

A.03

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH PROGRAMS
DIVISION OF DRINKING WATER

Subject: SEPA Reviews

Purpose: To be consistent with overall SEPA regulations, change to the DOH SEPA regulations is necessary. SEPA documents are not required with a water system plan unless the system has 1000 or more service connections.

POLICY

1. A water system plan shall be considered categorically exempt from SEPA review and an environmental checklist shall not be required in connection with the submission of a water system plan unless the system discussed in the plan has or proposes to have one thousand or more service connections.

DOE's SEPA rules regarding categorical exemptions (projects excused from any SEPA review including the threshold determination) "are exclusive and may not be added to or changed in agency procedures." WAC 197-11-906 (2) (c). Subject to the exceptions set out at WAC 197-11-305 which are discussed below, the approval of a water system plan involving less than one thousand service connections is categorically exempt. WAC 197-11-800, WAC 197-11-845 (2).

On its face, DOH WAC 248-06-174 (2) requires SEPA documents to accompany every water system plan, regardless of the number of the system's service connections. AAG, Hal Dygert, has advised that to require submission of SEPA documents for plans having fewer than one thousand connections would add to the burden imposed under DOE's SEPA rules and is therefore inappropriate. The DOH rule, WAC 248-06-174 (2), must be read consistently with WAC 197-11-845 (2) such that DOH should not require SEPA documents in connection with a water system plan unless the system under consideration has one thousand or more service connections.

2. When the district engineer or planner has determined that construction document, project report and/or water system plan approvals are categorically exempt from SEPA, the DE or planner shall send a letter to the planning department of the county in which the project is located notifying them of this determination. (See Attachment 1.) If the county determines the approvals are non-exempt, the DE or planner shall notify the drinking water program's SEPA responsible official.

Notwithstanding the limitation to 1,000 service connections, SEPA documents may still be required on a project of which an exempt water system plan is a part. Under WAC 197-11-305 if, in the judgment of an "agency with jurisdiction" (an agency with the authority to approve, veto or finance all or part of the proposal), the water system plan (or any other action such as the approval of construction documents or a project report) (a) is one of a series of physically or functionally related actions some of which are exempt and some not, or (b) is one of a series of physically or functionally related actions all of which, individually, are categorically exempt but, which together might have a probable significant environmental impact, or (c) impacts "environmentally sensitive areas", then submission of SEPA documents may be required.

Typically any new system or system expansion will involve county approvals and, if a groundwater appropriation is required, a DOE approval. Under such circumstances both the county and DOE would be agencies with jurisdiction. The county would be the agency in best position to determine whether WAC 197-11-305 applies and it should be given the opportunity to make that determination.

3. All other SEPA policies remain in effect. For your reference ~~see~~ attached a list of non-exempt SEPA projects (Attachment 2).

Approved by Dave Clark by Rich Sarver Date 12/24/91

ATTACHMENT 1

April 18, 1991

What follows is a form letter that might be used in connection with Department of Health plan, project or construction document approvals. The letter would be employed when the individual approvals that DOH issues in connection with a proposed new water system or water system expansion are categorically exempt from SEPA.

Dear _____ :

_____ has submitted a water system plan/project report/construction documents in connection with the proposed construction of/the proposed expansion of the water system, copy attached. The proposal involves _____.

As such, under WAC 197-11-845 and WAC 248-06-174, the Department of Health's approvals would be categorically exempt from the SEPA determination process unless WAC 197-11-305 applies. If a SEPA threshold determination is required in connection with the above described proposal it appears that, pursuant to WAC 197-11-926/197-11-932/197-11-934, _____ would be the lead agency.

If you have any questions in regard to the foregoing please contact Rich Siffert at 753-4299.

Sincerely,

District Engineer or Planner

cc: Rich Siffert
Department of Ecology

ATTACHMENT 2

DOH Non-Exempt SEPA Projects

An environmental checklist and any related SEPA documents must be submitted by any person seeking approval of the following:

1. Water System Plan (WAC 246-290-100 and WAC 248-56-710) for systems with 1,000 or more services.
2. Supplementary Provisions (WAC 248-56-720) for the regional portion of the plan prepared for a Critical Water Supply Service area.
3. Water General Plan (RCW 36.94.010) for counties utilizing the County Service Act.
4. Either the Project Report (WAC 248-290-110) or Construction documents (WAC 246-290-120) for:
 - a. Any surface water source project (a spring is considered ground water);
 - b. Storage projects with a capacity of over one-half million gallons;
 - c. New transmission lines longer than 1,000 feet and larger than eight inches in diameter located in new rights of way;
 - d. Extensions to existing water distribution systems involving use of pipes greater than eight inches in diameter, which are designed to increase the existing service area by more than one square mile.

Projects other than those listed above need not submit SEPA documents to the Department of Health, Drinking Water Program.