

WAC 173-157-200 How will the department issue reservoir permits and/or secondary permits for ASR projects?

(1) The department will process applications for permits for ASR projects in accordance with the provisions of RCW 90.03.250 through 90.03.320, RCW 90.03.370, chapter 173-152 WAC and this chapter. The department shall expedite processing applications for those projects that:

- (a) Will not require a new water right for diversion or withdrawal of the water to be stored;
 - (b) Are adding or changing one or more purposes of use for the stored water;
 - (c) Are adding to the storage capacity of an existing reservoir;
- or
- (d) Are applying for the secondary permit to secure use of water stored in an existing reservoir.

(2) The department shall give strong consideration to the overriding public interest in its evaluation of compliance with groundwater quality protection standards.

(3) Any application considered under this chapter that may impact surface waters will be subject to review by the department, WDFW, DOH, and the appropriate Indian tribe(s), specifically to ensure that the following do not occur during ASR project injections or withdrawals:

- (a) Alteration of the normative hydrograph which may result in adverse impacts to fish;
- (b) Detrimental changes in temperature, nutrient, heavy metals, hydrocarbon, or other deleterious material levels during critical spawning and rearing periods;
- (c) Disruption of natural downwelling or upwelling within stream during critical spawning and rearing periods; or
- (d) Saturation of stream bank which could lead to erosion, bank failure, and excess sedimentation entering the stream which can alter stream chemistry, flow, and bed morphology.

Each ASR project application will be subject to public notice and comment per RCW 90.03.280. The department will consider any comments by the reviewers in evaluating the application.

(4) The department may issue a conditioned permit to prevent any long-term changes to the aquifer, or other adverse impacts to the environment. The conditioning will provide for a pilot phase of the project, to be used to collect data, monitor efficacy, evaluate the effectiveness of any mitigation plan approved under WAC 173-157-150, and adjust the ASR project or mitigation plan based upon pilot phase results.

(5) Permits will contain a schedule for:

- (a) Development and completion of the project;
- (b) Monitoring and reporting during the pilot and operational phases of the project.

(6) The department can, upon a showing of good cause, issue extensions for the permit in accordance with the provisions of RCW 90.03.320.

(7) Once sufficient information is developed and provided to the department to verify that the project is viable and the requirements of RCW 90.03.330 have been met, the department will issue proper documentation for the reservoir and secondary permit, if any, with the priority date or dates based on the underlying source water right.

[Statutory Authority: RCW 90.03.370 (2)(b) and 90.44.460. WSR 03-03-081 (Order 02-06), § 173-157-200, filed 1/15/03, effective 2/15/03.]