; and

(ii) Woodwaste landfills operated under WAC 173-304-462.

(2) Cost estimates for closure and post-closure.

(a) Each owner or operator shall prepare separate written closure and post-closure cost estimates as part of the facility closure and post-closure plans. The cost estimates shall be in current dollars and represent the cost of closing or post-closure care of the facility for a period of twenty years in accordance with the closure requirements in WAC 173-304-407.

(i) The cost estimate shall be based on a reasonable cost estimate for completing design, purchase, construction, and other activities as identified in the facility closure or post-closure plan as required under WAC 173-304-407;

(ii) The closure and post-closure plans shall project intervals for withdrawal of funds from the closure or post-closure financial assurance instrument to complete the activities identified in the approved closure or post-closure plan;

(iii) The closure and post-closure cost estimate shall not be reduced by allowance for salvage value of equipment, waste, or the resale value of property or land.

(b) Each owner or operator shall prepare a new closure or post-closure cost estimate in accordance with (a) and (c) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure or post-closure plans;

(ii) There is a change in the expected year of closure that affects the closure plan; or

(iii) The jurisdictional health department directs the owner or operator to revise the closure or post-closure plan or closure or post-closure cost estimate.

(c) Each owner or operator shall review the closure and post-closure cost estimate thirty days prior to the anniversary date of the date on which the first closure and post-closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the closure and post-closure cost. Any cost changes shall be factored into a revised closure or post-closure cost estimate and submit the revised cost estimate to the jurisdictional health department and the department of ecology.

(d) During the operating life of the facility, the owner or operator must keep the latest closure and post-closure cost estimate prepared in accordance with (a) and (b) of this subsection, and when this estimate has been adjusted in accordance with (c) of this subsection, available for review.

(e) The department of ecology will evaluate each cost estimate for completeness, and may accept, or require a revision of the cost estimate in accordance with its evaluation.

(3) Financial assurance mechanism for closure and post-closure. Each owner or operator of an applicable landfill disposal facility shall establish financial assurance mechanisms in an amount equal to the closure cost estimate and post-closure cost estimate prepared in accordance with subsection (2) of this section.

(a) Applicable landfill disposal facilities shall provide one or more of the following financial assurance instruments:

(i) Closure and post-closure trust funds established with an entity which has authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department of ecology. The purpose of the closure and post-closure trust funds is to receive and manage any funds paid by the owner or operator and to disburse

those funds only for closure or post-closure activities as identified in the approved closure and post-closure plan;

(ii) Surety bond guaranteeing payment into a closure and post-closure trust fund issued by a surety company listed as acceptable in Circular 570 of the United States Treasury Department or as hereafter amended. The wording of the surety bond(s) must be acceptable to the department. A standby closure and post-closure trust fund must also be established by the permittee. The purpose of the standby closure or post-closure trust fund is to receive any funds that may be paid by the operator or surety company. The bond must guarantee that the permittee will either fund the standby closure or post-closure trust in an amount equal to the penal sum of the bond before the site stops receiving waste. The surety shall become liable on the bond obligation if the permittee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the notice of cancellation has been received by both the permittee and the local health department. If the permittee has not provided alternate financial assurance acceptable under this section within ninety days of the cancellation notice, the surety must pay the amount of the bond into the standby closure or post-closure trust account;

(iii) Surety bond guaranteeing performance of closure or post-closure issued by a surety company listed as acceptable in Circular 570 of the United States Treasury Department or as hereafter amended. The wording of the surety bond must be acceptable to the department of ecology. A standby closure and post-closure trust fund must also be established by the permittee. The purpose of the standby closure or post-closure trust fund is to receive any funds that may be paid by the surety company. The bond must guarantee that the permittee will perform final closure or post-closure activities. The surety shall become liable on the bond obligation if the permittee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the notice of cancellation has been received by the permittee and the local health department. If the permittee has not provided alternative financial assurance acceptable under this section within ninety days of the cancellation notice, the surety must pay the amount of the bond into the standby closure or post-closure trust account;

(iv) Closure or post-closure irrevocable letter of credit issued by an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency. The wording of the letter of credit must be acceptable to the department. Standby closure and post-closure trust funds must also be established by the permittee. The purpose of the standby trust funds is to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit must be irrevocable and issued for a period of at least one year unless the issuing institution notifies both the permittee and the local health department at least one hundred twenty days before the current expiration date. If the permittee fails to perform closure and post-closure activities according to the closure or post-closure plan and permit requirements, or if the permittee fails to provide alternate financial assurance acceptable to the department within ninety days after notification that the letter of credit

will not be extended, the local health department may draw from the letter of credit;

(v) Closure and post-closure insurance policies issued by an insurer who is licensed to transact the business of insurance or is eligible as an excess or surplus lines insurer in one or more states. The working of the certificate of insurance must be acceptable to the department. Each insurance policy must guarantee that the funds will be available to complete those activities identified in the approved closure and post-closure plans. The policy must also guarantee that the insurer will be responsible for paying out funds for activities identified in either the closure or post-closure plan. The policy must provide that the insurance is automatically renewable and that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. If there is a failure to pay the premium, the insurer may not terminate the policy until at least one hundred twenty days after the notice of cancellation has been received by both the permittee and the local health department. Termination of the policy may not occur and the policy must remain in full force and effect if: The local health department determines the facility has been abandoned; or closure has been ordered by the local health department or a court of competent jurisdiction, or the permittee has been named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C. (Bankruptcy); or the premium due is paid. The permittee is required to maintain the policy in full force and until an alternative financial assurance guarantee is provided or when the permit is terminated.

(vi) Financial test and corporate guarantee for closure and post-closure. A private corporation meeting the financial test may provide a corporate guarantee that closure and post-closure activities will be completed according to the approved closure and post-closure plans and permit requirements. To qualify, a private corporation must meet the criteria of either (a)(vi)(A) or (B) of this subsection:

(A) Financial test. To pass the financial test the permit must have:

(I) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5;

(II) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates;

(III) Tangible net worth of at least ten million dollars; and

(IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

(B) Alternative financial test. To pass the alternative financial test, the permittee must have:

(I) A current rating of AAA, AA, A, or BBB as issued by *Standard and Poor's* or Aaa, Aa, A, or Bbb as issued by *Moody's*;

(II) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates;

(III) Tangible net worth of at least ten million dollars; and

(IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

(C) The permittee shall demonstrate that it passes the financial test at the time the closure plan is filed and reconfirm that annually ninety days after the end of the corporation's fiscal year by submitting the following items to the department of ecology:

(I) A letter signed by the permittee's chief financial officer that provides the information necessary to document that the permittee passes the financial test; that guarantees that the funds to finance closure and post-closure activities according to the closure or post-closure plan and permit requirements are available; that guarantees that the closure and post-closure will be completed according to the closure or post-closure plan and permit requirements; that guarantees that within thirty days after written notification from the jurisdictional health department that the permittee no longer meets the criteria of the financial test the permittee shall provide an alternative form of financial assurance consistent with the requirements of this section; that guarantees that the permittee's chief financial officer will notify the jurisdictional health department within fifteen days any time that the permittee no longer meets the criteria of the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C. (Bankruptcy); and that acknowledges that the corporate guarantee is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guarantee;

(II) A copy of the independent certified public accountant's report on examination of the permittee's financial statements for the latest completed fiscal year;

(III) A special report from the permittee's independent certified public accountant (CPA) stating that the CPA has compared the data which the letter from the permittee's chief financial officer specifies as having been derived from the independently audited year end financial statements for the latest fiscal year with the amounts in such financial statement and that no matters came to the CPA's attention which caused the CPA to believe that the specified data should be adjusted;

(IV) The jurisdictional health department may, based on a reasonable belief that the permittee no longer meets the criteria of the financial test, require reports of the financial condition at any time from the permittee in addition to the annual report. If the jurisdictional health department finds, on the basis of such reports or other information that the permittee no longer meets the criteria of the financial test, the permittee shall provide an alternative form of financial assurance consistent with the requirements of this section, within thirty days after notification by the jurisdictional health department.

(b) For applicable disposal facilities of this section, any income in excess of the cost estimate(s) accruing to the established closure or post-closure financial assurance account will be at the owner's discretion as to the use of said surplus funds.

(c) A permittee may meet the requirements of this section by obtaining a written guarantee from the parent corporation of the permittee. The guarantor must meet one of the financial tests described in (a)(vi)(A) or (B) of this subsection, and must provide the documentation required by

(a)(vi)(C) of this subsection. The terms of the guarantee must provide that:

(i) If the permittee fails to perform final closure and, where required, provide post-closure care of a facility covered by the guarantee in accordance with the approved closure and post-closure plans, the guarantor will do so or establish a trust fund as specified in (a)(i) of this subsection in the name of the permittee.

(ii) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the permittee, to the jurisdictional health department and to the department of ecology. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by both the permittee and the department of ecology, as evidenced by the return receipts.

(iii) If the permittee fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from the jurisdictional health department or the department of ecology within ninety days after receipt by both the permittee, the jurisdictional health department, and the department of ecology of a notice of cancellation of the guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the permittee.

(4) Closure/post-closure trust fund account establishment and reporting.

(a) Each owner or operator shall file with the local health department an annual audit of the financial assurance accounts established for closure and post-closure activities.

(b) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington, and shall be filed with the department of ecology no later than March 31 of each year for the previous calendar year, including each of the post-closure care years.

(c) The audit shall also include calculations demonstrating the proportion of closure completed during the preceding year as specified in the closure and post-closure plans.

(5) Authorization for financial assurance account fund withdrawal for closure and post-closure activities.

(a) Each owner or operator shall withdraw funds from the closure and/or post-closure financial assurance instrument as specified in the approved closure/post-closure plans;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure and/or post-closure plan the closure and/or post-closure plan shall be amended.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-468, filed 10/4/88.]

WAC 173-304-470 Other methods of solid waste handling. (1) Applicability. This section applies to other methods of solid waste handling such as a material resource recovery system for municipal waste not specifically identified elsewhere in this regulation, nor excluded from this regulation.

(2) Requirements. Owners and operators of other methods of solid waste handling shall:

(a) Comply with the requirements in WAC 173-304-405;

(b) Obtain a permit under WAC 173-304-600 from the jurisdictional health department, by submitting an application containing information required in WAC 173-304-600 (3)(a), and such other information as may be required by the jurisdictional health department and the department, including:

(i) Preliminary engineering reports and plans and specifications; and

(ii) A closure plan.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-470, filed 10/28/85.]

WAC 173-304-490 Ground water monitoring requirements. (1) Applicability. These requirements apply to owners and operators of landfills, piles, landspreading disposal facilities, and surface impoundments that are required to perform ground water monitoring under WAC 173-304-400.

(2) Ground water monitoring requirements.

(a) The ground water monitoring system must consist of at least one background or upgradient well and three down gradient wells, installed at appropriate locations and depths to yield ground water samples from the upper most aquifer and all hydraulically connected aquifers below the active portion of the facility.

(i) Represent the quality of background water that has not been affected by leakage from the active area; and

(ii) Represent the quality of ground water passing the point of compliance. Additional wells may be required by the jurisdictional health department in complicated hydrogeological settings or to define the extent of contamination detected.

(b) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata and in accordance with chapter 173-160 WAC, Minimum standards for construction and maintenance of water wells.

(c) The ground water monitoring program must include at a minimum, procedures and techniques for:

(i) Decontamination of drilling and sampling equipment;

(ii) Sample collection;

(iii) Sample preservation and shipment;

(iv) Analytical procedures and quality assurance;

(v) Chain of custody control; and

(vi) Procedures to ensure employee health and safety during well installation and monitoring.

(d) Sample constituents.

(i) All facilities shall test for the following parameters:

(A) Temperature;

(B) Conductivity;

(C) pH;

(D) Chloride;

(E) Nitrate, nitrite, and ammonia as nitrogen;

(F) Sulfate;

(G) Dissolved iron;

(H) Dissolved zinc and manganese;

(I) Chemical oxygen demand;

(J) Total organic carbon; and

(K) Total coliform.

(ii) The jurisdictional health department in consultation with the department may specify additional or fewer constituents depending upon the nature of the waste; and

(iii) Test methods used to detect the parameters of (d)(i) of this subsection shall be EPA Publication Number SW-846, *Test Methods for Evaluating Solid Waste - Physical/Chemical Methods* except for total coliform which shall use the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

(e) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(f) The owner or operator shall use a statistical procedure for determining whether a significant change over background has occurred. The jurisdictional health department will approve such a procedure with the guidance of the department.

(g) The owner or operator must determine ground water quality at each monitoring well at the compliance point at least quarterly during the life of an active area (including the closure period) and the postclosure care period. The owner or operator must express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases.

(h) The owner or operator must determine and report the ground water flow rate and direction in the uppermost aquifer at least annually.

(i) If the owner or operator determines that there is a statistically significant increase for parameters or constituents at any monitoring well at the compliance point, the owner or operator must:

(i) Notify the jurisdictional health department of this finding in writing within seven days of receipt of the sampling data. The notification must indicate what parameters or constituents have shown statistically significant increases;

(ii) Immediately resample the ground water in all monitoring wells and determine the concentration of all constituents listed in the definition of contamination in WAC 173-304-100 including additional constituents identified in the permit and whether there is a statistically significant increase such that the ground water performance standard has been exceeded, and notify the jurisdictional health department within fourteen days of receipt of the sampling data.

(j) The jurisdictional health department may require corrective action programs including facility closure if the performance standard of WAC 173-304-460 (2)(a) is exceeded and, in addition, may revoke any permit and require reapplication under WAC 173-304-600.

(3) Corrective action program. An owner or operator required to establish a corrective action program under this section must, at a minimum with the approval of the jurisdictional health officer:

(a) Implement a corrective action program that reduces contamination and if possible prevents constituents from exceeding their respective concentration limits at the compliance point by removing the constituents, treating them in place, or other remedial measures;

(b) Begin corrective action according to a written schedule after the ground water performance standard is exceeded;

(c) Terminate corrective action measures once the concentrations of constituents are reduced to levels below the limits under WAC 173-304-460 (2)(a).

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-490, filed 10/28/85.]

WAC 173-304-600 Permit requirements for solid waste facilities. (1) Applicability.

(a) All facilities which are subject to the standards of WAC 173-304-130, 173-304-300, and 173-304-400 are required to obtain permits. Permits are not required for single family residences and single family farms dumping or depositing solid waste resulting from their own activities on to or under the surface of land owned or leased by them when such action does not create a nuisance, violate statutes, ordinances, or regulations, including this regulation.

(b) Permits are not required for corrective actions at solid waste handling facilities performed by the state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or corrective actions taken by others to comply with a state and/or federal cleanup order provided that:

(i) The action results in an overall improvement of the environmental impact of the site;

(ii) The action does not require or result in additional waste being delivered to the site or increase the amount of waste or contamination present at the site;

(iii) The facility standards of WAC 173-304-400 are met; and

(iv) The jurisdictional health department is informed of the actions to be taken and is given the opportunity to review and comment upon the proposed corrective action plans.

(c) Effective dates. The effective dates are as follows:

(i) The permit requirements of this section apply to all existing waste handling facilities eighteen months after the effective date of this regulation.

(ii) Between the effective date of this regulation and eighteen months thereafter, existing facilities will operate under the terms and conditions of existing permits valid on the effective date of this regulation. Jurisdictional health departments shall incorporate compliance schedules into valid existing permits; such compliance schedules shall insure that existing facilities meet the effective dates of WAC 173-304-400(3).

(iii) New and expanded waste handling facilities shall meet the requirements of this section on the effective date of this regulation.

(2) Procedures for permits.

(a) Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the jurisdictional health department. Filing shall not be complete until two copies of the application have been signed by the owner and operator and received by the jurisdictional health department, and the applicant has filed an environmental checklist required under the State Environmental Policy Act rules, chapter 197-11 WAC.

(b) Applications for a permit must contain the information set forth in subsection (3) of this section.

(c) Once the jurisdictional health department determines that an application for a permit is factually complete, it shall refer one copy to the appropriate regional office of the department for review and comment.

(d) The jurisdictional health department shall investigate every application to determine whether the facilities meet all applicable laws and regulations, conforms with the approved comprehensive solid waste handling plan and complies with all zoning requirements.

(e) The jurisdictional health department may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department shall be deposited in the county treasury in the account from which the health department's operating expenses are paid.

(f) The department shall report to the jurisdictional health department its findings on each permit application within forty-five days of receipt of a complete application or inform the jurisdictional health department as to the status of the application. Additionally, the department shall recommend for or against the issuance of each permit by the jurisdictional health department.

(g) When the jurisdictional health department has evaluated all pertinent information, it may issue a permit. Every completed solid waste permit application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department or the applicant shall be informed as to the status of the application.

(h) Except for applications specified in subsection (3)(h) of this section every permit issued by a jurisdictional health department shall be on a format prescribed by the department and shall contain specific requirements necessary for the proper operation of the permitted site or facility including the requirement that final engineering plans and specifications be submitted for approval to the jurisdictional health department.

(i) All issued permits must be filed with the department no more than seven days after the date of issuance.

(j) The owner or operator of a facility shall apply for renewal of the facility's permit annually. The jurisdictional health department shall annually:

(i) Review the original application for compliance with these regulations and submit such additional information as spelled out in subsection (4) of this section;

(ii) Review information collected from inspections, complaints, or known changes in the operations;

(iii) Collect the renewal fee;

(iv) Renew the permit; and

(v) File the renewed permit with the department no more than seven days after the date of issuance. The department shall review and may appeal the renewal as set forth in RCW 70.95.185 and 70.95.190.

(3) Application contents for permits for new or expanded facilities.

(a) All permit applications except for inert waste, demolition waste, special purpose landfills, woodwaste landfill and recycling facilities applications, which are specified in (h) of this subsection, shall contain the following:

(i) A general description of the facility;

(ii) The types of waste to be handled at the facility;

(iii) The plan of operation required by WAC 173-304-405(2);

(iv) The form used to record weights or volumes required by WAC 173-304-405(3);

(v) An inspection schedule and inspection log required by WAC 173-304-405(5); and

(vi) Documentation to show that any domestic or industrial waste water treatment facility, such as a leachate treatment system, is being reviewed by the department under chapter 173-240 WAC.

(b) Application contents for permits for new or expanded landfill facilities. In addition to the requirements of (a) of this subsection, each landfill application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses:

(A) Local/regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;

(B) Evaluation of bedrock and soil types and properties;

(C) Depths to ground water and/or aquifer(s);

(D) Direction and flow rate of local ground water;

(E) Direction of regional ground water;

(F) Quantity, location and construction (where available) of private and public wells within a two thousand foot radius of site;

(G) Tabulation of all water rights for ground water and surface water within a two thousand foot radius of the site;

(H) Identification and description of all surface waters within a one-mile radius of the site;

(I) Background ground and surface water quality assessment, and for expanded facilities, identification of impacts of existing facilities of the applicant to date upon ground and surface waters from landfill leachate discharges;

(J) Calculation of a site water balance;

(K) Conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and where applicable a vadose zone monitoring plan;

(L) Land use in the area, including nearby residences; and

(M) Topography of the site and drainage patterns.

(ii) Preliminary engineering report/plans and specifications that address:

(A) How the facility will meet the locational standards of WAC 173-304-130;

(B) Relationship of facility to county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) The design of bottom and side liners;

(D) Identification of borrow sources for daily and final cover, and soil liners;

(E) Interim/final leachate collection, treatment, and disposal;

(F) Landfill gas control and monitoring;

(G) Trench design, fill methods, elevation of final cover and bottom liner, and equipment requirements; and

(H) Closure/post-closure design, construction, maintenance, and land use.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection, treatment, and disposal systems;

(B) Operation and maintenance of landfill gas control systems;

(C) Monitoring plans for ground water, surface water, and landfill gases to include sampling technique, frequency, handling, and analyses requirements;

(D) Safety and emergency accident/fire plans;

(E) Routine filling, grading, cover, and housekeeping;

(F) Record system to address records on weights (or volumes), number of vehicles and the types of waste received;

(G) Vector control plans; and

(H) Noise control.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Maintenance of active fill versus completed, final covered acreage;

(D) Estimated closure construction timing and notification procedures;

(E) Inspection by regulatory agencies.

(v) Post-closure plan to address:

(A) Estimated time period for post-closure activities;

(B) Site monitoring of landfill gas, ground water, and surface water;

(C) Deed clause changes, land use, and zoning restrictions;

(D) Maintenance activities to maintain cover and run-off systems; and

(E) Identification of final closure costs including cost calculations and the funding mechanism.

(c) Application contents for new or expanded transfer stations, drop box facilities, and baling and compaction systems requiring a permit. In addition to the requirements of (a) of this subsection, each applicable application for a permit must contain preliminary engineering report/plans and specifications that address:

(i) The proposed facility's zoning status;

(ii) The relationship to the county solid waste comprehensive plan and the area to be served by the facility; and

(iii) The facility design to address how the facility shall meet requirements of WAC 173-304-410, including closure.

(d) Application contents for new or expanded surface impoundments requiring a permit. In addition to the requirements of (a) of this subsection, each applicable application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of (b)(i) of this subsection;

(ii) Preliminary engineering report/plans and specifications that address, where applicable:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of facility to the county solid waste comprehensive plan;

(C) The design of liners and foundation to be incorporated in the facilities design including the design leachate of collection and treatment systems;

(D) The design of ground water monitoring;

(E) The design of dikes including calculations on dike stability analyses under conditions of liner failure;

(F) Other design details, including sludge cleanout and disposal, overfilling alarms and inlet design; and

(G) Closure/post-closure design, construction maintenance and land use.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection system, or ground water monitoring;

(B) Operation and maintenance of overfilling equipment or details of filling and emptying techniques;

(C) Inspection of dikes and liners for integrity; and

(D) Safety and emergency plans.

(iv) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(e) Application contents for new or expanded piles requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) Preliminary engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of the facility to the county solid waste comprehensive plan and zoning;

(C) The design of the liner or sealed surface upon which the liner rests, including an analysis of the liners ability to withstand the stress;

(D) The design of the run-on and run-off system;

(E) The design to avoid washout when the pile is located in a one hundred year floodplain; and

(F) Maximum elevation and boundaries of the waste pile.

(ii) An operation plan that addresses:

(A) Methods of adding or removing wastes from the pile and equipment used;

(B) Inspection of the liner for integrity; and

(C) Safety and emergency plans.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(f) Application contents for new or expanded energy recovery and incinerator facilities requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) Preliminary engineering reports/plans and specifications that address:

(A) The relationship of the facility to the county solid waste comprehensive plan and zoning;

(B) The design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and

(C) The design of the incinerator or thermal treater, including changing or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.

(ii) An operation plan that addresses:

(A) Cleaning of storage areas as required by WAC 173-304-440 (2)(a);

(B) Alternative storage plans for breakdowns as required in WAC 173-304-440 (2)(c);

(C) Inspection to insure compliance with state and local air pollution laws and to comply with WAC 173-304-405(5). The inspection log or summary must be submitted with the application; and

(D) How and where the fly ash, bottom ash and other solid wastes will be disposed of.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of closure and methods of removing wastes, equipment, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(g) Application contents for new or expanded landspreading disposal facilities requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of (b)(i) of this subsection;

(ii) Preliminary engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of the facility to the county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) Waste analyses and methods to periodically sample and analyze solid waste;

(D) Design of interim waste storage facilities if such facilities are not otherwise permitted by the department;

(E) Design of run-on and run-off systems;

(F) A contour map of the active area showing contours to the nearest foot;

(G) A ground water and surface water monitoring program; and

(H) Access barriers such as fences, and warning signs.

(iii) An operation plan that addresses:

(A) Operation and maintenance of run-off and run-on systems;

(B) Methods of taking ground water samples and for maintaining ground water monitoring systems;

(C) Methods of applying wastes to meet the requirements of WAC 173-304-450 (2)(d):

(I) Estimated multiples of agronomic rates;

(II) Frequency of discing; and

(III) Avoidance of standing water.

(D) The written contract required between landowners, waste generators and waste operators.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Year-to-year maintenance of the active area versus completed, final covered acreage;

(D) Closure construction timing and notification procedures; and

(E) Final inspection by regulatory agencies.

(v) Post-closure plan to address:

(A) Estimated time period for post-closure activities;

(B) Site monitoring of ground water;

(C) Deed clause changes, land use, and zoning restrictions;

(D) Maintenance activities to maintain cover and run-off systems;

(E) Plans for food chain crops being grown on the active areas, after closure; and

(F) Identification of final closure costs including cost calculations and the funding mechanism.

(h) Application contents for new or expanded inert waste and demolition waste, special purpose landfill, woodwaste landfills, and recycling facilities.

Applications for permits subject to the standards of WAC 173-304-300, 173-304-460(5), 173-304-461, and 173-304-462 shall be on forms whose content shall be specified by the jurisdictional health department.

(4) Application contents for existing facilities renewing permits. All owners or operators of existing facilities shall renew permits or application forms specified in subsection (3) of this section. Previous information submitted to the jurisdictional health department may be referred to on the application forms. Changes in operating methods or other changes must be noted on the application in order to be authorized by permit.

(5) Inspections. As a minimum, annual inspections of all permitted solid waste facilities shall be performed by the jurisdictional health department. Any duly authorized officer, employee, or representative of the jurisdictional health officer or his designee having jurisdiction may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with this chapter, and relevant laws and regulations. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-600, filed 10/4/88. Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-600, filed 10/28/85.]

WAC 173-304-700 Variances. (1) Any person who owns or operates a solid waste facility may apply to the jurisdictional health officer for a variance from any section of this regulation. The application shall be accompanied by such information as the jurisdictional health department may require. The jurisdictional health department may grant such variance, but only after due notice or a public hearing if requested, if it finds that:

(a) The solid waste handling practices or location do not endanger public health, safety or the environment; and

(b) Compliance with the regulation from which variance is sought would produce hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(3) Any variance or renewal shall be granted within the requirements of subsection (1) of this section and for time period and conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe;

(b) The jurisdictional health department may grant a variance conditioned by a time table if:

(i) Compliance with the regulation will require spreading of costs over a considerable time period; and

(ii) The time table is for a period that is needed to comply with the regulation.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. No renewal thereof shall be granted, unless following a public hearing on the complaint or due notice, the jurisdictional health department finds the renewal is justified. No renewal shall be granted except on application. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the jurisdictional health department shall give public notice of such application in accordance with rules and regulations of the jurisdictional health department.

(5) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.

(6) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of the department prior to action on the variance by the jurisdictional health department.

(7) Variances granted by a jurisdictional health department will be accepted as variances under this regulation.

(8) Public notice shall be given by mailing a notice of the variance application to persons who have written to the jurisdictional health department asking to be notified of all variance requests.

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-700, filed 10/28/85.]

WAC 173-304-9901 Maximum contaminant levels for ground water. Maximum contaminant levels for ground water shall be those specified in chapter 248-54 WAC, as the primary drinking water standards. Analytical methods for these contaminants may be found in the Code of Federal Regulations 40 CFR Part 141. (These contaminant levels are to be considered interim levels for the purpose of regulating solid waste handling facilities and shall be used until such time as the department establishes ground water quality standards for all types of activities impacting ground water.)

[Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-9901, filed 10/28/85.]

Chapter 173-305 WAC HAZARDOUS WASTE FEE REGULATION

WAC

PART A GENERAL

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173-305-030	Penalty for failure to pay the fee.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-305-060	Facility fees. [Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-060, filed 2/7/84.] Repealed by 92-10-043 (Order 92-09), filed 5/5/92, effective 6/5/92. Statutory Authority: Chapter 70.95E RCW.
173-305-070	Schedule of facility fees. [Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-070, filed 2/7/84.] Repealed by 92-10-043 (Order 92-09), filed 5/5/92, effective 6/5/92. Statutory Authority: Chapter 70.95E RCW.
173-305-080	Assessments for combined sites. [Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-080, filed 2/7/84.] Repealed by 92-10-043 (Order 92-09), filed 5/5/92, effective 6/5/92. Statutory Authority: Chapter 70.95E RCW.
173-305-090	Adjustment of fees and limits. [Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-090, filed 2/7/84.] Repealed by 92-10-043 (Order 92-09), filed 5/5/92, effective 6/5/92. Statutory Authority: Chapter 70.95E RCW.

PART A GENERAL

WAC 173-305-010 Purpose. This rule implements the provisions of chapter 70.95E RCW, establishing a means for funding technical assistance and compliance education assistance to hazardous substance users and waste generators in this state. Technical assistance includes but is not limited to assistance in the preparation of plans and review of plans and related documents. The purpose of this chapter is to describe the methods by which the department of ecology will assess certain fees, to whom fees will be assessed, the amount of such fees, provisions for exemption from and enforcement of fee assessments, responsibilities of the departments of ecology and revenue, and procedures for adjusting the fee. Copies of all rules, regulations, or statutes cited in this chapter are available from the Department of Ecology, Mailstop PV-11, Olympia, WA, 98504-8711.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-010, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-010, filed 2/7/84.]

WAC 173-305-015 Applicability. The requirements of WAC 173-305-010 through 173-305-120 apply to all persons who are known or potential generators, including state and local entities as well as instrumentalities of the United States. The requirements of WAC 173-305-010 through 173-305-050 and 173-305-210 through 173-305-240 apply to all persons required to prepare plans under RCW 70.95C.200.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-015, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-015, filed 2/7/84.]

WAC 173-305-020 Definitions. Any terms not specifically defined in this section shall, for the purposes of this chapter, have the same meaning as given in WAC 173-303-040. The following terms are defined for the purposes of this chapter:

"Additional fee" means the annual fee imposed under chapter 70.95E RCW against hazardous generators and hazardous substance users required to prepare plans;

"Base fee" means the annual fee imposed under chapter 70.95E RCW against known and potential generators of hazardous waste doing business in the state of Washington;

"Business activities" means activities of any person who is "engaging in business" as the term is defined in chapters 82.04 and 82.16 RCW;

"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:

Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

Dangerous wastes shall specifically include those wastes designated as dangerous by chapter 173-303 WAC;

"Department" means the department of ecology;

"Emissions" means the substances released to the environment which must be reported under toxic chemical release reporting, 40 CFR Part 372;

"EPA/state identification number" means the number assigned by the environmental protection agency (EPA) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility;

"Extremely hazardous waste" means any dangerous waste which:

Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and

Is highly toxic to man and wildlife;

If disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

Extremely hazardous waste shall specifically include those wastes designated as extremely hazardous by chapter 173-303 WAC;

"Facility" means any geographical area that has been assigned an EPA/state identification number or in the case of a hazardous substance user, means all buildings, equipment, structures, and other stationary items located on a single site or on contiguous or adjacent sites and owned or operated by the same person;

"Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation;

"Hazardous waste" means and includes all dangerous and extremely hazardous wastes but for the purposes of this chapter excludes all radioactive wastes or substances composed of both radioactive and hazardous components;

"Interrelated facility" means multiple facilities owned or operated by the same person;

"Known generators" means persons that have notified the department, have received an EPA/state identification number and generate quantities of hazardous waste regulated under chapter 70.105 RCW.

"Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization;

"Plan" means the plan provided for in RCW 70.95C.200;

"Potential generators" means all persons whose primary business activities are identified by the department to be likely to generate any quantity of hazardous wastes.

"Price deflator" means the United States Department of Commerce Bureau of Economic Analysis, "Implicit Price Deflator for Gross National Product" for "Government Purchases of Goods and Services," for "State and Local Government."

"Primary business activity" means a business activity which accounts for more than fifty percent of a business' total gross receipts or in the case of more than two business activities, the activity which has the largest gross receipts. Where a business engages in multiple activities and one or more of those activities generate hazardous waste, the gross receipts from all waste generating activities will be combined to determine their ratio to the total gross receipts of the business.

"Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include:

Use constituting disposal;

Incineration; or

Use as a fuel.

"Substantially similar processes" means processes that are essentially interchangeable, inasmuch as they use similar equipment and materials and produce similar products or services and generate similar wastes.

"Waste generation site" means any geographical area that has been assigned an EPA/state identification number.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-020, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-020, filed 2/7/84.]

WAC 173-305-030 Penalty for failure to pay the fee. If a known or potential generator or a person required to prepare a plan fails to pay all or any part of a fee imposed under this chapter, the department of revenue shall charge a penalty of three times the amount of the unpaid fee. The department of revenue shall waive any penalty in accordance with RCW 82.32.105. Note: See WAC 458-20-228 for a discussion of the circumstances under which a penalty may be waived.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-030, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-030, filed 2/7/84.]

WAC 173-305-040 Adjustment of fees. On an annual basis, the department shall adjust the fees provided for by this chapter, including the maximum annual fee and the maximum total fees, by conducting the calculation in subsection (1) of this section and taking the actions set forth in subsection (2) of this section:

(1) In November of each year, the base fee and the additional fee, or the fees as subsequently adjusted by this section, shall be multiplied by a factor equal to the most current quarterly "price deflator" available, divided by the "price deflator" used in the numerator the previous year. However, the "price deflator" used in the denominator for the first adjustment shall be divided by the second quarter "price deflator" for 1990.

(2) Each year by March 1, the schedule, as adjusted in subsection (1) of this section, will be published. The department will round the published fees to the nearest dollar.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-040, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-040, filed 2/7/84.]

WAC 173-305-050 General administrative provisions. The review provisions contained in chapter 82.32 RCW, except RCW 82.32.050 and 82.32.090, apply to the collection and enforcement of fees imposed pursuant to this chapter. Requests for administrative review should be directed to the Department of Revenue, Taxpayer Accounts Administration, Mailstop AX-02, Olympia, Washington 98504-0090. The review provisions of chapter 43.21B RCW do not apply to the administration of these fees.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-050, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. 84-05-012 (Order DE 83-38), § 173-305-050, filed 2/7/84.]

PART B BASE FEE

WAC 173-305-110 Fees. (1) The fee imposed is a thirty-five dollar (or as adjusted by WAC 173-305-040) annual fee payable by known and potential generators of hazardous waste. The fee for the 1990 fee period shall be due on October 1, 1990, for any known or potential generator operating in Washington after March 22, 1990. The fee

for the 1991 calendar year, and the 1990 fee period for any known or potential generator who began business after October 1, 1990, shall be due February 28, 1992. The annual fee for calendar year 1992 and each calendar year thereafter shall be due on February 28 of the next succeeding year.

(2) The department will determine known generators based on the most current verified information available to the department.

(3) The department has determined potential generators to be those persons engaged in any of the following primary business activities:

Table 1

Primary Business Activities of Potential Generators

Primary business activities, Description

Soil preparation services: Includes establishments primarily engaged in application of fertilizer, seed bed preparation, and other services for improving the soil for crop planting such as weed control.

Crop protecting services: Includes establishments primarily engaged in performing crop protecting services such as disease, weed, and insect control.

Metal mining: Includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals. These ores are valued chiefly for the metals contained, to be recovered for use as such or as constituents of alloys, chemicals, pigments, or other products. Includes mills which crush, grind, wash, dry, sinter, calcine, or leach ore, or perform gravity separation or flotation operations.

General building contractors: Includes general contractors and operative builders primarily engaged in the construction of nonresidential buildings.

Heavy construction, excluding buildings: Includes general contractors primarily engaged in heavy construction other than building, such as highways and streets, bridges, sewers, railroads, irrigation products, flood control products and marine construction, and special trade contractors primarily engaged in activities of a type that are clearly specialized to such heavy construction and are not normally performed on buildings or building-related projects.

Painting: Includes special trade contractors primarily engaged in painting.

Floor laying and other floor work, not elsewhere classified: Includes special trade contractors primarily engaged in the installation of asphalt tile, linoleum, and resilient flooring, in laying, scraping, and finishing parquet and other hardwood flooring.

Beverages: Includes establishments primarily engaged in manufacturing malt beverages or malt byproducts; manufacturing wines, brandy, and brandy spirits including the blending of wines; manufacturing alcoholic liquors by distillation or by mixing liquors and other ingredients; manufacturing soft drinks and carbonated waters; and manufacturing flavoring extracts, syrups, powders, and related products.

Textile mill products: Includes establishments primarily engaged in performing any of the following operations: (1)

preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage; (2) manufacturing broadwoven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yard; (3) dyeing and finishing fiber, yarn, fabrics, and knit apparel; (4) coating, waterproofing, or otherwise treating fabrics; (5) the integrated manufacture of knit apparel and other finished articles from yarn; and (6) the manufacture of felt goods, lace goods, nonwoven fabrics, and miscellaneous textiles.

Sawmills and planing mills, general: Includes establishments primarily engaged in sawing rough lumber and timber from logs and bolts, or resawing cants and flitches into lumber, including box lumber and softwood cut stock; planing mills combined with sawmills; and separately operated planing mills which are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber. This industry includes establishments primarily engaged in sawing lath and railroad ties and in producing tobacco hoghead stock, wood chips, and snow fence lath.

Hardwood dimension and flooring mills: Includes establishments primarily engaged in manufacturing hardwood dimension lumber and workings therefrom; and other hardwood dimension, semifabricated or ready for assembly; hardwood flooring; and wood frames for household furniture.

Millwork: Includes establishments primarily engaged in manufacturing fabricated wood millwork, including wood millwork covered with materials such as metal and plastics. Planing mills primarily engaged in producing millwork are included in this industry.

Wood kitchen cabinets: Includes establishments primarily engaged in manufacturing wood kitchen cabinets and wood bathroom vanities, generally for permanent installation.

Hardwood veneer and plywood: Includes establishments primarily engaged in producing commercial hardwood veneer and those primarily engaged in manufacturing commercial plywood or prefinished hardwood plywood. This includes nonwood backed or faced veneer and nonwood faced plywood.

Softwood veneer and plywood: Includes establishments primarily engaged in producing commercial softwood veneer and plywood, from veneer produced in the same establishment or from purchased veneer.

Wood preserving: Includes establishments primarily engaged in treating wood, sawed or planed in other establishments, with creosote or other preservatives to prevent decay and to protect against fire and insects. This industry also includes the cutting, treating, and selling of poles, posts and piling, but establishments primarily engaged in manufacturing other wood products, which they may also treat with preservatives, are not included.

Reconstituted wood products: Includes establishments primarily engaged in manufacturing reconstituted wood products. Important products of this industry are hardboard, particleboard, insulation board, medium density fiberboard, waferboard, and oriented strandboard.

Wood products, not elsewhere classified: Includes establishments primarily engaged in manufacturing wood

products, not elsewhere classified, and products from rattan, reed, splint, straw, veneer, veneer strips, wicker, and willow.

Furniture and fixtures: Includes establishments primarily engaged in manufacturing household, office, public building, and restaurant furniture; and office and store fixtures.

Paper and allied products: Includes establishments primarily engaged in the manufacture of pulps from wood and other cellulose fibers, and from rags; the manufacture of paper and paperboard; and the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes, and envelopes. Also included are establishments primarily engaged in manufacturing bags of plastics film and sheet.

Printing and publishing: Includes establishments primarily engaged in printing by one or more common processes, such as letterpress; lithography (including offset), gravure, or screen; and those establishments which perform services for the printing trade, such as bookbinding and platemaking and also includes establishments engaged in publishing newspapers, books, and periodicals.

Chemicals and allied products: Includes establishments primarily engaged in producing basic chemicals, and establishments manufacturing products by predominantly chemical processes.

Petroleum refining and related industries: Includes establishments primarily engaged in petroleum refining, manufacturing paving and roofing materials, and compounding lubricating oils and greases from purchased materials.

Rubber and miscellaneous plastic products: Includes establishments primarily engaged in manufacturing products from plastics resins and from natural, synthetic, or reclaimed rubber, gutta percha, balata, or butta siak.

Stone, clay, and glass products: Includes establishments primarily engaged in manufacturing flat glass and other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand.

Primary metal industries: Includes establishments primarily engaged in smelting and refining ferrous and nonferrous metals from ore, pig, or scrap; in rolling, drawing, and alloying metals; in manufacturing castings and other basic metal products; and in manufacturing nails, spikes, and insulated wire and cable. This group includes the production of coke.

Fabricated metal products: Includes establishments primarily engaged in fabricating ferrous and nonferrous metal products, such as metal cans, tinware, handtools, cutlery, general hardware, nonelectric heating apparatus, fabricated structural metal products, metal forgings, metal stampings, ordnance (except vehicles and guided missiles), and a variety of metal and wire products, not elsewhere classified.

Industrial and commercial machinery and computer equipment: Includes establishments primarily engaged in manufacturing industrial and commercial machinery and equipment and computers.

Electronic and other electrical equipment and components, except computer equipment: Includes establishments primarily engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy. Included are the manufacturing of electricity distribution equipment; electrical industrial apparatus; household appliances; electrical lighting and writing equipment; radio and television receiving equipment; communications equipment; electronic components and accessories; and other electrical equipment and supplies.

Transportation equipment: Includes establishments primarily engaged in manufacturing equipment for transportation of passengers and cargo by land, air, and water. Important products produced by establishments classified in this major group include motor vehicles, aircraft, guided missiles, and space vehicles, ships, boats, railroad equipment, and miscellaneous transportation equipment, such as motorcycles, bicycles, and snowmobiles.

Instruments; measuring, analyzing, and controlling photographic, medical, and optical goods; watches and clocks: Includes establishments primarily engaged in manufacturing instruments (including professional and scientific) for measuring, testing, analyzing, and controlling, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; hydrological, hydrographic, meteorological, and geophysical equipment; search, detection, navigation, and guidance systems and equipment; surgical, medical, and dental instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies; and watches and clocks.

Jewelry, silverware, and plated ware: Includes establishments primarily engaged in manufacturing jewelry and other articles made of precious metals with or without stones; and includes manufacturing flatware, hollowware, ecclesiastical ware, trophies, trays, and related products made of sterling silver; of metal plated with silver, gold, or other metal; of nickel silver; or of pewter; or of stainless steel.

Toys and sporting goods: Includes establishments primarily engaged in manufacturing: Sporting and athletic goods such as fishing tackle, golf and tennis goods, skis and skiing equipment.

Signs and advertising specialties: Includes establishments primarily engaged in manufacturing electrical, mechanical, cutout, or plate signs and advertising displays, including neon signs, and advertising specialties.

Railroad transportation: Includes establishments furnishing transportation by line-haul railroad, and switching and terminal establishments.

Local and interurban passenger transit: Includes establishments primarily engaged in furnishing local and suburban passenger transportation.

Water transportation: Includes establishments primarily engaged in freight and passenger transportation on the open seas or inland waters, and establishments furnishing such incidental services as lighterage, towing, and canal operation.

This major group also includes excursion boats, sightseeing boats, and water taxis.

Transportation by air: Includes establishments primarily engaged in furnishing domestic and foreign transportation by air and also those operating airports and flying fields and furnishing terminal services.

Electric services: Includes establishments primarily engaged in the generation, transmission, and/or distribution of electric energy for sale.

Combination electric and gas, and other utility services: Includes establishments providing electric or gas services in combination with other services.

Sanitary services: Includes establishments primarily engaged in the collection and disposal of wastes conducted through a sewer system; and includes establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of such materials.

Motor vehicles, parts, and supplies: Includes establishments primarily engaged in the wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, including motorcycles, motor homes, and snowmobiles; the wholesale distribution of motor vehicle supplies, accessories, tools and equipment except tires; and new motor vehicle parts; the distribution at wholesale or retail of used motor vehicle parts and those primarily engaged in dismantling motor vehicles for the purpose of selling parts.

Electrical apparatus and equipment, wiring supplies, and construction materials: Includes establishments primarily engaged in the wholesale distribution of electrical power equipment for the generation, transmission, distribution, or control of electric energy; electrical construction materials for outside power transmission lines and for electrical systems; and electric light fixtures and bulbs.

Machinery, equipment, and supplies: Includes establishments primarily engaged in the wholesale distribution of construction or mining cranes, excavating machinery and equipment, power shovels, road construction and maintenance machinery, tractor-mounting equipment and other specialized machinery and equipment used in the construction, mining, and logging industries; distribution of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm or the lawn or garden; and dairy and other livestock equipment; wholesale distribution of industrial machinery and equipment.

Miscellaneous durable goods: Includes establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

Chemicals and allied products: Includes establishments primarily engaged in the wholesale distribution of plastics materials, and of unsupported plastics film, sheets, sheeting, rods, tubes, and other basic forms and shapes; whole distribution of chemicals and allied products, such as acids,

industrial and heavy chemicals, dye stuffs, industrial salts, rosin, and turpentine.

Petroleum and petroleum products: Includes establishments primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities; wholesale distribution of petroleum and petroleum products, except those with bulk liquid storage facilities. Included are packaged and bottled petroleum products distributors, truck jobbers, and others marketing petroleum and its products at wholesale, but without bulk liquid storage facilities.

Farm supplies: Includes establishments primarily engaged in the wholesale distribution of fertilizers, agricultural chemicals, and pesticides.

New and used car dealers: Includes establishments primarily engaged in the retail sale of new automobiles or new and used automobiles. These establishments frequently maintain repair departments and carry stocks of replacement parts, tires, batteries, and automotive accessories.

Gasoline service stations: Includes gasoline service stations primarily engaged in selling gasoline and lubricating oils.

Laundry, cleaning, and garment services: Includes establishments primarily engaged in operating mechanical laundries with steam or other power; linen supply; coin-operated laundries and drycleaning; drycleaning plants, except rug cleaning; carpet and upholstery cleaning; and industrial launderers. Establishments that solely operate coin-operated washing machines and dryers and establishments that solely clean carpets or rugs are not included.

Disinfecting and pest control services: Includes establishments primarily engaged in disinfecting dwelling and other buildings, and in termite, insect, rodent, and other pest control, generally in dwellings or other buildings.

Truck rental and leasing, without drivers: Includes establishments primarily engaged in short-term rental or extended-term leasing of trucks, truck tractors, or semitrailers without drivers.

Automotive repair shops: Includes establishments primarily engaged in the repair of automotive tops, bodies, and interiors, or automotive painting and refinishing; customizing automobiles, trucks, and vans except on a factor basis; the installation, repair, or sale and installation of automotive exhaust systems; the repairing and retreading of automotive tires; installation, repair, or sales and installation of automotive transmission; general automotive repair; specialized automotive repair, such as fuel service (carburetor repair), brake relining, front end and wheel alignment, and radiator repair.

Miscellaneous repair shops and related services: Includes establishments primarily engaged in general repair work by welding, including automotive welding; rewinding armatures and rebuilding or repairing electric motors; specialized repair services, such as bicycle repair, leather goods repair; lock and gun repair, including the making of lock parts or gun parts to individual order; musical instrument repair; septic tank cleaning; farm machinery repair; furnace cleaning;

motorcycle repair; tank truck cleaning; taxidermists; tractor repair; and typewriter repair.

Hospitals: Includes establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services; providing general medical and surgical services and other hospital services; providing diagnostic medical services and inpatient treatment for the mentally ill; providing diagnostic services, treatment, and other hospital services for specialized categories of patients, except mental.

Medical laboratories: Includes establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician.

Colleges, universities, professional schools, and junior colleges: Colleges, universities, and professional schools furnishing academic courses and granting academic degrees; or junior colleges and technical institutes furnishing academic, or academic and technical, courses, and granting associate academic degrees, certificates, or diplomas.

Research and testing services: Includes establishments primarily engaged in commercial physical and biological research and development on a contract or fee basis; or performing noncommercial research into and dissemination of, information for public health, education, or general welfare; or providing testing services.

Environmental quality: Government establishments primarily engaged in regulation, planning, protection and conservation of air and water resources; solid waste management; water and air pollution control and prevention; flood control; drainage development, and consumption of water resources; coordination of these activities at intergovernmental levels; research necessary for air pollution abatement and control and conservation of water resources; and government establishments primarily engaged in regulation, supervision and control of land use, including recreational areas; conservation and preservation of natural resources; control of wind and water erosion; and the administration and protection of publicly and privately owned forest lands, including pest control. Planning, management, regulation, and conservation of game, fish, and wildlife populations, including wildlife management areas and field stations; and other matters relating to the protection of fish, game, and wildlife. Establishments which only provide information and education services to others are not included.

National security: Includes establishments of the armed forces, including the National Guard, primarily engaged in national security and related activities.

(4) A potential generator shall be exempt from the fee if the potential generator is entitled to the exemption in RCW 82.04.300 in the current calendar year.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-110, filed 4/1/91, effective 5/2/91.]

WAC 173-305-120 Responsibilities of the departments of ecology and revenue. (1) The legislature has provided that the primary responsibilities of the department

of ecology are to provide the department of revenue with a list of known generators and to determine the primary business activities of potential generators.

(2) The legislature has provided that the primary responsibility of the department of revenue is to collect the fees from known and potential generators as identified in subsection (1) of this section.

(3) The department of ecology will periodically amend the list of primary business activities of potential generators by reviewing the most current verified information that is available to the department.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-120, filed 4/1/91, effective 5/2/91.]

PART C ADDITIONAL FEE

WAC 173-305-210 Imposition of fee. (1) The fee is imposed on hazardous waste generators and hazardous substance users required to prepare plans under RCW 70.95E.030. The department may waive the fee for individual facilities when the amount owed is less than the estimated cost of collection. This provision does not waive the requirement to prepare a plan.

(2) The department will determine who specifically has to pay the fee each year and the amount of the fee based on the most current verified information available to the department. Note: Information collected on toxic emissions will not be verified.

(3) The total fees collected under RCW 70.95E.030 shall not exceed the department's cost of implementing RCW 70.95C.200.

(4) A person that develops a plan covering more than one interrelated facility as provided for in RCW 70.95C.200 shall be assessed fees only for the number of plans prepared. In instances where a person has interrelated facilities without substantially similar processes, a single document may be prepared for the convenience of management but the document must contain separate detailed plans for each facility. In these cases, each detailed plan within the document shall be assessed a fee.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-210, filed 4/1/91, effective 5/2/91.]

WAC 173-305-220 Additional fee. (1) The department shall calculate the adjusted fees, annual fee, and maximum total fees using the formula in subsection (3) of this section. The formula uses a risk factor of one for dangerous waste and emissions, and a multiplication factor of ten for extremely hazardous waste. For purposes of this section, hazardous waste reported on the annual dangerous waste generator report as having been either recycled on-site or recycled for beneficial use off-site, including initial amounts of hazardous substances introduced into a process and subsequently recycled for beneficial use, shall not be used in the calculation of hazardous waste generated. A facility may petition the director to exclude hazardous wastes recycled for beneficial use even if they were not reported as such on the annual dangerous waste generator report. Documentation from the hazardous waste handling facility

that the hazardous waste was recycled for beneficial use must be submitted along with the petition.

(2) Fees in subsection (3) of this section are based on the following definitions:

(Note: The terms "dangerous waste" and "extremely hazardous waste" as used in this subsection utilize the same basic definition as in WAC 173-305-020, but are modified as follows for the fee calculation only.)

Dangerous waste is the number of pounds of dangerous waste reported which is not recycled for beneficial use, calculated so that wastewater discharged under permit by rule pursuant to WAC 173-303-802 is excluded.

Emissions is the number of pounds of emission reported under Toxic Chemical Release Reporting, 40 CFR Part 372, by a company. If emissions are reported in ranges, the middle value of the reported range will be used in the calculation.

Extremely hazardous waste is the number of pounds of extremely hazardous waste reported which is not recycled for beneficial use, calculated so that wastewater discharged under permit by rule pursuant to WAC 173-303-802 is excluded.

The priced deflator is the *"Implicit Price Deflator for Gross National Product"* for *"Government Purchases of Goods and Services"* for *"State and Local Government."*

The total risk pounds for a facility or set of interrelated facilities is equal to ten times the number of pounds of extremely hazardous waste generated plus the number of pounds of dangerous waste generated plus the number of pounds of emission reported by that facility.

(3) The annual fee for a facility or set of interrelated facilities shall be equal to the rate per risk pound times the total risk pounds. The rate for the risk pounds shall be calculated by the department so that the maximum total fee in (a) of this subsection can be obtained. The annual fee for each facility or set of interrelated facilities shall be subject to the limitations in (b) and (c) of this subsection.

(a) The maximum total fees collected shall be determined based on the maximum total fee for the previous year multiplied by the most current price deflator and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment shall be the second quarter price deflator for 1990. The maximum total fees for 1990 shall be one million dollars.

(b) The maximum fee for any facility or interrelated facility shall be determined based on the maximum total fee for the previous year multiplied by the most current price deflator and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment shall be the second quarter price deflator for 1990. The maximum annual fee for 1990 shall be ten thousand dollars.

(c) The maximum annual fee for a generator that generates between two thousand six hundred forty and four thousand pounds of dangerous and extremely hazardous waste shall be determined based on the maximum total annual fee for the previous year multiplied by the most current price deflator and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment shall be the

second quarter price deflator for 1990. The maximum annual fee for 1990 shall be fifty dollars.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-220, filed 4/1/91, effective 5/2/91.]

WAC 173-305-230 Due dates. (1) Fees imposed by RCW 70.95E.030 shall be first due on July 1, 1991, for facilities that are required to prepare plans in 1992, on July 1, 1992, for facilities that are required to prepare plans in 1993, and on July 1, 1993, for facilities that are required to prepare plans in 1994. Fees for facilities that are required to prepare plans following 1994 shall be first due on July 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste and/or are required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act.

(2) If a facility pays a fee in anticipation of preparing a plan the following year, and circumstances change so that the facility is no longer required to prepare a plan, the facility may request a refund of the fee from the department and, upon verification of the information submitted, it shall be granted. This request is made by letter to the department.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-230, filed 4/1/91, effective 5/2/91.]

WAC 173-305-240 Responsibilities of the departments of ecology and revenue. (1) The legislature has provided that the primary responsibility of the department of ecology is to provide the department of revenue by April 30 of each year with a list of persons subject to the fee and the amount of their fee. The fees shall be calculated based on the formulas in WAC 173-305-220(3).

(2) The department of ecology shall subtract any overpayment of the fee in the previous year from the fee for the current year. The department shall also subtract any interest accrued on an overpayment from the fee for the current year if the overpayment was made due to an error which was the responsibility of the department or an over estimate of rate per risk pound for the prior year.

(3) If there are resubmissions of hazardous waste annual reports and/or toxic release inventory reports, the department shall add any underpayment of the fee in previous years to the fee for the current year.

(4) The legislature has provided that the primary responsibility of the department of revenue is to collect the fees from those identified in subsection (1) of this section.

[Statutory Authority: Chapter 70.95E RCW. 91-08-040 (Order 90-56), § 173-305-240, filed 4/1/91, effective 5/2/91.]

Chapter 173-306 WAC

SPECIAL INCINERATOR ASH MANAGEMENT STANDARDS

WAC

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173-306-9901	Maximum contaminant levels for ground water.

WAC 173-306-010 Authority and purpose. This chapter is promulgated under the authority of chapter 70.138 RCW, to protect human health, the environment, and employees during the management and disposal of special incinerator ash. It is also the purpose of this chapter to enhance and encourage the higher waste management priorities as spelled out in chapter 70.138 RCW. This chapter is intended to establish consistent, enforceable management requirements for special incinerator ash that otherwise would be regulated as hazardous waste under chapter 70.105 RCW, the Hazardous Waste Management Act. This chapter is not intended to address ash residues that are classed as hazardous waste under federal regulations, 40 CFR Part 261, unless the Environmental Protection Agency decides such wastes are not subject to Subtitle C of the Resource Conservation and Recovery Act.

[Statutory Authority: Chapter 70.138 RCW. 90-10-047, § 173-306-010, filed 4/30/90, effective 5/31/90.]

WAC 173-306-050 Applicability. This chapter applies to municipal solid wastes intended for incineration or energy recovery and special incinerator ash as those terms are defined in WAC 173-306-100. (Incinerator ash whose designation status is unknown shall be considered special incinerator ash until data developed under WAC 173-306-500(4) is submitted to the department.) This chapter shall not apply to the following wastes:

(1) Solid waste as defined in WAC 173-306-100 that is not regulated as hazardous waste under chapter 70.105 RCW and that is not intended for incineration or energy recovery;

(2) Hazardous wastes regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. sec. 6901 et seq.;

(3) Incinerator ash from the operation of incineration or energy recovery facilities burning only tires, woodwaste, infectious waste, sewage sludge, or any other single type of refuse other than municipal solid waste; and

(4) Incinerator ash from the operation of incineration or energy recovery facilities burning municipal solid waste at a rate of twelve tons of municipal solid waste per day or less.

[Statutory Authority: Chapter 70.138 RCW. 90-10-047, § 173-306-050, filed 4/30/90, effective 5/31/90.]