

**WAC 173-219-270 Reclaimed water permit terms and conditions.**

The reclaimed water permit must identify terms and conditions determined to be necessary by the lead agency, for the protection of public health, the environment, and to implement this chapter and chapters 90.46, 90.48, 70.118, and 70.118B RCW as applicable. The reclaimed water permit may establish additional conditions on a case-by-case basis specific to the types of distribution systems and uses authorized through a use agreement. Terms and conditions must include, but are not limited to:

(1) Regulatory entry and access. For assessing compliance, the generator must allow the lead and nonlead agencies the right to:

(a) Enter the premises where the generator keeps records and the permitted reclaimed water facilities.

(b) Inspect any records that the permit requires the generator to keep under the conditions of the reclaimed water permit.

(c) Inspect any facility, equipment, practice, or operation permitted or required by the reclaimed water permit.

(d) Sample or monitor any substance or any parameter at the reclaimed water facility.

(e) Copy, at reasonable cost, any records required by the terms and conditions of the reclaimed water permit.

(2) Duty to provide information. The falsification of information submitted to the lead agency constitutes a violation of the terms and conditions of the reclaimed water permit. The generator must submit:

(a) All the information requested to determine if cause exists for modifying, revoking, reissuing, or terminating the reclaimed water permit, or to determine compliance with the permit or this chapter.

(b) Copies of records required by this chapter.

(3) Reporting planned changes. The generator must provide advance notice to the lead agency of any reclaimed water facility modifications, production increases, or other planned changes, such as maintenance activities or process modifications that may result in short-term noncompliance with permit limits or conditions.

(4) Noncompliance action required. In the event of an action that violates the terms and conditions of the permit, the generator must:

(a) Take immediate action to stop, contain, and remedy unauthorized generation, distribution, or use of reclaimed water.

(b) Immediately identify and report to the lead agency, no later than twenty-four hours from the time the generator becomes aware of the circumstances, any issue that threatens public health or the environment.

(c) Submit a written report to the lead agency within thirty days of any noncompliance that threatens public health or the environment that describes the following:

(i) The noncompliance and its cause, if known.

(ii) The period of noncompliance including times and dates, to the extent possible, and if the compliance has not been corrected, the anticipated date and time it is expected to be corrected.

(iii) The corrective actions taken.

(iv) Steps planned to reduce or eliminate recurrence.

(v) Any other pertinent information.

(5) Reclaimed water quality limits. The permit issued by the lead agency must:

(a) Specify enforceable limits on the quality of reclaimed water distributed for use that:

(i) Verify that the required treatment processes at the reclaimed water facility are functioning correctly.

(ii) Verify that the facility is reliably achieving the required technology-based and use-based standards.

(b) List:

(i) Each required parameter.

(ii) Regulatory limits.

(iii) Sample type, method, and point of compliance.

(iv) Establish action required when the generator exceeds a limit.

(6) Facility loading. The permit must establish conditions to assure that the facility operates within the approved design capacity. The reclaimed water permit may specify design limits that the facility must not exceed, periodic assessments, reporting of flow and loadings, and warning levels that trigger requirements to maintain adequate capacity.

(7) Authorized uses. The permit must:

(a) Require the generator to maintain use agreements with distributors and users receiving reclaimed water and document the use-based site evaluation, per WAC 173-219-380. The reclaimed water permit may include conditions requiring the generator to obtain lead agency review and approval of use agreements or may specify terms and conditions allowing the use of standardized agreement language or local ordinances for all or some distributors, uses, or users.

(b) Limit the distribution and use of reclaimed water to those uses and locations established in the permit or by a signed use agreement.

(c) Establish water quality limits that qualify reclaimed water for distribution and for shutoff in case of treatment system malfunction or failure.

(d) Specify conditions that require distribution of reclaimed water to be terminated.

(e) Prohibit the release or distribution of inadequately treated water.

(f) For storage of reclaimed water in an aquifer and/or recovery of the water, the permit must include the recovery period of the reclaimed water based on the hydrogeologist report. Ecology may modify or ask health to modify the reclaimed water permit and the recovery period based on later, supplemental documentation.

(8) Adding new users or uses. The lead agency may authorize the addition of new users or similar uses without reopening the permit, based on submission and approval of the use agreement to the lead agency or prior approval of a use or use agreement as prescribed in WAC 173-219-290.

(9) Use specific permit conditions. The reclaimed water permit must include appropriate, specific conditions authorizing and controlling the storage, generation, distribution, recovery, and permitted uses of the reclaimed water in a manner that protects public health and the environment.

(10) Cross-connection control. The permit must require the generator to meet the provisions of WAC 173-219-310 to protect higher quality water from lower quality water.

(11) Water rights impairment. The permit must require proof of continuing compliance with RCW 90.46.130, and, if necessary, enforceable provisions to ensure compensation or mitigation is implemented by the permittee.

[Statutory Authority: RCW 90.46.015. WSR 18-03-166 (Order 06-12), § 173-219-270, filed 1/23/18, effective 2/23/18.]