

WAC 173-219-040 Direct enforceability. All persons subject to the requirements of this chapter must comply on the effective date of this chapter, except as allowed under subsection (1) of this section.

(1) Exceptions. Persons issued a permit before the effective date of this chapter are subject to this chapter except as follows:

(a) The lead agency may issue an extension for compliance to persons issued a permit before the effective date of this chapter to provide a reasonable timeline for compliance with this chapter.

(b) Persons issued a permit before the effective date of this chapter:

(i) Must request the extension for compliance in writing and provide good cause for the request.

(ii) Are not required to obtain a modification of the existing reclaimed water permit until the application for the permit renewal is due under WAC 173-219-070.

(2) Waiver request.

(a) A generator may request in writing a waiver from specific requirements of this chapter. Waiver requests must:

(i) Identify the requirement requested to be waived.

(ii) State the reason for the waiver.

(iii) Provide information supporting the request and any additional information identified by the lead agency needed to make the waiver determination.

(b) The lead agency may grant a waiver, in consultation with the nonlead agency, if it:

(i) Is consistent with the purpose and intent of this chapter.

(ii) Does not lower the level of public health and environmental protection required within this chapter.

(c) The lead agency must provide:

(i) Twenty-one calendar days for the nonlead agency to review and comment on the waiver request before granting or denying a waiver.

(ii) Written notice to the generator within ninety calendar days granting or denying a waiver request, requesting additional information, or explaining any delay and stating an expected date for issuing a decision.

(d) The requirements of WAC 173-219-090 cannot be waived.

[Statutory Authority: RCW 90.46.015. WSR 18-03-166 (Order 06-12), § 173-219-040, filed 1/23/18, effective 2/23/18.]