

WAC 173-240-104 Ownership and operation and maintenance. (1)

Except as provided in subsections (2) and (3) of this section, domestic sewage facilities will not be approved unless ownership and responsibility for operation and maintenance is by a public entity. If a waste discharge permit is required it must be issued to the public entity. Nothing in this rule precludes a public entity from contracting operation and maintenance of domestic sewage facilities.

(2) Ownership by nonpublic entities may be approved if the department determines the ownership is in the public interest: Provided, That there is an enforceable contract, approved by the department, between the nonpublic entity and a public entity with an approved sewer general plan that will assure immediate assumption of the system under the following conditions:

(a) Treatment efficiency is unsatisfactory either as a result of plant capacity or physical operation; or

(b) If such an assumption is necessary for the implementation of a general sewer plan.

(3) The following domestic wastewater facilities would not require public entity ownership, operation, and maintenance:

(a) Those facilities existing or approved for construction as of the effective date of this section, until such a time the facility is expanded to accommodate additional development.

(b) Those facilities which serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered commercial establishments for the purpose of this section.

[Statutory Authority: RCW 90.48.110. WSR 00-15-021 (Order 00-09), § 173-240-104, filed 7/11/00, effective 8/11/00. Statutory Authority: Chapters 43.21A and 90.48 RCW. WSR 83-23-063 (Order DE 83-30), § 173-240-104, filed 11/16/83.]