

PERMIT REQUIREMENTS FOR DEVELOPMENT
OF
ENERGY AND OTHER SELECTED NATURAL RESOURCES
FOR THE
STATE OF WASHINGTON

PREPARED FOR
PACIFIC NORTHWEST REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY THE DEARBORN ASSOCIATES, INC.

Statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the Pacific Northwest Regional Commission or the U.S. Geological Survey.

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AUGUST 1981

The statements contained in the Guide do not necessarily reflect the views of the Pacific Northwest Regional Commission. This report is the result of tax-supported research and may be reprinted in part or whole with the customary crediting of the source.

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Request for information concerning this publication should be directed to either:

Planning and Community
Affairs Agency
9th and Columbia Bldg. or
Mail Stop GH-51
Olympia, Washington 98504

U.S. Geological Survey
Environmental Affairs Office
760 National Center
Reston, Virginia 22092

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ENERGY AND OTHER SELECTED NATURAL RESOURCES

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Planning and Community Affairs Agency
9th and Columbia Bldg.
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Olympia, WA 98504

(206) 753-2200

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Environmental Affairs Office
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Reston, Virginia 22092

(703) 860-7455

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SECTION 1.0
INTRODUCTION

1.0 INTRODUCTION

This guidebook is one of a series prepared for every State. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State, and local government as well.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Washington: it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1, 2, and 7 discuss introductory information, consolidated permit programs for the State of Washington, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the standard format shown at the end of this section.

Certain State agencies which do not directly license or manage development of energy and other natural resources have regulatory authority which may apply to a

proposed development. Depending on the nature of a proposed activity, an applicant should consider whether the following State agencies have authority related to the proposal.

- o Department of Labor and Industries
Mail Stop AX-31
Olympia, WA 98504

(206) 753-6341

The Department of Labor and Industries adopts and enforces industrial health and safety regulations, including building and construction safety inspection, utility and transportation facility inspection, and electrical apparatus construction and use.

- o Department of Licensing
Mail Stop PB-01
Olympia, WA 98504

(206) 753-6918

The Department of Licensing administers all laws relating to licensing of persons to engage in any business, trade, occupation, or activity, and regulates securities.

- o Department of Revenue
Mail Stop AX-02
Olympia, WA 98504

(206) 753-5540

The Department of Revenue, with the Department of Ecology, administers a program of state tax credits for certain air and water pollution control facilities.

- o Department of Transportation
Mail Stop KF-01
Olympia, WA 98504

(206) 753-6005

The Department of Transportation has responsibility for highways, public transportation, aeronautics and marine transportation. Regulations include lease and franchise issuance, and safety limitations on movement of goods.

- o Utilities and Transportation Commission
Mail Stop PB-02
Olympia, WA 98504

(206) 753-6423

The Utilities and Transportation Commission regulates transportation and utility rates, services, facilities and practices for privately owned business enterprises designated as public service companies, including telephone, electric, gas, and water; common carriers; railroad and bus lines; garbage and refuse collection companies; motor freight carriers, public storage warehouses; docks and passenger boats.

Other agencies of State government have responsibilities related to energy and other resource development, and may be a source of information and assistance to an applicant.

- o Department of Commerce and Economic Development
Mail Stop AX-13
Olympia, WA 98504

(206) 753-5630

The Department of Commerce and Economic Development includes the Office of Nuclear Energy Development, charged with fostering the State's nuclear economic potential; the Office also implements the Business Coordination Act, which includes a master permit process for certain businesses; and assists small businesses.

- o State Energy Office
Mail Stop ER-11
Olympia, WA 98504

(206) 754-0700

The Energy Office collects and analyzes data on energy resources; carries out energy-related Federal administrative and program functions, prepares contingency plans for energy emergencies, and assists in development of conservation plans.

STANDARD FORMAT FOR PERMIT SUMMARY

CHAPTER

TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL

INTRODUCTION

Description of administering agency and its role.

A. NAME OF PERMIT OR APPROVAL

Complete name of permit or approval.

B. STATUTORY AUTHORITY

Title of state statute(s) authorizing permit and appropriate legal citation.

C. TITLE OF REGULATION

Title of state regulation(s) which apply to permit.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

Summary of major steps involved in the permit/approval process.

1. APPLICABILITY

Includes all types of activities which require the permit.

2. GENERAL REQUIREMENTS

Conditions which must be met by the project sponsor before a permit can be acquired; does not include Submission or Operation Requirements.

3. SUBMISSION REQUIREMENTS

Types of information which the project sponsor must include in the application for the permit.

4. PROCEDURES FOR OBTAINING PERMIT OR APPROVAL

Includes information on items such as submittal procedures, departmental review investigation, public notification/hearing, preliminary and final decisions, inspections, and processing times.

5. OPERATIONS REQUIREMENTS

Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor in order to continue operations.

6. FEES

Costs incurred for obtaining and maintaining the permit.

7. APPEAL PROCESS

Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed.

E. ADMINISTERING AGENCY

Name, address, and telephone number of the administering agency.

If applicable, the name, address, and telephone number of the counterpart Federal agency.

SECTION 2.0
STATE POLICY AND PROCEDURES
FOR CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1 STATE CLEARINGHOUSE

INTRODUCTION

The State Planning and Community Affairs Agency (PCAA), working with the Federal Government, other State agencies and departments, and local governments, assists in the effective use of Federal programs affecting community development, coordinates existing State activities affecting communities, and directly assists communities through technical and financial assistance.

The agency has been designated as the State Clearinghouse for A-95 review. It disseminates information on various State programs requiring coordination of State and local government, and distributes notices of pending State and local actions under the State Environmental Policy Act (SEPA).

A. NAME OF PROGRAM

State Clearinghouse for A-95 Review.

B. AUTHORIZING STATUTE

Ch. 43.63A RCW, Planning and Community Affairs.

C. TITLE OF PROGRAM

A-95 Clearinghouse System.

D. SUMMARY OF PROGRAM

I. APPLICABILITY

State or local agencies, organizations, or individuals applying for Federal funds from any source listed in the A-95 circular (U.S. Office of Management and Budget) must notify their local clearinghouse and submit a project application for A-95 review before funding. The clearinghouse system works on two levels: local and State. Twenty-eight local clearinghouses (usually a county or regional planning agency, designated by the Governor) receive applications within their jurisdictions, review for conformance to regional plans, and receive comments from other agencies. The State PCAA, in addition to providing technical assistance to local clearinghouses, acts as a clearinghouse for proposals affecting the entire State and for proposals from State agencies.

2. GENERAL REQUIREMENTS

The A-95 review process is designed to allow local governments to comment on projects within their area, to assure that their policies and comprehensive plans will be followed. Federal grants requiring preparation of a State plan must be reviewed by the State clearinghouse to assure compatibility with other State plans and programs.

3. SUBMISSION REQUIREMENTS

As soon as an applicant knows that he/she will apply for Federal funds and has a reasonable idea of the design of the project, he/she completes an application containing a brief description of the project, amount of funds requested, area immediately affected by the project, and EIS requirement, if any, and gives copies to the district clearinghouse.

4. PROCEDURES

- a. **Application:** Applicant prepares an A-95 "Notice of Intent Form," (S.F. 424) and a State Notification and Review Form.
- b. **Review and Investigation:** The clearinghouse distributes copies of the notice to local agencies and to PCAA for publication in a weekly log. The clearinghouse has 30 days from receipt of a notice to complete its review, with the possibility of an extension. If applicant submits a completed project application, review period may be up to 60 days. The Clearinghouse Review Committee evaluates the project comments from affected agencies. The clearinghouse sends applicant a letter containing comments by the agencies involved. The applicant submits a final project application to the Federal funding agency. The Federal agency considers all comments received by the clearinghouse.

E. ADMINISTERING AGENCY

Local Government Services Division
Washington State Planning and Community Affairs Agency
9th and Columbia Bldg.
Mail Stop GH-51
Olympia, WA 98504

(206) 753-4900

1-800-562-5677 (toll free)

CHAPTER 2.2 ONE-STEP PERMIT AGENCY

A. NAME OF PROGRAM

Permit Coordination Agency.

B. AUTHORIZING STATUTE

Chapter 90.62 RCW, Environmental Coordination Procedures Act.

C. TITLE OF REGULATION

173-08 WAC, Master Application Procedures.

D. SUMMARY OF PROGRAM

1. APPLICABILITY

The Environmental Coordination Procedures Act (ECPA) provides an optional procedure for applicants requiring two or more State permits, or at least one State and one local permit involving use of the State's air, land, or water resources. Permits governing the following activities are included: Air Contaminants, Aquaculture, Burning, Dam Safety Approval, Dumping in Forest Lands, Flood Zone Development, Oil and Gas Drilling, Park Improvements and Construction, Pollutant Discharge, Power Machinery Operation in Water, Public Water Use, Reservoirs, Sewage Facilities, Waste Discharge, Water System Construction, Weather Modification, Winter Sports Facilities, and Shoreline Development (local government). The program is directed by the Washington Department of Ecology (WDOE), which acts as the central agency in coordinating the application procedure.

2. GENERAL REQUIREMENTS

While ECPA was designed to provide centralized information and coordinate the procedural aspects of the permit process (one step), it is not a "one-stop" permit system. All substantive decisions remain with the participating State and local agencies.

3. SUBMISSION REQUIREMENTS

Applicant completes ECPA application and SEPA environmental checklist,

describing activity location, including identification of surface waters and State parks; project description, including construction plans and schedule; potential impacts on air and water; water use; sewage disposal; waste disposal; and project diagram. Local government certification of conformance with land use plans and regulations is required. Optionally, certification may be postponed until the application has been circulated to State agencies, or local permits may be processed along with State permits.

4. PROCEDURES

- a. **Application:** Using a form prescribed by WDOE, file application at a WDOE regional office or county permit information office.
- b. **Review and Investigation:** The ECPA office of WDOE circulates application to State agencies with potential involvement. Within 15 days, agencies notify the ECPA office if a permit or public hearing is required. The ECPA office forwards applications to applicant. Applicant may decide to withdraw from the process at this point and deal directly with the State agencies. If the applicant elects to continue with ECPA, completed application forms are returned within 90 days. The ECPA office distributes completed applications to agencies, and determines lead agency for SEPA compliance.
- c. **Public Notification/Hearing:** Notice of application must be published at the applicant's expense for 2 weeks, in a newspaper of general circulation. If no public hearing is needed, the public has 3 weeks to comment in writing on the proposal. When needed, public hearings are held at least 15 days after the last publication of the application notice. The hearing includes all agencies with permit applications, the applicant, and the public. A record is transmitted to participating agencies.
- d. **Processing Time:** Agencies have up to 40 days to forward a decision to the ECPA office.

e. Terms: None imposed by ECPA.

5. OPERATIONS REQUIREMENTS

ECPA does not impose requirements beyond those required by the individual State and local permits.

6. FEES

None.

7. APPEAL PROCESS

a. Review of a final decision relating to any State permit except a Substantial Development Permit may be appealed to the Pollution Control Hearings Board within 30 days of the final decision.

b. Substantial Development Permit may be appealed within 30 days to the Shorelines Hearings Board.

E. ADMINISTERING AGENCY

Environmental Review Section
Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

For information concerning appeals to the Pollution Control Hearings Board and Shorelines Hearings Board, contact:

Environmental Hearings Office
Mail Stop PY-21
Olympia, WA 98504

(206) 753-3025

CHAPTER 2.3 STATE ENVIRONMENTAL POLICY ACT

A. NAME OF PROGRAM

State Environmental Policy Act Implementation.

B. AUTHORIZING STATUTE

Chapter 43.21C RCW, State Environmental Policy Act (SEPA).

C. TITLE OF REGULATION

197-10 WAC, SEPA Guidelines.

SEPA Guidelines adopted by State and local agencies.

D. SUMMARY OF PROGRAM

1. APPLICABILITY

Actions potentially subject to threshold determination and environmental impact statement (EIS) requirements include governmental licensing; governmental action of a project nature, including modification of the physical environment, or a decision to sell, purchase, lease, or transfer publicly owned land and other resources; governmental action of a non-project nature, including adoption of regulations which contain standards controlling use of the physical environment, land use plans and zoning ordinances; and policies, plans or programs affecting the environment.

2. GENERAL REQUIREMENTS

A State or local agency which receives an application determines whether a project or activity is potentially subject to SEPA requirements and decides whether it is the "lead agency" responsible for SEPA compliance.

3. SUBMISSION REQUIREMENTS

The proponent must provide information about a proposal which will enable the lead agency to determine its environmental impact.

4. PROCEDURES

a. Application: The lead agency requires preparation of an Environ-

mental Checklist, identifying potential impacts on the physical and human environment.

- b. **Review and Investigation:** The lead agency determines whether the proposal will result in a significant adverse impact upon environmental quality. A negative finding completes the process. A positive finding leads to the preparation of a draft and a final EIS, a responsibility of the lead agency, who assesses adverse impacts which may result from the proposed action, analyzes measures to mitigate or eliminate those impacts, considers alternatives to the proposal, and facilitates transmittal of information from other agencies.
- c. **Public Notification/Hearing:** Following public notice of the availability of the draft EIS, affected agencies and the public have 35 days in which to submit comment. The lead agency may determine that a public hearing on the EIS is needed, or it shall respond to a request for hearing by 50 citizens of the jurisdiction, or from two agencies with jurisdiction over the proposal. The hearing must be held within 51 days of the notice of availability, with public notice of the hearing made at least 5 days preceding.
- d. **Processing Time:** Within 75 days, the lead agency must issue a final EIS, responding to comments received. Final agency action on a proposal may be taken 7 days after issuance of a final EIS.

5. OPERATIONS REQUIREMENTS

The EIS may identify conditions which should be imposed to mitigate or avoid certain environmental impacts. These would be incorporated in permits required for the proposed activity.

6. FEES

The lead agency is responsible for the preparation of the EIS, and the applicant is required to provide information necessary for its preparation.

Arrangements for the costs of statement preparation, consultant services, and necessary studies are made by the applicant and the lead agency.

7. APPEAL PROCESS

Certain local governments have provided for appeals of threshold determination and statement adequacy. Generally, appeal is through the courts.

E. ADMINISTERING AGENCY

Each State and local permitting agency is responsible for administering the provisions of SEPA.

The Department of Ecology is responsible for revisions to the SEPA Guidelines, and for resolving disputes as to lead agency determinations.

Department of Ecology
Mail Stop PV-II
Olympia, WA 98504

(206) 459-6000

SECTION 3.0
RESOURCE EXTRACTION

CHAPTER 3.1 ENERGY RESOURCES
3.1.1 OIL AND GAS DRILLING PERMIT

A. NAME OF PERMIT

Permit to Drill for Oil and Gas.

B. AUTHORIZING STATUTE

Chapter 78.52 RCW, Oil and Gas Conservation Act.

C. TITLE OF REGULATION

344-12 WAC, General Rules: Drilling -- Production.

D. SUMMARY OF REGULATION

The Oil and Gas Conservation Act set up an Oil and Gas Conservation Committee, with authority to permit activities subject to the act. The committee has delegated its operational authority to the Department of Natural Resources (DNR).

1. APPLICABILITY

A permit is required to drill exploration wells, rework existing wells, drill to obtain subsurface geological data, and conduct seismic geophysical investigation.

2. GENERAL REQUIREMENTS

Applicant must file a Notice of Intention to Drill with the department.

3. SUBMISSION REQUIREMENTS

Along with the Notice of Intention, applicant must provide a performance bond and an environmental checklist required by the State Environmental Policy Act. DNR will usually require a letter of approval from the local government in the area of proposed drilling.

4. PROCEDURES

a. Application: Description of lease or property; well location; sketch of site and well.

- b. **Review and Investigation:** DNR conducts a site inspection, including surface conditions and potential water pollution problems, and completes an environmental checklist.
- c. **Public Notification/Hearing:** A proposed declaration of (SEPA) non-significance is posted for 15 days in the affected county. DNR may convene a hearing on its own motion or at the request of an interested party. Notice will be published at least 10 days prior to the hearing.
- d. **Processing Time:** Within 2 weeks of application, DNR will conduct a site inspection. If no significant comment is received, a final declaration of non-significance is issued, applicant pays a fee and submits required bond forms and a proposed casing program. After review of application and public comment, a permit will be issued by the Oil and Gas Supervisor. If a hearing is held, action will be taken within 20 days.
- e. **Terms:** Each well must be identified with owner's name, lease, and permit number. The well owner must compile and maintain a well record, including drilling information, volumes, pressure, casing, test results. Sealing of strata containing fresh water, oil and gas, and casing adequate to protect the oil-bearing stratum, may be required.

5. OPERATIONS REQUIREMENTS

The owner must notify DNR before abandonment of any well, with plugging performed as specified in the regulation; the department must be notified of transfer of ownership of a well.

6. FEES

\$ 100 for each well (excluding well deepening and shallow wells for geological data and seismic geophysical investigation). Bonding: \$5,000, if well is less than 3,500 feet deep; \$7,500, if less than 7,000 feet;

\$10,000, if more than 7,000 feet deep. Bond shall remain in force until well plugging is approved by the department.

7. APPEAL PROCESS

None.

E. ADMINISTERING AGENCY

Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

(206) 753-6183

CHAPTER 3.1 ENERGY RESOURCES
3.1.2 GEOTHERMAL WELL DRILLING PERMIT

A. NAME OF PERMIT

Geothermal Well Drilling Permit.

B. AUTHORIZING STATUTE

Chapter 79.76 RCW, Public Lands Act.

C. TITLE OF REGULATION

332-17 WAC, Geothermal Drilling -- Rules and Regulations.

D. SUMMARY OF REGULATION

1. APPLICABILITY

The Department of Natural Resources (DNR) has authority to regulate drilling, production, and abandonment of any geothermal well in the State of Washington.

2. GENERAL REQUIREMENTS

Any person proposing to drill, redrill, or deepen a well for geothermal resources shall first obtain a permit from DNR. A blanket area permit may be obtained for drilling shallow core holes.

3. SUBMISSION REQUIREMENTS

Submittal information includes: identification of operator; description of lease or property, including acreage; listing of surface property and mineral right owners; location of support facilities, and other areas of potential surface disturbances; well location and facilities layout; site access; water supply; site topography; waste disposal; drilling and casing plan; surveyed plat showing surface and bottom-hole locations; proposed measures for environmental protection. For core-hole drilling, applicant discloses operator's name and address; names, numbers, locations, and depths (not to exceed 750 ft.) of core holes; map with topography, drainage, and access roads.

4. PROCEDURES

- a. **Application:** The permit applicant must file a written application, on a form provided by the Department.
- b. **Review and Investigation:** DNR inspects the project and complies with SEPA requirements. Within 10 days, a copy of the application is transmitted to the Department of Ecology.
- c. **Public Notification/Hearing:** After receiving an application, DNR will set a time and place for public hearing. The applicant must publish notice twice in a paper in the county affected.
- d. **Processing Time:** DNR will issue a permit if it finds that the area is suitable for the activity, that applicant can comply with the rules and regulations, and that a permit would be in the best interests of the State. A permit will be denied if operation is expected to unreasonably decrease ground water available for existing rights. A copy of the permit is forwarded to DOE within 5 days of issuance.
- e. **Terms:** DNR may condition the permit as necessary to reduce environmental impact; it will impose casing, blowout prevention, and drilling-fluid requirements. The operator must maintain, and file with DNR, a log of drilling activities and other logs and records. All wells shall be logged with an induction electrical log or equivalent. Written authorization from DNR is required for removal of casing, suspension of drilling or removal of drilling equipment.

5. OPERATIONS REQUIREMENTS

Written authorization of DNR is required for abandonment or suspension of well operations. DNR must be notified of any change in a well's ownership. Completion or abandonment procedures must include all appropriate steps to protect ground water and surface water, prevent escape of deleterious substances to the surface, and restore the site. DNR witnesses the installation and testing of casing, drill-stem tests, and logging of wells.

6. FEES

\$ 200 permit fee. A bond or cash deposit, in an amount acceptable to DNR, must be provided. That security will be terminated when well abandonment has been approved by DNR. If necessary, DNR may modify a permit in order to carry out the purpose of the regulation.

7. APPEAL PROCESS

A person adversely affected by an action of the DNR may appeal to the courts, which will give precedence to proceedings under this chapter, insofar as practicable.

E. ADMINISTERING AGENCY

Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

(206) 753-5327

The Geothermal Drilling Act is administered by:

DNR Division of Geology and Earth Resources
Mail Stop PY-12
Olympia, WA 98504

(206) 753-6183

CHAPTER 3.1 ENERGY RESOURCES

3.1.3 SURFACE MINING PERMIT

A. NAME OF PERMIT

Surface Mining Permit.

B. AUTHORIZING STATUTE

Chapter 78.44 RCW, Surface Mining.

Public Law 95-87, Surface Mining Control and Reclamation Act of 1977.

C. TITLE OF REGULATION

332-18 WAC, Surface Mining.

D. SUMMARY OF PERMIT PROCESS

1. APPLICABILITY

Operating permits and reclamation plans are required for all surface mining operations which result in over 2 acres of land being disturbed or 10,000 tons of earth material being removed within a period of 12 consecutive calendar months. Permits are not required for excavation or removal of sand, gravel, clay, rock, or other materials in remote areas by the owner for the purpose of road construction or maintenance on such owner's property.

NOTE: After passage of the Federal Surface Mining Control and Reclamation Act in 1977, the State declined to prepare a program for controlling surface coal mining for Federal approval pursuant to the act. The Office of Surface Mining (U.S. Department of the Interior) assumed jurisdiction to issue permits in the State of Washington. At the same time, the State statute remains in force, and requires the State to issue permits for surface mining of coal.

Any applicant for a coal mining permit must submit an application to OSM in accordance with 30 CFR 211 (Interim Regulations) and 30 CFR 700 et seq. (Performance Standards). The State may elect to develop a program in the future; if approved, the program would confer permit jurisdiction on the State for surface coal mining on non-Federal lands.

2. GENERAL REQUIREMENTS

The regulation provides that the usefulness, productivity and scenic values

of all lands and waters involved in surface mining will receive the greatest practical degree of protection and restoration. Reclamation activities should be conducted simultaneously with mining and must be completed not more than 2 years after operations end.

3. SUBMISSION REQUIREMENTS

Applicant will provide a surface mining plan and reclamation plan. An applicant may submit a combined operating permit application covering several sites.

- a. Mining plan must include: Materials to be mined; type of mining to be performed; provision for completion of operations for each segment of the area, so that reclamation can be initiated as soon as possible; visual screening; schedule for commencing reclamation; map of area, with topographic detail, streams, roads, utilities; identification of land owners; schedule of commencement and termination of mining; if the applicant does not own the property involved, agreement of the owner with the proposed operation.
- b. Reclamation plan must include: Statement of proposed subsequent land use, with local government certification that the use is allowed under local zoning regulations, and with concurrence of the property owner; proposed practices to protect adjacent land; surface gradient restoration specifications; revegetation; contaminant control and refuse disposal; surface water diversion; stream restoration (plan must be approved by Department of Fisheries before application is submitted); time schedule.

4. PROCEDURES

- a. Application: Submit three copies of application on a form supplied by DNR, together with supporting materials, to area office: surface mining plan; reclamation plan, with Department of Fisheries approval where required; local government approval of future land use.

- b. **Review and Investigation:** DNR will prepare an environmental checklist (SEPA) and conduct a field inspection.
- c. **Public Notification/Hearing:** None imposed by these regulations; however, notice and hearing may be required by SEPA.
- d. **Processing Time:** Inspection and initial SEPA compliance review - 25 days. If DNR finds the site suitable, but does not approve the plan, it may issue a provisional permit. DNR may refuse approval, notifying the operator of the reasons and imposing added requirements. Within 30 days, the applicant may accept the additions, and a permit will be issued. If the applicant appeals the requirements, DNR will issue a provisional permit for the duration of the appeal period.
- e. **Terms:** A permit is valid for the period required to mine the land, or until abandonment.

5. OPERATIONS REQUIREMENTS

Within 30 days after completion or abandonment of mining, or 30 days after each anniversary date of the permit, an activity report must be filed which describes the next year's mining, reclamation in the past year, and has updated maps. DNR may inspect the permit area, may issue notice of deficiencies, and take action necessary to correct them.

6. FEES

\$25 application fee; \$25 annual permit fee. \$5 per acre fee (over 10 acres) for lands disturbed by mining in the previous year. Performance bond, in an amount equal to estimated cost of completing reclamation plan for area to be disturbed in the next year, and any area previously mined where reclamation has not been completed or approved. Amount shall be not less than \$100 or more than \$2,500 per acre.

7. APPEAL PROCESS

Appeals from DNR determinations shall be made under the Administrative Procedures Act and will be considered a contested case.

E. ADMINISTERING AGENCY

Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

(206) 753-6183

CHAPTER 3.1 ENERGY RESOURCES

3.1.4 OIL AND GAS LEASES

A. NAME OF PERMIT

Oil and Gas Leases on State Land.

B. AUTHORIZING STATUTE

Chapter 79.14 RCW, Oil and Gas Leases on State Lands.

C. TITLE OF REGULATION

Regulations concerning Oil and Gas Leases, 1957.

D. SUMMARY OF REGULATION

The Department of Natural Resources (DNR) is responsible for supervising and administering oil and gas leases on more than 5 million acres of public lands, including tidelands and shorelands, and lands which have been sold but on which mineral and oil rights have been reserved by the State.

1. APPLICABILITY

DNR may lease lands for exploration prospecting, developing and producing oil, gas, or other hydrocarbon substances.

2. GENERAL REQUIREMENTS

For lands not previously leased, which have been classified as being within a known geologic structure of a producing oil or gas field, oil and gas leases will be issued after competitive offers by sealed bid or by public auction, with the lease awarded to the person offering the greatest cash bonus, or, in the absence of a cash bonus offer, to an applicant with a minimum acceptable bid. Leases may not exceed 640 acres, except for lands covered by water, 1,920 acres.

3. SUBMISSION REQUIREMENTS

Information describing the applicant, site and proposed activity.

4. PROCEDURES

- a. **Application:** Information is supplied on a form provided by DNR.
- b. **Review and Investigation:** DNR determines whether approval of the lease is consistent with the rights of the State and surface property owners and that the lease is not in conflict with the requirements of this chapter.
- c. **Public Notification/Hearing:** For leases, none. For auctions, at least 30 days prior to date of sale, notice will be published in a newspaper in the State capital.
- d. **Processing Time:** 180 days from date of application.
- e. **Terms:** All leases have a 5-year term, extended up to 20 years if lessee is engaging in production or drilling activities. Lessee has a preferential right to a new lease for an additional 20 years. The lease sets certain well-spacing and location requirements.

5. OPERATIONS REQUIREMENTS

Where an applicant does not control surface rights of the site, he must provide for compensation for damages to the holder of those rights. DNR may cancel a lease for nonpayment of rentals or royalties. For violation of a lease requirement, after written notice and a 30-day period in which lessee may remedy the default, the lease may be terminated. Leaseholders may collectively adopt, and operate under, a cooperative or unit plan, subject to DNR's approval. The term of a lease subject to such a plan shall remain in force until the plan's termination. After the discovery of oil or gas, lessee must promptly develop it. A lease may be assigned or sublet, subject to DNR's approval.

6. FEES

Application fee: \$20. At the time a lease is awarded, lessee must pay a rental fee of not less than \$1.25 per acre, plus 12 percent leasehold tax

with the same amount payable annually for the life of the lease, or until royalty accrues from production from the lease. After commencement of production, lessee must pay a minimum royalty of not less than \$5 per acre, or 12.5 percent of gross production, whichever is greater.

7. APPEAL PROCESS

An applicant aggrieved by an action of the DNR may appeal to the superior court of the county in which the activity is located.

E. ADMINISTERING AGENCY

Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

(206) 753-5327

CHAPTER 3.2 METALLIFEROUS MINING

3.2.1 PROSPECTING LEASES AND MINING CONTRACTS

A. NAME OF PERMIT

Prospecting Leases and Mining Contracts.

B. AUTHORIZING STATUTE

Chapter 79.01 RCW, Mineral Leasing Law.

C. TITLE OF REGULATION

332-16 WAC, Rules and Regulations for the Management of Mineral Resources.

D. SUMMARY OF REGULATION

The Department of Natural Resources (DNR) has the power to execute leases for prospecting and contracts for mining of valuable minerals and specified materials (except hydrocarbons) on public lands belonging to or held in trust by the State, or where mineral rights have been reserved by the State.

1. APPLICABILITY

This regulation applies to the extraction of minerals and certain types of processing, including minerals which are customarily sold in the form of a crude mineral product, metals and other ores, talc, clay, and minerals used in the manufacture of cement (fill and road materials are excluded under RCW 79.01.176 - Sale of Valuable Material).

2. GENERAL REQUIREMENTS

DNR must approve leases for prospecting and contracts for mining of specified minerals. No lease or contract may cover more than one section or less than 1/16 section.

3. SUBMISSION REQUIREMENTS

Information describing the site, minerals, extraction, waste disposal, and processing.

4. PROCEDURES

- a. Application: Information is provided on a DNR form.
- b. Review and Investigation: DNR determines whether approval of the lease or contract is in the best interests of the State.
- c. Public Notification/Hearings: None.
- d. Processing Time: None specified. After processing, DNR will return the lease or contract to the applicant, who has 30 days in which to sign and return it.
- e. Terms: A prospecting lease has a nonrenewable term of 2 years. Prior to its expiration, a prospecting lease may be converted to a contract, upon application to DNR. A mining contract's term may not exceed 20 years.

5. OPERATIONS REQUIREMENTS

The lessee may cut and use timber located on the leased premises only for mining operations. Removal of forest products from the site must be approved by DNR. Where an applicant does not control surface rights of the site, he must provide for compensation to the holder of those rights for damages from mining. Performance of development work of at least \$1.25 per acre per year for the first 4 years after start of lease is required on land held under a lease, and \$2.50 for the fifth and succeeding years under a mining contract. Lessee must submit to DNR all maps, reports, and assays relating to the property. Assignment of a lease or contract is subject to DNR's approval.

6. FEES

\$5 application fee; payment of first year's rental for a lease (\$0.25 per acre); for a contract, the first 4 years are the prospecting or exploration period; rental is \$0.25 per acre for the first and second years, and \$0.50 in the third and fourth years. The fifth through twentieth years are the

mining period, and require a minimum royalty of \$2.50 per acre per year in lieu of a rental fee. Royalties are payable to DNR for all minerals removed and are computed in one of the following ways: established schedule for specific materials; standard royalty of 3 percent of gross income from mining activities; or a royalty negotiated by the lessee and DNR.

7. APPEAL PROCESS

An applicant or lessee disagreeing with terms or conditions of a lease or contract may take action as provided for in the State Administrative Procedures Act.

E. ADMINISTERING AGENCY

Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

(206) 753-5327

CHAPTER 3.2 METALLIFEROUS MINING
3.2.2 PLAN APPROVAL -- TAILINGS AND MILL SITES

A. NAME OF PROGRAM

Plan Approval -- Uranium and Thorium Tailings and Mill Sites.

B. AUTHORIZING STATUTE

Chapter 70.121 RCW, Mill Tailings Licensing and Perpetual Care Act.

C. TITLE OF REGULATION

402-52 WAC, Uranium and/or Thorium Mill Operation and Stabilization of Mill Tailings Piles.

D. SUMMARY OF REGULATION

1. APPLICABILITY

Any person proposing to operate a uranium or thorium mill must obtain a license from the Department of Social and Health Services (DSHS). The application must include a plan for reclamation and disposal of tailings and for decommissioning the site.

2. GENERAL REQUIREMENTS

The release of potentially hazardous radioactive isotopes during and after the processing of uranium and thorium creates potential hazards to public health and welfare and requires imposition of these regulations on milling facilities and associated tailings piles.

3. SUBMISSION REQUIREMENTS

The submittal includes description of the proposed process, operating conditions, safety measures, shipping and packaging practices; a plan for reclamation and disposal of tailing and site decommissioning that conforms to the criteria and standards then in effect for the protection of the public safety and health.

4. PROCEDURES

a. Application: An application is usually considered as a part of a total

project, with simultaneous review by the Departments of Ecology and Natural Resources, using the procedures of the State Environmental Policy Act (SEPA).

- b. **Review and Investigation:** For tailing piles, DSHS will consider: access, stabilization during operation, monitoring and inspection plans, dust control, and protection of water sources.
- c. **Public Notification/Hearing:** DSHS will hold a public hearing, previously announced by public notice and will provide opportunity for written comment, to consider the adequacy of the proposed plan to protect public safety and health. Usually, SEPA will require preparation of an impact statement; the hearing will then consider the statement and other agency actions related to the project.
- d. **Processing Time:** Where an impact statement is needed, the minimum time will be that required by the SEPA regulations.
- e. **Terms:** DSHS will determine the time period of the license, not more than 2 years, and renewable for 5-year intervals. Each licensee shall submit to onsite inspections and monitoring.

5. OPERATIONS REQUIREMENTS

The operator will be responsible for compliance with license requirements during the facility's lifetime and at shutdown and decommissioning. For all projects except those on Indian lands, the owner must agree to transfer all buildings and grounds to an appropriate State or Federal agency after the license terminates.

6. FEES

\$27,000 application fee; \$165,000 license fee; \$10,000 amendment or renewal fee. Annual inspection fee, \$90,000. During milling operations, DSHS will levy a charge of \$0.05 per pound of uranium or thorium milled, the total collected from a license not to exceed \$1 million; funds will be deposited in the radiation perpetual maintenance fund, to be used for

maintenance, surveillance or other care of a site after operations have ceased. A bond is required to provide funds in event of abandonment or default by the licensee, with the amount determined by DSHS.

7. APPEAL PROCESS

None specified.

E. ADMINISTERING AGENCY

Department of Social and Health Services, Radiation Control Program
Mail Stop LD-11
Olympia, WA 98504

(206) 753-7039

CHAPTER 3.3 CONSTRUCTION MATERIALS

Applicable Regulations of State Agencies and Local Jurisdictions:

1. Department of Natural Resources
See Chapter 3.1.3 -- Surface Mining Permit

2. Departments of Fisheries and Game
See Chapter 6.3.2 -- Hydraulic Project Approval

3. Department of Ecology
See Chapter 5.2 -- Water Quality Standards and Regulations
See Chapter 5.3 -- Water Supply
See Chapter 4.3 -- Flood Plain Management

4. Local Government
See Chapter 7.1 -- Local Government Land Use and Natural Resource
Control Enabling Laws

SECTION 4.0
LAND USE REGULATION

CHAPTER 4.1 MAJOR FACILITY SITING

INTRODUCTION

The Washington State Legislature, recognizing that the present and predicted growth in energy demands required a procedure for the selection and utilization of sites for energy facilities, created the Energy Facility Site Evaluation Council, composed of a chairman appointed by the Governor, representatives of 14 state agencies, and designees of local governments affected by a proposed development. The council conducts studies, holds hearings, and prepares a recommendation to the Governor on a facility/application. It prescribes monitoring of construction and operation, integrates its review with activities of Federal agencies having jurisdiction, issues permits in accordance with applicable Federal and State environmental regulations, and prepares documents which satisfy the requirements of the State and National Environmental Policy Acts.

The State, recognizing the need to provide abundant energy at a reasonable cost, seeks to balance the provision of energy with the public interest in protection of environmental quality, through location and operation of energy facilities which will produce minimal adverse impacts.

A. NAME OF PERMIT

Energy Site Facility Certification Agreement.

B. AUTHORIZING STATUTE

Chapter 80.50 RCW, Energy Facilities -- Site Locations.

C. TITLE OF REGULATION

Title 463 WAC, Energy Facility Site Evaluation Council.

D. SUMMARY OF PERMIT PROCESS

1. APPLICABILITY

Chapter 80.50 RCW applies to new construction, reconstruction, or enlargement of the following energy plants and transmission facilities and their associated facilities: Petroleum and gas transmission pipelines not less than 15 miles in length; energy plants, including stationary thermal

power plants whose generating capacity exceeds 250,000 kW; receiving facilities for liquified natural gas, and petroleum or liquified petroleum gas; underground reservoirs for natural gas storage; petroleum processing facilities with a capability exceeding 25,000 barrels per day; associated facilities, including storage, transmission, handling or other related and supporting facilities connecting an energy plant with the existing energy supply, processing or distribution system, and certain other specified facilities. See Chapter 80.50 RCW for specific criteria.

2. GENERAL REQUIREMENTS

No construction of energy facilities listed above may occur without first obtaining certification. A certificate, which is a "one-stop permit," will bind all agencies of State and local government as to the approval of the site, construction, and operation of the facility, and preempts any other permit or license otherwise required by the State and its political subdivisions.

3. SUBMISSION REQUIREMENTS

An applicant must identify all information known to him/her which has a bearing on site certification and disclose its source. Within 90 days, the applicant must supply the following information, unless an exclusion can be justified because of inapplicability: schedules of environmental studies (scope and completion date); construction schedules; potential for future related activities on or near the site; analysis of alternative sites, routes, or other major elements; identification of Federal, State, and local health and safety standards, and methods of compliance; proposed site, including geographic features, geological and climatological characteristics, land use plans and regulations; legal descriptions and nonprivate ownership interests; characteristics of construction: type, size, cost of facility, description of major components; contour maps showing original topography and proposed changes; existing and proposed transportation facilities, for construction and operation; routing, design and construction schedule of proposed transmission facilities; Federal, State and industry criteria used in route selection, construction, and design; radioactivity:

background levels, proposed waste-treatment process, release of radio-nuclides; proposed protection of facility from natural hazards and from security threats; emergency plans; procedures to minimize erosion and control surface water runoff during construction and operation; impact on transportation facilities; hydrologic and geologic survey; ground-water and surface-water use and impact during construction and operation; prevention and control measures for discharges or emissions; application for National Pollution Discharge Elimination System (NPDES) permit; solid-waste-disposal plan; air pollution control standards, conditions, compliance plans; animal, aquatic life, and vegetation inventory, and impact of construction; esthetic impact; energy consumption; socio-economic impact study (submitted 90 days prior to final contested hearing).

The applicant may choose to submit an abbreviated application, including only that information sufficient to determine compliance with land use and zoning regulations; after compliance is found, the other required information must be provided within 90 days.

4. PROCEDURES

Upon request of a potential applicant, the council may conduct a preliminary study of a potential site. The request must include a legal description of the site, a general description of the area, a description of the type, size, and significant features of the facility. The council may require further information.

For proposals where a site has been identified:

- a. **Application:** Thirty-five copies of the information required in item "3" above. Submission requirements are provided to the council, with two copies to each county, and one copy to each port district in which the facility will be located.
- b. **Review and Investigation:** For a potential site study, the council commissions an independent consultant to study matters related to

the proposed site, including environmental impact information. If the applicant decides to submit a site certification application before completion of the study, the council may terminate the study and proceed with its review of the application, utilizing the services of consultant, as required.

- c. **Public Notification/Hearing:** Within 60 days of receipt of application, the council will schedule a contested case public hearing in the county of the proposed site, with service to parties and media notification. Additional hearings will be held as deemed appropriate by the council.
- d. **Processing Time:** Within 12 months of application filing, or a later date agreed to by the parties, the council submits its recommendation to the Governor, who shall act within 60 days to approve, reject, or remand the agreement. Reconsideration shall be handled expeditiously, and the Governor's decision to approve or reject must take place within 60 days.

5. OPERATIONS REQUIREMENTS

Certification may be revoked or suspended for: false statements provided to the council which affected its decision; failure to comply with terms and conditions of the certification; violation of other provisions of the law and regulations. Compliance is evaluated through onsite inspections, data analysis and/or reporting activities prescribed by the council and performed by other State agencies. When the council determines that noncompliance has occurred, it may institute enforcement action. The court may grant restraining orders and injunctive relief needed to secure compliance. Fines from \$1,000 to \$25,000 for each day of violation may be imposed. The court may further charge expenses of an enforcement action against the violator.

6. FEES

A fee of \$10,000 must accompany a potential site study request; further

costs are the obligation of the applicant. A fee of \$25,000 must accompany the application, to be applied toward the cost of the council's independent consultant study. Costs exceeding that amount shall be payable subject to the applicant's prior approval. The applicant is also responsible for costs incurred by the council in processing the application. A \$20,000 deposit to cover these costs must accompany the application. The applicant must maintain that amount in an account throughout application processing. A certificate holder is responsible for all reasonable and necessary costs of inspection and determination of compliance.

7. APPEAL PROCESS

The approval or rejection of an application by the Governor is subject to judicial review.

E. ADMINISTERING AGENCY

Energy Facility Site Evaluation Council
Mail Stop PY-II
Olympia, WA 98504

(206) 753-7384

CHAPTER 4.2 LAND USE

The State of Washington does not directly regulate land use. That authority is vested by statute in counties and cities. (See Chapter 7.1 -- Local Government Land Use and Natural Resource Control Enabling Laws.)

CHAPTER 4.3 FLOOD PLAIN MANAGEMENT

A. NAME OF PERMIT

Flood Control Zone Permit

B. AUTHORIZING STATUTE

Chapter 86.16 RCW, Flood Control Zones.

C. TITLE OF REGULATION

173-142 WAC, Delegation of Permit Programs under State Flood Control Zone Act.

508-60 WAC, Administration of Flood Control Laws.

D. SUMMARY OF REGULATION

1. APPLICABILITY

The State regulates activities in areas subject to flooding through regulatory orders, designation of flood control zones, and permit issuance for activities which may have a negative impact on the regimen of a stream or water body, or may affect the security of life, health and property.

2. GENERAL REQUIREMENTS

The Washington Department of Ecology (WDOE) designates as flood control zones those streams subject to flood damages, using 100-year frequency flow as the regulatory standard. No development activity which may affect floodwaters in a control zone may be undertaken without a permit issued by WDOE, or the county where the authority has been delegated, except in certain emergencies. WDOE also regulates the construction and operation of dams, including streamflow.

3. SUBMISSION REQUIREMENTS

Applicant describes the nature, location, and duration of work, including maps and plans; affected water body; construction schedule.

4. PROCEDURES

- a. Application: Form F.1 is submitted to WDOE.
- b. Review and investigation: WDOE will examine applications to ensure that structures and works in the flood channel floodway or floodway fringe will not be appreciably damaged by floodwaters, are anchored to prevent dislocation by floodwaters, and will not adversely influence the water body regimen. In the flood channel and floodway, structures must not be intended for human habitation or other uses with high flood damage potential.
- c. Public Notification/Hearing: None.
- d. Processing Time: 2 weeks for review and permit processing.
- e. Terms: Permits for temporary works will stipulate their removal at the end of the stated period. For permanent works, there is no termination date. Flood proofing of structures in the floodway and along the floodway fringe may be required.

5. OPERATIONS REQUIREMENTS

Delays in construction beyond the schedule submitted may necessitate altered designs to meet new conditions.

6. FEES

None.

7. APPEALS

Decisions of WDOE regarding permit issuance may be appealed within 30 days to the Pollution Control Hearings Board.

E. ADMINISTERING AGENCY

Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

Permit authority has been delegated to the following counties: Clark, Cowlitz, and King.

CHAPTER 4.4 FOREST PRACTICES REGULATIONS

A. NAME OF PERMIT

Forest Practice Notification and Application.

B. AUTHORIZING STATUTE

Chapter 76.09 RCW, Forest Practices Act.

C. TITLE OF REGULATION

Title 222 WAC, Forest Practices Board.

D. SUMMARY OF PERMIT PROCESS

The act directs the Forest Practices Board to adopt regulations governing certain forest practices; the Department of Natural Resources (DNR) is responsible for their administration.

1. APPLICABILITY

The act classifies forest practices: Class I, minor activities with no direct potential for damaging a public resource; Class II, activities with less than ordinary potential for damaging a resource; Class III, certain activities including those which involve streams and shorelines, chemical application, road construction, and site preparation and slash abatement; Class IV, practices found to have potential for a substantial impact on the environment.

2. GENERAL REQUIREMENTS

No notification or application is required for Class I activities, but they must comply with all other forest practice regulations. A notification must be filed with DNR before commencing Class II activities. An application must be filed with DNR and approved before commencing Class III and IV activities. For emergency forest practices, notice must be given to DNR within 48 hours after the activity commences. Certain activities involving cedar, Christmas trees, ornamental trees and shrubs and evergreen foliage may require a specialized Forest Products Permit.

On land where conversion is contemplated or where platting has occurred since 1960, (see RCW 76.09.050 (7) and 76.09.240 (1)), certain local government land use regulations may be applicable. Certain Class IV activities are subject to the procedural requirements of the State Environmental Policy Act.

3. SUBMISSION REQUIREMENTS

For notifications and applications, required information includes: owner of land and timber; operator; site description; proposed forest practice methods; plan for reforestation or land use conversion; work schedule; soil, geological, and hydrological data. Notifications and applications may cover multiple activities and sites.

4. PROCEDURES

- a. **Application:** An application (or notification), on a form supplied by the department, must be submitted at the appropriate DNR area office. Applications for operations not involving use conversion must be signed by the landowner, timber owner and operator, with certain exceptions; where conversion is contemplated, landowner approval is mandatory.
- b. **Review and Investigation:** DNR conducts field investigation of Class III and IV applications.
- c. **Public Notification/Hearing:** None required by the act.
- d. **Processing Time:** Class II notifications are processed immediately; work may begin 5 days after DNR receives the notification. DNR must act upon Class III applications within 14 days of receipt. DNR must act upon Class IV applications within 30 days. If an environmental impact statement is required, action must be taken within 60 days, unless the time is extended by an order of the department.
- e. **Terms:** Notifications and approvals are effective for 1 year from date of approval; a resubmittal is required for renewal.

5. OPERATIONS REQUIREMENTS

DNR may require the operator to give 2-days' notice before commencement of operations. If an operation differs significantly from the application or notification, a new submittal must be made. After completion of operations, reforestation must be completed within 3 years, except where conversion to a land use consistent with local regulations is planned. During the operation, DNR may issue stop work and compliance orders to prevent, correct, or compensate for certain damage. It may issue penalties for certain violations. DNR may conduct inspections before, during and after operations.

6. FEES

None required.

7. APPEAL PROCESS

Aggrieved parties may appeal certain DNR actions to the Forest Practices Appeals Board.

E. ADMINISTERING AGENCY

Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

(206) 753-5315

Forest Practices Appeals Board
Mail Stop PY-21
Olympia, WA 98504

(206) 753-3025

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 5.1 AIR QUALITY
CHAPTER 5.1.1 BURNING PERMIT

A. NAME OF PERMIT

Burning Permit.

B. AUTHORIZING STATUTE

Chapter 70.94 RCW, Clean Air Act.

C. TITLE OF REGULATIONS

173-425 WAC, Open Burning
Regulations of Activated Air Pollution Control Authorities.

D. SUMMARY OF PERMIT

I. APPLICABILITY

The Washington Department of Ecology (WDOE) controls open burning in order to minimize the impact of emissions, regulate the method of burning, and encourage alternate disposal methods. The regulation governs all burning except burning within the jurisdiction of an air pollution control authority whose regulations are no less stringent than these, and certain forest activities for which the Department of Natural Resources issues permits.

2. GENERAL REQUIREMENTS

No burning is allowed during an episode (a period when a forecast, alert, warning, or emergency air pollution stage is declared); no garbage, petroleum, rubber or asphaltic products, or any material, other than natural vegetation, which emits dense smoke or obnoxious odors, may be burned; no burning may occur within an area designated by WDOE as exceeding a State ambient air quality standard. All permits are conditioned to assure that public interest in air, water and land pollution and safety to life and property is fully considered. A local government or fire protection district may prohibit or regulate open burning to prevent or abate nuisances.

3. SUBMISSION REQUIREMENTS

The applicant must describe the burning site, materials, duration of burn, and, in certain cases, the population of the area near the burn, and/or the lack of alternatives to burning.

4. PROCEDURES

a. **Application:** The applicant completes a form provided by the WDOE, regional air pollution control authority, or local government fire district.

b. **Review and Investigation:** Generally, review is conducted in the office by the staff of the permitting agency at the time of application, except where a population density verification is required.

c. **Public Notification/Hearing:** None is required.

d. **Processing Time:** Processing and permit issuance is usually immediate.

e. **Terms:** A permit may limit the amount and kind of material burned and the hours of burning, may require certain safety measures, and may restrict the location of the burn.

5. OPERATIONS REQUIREMENTS

WDOE or a regional authority may issue a notice of violation when permit conditions are violated; when burning occurs during an air pollution episode; when prohibited materials are burned in an open fire; when burning occurs without a permit, or in violation of a prohibition against burning. Penalties of \$250 for each day's violation may be imposed.

6. FEES

For burning of turf grass seed, a fee not to exceed \$0.50 cents per acre may be assessed. For a population density verification, the fee is \$15.

7. APPEAL PROCESS

Penalties may be appealed to the Pollution Control Hearings Board within 30 days of notice of violation.

E. ADMINISTERING AGENCY

Department of Ecology, Office of Air Program
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

CHAPTER 5.1 AIR QUALITY
5.1.2 AIR POLLUTION SOURCE REGULATION

A. NAME OF PROGRAM

Air Pollution Source Regulation.

B. AUTHORIZING STATUTE

Chapter 70.94 RCW, Clean Air Act.

C. TITLE OF REGULATION

173-400 WAC, General Regulations for Air Pollution Sources.

173-405 WAC, Kraft Pulping Mills.

173-410 WAC, Sulfite Pulping Mills.

173-415 WAC, Primary Aluminum Plants.

173-490 WAC, Volatile Organic Compounds.

D. SUMMARY OF PROGRAM

I. APPLICABILITY

In accordance with the policy of the State to secure and maintain a level of air quality which will protect human health and safety and comply with the requirements of the Federal Clean Air Act, it is unlawful for any person to cause or allow air pollution in violation of this chapter, except where a variance permit has been issued. Enforcement of the act is carried out by air pollution control authorities, whose regulations must be at least as stringent as the State's, and the Department of Ecology (WDOE), which regulates in those areas without a control authority, and controls certain sources, including pulp mills and primary aluminum plants.

2. GENERAL REQUIREMENTS

Standards: All point sources are required to meet the emission standards of this chapter, which restrict visible and fugitive emissions, fugitive dust, odors; prevent deposition of particulate matter offsite; limit emission of contaminants detrimental to persons or property; limit the emission of sulfur dioxide. Specific regulations govern emissions from

combustion and incineration sources, general process sources, and certain source categories, such as hog fuel boilers, grain elevators, and catalytic cracking units. Certain hazardous air pollutants are regulated pursuant to Federal EPA standards.

3. SUBMISSION REQUIREMENTS

New Source Review: Construction or expansion of certain stationary sources (including asphalt, chemical, fertilizer, mineralogical and metallurgical processing plants, nonferrous foundries, oil refineries, power boilers and incinerators), requires the filing of a Notice of Construction with the WDOE or control authority.

Variations: An owner/operator of a facility subject to these regulations may apply to the WDOE or air pollution authority for a variance from rules governing the quality, nature, duration, or extent of discharges of air contaminants.

4. PROCEDURES

a. **Application:** Within 30 days of receiving Notice of Construction of a new source, or a request for variance, WDOE or an authority may require submission of plans, specifications and other information necessary for project review.

b. **Review and Investigation:** For notices of construction, the WDOE or other Air Pollution Control authority will review the information to determine whether the project will meet the standards imposed by this chapter and will utilize Best Available Control Technology for emission control. Projects located in non-attainment areas are subject to more stringent requirements. For a variance, WDOE or the control authority will determine whether the emissions would endanger public health or safety and whether compliance would produce serious hardship without equal public benefit.

c. **Public Notification/Hearing:** For Notices of Construction, within 30 days of receipt of the required information, the WDOE or control

authority will make available to the public its preliminary determination and the information considered; the applicant will publish Notice of Opportunity for written comment within 30 days of notice.

- d. **Processing Time:** For Notices of Construction, the WDOE or authority, after reviewing all information received, including public comment, may issue an order of approval, with conditions of operation if needed, or an order of prevention. For variances, the WDOE or control authority must act to approve or disapprove within 65 days of application.
- e. **Terms:** For variances, conditions may be imposed which are intended to bring the facility into compliance with the requirements of this chapter. The term of a variance permit is based on the grounds for its granting; a permittee may apply for renewal 60 days prior to permit expiration.

5. OPERATIONS REQUIREMENTS

WDOE or a control authority may require: monitoring and reporting, submission of information about change in raw materials or fuels, limitations on operations.

6. FEES

None.

7. APPEAL PROCESS

Orders of approval or disapproval, and conditions, may be appealed within 30 days of issuance to the Pollution Control Hearings Board.

E. ADMINISTERING AGENCY

Department of Ecology, Office of Air Programs
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

CHAPTER 5.2 WATER QUALITY STANDARDS AND REGULATIONS

5.2.1 WASTE DISCHARGE PERMIT (NPDES)

INTRODUCTION

The Washington Department of Ecology (WDOE) has been designated as the State's water pollution control agency and administers a program including permit issuance, effluent requirements, water quality standards, new source performance standards, and pretreatment requirements.

A. NAME OF PERMIT

Waste Discharge Permit (NPDES).

B. AUTHORIZING STATUTE

90.48 RCW, Water Pollution Control.

C. TITLE OF REGULATION

173-220 WAC, National Pollutant Discharge Elimination System (NPDES) Permit Program.

D. SUMMARY OF PERMIT PROCESS

1. APPLICABILITY.

NPDES waste discharge permits are required for all persons discharging wastewater from a point source into the State's surface waters.

2. GENERAL REQUIREMENTS

Permits regulate the quantity and quality of discharge, as well as location, timing, treatment, monitoring, and reporting requirements.

3. SUBMISSION REQUIREMENTS

The applicant must file an appropriate form, and any additional information required by the department.

4. PROCEDURES

a. Application: Application for a new or reissued permit must be made 180 days prior to permit issuance.

- b. **Review and Investigation:** Investigations will be conducted as necessary.
- c. **Public Notification/Hearing:** A public notice is required; hearings are discretionary.
- d. **Processing Time:** The time varies, depending on availability of other information, such as water quality studies, environmental impact statement, and wastewater facilities plans and specifications. Permit issuance for new sources is normally accomplished within 180 days, if the necessary information is available.
- e. **Terms:** Permits are issued for not more than 5 years. In addition to the application of effluent standards and limitation, water quality standards, and other requirements, the permit may establish schedules and permit conditions to achieve compliance with those requirements. WDOE may impose monitoring, reporting, and inspection conditions.

5. OPERATIONS REQUIREMENTS

The permit may be modified, suspended, or revoked for violation of any term or condition, or for other specific causes, after public notice and participation. WDOE may sue to enjoin violations and may seek civil and criminal penalties.

6. FEES

None.

7. APPEAL PROCESS

Permit conditions may be appealed to the Pollution Control Hearings Board within 30 days.

E. ADMINISTERING AGENCY

Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

CHAPTER 5.2 WATER QUALITY STANDARDS AND REGULATIONS

5.2.2 WASTE DISCHARGE PERMIT (STATE)

A. NAME OF PERMIT

Waste Discharge Permit (State).

B. AUTHORIZING STATUTE

Chapter 90.48 RCW, Water Pollution Control.

C. TITLE OF REGULATION

372-24 WAC, Permits to Discharge Commercial and Industrial Wastes.

D. SUMMARY OF REGULATION

1. APPLICABILITY

A waste discharge permit from the Washington Department of Ecology (WDOE) is required for any commercial or industrial operation discharging solid or liquid waste material into ground water or a municipal sewage system. This program supplements the NPDES permit requirements covering point discharges into surface waters.

2. GENERAL REQUIREMENTS

The regulation governs discharges from 21 industrial categories, and any other discharges considered significant by WDOE. For existing and, in some instances, new sources, a temporary permit may be issued for the time needed to achieve compliance with WDOE requirements. Otherwise, permits are issued for a duration of up to 5 years. For discharges to municipal sewage systems, WDOE may delegate permit authority; in the Seattle area, the Municipality of Metropolitan Seattle, (METRO) is the permitting agency.

3. SUBMISSION REQUIREMENTS

Applicant describes waste flow, including physical and chemical properties; disposal method and description of equipment; disposal of solid waste; water supply; storm water control; plant operation.

4. PROCEDURES

- a. **Application:** Applications may be submitted to WDOE up to 60 days before commencement of operation; a longer lead time is preferable.
- b. **Review and Investigation:** WDOE must determine that the proposed disposal of waste will not unduly pollute the receiving water. WDOE has authority to establish the degree of waste treatment required for this purpose and to impose conditions required to achieve this end.
- c. **Public Notification/Hearing:** For any new or increased discharge, the applicant must publish notice weekly for 2 consecutive weeks in a paper in the county where the project will be located. The public has 30 days in which to submit comments.
- d. **Processing Time:** Generally, investigation of the application, including plan review, is conducted by the WDOE within 2 months, assuming all necessary information is provided.
- e. **Terms:** Permits are issued for a duration of up to 5 years. Additional conditions may be imposed on an existing permit if required by a change in the pollution level of the receiving water.

5. OPERATIONS REQUIREMENTS

A permit may be terminated if obtained by misrepresentation, if there has been a violation of conditions, or if there has been a material change of quantity or type of waste disposal. Operators are required to apply all known, available and reasonable methods to control water pollution.

6. FEES

None.

7. APPEAL PROCESS

Permit decisions of WDOE may be appealed within 30 days to the Pollution Control Hearings Board.

E. ADMINISTERING AGENCY

Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

CHAPTER 5.2 WATER QUALITY STANDARDS AND REGULATIONS

5.2.3 WASTEWATER FACILITIES PLAN APPROVAL

A. NAME OF PROGRAM

Wastewater Facilities Plan Approval.

B. AUTHORIZING STATUTE

Chapter 90.48 RCW, Water Pollution Control.

C. TITLE OF REGULATION

173-240 WAC, Submission of Plans and Reports for Construction of Wastewater Facilities.

D. SUMMARY OF PROGRAM

1. APPLICABILITY

Equipment and process designed to collect, treat, or dispose of wastewater from domestic and industrial facilities into the State's waters.

2. GENERAL REQUIREMENTS

Prior to construction or modification of domestic and industrial wastewater facilities, engineering reports and final plans for the project shall be submitted to and approved by the Washington Department of Ecology (WDOE).

3. SUBMISSION REQUIREMENTS

(1) An engineering report, including quantity and quality of water to be used, and a description of how consumed or disposed of; description of receiving water and location of discharge; chemicals used in treatment; design and size of treatment units; treatment process and operation. (2) Final plans, including conceptual and/or complete construction drawings of major facility components; flow schematic; general site drawing; operating procedures. (For grant program projects, an entire bid package including specifications is required).

4. PROCEDURES

- a. **Application:** Engineering reports and final plans should be submitted consistent with a compliance schedule issued by WDOE, or at least 30 days prior to the time approval is desired.
- b. **Review and Investigation:** WDOE will review reports and plans to ensure consistency with good engineering practices and current regulations. Facilities subject to a Federal or State waste discharge permit must meet applicable effluent limitations; facilities not subject to that permit requirement must provide all known, available and reasonable methods of treatment, and not alter the ground water in a manner harmful to health, safety, or welfare, or to other existing or potential beneficial uses.
- c. **Public Notification/Hearing:** None.
- d. **Processing Time:** WDOE will generally review and either approve (or conditionally approve), comment on, or disapprove such plans and reports within 30 days.

5. OPERATIONS REQUIREMENTS

Any proposed changes from approved plans during construction must receive approval from the WDOE. WDOE may conduct inspections and investigations of the facility during and after construction, for purposes related to existing or potential pollution.

6. FEES

None.

7. APPEAL PROCESS

Decisions may be appealed to the Pollution Control Hearings Board within 30 days of final action by the WDOE.

E. ADMINSTERING AGENCY

Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

CHAPTER 5.2 WATER QUALITY STANDARDS AND REGULATIONS

5.2.4 COMPLIANCE CERTIFICATION

A. NAME OF PROGRAM

Compliance Certification.

B. AUTHORIZING STATUTE

Chapter 90.48 RCW, Water Pollution Control.

C. TITLE OF REGULATION

173-225 WAC, Federal Water Pollution Control Act -- Application for Certification.

D. SUMMARY OF REGULATION

1. APPLICABILITY

Applicants for any Federal license or permit which may result in a discharge into navigable waters are required by Section 401 of the Federal Water Pollution Control Act (FWPCA) to obtain the State's certification of compliance with FWPCA sections 301, 302, 303, 306, and 307, and with any other appropriate requirement of State law. The Washington Department of Ecology (WDOE) has been designated as the State water pollution control agency for all purposes of the FWPCA.

2. GENERAL REQUIREMENTS

The regulation outlines procedures for public notice and public hearings related to processing applications for certification.

3. SUBMISSION REQUIREMENTS

Applicant submits a complete project description, along with a letter requesting certification and indicating which Federal license or permit is needed.

4. PROCEDURES

a. Application: The completed information package is submitted to the WDOE.

- b. **Review and Investigation:** WDOE determines which requirements of State law are applicable and evaluates the application for consistency with the applicable State and Federal requirements.
- c. **Public Notification/Hearing:** Notice of application is mailed to interested parties and is published, at WDOE's discretion, once a week for 2 consecutive weeks in a newspaper in the area of the proposed activity. If WDOE determines there is public interest in the application, a public hearing will be held, after due notice, to receive oral and written comments.
- d. **Processing Time:** When WDOE makes a finding of compliance with all relevant Federal and State regulations, it issues a certification immediately.
- e. **Terms:** Each certificate shall contain provisions or conditions necessary for compliance with the FWPCA and State laws.

E. ADMINISTERING AGENCY

Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 753-2800

For information about Federal regulations, contact:

U.S. Environmental Protection Agency - Region X
1200 6th Avenue
Seattle, WA 98101

(206) 442-1200

CHAPTER 5.2 WATER QUALITY STANDARDS AND REGULATIONS

5.2.5 ONSITE SEWAGE DISPOSAL SYSTEM APPROVAL

A. NAME OF PERMIT

System Approval.

B. AUTHORIZING STATUTE

Chapter 43.20 RCW, Department of Health -- State Board of Health.

C. TITLE OF REGULATION

248-96 WAC, Onsite Sewage Disposal.

D. SUMMARY OF PERMIT PROCESS

1. APPLICABILITY

The regulation provides a framework through which local Boards of Health establish a system of local regulations, integrating local conditions and consistent with uniform State standards which govern onsite sewage disposal systems. The regulation excludes public sewage collection, treatment, and disposal systems, discharges to surface water, and certain treatment facilities using lagoons and mechanical equipment. The Department of Social and Health Services (DSHS) is responsible for administration of the regulatory program.

2. GENERAL REQUIREMENTS

No onsite sewage disposal system may be installed without a valid permit. Effluent from an onsite sewage disposal system shall not be discharged to surface water or upon the surface of the ground. Systems shall not be permitted where a minimum 3-foot separation cannot be maintained between the disposal field bottom and seasonal water table or impermeable layer, nor shall systems be permitted in certain areas with fractured rock or excessively permeable material. Connection to a public sewer system within 200 feet of a facility must be made within 2 years of service availability; connection may be required in certain other cases where flow exceeds 1,000 gallons per day. DSHS must make a technical evaluation and issue a report on alternate devices or methods before their use may be approved in an application.

3. SUBMISSION REQUIREMENTS

For small onsite systems, requirements are set by local regulations, which have been approved by DSHS. Applications include a construction plan including site description, describing topography and drainage and containing soil log, percolation, and water table data. For larger onsite systems, plans and specifications must be approved by DSHS before construction. Requirements include: preliminary engineering report detailing nature and scope of proposal; drainfield area analysis, including water balance; and effects of the system on surrounding area. Plans include: provision for inspection during construction, and a detailed operation and maintenance manual. Reports, plans, and specifications must be prepared by a professional engineer. System design, soil interpretations, and management plans must comply with specific DSHS guidelines.

4. PROCEDURES

- a. **Application:** For disposal systems processing under 3,500 gallons per day and serving less than 10 houses, apply to local health department. For systems processing 3,500 to 14,500 gallons per day, apply to DSHS (in certain areas DSHS has delegated authority to the local agency). For systems processing more than 14,500 gallons per day, apply to the Department of Ecology (WDOE). Also apply to WDOE for onsite systems receiving State and Federal grants, or systems using mechanical treatment or lagoons with flows of more than 3,500 gallons per day.
- b. **Review and Investigation:** Conducted by agency with permitting authority.
- c. **Public Notification/Hearing:** None required.
- d. **Processing Time:** Review, investigation and permit issuance usually is completed within 30 days.
- e. **Terms:** DSHS approval is valid for 2 years; approvals may be

renewed for 1-year periods, subject to rules and regulations in effect at time of renewal.

5. OPERATIONS REQUIREMENTS

The permit authority may inspect during construction to ensure compliance; no installation may be covered without approval. After construction, permittee must provide "as built" drawings. Septic tank wastes must be disposed of in a manner approved by the health officer.

6. FEES

Fees may be imposed which do not exceed the cost of service provided.

7. APPEAL PROCESS

An applicant may appeal to the local Board of Health or state Board of Health.

E. ADMINISTERING AGENCY

Department of Social and Health Services
Mail Stop OB-44
Olympia, WA 98504

(206) 753-7039

CHAPTER 5.3 WATER SUPPLY

5.3.1 PUBLIC WATER SYSTEMS

A. NAME OF PROGRAM

Public Water Systems.

B. AUTHORIZING STATUTE

P.L. 93-523, Federal Safe Drinking Water Act of 1974.

Chapter 43.20 RCW, Department of Health -- State Board of Health.

C. TITLE OF REGULATION

248-54 WAC, Rules and Regulations of the State Board of Health regarding Public Water Systems.

D. SUMMARY OF PROGRAM

The State Board of Health, in order to protect public health, adopts rules and regulations for the protection of water supplies for domestic use, and other uses which may affect public health, including standards and procedures governing design, construction and operation of water supply, treatment, storage, and distribution facilities.

The regulation is intended to conform with the requirements of the Federal Safe Drinking Water Act.

The Department of Social and Health Services (DSHS) exercises the powers and performs the duties prescribed by this act and regulation.

I. APPLICABILITY

A public water system is any system or water supply intended or used for human consumption or other domestic uses, and includes the water source, as well as treatment, storage, transmission, and distribution facilities by which water is furnished to any community, collection or number of individuals. A water system serving one single-family residence is excluded from the definition of public water system. The regulations govern the following water systems:

- a. Class 1 -- community system, 100 services or more
- b. Class 2 -- community system, 10 through 99 services
- c. Class 3 -- noncommunity system, 25 or more people, at least 60 days per year
- d. Class 4 -- community system, fewer than 10 services; non-community system, fewer than 25 people

A community system serves a permanent or seasonal population, such as a subdivision or mobile home park. A noncommunity system serves a transitory population, such as a restaurant or motel.

2. GENERAL REQUIREMENTS

Class 1 systems with 1,000 or more services, and Class 1 with less than 1,000 and Class 2 systems within a critical water supply area, shall develop and implement a system plan. For any public water system, submit detailed plans and specifications, and prepare an operations program. For a complex system, such as a water treatment facility, submit an engineering report. The highest quality source shall be used for public water systems, with attention given to minimizing source contamination. Facilities shall be designed to provide adequate water quantity and quality, using good engineering practice and other design criteria and standards acceptable to DSHS. Other standards govern reservoir design and operation; facility disinfection; water quantity and pressure; reliability; facility location; quality; emergency plans.

3. SUBMISSION REQUIREMENTS

Plans must identify present and future needs, and set forth means for meeting those needs in an efficient manner consistent with other plans and policies for the area. Plans may be revised at any time but must be updated at least every 5 years. All system plans, engineering documents and final plans must be prepared by a licensed professional engineer. Engineering reports include: water supply planning considerations related to the proposal; engineering and design considerations, including water quality and treatment, water right, quantity, and demand; SEPA compli-

ance; surface water source information; well or spring information. Plans and specifications contain: construction drawings; specifications for facilities; water-quality data and source description; SEPA compliance. An operations program must include staff; emergency plan; maintenance; monitoring; reporting; public notice provisions.

4. PROCEDURES

- a. **Application:** System plans, engineering reports, and plans and specifications are submitted to DSHS for review and approval. Operations programs must be available on demand and shall be included in a water system plan submittal for larger water systems.
- b. **Review and Investigation:** DSHS is responsible for review and field investigation, except where the local health officer with jurisdiction over the area of the proposal has assumed primary responsibility. Within 60 days of completion of a facility, prior to its use, a professional engineer must certify to DSHS that the facilities are in accordance with approved plans and that required tests have been made.
- c. **Public Notification/Hearing:** None required for plan approval, unless imposed by SEPA regulations. For operation, certain public notification requirements are imposed by the Federal Safe Drinking Water Act.
- d. **Processing Time:** Review and approval must be completed within 30 days.
- e. **Terms:** Facilities must be completed within 2 years of plan approval. DSHS may require updated or revised plans and specifications for an approval extension. An extension of the approval is required if the facilities are not completed within 2 years of initial plan approval.

5. OPERATIONS REQUIREMENTS

The facility must meet the water quality standards of the regulation and certain monitoring requirements are imposed. If a system fails to comply with regulations for plan approval, construction or operation, DSHS may send a compliance letter or take other action as needed to assure compliance.

6. FEES

None.

7. APPEAL PROCESS

An applicant may ask the State Board of Health for waiver, variance, or exemption from provisions of the regulation.

E. ADMINISTERING AGENCY

Department of Social and Health Services
Mail Stop OB-44
Olympia, WA 98504

(206) 753-7039

For information about the Federal Safe Drinking Water Act, contact:

U.S. Environmental Protection Agency -- Region X
1200 6th Avenue
Seattle, WA 98101

(206) 442-1200

CHAPTER 5.3 WATER SUPPLY

5.3.2 WATER RIGHTS

A. NAME OF PERMIT

Water Right Permit.

B. AUTHORIZING STATUTE

Chapter 18.104, Water Well Construction.

Chapter 90.03 RCW, Surface Water Code.

Chapter 90.14 RCW, Water Rights - Registration, Waiver and Relinquishment, etc.

Chapter 90.16 RCW, Appropriation of Water for Public and Industrial Purposes.

Chapter 90.44 RCW, Regulation of Public Ground Waters.

Chapter 90.54 RCW, Water Resources Act of 1971.

C. TITLE OF REGULATION

508-12 WAC, Administration of Surface and Ground Water Codes.

D. SUMMARY OF PERMIT PROCESS

1. APPLICABILITY

Subject to existing rights, all waters within the State belong to the public, and any right to, or use of, those waters can only be acquired by appropriation for a beneficial use, in compliance with the applicable laws and regulations. Beneficial uses include but are not limited to domestic, stock, industrial, commercial, agricultural, irrigation, power, mining, fish, wildlife, recreational uses, and the protection of esthetic and environmental values.

2. GENERAL REQUIREMENTS

Permit issuance by the Washington Department of Ecology (WDOE) is required for all appropriations. For ground-water appropriations, regulations also govern the design and construction of wells by a licensed operator.

3. SUBMISSION REQUIREMENTS

The submittal includes: water source, description of proposed use, time of use, location of well or other works, construction and use schedule. If the use is agricultural, description of crop, acreage, and acre-feet to be used; if for power purposes, description of works, head and amount of water to be used; if for mining, description of mines and method of supplying and using the water. WDOE may request maps, drawings, and other information deemed necessary to process the application.

4. PROCEDURES

a. **Application:** The application is filed with the appropriate WDOE regional office, which reviews it for sufficiency, assigns a priority date, prepares a legal notice for publication and forwards it to the applicant to publish.

b. **Review and Investigation:** WDOE reviews the application and prepares written findings of its investigation. For storage dams, construction plans are reviewed for safety.

c. **Public Notification/Hearing:** Applicant publishes a legal notice once a week for 2 consecutive weeks in a newspaper in the area of the proposed appropriation. Protests must be filed within 30 days of publication of notice; WDOE may hold a hearing to consider protests.

d. **Processing Time:** The time required is dependent on protests received, site access, other procedural requirements for the proposed action, and whether further hydrologic and other tests are required. WDOE will issue a permit when there is water available for appropriation for a beneficial use, and the appropriation will not impair existing rights or be detrimental to the public welfare, considering the highest feasible development of the use of the public waters.

e. **Terms:** A permit may have special conditions to ensure the

protection of existing rights or to mitigate impact on the source by limiting the location of work and amount and duration of the use. It will have a construction schedule and a date by which water must be applied to a full beneficial use.

5. OPERATIONS REQUIREMENTS

When the permittee can show that the appropriation has been accomplished in accordance with the permit, WDOE will issue a certificate of water right. WDOE may take action against the unauthorized use or waste of water, or violation of well construction regulations, by issuing regulatory orders or bringing criminal charges against the violator.

6. FEES

Application - \$10 minimum; \$2 per cubic feet per second (cfs) between 100 and 500, \$0.50 per cfs between 500 and 2,000, \$0.20 per cfs above 2,000. For storage, an additional \$0.01 per acre-foot up to 100,000 acre-feet; \$.002 per acre-foot above 100,000 acre-feet. For filing and recording a permit for irrigation, \$0.40 per acre up to 100 acres, \$0.20 from 100 to 1000 acres, \$0.10 above 1,000 acres. For power use, \$5 minimum; \$0.20 per theoretical horsepower up to 1,000 hp, and \$0.04 above 1,000. For all other uses, \$20. For construction plan review as to safety, minimum \$10 or actual cost. For certificate, \$5 plus variable county auditor's fee.

7. APPEAL PROCESS

Appeals to permit issuance, denial, or conditions, may be made within 30 days of issuance, to the Pollution Control Hearings Board.

E. ADMINISTERING AGENCY

Department of Ecology, Office of Field Operations
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

CHAPTER 5.4 SOLID WASTE MANAGEMENT

A. NAME OF PERMIT

Solid Waste Disposal Site Permit.

B. AUTHORIZING STATUTE

Chapter 70.95 RCW, Solid Waste Management.

C. TITLE OF REGULATION

173-301 WAC, Regulations Relating to Minimum Functional Standards for Solid Waste Handling.

D. SUMMARY OF PROGRAM AND PERMIT PROCESS

The Department of Ecology (WDOE) is responsible for setting minimum functional standards for all solid waste in order to prevent land, air and water pollution. Present regulations cover garbage, light materials, hazardous wastes, and agricultural wastes. They specify methods of storage, collection and transportation, and establish a permit system for solid waste disposal sites and facilities. Each county must prepare a comprehensive solid waste management plan. WDOE has recently published the Washington State Solid Waste Management Plan (December 1980). Within the next 5 years, it will develop a permit program for hazardous waste storage sites and regulations for treatment of hazardous waste (173-303 WAC).

1. APPLICABILITY

No solid waste disposal site or facility may be established or altered without a permit issued by the local health department with jurisdiction.

2. GENERAL REQUIREMENTS

Site location, facilities, and operation must comply with local regulations and this act.

3. SUBMISSION REQUIREMENTS

For disposal sites and facilities, application must include necessary plans and specifications. For new or substantially altered disposal sites, an

environmental impact statement may be required; a design report may be necessary; if plans include an incinerator, a Notice of Construction is required by the Clean Air Act.

4. PROCEDURES

- a. **Application:** For all permits, application is made to the local health department with jurisdiction over the site, on forms prescribed by WDOE.
- b. **Review and Investigation:** The WDOE and local health department will jointly investigate an application as necessary to determine whether the proposed facility meets applicable laws and regulations, conforms with the approved waste management plan for the area, and meets zoning requirements.
- c. **Public Notification/Hearing:** SEPA regulations may impose a hearing requirement. The local health department is the SEPA lead agency.
- d. **Processing Time:** A decision on an application will be made within 90 days.
- e. **Terms:** A permit must be renewed annually; the local health department will inspect the site as necessary to ensure compliance with the functional standards of the act and local regulations.

5. OPERATIONS REQUIREMENTS

Conditions include: fire protection, staffing, record keeping, security, safety, interception and treatment of leachate, and procedures for landfill. For landfills, within 3 months of termination of use a statement of fact concerning the disposal area must be filed with the county auditor and recorded as part of the deed. A permit may be suspended if the local health department determines that the facility is being operated in violation of this act or local regulations.

6. FEES

The health department may impose reasonable fees for permits and renewals.

7. APPEAL PROCESS

The health department will hold a hearing on a permit denial or suspension within 30 days of request from an applicant or permittee, with notice to interested parties. Appeal of the determination of the health department may be filed within 30 days with WDOE.

E. ADMINISTERING AGENCY

Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

Local health department with jurisdiction.

CHAPTER 5.5 HAZARDOUS/TOXIC WASTE MANAGEMENT

5.5.1 HAZARDOUS WASTE REGULATION

A. NAME OF PROGRAM

Hazardous Waste Regulation.

B. AUTHORIZING STATUTE

Chapter 70.105 RCW, Hazardous Waste Disposal.

C. TITLE OF REGULATION

Hazardous Waste Regulation 173-302 WAC.

D. SUMMARY OF REGULATION

The Washington Department of Ecology (WDOE) is the State agency designated to implement the Federal Resource Conservation and Recovery Act (42 U.S.C. Sec. 6901 et seq.). WDOE regulates facilities to handle, transport, store, and dispose of dangerous wastes. The department is also responsible for development of a manifest system and reporting and monitoring procedures.

1. APPLICABILITY

The regulations apply to generators, treaters, transporters, and operators of disposal sites for hazardous and extremely hazardous wastes, excluding radioactive wastes. Dangerous wastes are designated extremely hazardous if they are highly toxic to man and wildlife, if they exist in such quantities as to present an extreme hazard to man or wildlife, or persist and affect genetic make-up or may be concentrated by living organisms.

2. GENERAL REQUIREMENTS

A generator must prepare a manifest form for each waste; notify disposal site operator and receive approval prior to shipping; ship material in a prescribed manner; notify WDOE of a shipment. A transporter carrying hazardous waste to an operator, or extremely hazardous waste to a treater, must sign a manifest and transport the material in the prescribed manner. A site operator must conduct all operations in accordance with an annual operating plan approved by WDOE. Generators and transporters

also must meet the applicable regulations of the Utilities and Transportation Commission and the Department of Transportation.

3. PROCEDURES

- a. **Application:** The operating plan submittal includes: types, characteristics, and volume of waste anticipated; proposed treatment, handling, and storage; operational procedures; contingency plan for emergencies; proposed fees. The operator may reference the previous year's plan and attach needed modifications.
- b. **Review and Investigation:** WDOE will review, comment upon, and require any plan modification necessary to meet the requirements of the act.
- c. **Public Notification/Hearing:** WDOE will provide opportunity for public comment on a plan submittal.
- d. **Processing Time:** WDOE will review the plan, conduct necessary site investigation, and grant approval in writing.
- e. **Terms:** The plan, as approved, incorporates the terms of operation.

4. OPERATIONS REQUIREMENTS

The operator is required to meet all other State, Federal and local environmental and safety regulations; conduct monitoring and sampling; provide security; take certain actions to meet emergency conditions; maintain adequate staffing; maintain \$1,200,000 liability insurance. WDOE may impose penalties for violation of provisions of the Act and regulations.

5. FEES

Operator must post a bond of at least \$ 50,000.

E. ADMINISTERING AGENCY

Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

CHAPTER 5.5 HAZARDOUS/TOXIC WASTE MANAGEMENT

5.5.2 NUCLEAR WASTE MANAGEMENT

A. NAME OF PROGRAM

Nuclear Waste Disposal Permit.

B. AUTHORIZING STATUTE

Chapter 70.98 RCW, Nuclear Energy and Radiation.

Executive Order 9-79, Controlling the Disposal of Radioactive Wastes.

C. TITLE OF REGULATIONS

402-19 WAC, Requirements of General Applicability to Licensing of Radioactive Material.

402-22 WAC, Specific Licenses.

402-24 WAC, Standards for Protection against Radiation.

D. SUMMARY OF PROGRAM

The Department of Social and Health Services (DSHS) has been designated as the State's radiation control agency and has sole responsibility for administering regulatory, licensing, and radiation-control programs, including waste disposal.

The State is currently negotiating a compact among eight Western States which, if approved by Congress, will exclude importations of out-of-region low-level radioactive wastes after July 1, 1983, except from those states which have ratified the compact. Currently, more than 30 States ship wastes to a disposal site at Hanford.

The compact provides that the States may agree to establish other sites. Compact States agree to abide by the rules and regulations of the host State. Presently, Washington and Idaho have signed the compact. Utah has joined by executive order.

I. APPLICABILITY

A license is required to operate a low level waste burial facility. No

radioactive material may be transferred to a facility or site which has not been licensed by DSHS, the U.S. Nuclear Regulatory Commission, or an agreement State.

2. GENERAL REQUIREMENTS

DSHS will not consider an application for a site not owned by the State or Federal Government. The regulation governs disposal by burial in soil and incineration; limits concentrations in effluents flowing to an unrestricted area, and in air at any point of human occupancy; limits disposal by release into sanitary sewer systems.

3. SUBMISSION REQUIREMENTS

The site application includes a description of operator, proposed equipment, facilities, and procedures, including a program for monitoring and reporting. The State Environmental Policy Act (SEPA) imposes further requirements; if DSHS determines that the activity will significantly affect the radiological quality of the human environment, an impact statement on the site and disposal alternatives, specified environmental reviews, and long-term impacts must be prepared.

4. PROCEDURES

- a. **Application:** Site applications are filed with the department on DSHS Form RHF-1.
- b. **Review and Investigation:** DSHS will review site applicant's qualifications and proposed equipment, facilities and procedures; impact statement, if required; DSHS may conduct a site investigation.
- c. **Public Notification/Hearing:** None required by the site license regulations; if an impact statement is prepared, notice and hearing requirements may be imposed by SEPA.
- d. **Processing Time:** No time limit is imposed. DSHS will issue a site permit if: applicant is qualified; the proposal is adequate to

minimize danger and will not be harmful to public health and safety or to property. It is unlikely that any new site will be authorized in this state.

- e. **Terms:** The duration of a site license will be determined by DSHS; no license may be transferred. A license may be revoked or modified by DSHS, after notice to the licensee.

5. OPERATIONS REQUIREMENTS

A site operator must maintain a program of environmental monitoring and reporting.

6. FEES

None.

7. APPEAL PROCESS

None specified. An applicant may appeal licensing decisions made by the department to the Secretary of DSHS, pursuant to the Administrative Procedures Act.

E. ADMINISTERING AGENCY

Department of Social and Health Services
Mail Stop OB-44
Olympia, WA 98504

(206) 753-7039

CHAPTER 5.6 NOISE REGULATIONS

A. TITLE OF PROGRAM

Noise Levels.

B. AUTHORIZING STATUTE

Chapter 70.107 RCW, Noise Control Act.

C. TITLE OF REGULATION

173-60 WAC, Maximum Environmental Noise Levels.

D. SUMMARY OF PROGRAM

The Department of Ecology (WDOE) has adopted maximum noise levels permissible in identified environments, to protect against adverse effect on health, safety, and welfare, property values, and environmental quality. An area receives an environmental designation for noise abatement, based on comprehensive plans, zoning or usage within which certain maximum permissible noise levels are established. The designations include classes for residential, commercial and industrial uses. Noise levels depend on the designation of the noise source and the receiving property. WDOE has also adopted noise performance standards for watercraft (173-70 WAC) and motor vehicles (173-62 WAC). WDOE considers noise abatement and control to be the role primarily of local government. Where local government adopts and enforces measures for control, the WDOE will not engage directly in enforcement. Local noise control requirements differing from those of the department must be approved by the WDOE.

E. ADMINISTERING AGENCY

Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

(206) 459-6000

SECTION 6.0
SOCIAL/ECOLOGICAL PRESERVATION

CHAPTER 6.1 RARE AND ENDANGERED SPECIES

The Department of Game (Nongame Program) maintains a nongame data system which lists more than 200 rare, endangered and sensitive animal species.

In response to a project proponent's request for information about a site, the Non-game Program identifies species of concern reported to occur within the study area, and offers advice concerning resource protection. This response activity does not comprise an official departmental review; official departmental review of environmental impact documents is provided by the department's Environmental Affairs Program. The Nongame data system works with the department's Environmental Affairs Program to comply with the State Environmental Policy Act review and comment responsibilities by providing sensitive species occurrence information.

The department is preparing a State listing of rare and endangered species at the present time. Subject to approval by the Game Commission, the list will be adopted and published in late 1981.

For further information, contact:

Department of Game
Non-Game Wildlife Program
Mail Stop GJ-11
Olympia, WA 98504

(206) 753-5700

CHAPTER 6.2 ARCHAEOLOGICAL AND HISTORICAL SITES

A. NAME OF PROGRAM

Archaeological and Historic Preservation.

B. AUTHORIZING STATUTES

42 USC 4321, National Environmental Policy Act (NEPA).

16 USC 431 et seq., National Historic Preservation Act.

Chapter 27.53 RCW, Archaeological Sites and Resources.

Chapter 27.44 RCW, Indian Graves and Records.

Chapter 43.21C RCW, State Environmental Policy Act (SEPA).

Chapter 43.51A RCW, Office of Archaeology and Historic Preservation.

C. TITLE OF REGULATION

40 CFR 1500 et seq., Council on Environmental Quality Guidelines.

36 CFR 800, Protection of Historic and Cultural Properties.

197-10 WAC, SEPA Guidelines.

D. SUMMARY OF PROGRAM

The Office of Archaeology and Historic Preservation is a commenting, not a regulatory, agency; its goal is to prevent or mitigate negative impacts on identified historic and archaeological facilities and resources.

1. APPLICABILITY

This review function is initiated when the office receives notice of a proposed action, pursuant to NEPA or SEPA, where a potential impact on those resources has been identified, and through the consultation process mandated by Federal regulations, Protection of Historic and Cultural Properties.

2. GENERAL REQUIREMENTS/PROCEDURES

The Office of Archaeology and Historic Preservation comments on any direct Federal activity, or any activity funded and/or licensed by the Federal Government, within the State. If initial review of a proposed

project to be licensed or permitted by any State or local agency reveals the action may result in an alteration of a significant archeological or historical site, structure, object, or building, the impact must be discussed in the draft environmental impact statement. A copy of the impact statement is sent to the office, which responds with comments. Where the SEPA lead agency has indicated no effect on those resources, the office may require further investigation to justify the "no effect" comment. If a facility is listed or is eligible for listing in the National Register of Historic Places, the office calls attention to the listing and recommends means to avoid or mitigate negative impacts. If the site of the proposed action is otherwise known to have archaeological significance, that information is transmitted to the lead agency. If there is reason to believe that a site has significance, the office may recommend that the site be surveyed before the final decision is made. The office may recommend that a condition be imposed on a permit, requiring site investigation if evidence of archaeological significance is discovered during construction.

E. ADMINISTERING AGENCY

Office of Archaeology and Historic Preservation
111 West 21st Avenue
Olympia, WA 98504

(206) 754-1625

CHAPTER 6.3 WETLANDS
6.3.1 SHORELINE DEVELOPMENT PERMIT

INTRODUCTION

The Shoreline Management Act establishes a cooperative program of shoreline management between local government and the State. Counties and cities have primary responsibility for permitting and other regulatory programs, with the Washington Department of Ecology (WDOE) serving in a support and review capacity to ensure compliance with the act. Local governments adopt shoreline master plans, in accordance with WDOE guidelines, which are approved and adopted as a part of the State Master Program.

A. NAME OF PROGRAM

Regulation of Shoreline Development.

B. AUTHORIZING STATUTE

Chapter 90.58 RCW, Shoreline Management Act.

C. TITLE OF REGULATION

173-14 WAC, Permits for Substantial Developments on Shorelines.

173-19 WAC, State Master Program.

173-22 WAC, Adoption of Designation of Wetlands Associated with Shorelines.

461-08 WAC, Shorelines Hearings Board, Practices and Procedures.

Local Government Ordinances and Regulations.

D. SUMMARY OF PROGRAM

I. APPLICABILITY

Shoreline development or construction activity valued at more than \$1,000 or which materially interferes with normal public use of the water or shorelines. Shorelines mean all lakes over 20 acres; streams with a mean annual flow of more than 20 cfs; marine waters; an area landward for 200 feet from ordinary high water; plus associated marshes, bogs, swamps, and deltas, and certain flood plains and floodways.

2. GENERAL REQUIREMENTS

Applicants need a permit from local government before undertaking certain activities. Activities exempt from the permit program must conform to provisions of the applicable Master Program.

3. SUBMISSION REQUIREMENTS

The permit application must include: identification of applicant and owner of the property, location and current use of the property, identification and description of water area, proposed use with project diagrams and vicinity map, and identification of any required conditional use or variance.

4. PROCEDURES

- a. **Application:** The applicant submits an application to the local government where the project is located.
- b. **Review and Investigation:** The local official analyzes the proposal for compatibility with the local shoreline master program, and conducts a field inspection; usually these initial tasks take 2 weeks.
- c. **Public Notification/Hearing:** Public notice is published by the applicant; commonly, a hearing is conducted to solicit information and opinions.
- d. **Processing Time:** The final decision to grant or deny the permit is made by the local government after a 30-day public-review period. The WDOE has review authority over permits which include variances or conditional uses; their review period is 30 days. After an affirmative decision, WDOE returns the application to the local government for permit issuance.
- e. **Terms:** Construction or substantial progress of a permitted project must be achieved within 2 years of permit approval, and a project must be completed within 5 years.

5. OPERATIONS REQUIREMENTS

None.

6. FEES

Fees are set by local governments and may vary.

7. APPEAL PROCESS

Appeal to the Shorelines Hearings Board within 30 days of the final decision.

E. ADMINISTERING AGENCY

Permit jurisdiction is held by the city or county in which the proposed shoreline development will be located.

CHAPTER 6.3 WETLANDS
6.3.2 HYDRAULIC PROJECT APPROVAL

A. NAME OF PROGRAM

Hydraulic Project Approval.

B. AUTHORIZING STATUTE

Chapter 75.20 RCW, Restrictions as to Dams, Ditches, and Other Uses of Water and Waterways.

C. TITLE OF REGULATION

The following regulations are being prepared for adoption in late 1981:
220-10 WAC, Hydraulic Code in the Freshwater Area.
200-120 WAC, Hydraulic Code in the Saltwater Area.

D. SUMMARY OF REGULATION

1. APPLICABILITY

To protect fish life, any hydraulic, construction, or development activity below the ordinary high-water mark in freshwater, and below the mean higher high water mark in saltwater areas, is subject to the provisions of the act.

2. GENERAL REQUIREMENTS

Hydraulic projects and other work must be approved by the directors of the Departments of Fisheries and Game prior to construction.

3. SUBMISSION REQUIREMENTS

Submit full plans and specifications of the proposed construction or work, complete plans and specifications for the protection of fish life, location of project, and the approximate starting date for construction.

4. PROCEDURES

a. Application: The standard Hydraulic Project Application should be submitted for freshwater projects. For projects where a Corps of

Engineers Section 10 or 404 Permit is required (saltwater and some freshwater projects), the Public Notice is accepted as application. For saltwater areas where a Corps permit is not required, the Hydraulic Project application should be submitted.

- b. **Review and Investigation:** The Departments of Fisheries and Game determine a lead agency, which assigns the application to an investigator for evaluation and processing.
- c. **Public Notification/Hearing:** None.
- d. **Processing Time:** Generally, 3 to 4 weeks are required for routine proposals, with more complex applications, such as those which need an environmental impact statement, requiring a longer period. Usually, only a final decision is rendered.
- e. **Terms:** Requirements governing timing of construction, methodology, and project design may be imposed as required to achieve protection of fish life.

5. OPERATIONS REQUIREMENTS

The authorizing department will usually grant a time extension upon request of the applicant.

6. FEES

None.

7. APPEAL PROCESS

An appeal of an adverse administrative decision may be filed with the Department of Fisheries in accordance with Chapter 34.04 RCW, the Administrative Procedures Act.

E. ADMINISTERING AGENCY

Washington Department of Fisheries
115 General Administration Building
Olympia, WA 98504

(206) 753-6600

For information about federal regulations, contact:

Corps of Engineers
Seattle District Office
4735 E. Marginal Way So.
Seattle, WA 98134

(206) 764-3742

CHAPTER 6.4 COASTAL ZONE REGULATIONS

INTRODUCTION

The Washington Department of Ecology (WDOE) has responsibility for activities subject to the Federal Coastal Zone Management Act (16 USC 1451). Under the State's Shoreline Management Act, local governments have adopted plans and regulations which were approved by WDOE and adopted as State regulations; these comprise the State's coastal zone management plan. For projects and activities in the coastal zone, compliance with the Shoreline Management Act and regulations fulfills the requirements of the Coastal Zone Management Act.

For certain projects and activities requiring Federal licenses and permits, Federal coastal zone regulations may be applicable.

SECTION 7.0
LOCAL REGULATORY POLICY

CHAPTER 7.1 LOCAL GOVERNMENT LAND USE AND
NATURAL RESOURCE CONTROL ENABLING LAWS

A. NAME OF PROGRAM

Local Government Planning and Regulatory Authority.

B. AUTHORIZING STATUTES

Chapter 35 RCW, Cities and Towns.

Chapter 35A RCW, Optional Municipal Code.

Chapter 36.70 RCW, Planning Enabling Act (Counties).

Chapter 58.16 RCW, Control of Plats, Subdivisions, and Dedications.

C. TITLE OF REGULATIONS

Ordinances and resolutions adopted by local jurisdictions.

D. SUMMARY OF PROGRAM

1. APPLICABILITY

Counties must, and cities may, prepare and adopt a comprehensive plan, which includes land use and circulation elements and which may be expanded in scope to include certain optional elements. The comprehensive plan will also serve as a guide to development and adoption of official controls which will further the goals and objectives of that plan, such as delineation of zones within which the type and degree of permissible land uses are defined. Street and other public facility locations and specifications are given, along with other regulations governing land development.

2. GENERAL REQUIREMENTS

Subject to the requirements and limitations of these chapters, a county or city is responsible for the regulation of land use activities within its boundaries. An applicant must contact the local agency with jurisdiction for information concerning its regulatory requirements, application procedures, fees, and appeal process.

E. ADMINISTERING AGENCY

For information regarding local regulatory policies and practices, contact:

Planning and Community Affairs Agency
Mail Stop FN-41
Olympia, WA 98504

(206) 753-2219

CHAPTER 7.2 SUB-STATE MANAGEMENT DISTRICTS AND
SPECIAL AUTHORITIES

7.2.1 MUNICIPAL CORPORATIONS

A. NAME OF PROGRAM

Metropolitan Municipal Corporations.

B. AUTHORIZING STATUTES

Chapter 35.58 RCW, Metropolitan Municipal Corporations.

C. TITLE OF REGULATIONS

Rules and Regulations adopted by the corporations.

D. SUMMARY OF PROGRAM

Cities and counties may act jointly, through a metropolitan municipal corporation, to provide certain services in metropolitan areas, including sewage treatment and public transportation, after voter approval.

CHAPTER 7.2 SUB-STATE MANAGEMENT DISTRICTS AND
SPECIAL AUTHORITIES

7.2.2 AIR POLLUTION CONTROL AUTHORITIES

A. NAME OF PROGRAM

Air Pollution Control Authorities.

B. AUTHORIZING STATUTE

Chapter 70.94 RCW, Clean Air Act.

C. TITLE OF REGULATIONS

Rules and Regulations adopted by the Air Pollution Control Authorities.

D. SUMMARY OF REGULATION

The Clean Air Act directs that an air pollution control authority be created within each county and provides that two or more counties may form a regional authority. Authorities within the larger counties and all the multicounty authorities are designated as activated authorities and are directed to carry out the duties and exercise the powers of this chapter. Many counties in eastern Washington have inactive authorities; if so, the Department of Ecology has jurisdiction. Rules of the county or multicounty authorities must be no less stringent than those of the State agency.

E. ADMINISTERING AGENCY

For information about a control authority, contact:

Department of Ecology, Office of Air Programs
Mail Stop PV-11
Olympia, WA 98504

(206) 753-2800