



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Rule Implementation Plan**

**Emergency Rule for Upper Kittitas  
Ground Water**

**Chapter 173-539A WAC**

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## Publication and Contact Information

This report is available on the Department of Ecology's website at:  
[www.ecy.wa.gov/programs/wr/cro/kittitas\\_wp.html](http://www.ecy.wa.gov/programs/wr/cro/kittitas_wp.html).

For more information contact:

Barbara Anderson  
Water Resources Program  
P.O. Box 47600  
Olympia, WA 98504-7600

E-mail: [barbara.anderson@ecy.wa.gov](mailto:barbara.anderson@ecy.wa.gov)  
Phone: 360-407-6607

Washington State Department of Ecology - [www.ecy.wa.gov](http://www.ecy.wa.gov)

Headquarters, Olympia	360-407-6000
Northwest Regional Office, Bellevue	425-649-7000
Southwest Regional Office, Olympia	360-407-6300
Central Regional Office, Yakima	509-575-2490
Eastern Regional Office, Spokane	509-329-3400

Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

*To ask about the availability of this document in a version for the visually impaired, call the Water Resources Program at 360-407-6872.*

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## **Purpose**

Ecology provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

## **Introduction**

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-539A WAC and the Upper Kittitas Ground Water emergency rule about how the Department of Ecology (Ecology) intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

## **Implementation and Enforcement**

This ninth emergency rule meets our agency's priority for "Successful Water Management" by providing a regulatory framework that provides for responsible exempt groundwater well development and enhanced protection of water resources in the Yakima Basin, specifically western Kittitas County. The resources the department intends to use:

- A full time water master that provides technical assistance to the County's SEPA process and informational education and outreach materials and assistance to citizens, developers, and water right holders.
- Persons proposing to use groundwater shall apply to Ecology for a permit to appropriate public groundwater or, if seeking to use groundwater under the exemption, shall submit to Ecology a request for determination of that the proposed exempt use would be water budget neutral. Ecology will assign staff to review the applications and requests for determination.

## **Informing and Educating Persons Affected by the Rule**

The communication strategy covers both the emergency rule and adoption of a permanent rule for the Management of Exempt Water Wells in Kittitas County, Chapter 173-539A. The emergency rule provides an interim mechanism for Ecology to manage groundwater supplies in Kittitas County until a permanent rule adoption is complete.

Ecology will notify interested parties of the proposed rule and timelines by doing a postal mailings or e-mail distributions and listserv notices.

## **Promoting and Assisting Voluntary Compliance**

As part of a permit application to appropriate public groundwater or a request for a determination of water budget neutrality, applicants or requesters will provide the following information:

- identification of one or more water rights that would be placed into the trust water right program to offset the consumptive use associated with the proposed new use of groundwater;
- a site map;
- the area to be irrigated (in acres);
- a soil report, if proposed discharge is to a septic system and the applicant or requestor proposes to deviate from the values in WAC 173-539A-040(1)(b);
- a property covenant that restricts or prohibits trees or shrubs over the septic drain field; and
- a copy of the sewer utility agreement, if the proposed wastewater discharge is to a sanitary sewer system.

Applications to appropriate public groundwater or requests for determination of water budget neutrality that do not include the information listed above will be rejected and returned to the applicant.

No new permit exempt withdrawals of groundwater under RCW 90.44.050 may be commenced unless Ecology has approved a request for determination that the proposed exempt use would be water budget neutral.

## **Evaluating the Rule**

The rule will provide both enhanced protection of water resources in one of the State's most water short basins yet allow responsible economic growth through management measures for the use of the groundwater well exemption. Measures to assess progress will be a reduction in the misuse of the groundwater permit exemption to supply water to subdivisions, and creation and use of a water banking mitigation program to support responsible and fully mitigated growth in western Kittitas County.

## **Training and Informing Ecology Staff**

Ecology's water resource management and staff will be briefed on the rule through direct communication of the Water Resources Management Team and subsequent staff meetings, Web site, email notification and regional office visits as may be necessary to educate and inform those who are facing similar situations in their respective regional offices.

## **List of Supporting Documents that May Need to be Written or Revised**

Ecology's Water Resource Program Central Regional Office will add this rule and implementation measures to its current list of activities associated with processing water right change applications, conservancy board decisions and review of Kittitas County SEPA decisions affecting land use and the use of the groundwater exemption as may be applicable in the area identified in rule (western Kittitas County).

## **More Information**

[http://www.ecy.wa.gov/programs/wr/cro/kittitas\\_wp.html](http://www.ecy.wa.gov/programs/wr/cro/kittitas_wp.html)

## **Contact Information**

Bob Barwin  
Ecology's Central Regional Office  
15 W. Yakima Ave., Suite 200  
Yakima, WA 98902  
Phone: (509) 457-7140  
Email: robert.barwin@ecy.wa.gov