

**WAC 246-272B-02300 LOSS greater than 14,500 gpd—Operating permit and approval to construct.** (1) The department shall consider comments received within thirty days of the first published public notice required by WAC 246-272B-02250, and may:

(a) Require additional information from the owner;

(b) Require changes to the LOSS design, O&M manual, or management plan; or

(c) Modify the draft operating permit.

(2) The department shall notify the owner in writing of additional submittals required by subsection (1) of this section.

(3) The owner shall submit required information and changes to the LOSS design, O&M manual, or management plan to the department.

(4) After reviewing all submitted information, the department shall provide a written notice of determination to the owner.

(a) If the department determines that the proposed LOSS meets the requirements of this chapter, the notice of determination must include an invoice for the final inspection fee, the annual operating permit fee, all other unpaid fees, and the operating permit.

(b) If the department determines that the LOSS does not meet the requirements of this chapter, the notice of determination must include an invoice for all unpaid fees and the reasons for the decision, and the department shall discontinue review of the project.

(5) The department shall provide on the department's website at [doh.wa.gov](http://doh.wa.gov) the notice of final decision that identifies whether the LOSS operating permit has been approved and issued, or has been denied. The department may also use any of the following methods to provide the notice of final decision:

(a) Publication in a local newspaper of general circulation in the county of the proposal;

(b) Electronic mail;

(c) Press release; or

(d) Other means of notification the department deems appropriate.

(6) An owner may appeal the department's decision on the operating permit by requesting an adjudicative proceeding consistent with WAC 246-272B-08200.

(7) An aggrieved person may appeal the department's issuance of an initial operating permit according to WAC 246-272B-08300.

(8) The department shall notify the owner in writing of approval to construct when all fees are paid and all appeals, if any, are resolved.

[Statutory Authority: RCW 70.118B.020. WSR 11-12-035, § 246-272B-02300, filed 5/25/11, effective 7/1/11.]