

**WAC 173-200-090 Special protection areas.** (1) The purpose of a special protection area is to identify and designate groundwaters that require special consideration or increased protection because of one or more unique characteristics.

(2) The unique characteristics of a special protection area shall be considered by the department when regulating activities, developing regulations, guidelines, and policies, and when prioritizing department resources for groundwater quality protection programs.

(3) The characteristics to guide designation of a special protection area shall include, but not be limited to, the following:

(a) Groundwaters that support a beneficial use or an ecological system requiring more stringent criteria than drinking water standards;

(b) Groundwaters, including, but not limited to, recharge areas and wellhead protection areas, that are vulnerable to pollution because of hydrogeologic characteristics; and

(c) Sole source aquifer status by federal designation.

(4) Special protection areas may be proposed for designation at any time by the department upon its own initiative or at the request of a federal agency, another state agency, an Indian tribe, or local government.

(a) The requestor of designation shall provide sufficient information for the department to determine if the proposed designation is in the best interest of the public. This information shall include, but not be limited to:

(i) A rationale for the proposed designation;

(ii) Supporting data for the proposed designation;

(iii) A description of the proposed area including geographic and hydrologic boundaries;

(iv) Documentation of coordination with affected state and local agencies, tribes, and water user groups; and

(v) Such other information as the department deems necessary.

(b) In coordination with the department, the initiator of the request for designation shall hold at least one public meeting and take written comment for the purpose of receiving comments from the public, affected local, state and federal agencies, tribes, and other persons. Documentation of the public review process and comments received shall be submitted to the department.

(c) The department shall review the request for designation, provide written notification to all affected local, state and federal governments, and tribes, and hold at least one public hearing within the county or counties containing the proposed special protection area.

(5) The department shall designate said groundwaters as a special protection area if the department determines:

(a) The special protection area contains one or more of the characteristics described in subsection (2) of this section; and

(b) Such a designation is in the public interest.

[Statutory Authority: RCW 90.48.035. WSR 90-22-023, § 173-200-090, filed 10/31/90, effective 12/1/90.]