(1) Goal and policies.

(a) It is the established goal of the department to manage source control activities to reduce and ultimately eliminate adverse effects on biological resources and significant health threats to humans from sediment contamination.

(b) The stated policy of the department shall be to only authorize sediment impact zones so as to minimize the number, size, and adverse effects of all zones, with the intent to eliminate the existence of all such zones whenever practicable. The department shall consider the relationship between environmental effects, technical feasibility and cost in determining whether it is practicable to minimize and/or eliminate sediment impact zones.

(c) The department shall implement the standards of WAC 173-204-400 through 173-204-420 so as to prevent the creation of new contaminated sediment cleanup sites identified under WAC 173-204-520.

(2) A sediment impact zone authorization issued by the department under the authority of chapter 90.48 RCW does not constitute authorization to trespass on lands not owned by the applicant. These standards do not address and in no way alter the legal rights, responsibilities, or liabilities of the permittee or landowner of the sediment impact zone for any applicable requirements of proprietary, real estate, tort, and/or other laws not directly expressed as a requirement of this chapter.

(3) Except as identified in subsection (6)(d) of this section, any person may apply for a sediment impact zone under the following conditions:

(a) The person's discharge is provided with all known, available and reasonable methods of prevention, control, and treatment, and meets best management practices as stipulated by the department; and

(b) The person's discharge activity exposes or resuspends sediments which exceed, or otherwise cause or potentially cause sediments to exceed the applicable sediment quality standards of WAC 173-204-320 through 173-204-340, or the antidegradation policy standards of WAC 173-204-120 (1)(a) and (c) within a period of ten years from the later date of either the department's formal approval of the application for a sediment impact zone authorization or the starting date of the discharge.

(4) The department shall only authorize sediment impact zones for permitted wastewater and stormwater discharges, and other discharges authorized by the department. The department shall authorize all sediment impact zones via discharge permits or other formal administrative actions.

(5) The department shall not limit the application, establishment, maintenance, or closure of an authorized sediment impact zone via consideration of sediment contamination determined by the department to be the result of unknown, unpermitted or historic discharge sources.

(6) As determined necessary by the department, any person with a permitted discharge shall be required to meet the standards of WAC 173-204-400 through 173-204-420, as follows:

(a) Any person with a new or existing permitted wastewater discharge shall be required to meet the standards of WAC 173-204-400 through 173-204-420;

(b) Any person with a new or existing permitted industrial stormwater discharge, regulated as process wastewater in National Pollutant
Discharge Elimination System or state discharge permits, shall be re-
quired to meet the standards of WAC 173-204-400 through 173-204-420;
(c) Any person with a new or existing permitted stormwater or
nonpoint source discharge, which fully uses all known, available and
reasonable methods of prevention, control, and treatment, and best
management practices as stipulated by the department at the time of
the person's application for a sediment impact zone, shall be required
to meet the standards of WAC 173-204-400 through 173-204-420;
(d) Any person with a stormwater discharge, existing prior to the
adoption of this chapter, and determined by the department to not be
fully using best management practices stipulated by the department at
the time of the person's application for a permit from the department,
shall be eligible for a sediment impact zone as follows:
(I) The department shall issue sediment impact zone authoriza-
tions with requirements for application of best management practices
stipulated by the department on an approved time schedule.
(ii) Sediment impact zones authorized by the department for per-
mitted stormwater discharges under the applicability provisions of
subsection (6)(d) of this section shall be subject to cleanup action
determinations made by the department pursuant to WAC 173-204-500
through 173-204-590 when the sediment impact zone maximum criteria of
WAC 173-204-420 are exceeded within the authorized sediment impact
zone.
(iii) The department shall identify and include best management
practices required to meet the sediment impact zone design standards
of WAC 173-204-415(4) as soon as practicable within sediment impact
zone authorizations established for stormwater discharges per WAC
173-204-410 (6)(d).
(7) Dredged material and fill discharge activities subject to au-
thorization under Section 401 of the federal Clean Water Act via chap-
ter 90.48 RCW and chapter 173-225 WAC, establishment of implementation
procedures of application for certification, are not subject to the
standards of WAC 173-204-415 but are subject to the standards of WAC
173-204-400 through 173-204-410 and 173-204-420 as follows:
(a) Requirements for dredging activities and disposal sites shall
be established by the department using best available dredged material
management guidelines and applicable federal and state rules. These
guidelines shall include the Puget Sound dredged disposal analysis
(PSDDA) dredged material testing and disposal requirements cited in:
(i) Management Plan Report - Unconfined Open-Water Disposal Of
Dredged Material, Phase I, (Central Puget Sound), June 1988, or as
amended;
(ii) Management Plan Report - Unconfined Open-Water Disposal Of
Dredged Material, Phase II, (North And South Puget Sound), September
1989, or as amended; and
(iii) Users Manual For Dredged Material Management In Puget
Sound, November 1990, or as amended.
(b) In coordination with other applicable federal and state and
local dredged material management programs, the department may issue
administrative orders to establish approved disposal sites, to specify
disposal site use conditions, and to specify disposal site monitoring
requirements.
(c) The department may authorize sediment impact zones for
dredged material disposal via federal Clean Water Act Section 401 cer-
tification actions.
(d) As determined necessary by the department, the department may
authorize sediment impact zones for dredged material disposal via ad-
Administrative orders issued under authority of chapter 90.48 RCW. The department shall authorize sediment impact zones for all Puget Sound dredged disposal analysis disposal sites via administrative orders issued under authority of chapter 90.48 RCW.

(e) Administrative orders and certifications establishing sediment impact zones for dredged material disposal sites shall describe establishment, maintenance, and closure requirements for the authorized site, consistent with the requirements described in (a) of this subsection.

(8) The source control standards of WAC 173-204-400 through 173-204-420 are applicable in cases where the sediment quality standards of WAC 173-204-320 through 173-204-340 are reserved.

[Statutory Authority: Chapters 70.105D and 90.48 RCW. WSR 13-06-014 (Order 08-07), § 173-204-410, filed 2/25/13, effective 9/1/13. Statutory Authority: RCW 90.48.220. WSR 96-02-058, § 173-204-410, filed 12/29/95, effective 1/29/96. Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. WSR 91-08-019 (Order 90-41), § 173-204-410, filed 3/27/91, effective 4/27/91.]