

WAC 173-219-070 Permit required. No reclaimed water may be distributed or used without a reclaimed water permit issued pursuant to this chapter and chapter 90.46 RCW. Nothing in a reclaimed water permit excuses a person from complying with all applicable federal, state, or local statutes, ordinances, or regulations.

(1) Eligibility to apply for a reclaimed water permit. Any person proposing to generate any type of reclaimed water for a use regulated under this chapter shall obtain a permit from the lead agency prior to distribution or use of that water. A permit under this chapter may only be issued to:

(a) A municipal, quasi-municipal, or other governmental entity.

(b) A private utility, if the lead agency determines that the private utility meets the requirements in WAC 173-219-180.

(c) The holder of an active on-site sewage treatment permit under chapter 70.118B RCW or a permit or approval under chapter 70.118A RCW.

(d) The holder of an active waste discharge permit issued under chapter 90.48 RCW.

(2) Duration of reclaimed water permit. A reclaimed water permit shall be issued for a fixed term, not to exceed five years from the effective date.

(3) Reclaimed water permit transfer. A permittee may, with the lead agency's approval, transfer a reclaimed water permit if the permittee:

(a) Makes the request to the lead agency in writing at least thirty calendar days before the proposed date of transfer.

(b) Provides to the lead agency a written agreement between the existing permittee and the new permittee that demonstrates the feasibility of the new permittee as provided in WAC 173-219-180.

(c) Specifies the date for transfer of reclaimed water permit responsibility, coverage, and liability.

A transfer is effective on the date specified in the written agreement unless the lead agency notifies the parties of their intent to modify or revoke and reissue the reclaimed water permit.

(4) Reclaimed water permit renewal.

(a) At least one hundred eighty days before expiration of the reclaimed water permit, a permittee must submit a renewal application provided by the lead agency.

(b) As long as the permittee meets the renewal application requirements and deadlines for renewal, an expiring reclaimed water permit remains in effect and enforceable until the lead agency either denies the application or issues a renewed permit.

(c) If a permittee fails to meet the deadline or application requirements for renewal, the permit expires on the expiration date provided for in the permit.

[Statutory Authority: RCW 90.46.015. WSR 18-03-166 (Order 06-12), § 173-219-070, filed 1/23/18, effective 2/23/18.]