

Permit to Supply Reclaimed Water User Agreements/Minimum requirements:

Oklahoma's Reclaimed Water regulations put the responsibility on suppliers of reclaimed water to assure that *all* reclaimed water distribution/delivery sites are operated in compliance with DEQ regulations. Suppliers are responsible for assuring compliance with DEQ regulations even after reclaimed water leaves their actual control. As such, suppliers must have a written "user" agreement with users of reclaimed water that allows the supplier to access distribution/delivery sites. Additionally, DEQ has a statutory right to enter and inspect users' facilities.

Oklahoma Administrative Code ("OAC") 252:627-1-3(c)(4)(A) requires a copy of the binding user agreement between the supplier and each user of reclaimed water to be submitted with the application for the permit to supply. However, no user agreement is required when the supplier and user are the same entity.

The agreements between suppliers and users shall address how, when, and where reclaimed water is used, how water quality will be maintained to the end-of-pipe, who will maintain the distribution/delivery system and how *the suppliers* will assure compliance. See OAC 252:627. The agreement terms required by the regulations are listed below in the *Agreement Checklists*.

Supplier Inspection Programs

Developing a supplier inspection program is one of the tools suppliers can use to assure compliance. A supplier may become approved by DEQ to inspect the supplier's users' storage and distribution systems in lieu of DEQ performing the inspections as allowed by OAC 252:627-1-5(f). If a supplier chooses to develop its own inspection program, the parties to the supplier/user agreement shall include inspection provisions in their agreement. The requirements for supplier inspection programs are in OAC 252:627:1-5(f). Implementation of a supplier inspection program does not affect DEQ's statutory right to enter and inspect users' facilities.

Categories 2 through 4 Agreement Checklist

OAC 252:627-1-3(c)(4)(A)(i)-(iii) requires that user agreements for reclaimed water (Categories 2 through 4) contain the following minimum provisions:

___ A statement that the user shall operate all reclaimed water distribution systems in compliance with all applicable DEQ regulations. OAC 252:627-1-3(c)(4)(A)(i)

___ A statement that the user shall allow the supplier reasonable access to all site(s) to determine whether the user is operating its facilities in compliance with the applicable DEQ regulations, and/or performing all required monitoring and analysis. OAC 252:627-1-3(c)(4)(A)(ii)

___ Documentation evidencing the user's legal interest in all locations where reclaimed water is being used. (e.g. deeds, contracts, etc.) OAC 252:627-1-3(c)(4)(A)(iii)

Category 5 Agreement Checklist

In addition to the above criteria, Category 5 user agreements are also subject to the provisions of OAC 252:656-25-2(d), which requires the supplier to have access and control of the land application site for twenty (20) years.

OAC 252:627-3-4(a)(3) states: “**Legal access and control of site.** Suppliers shall ensure that Category 5 reclaimed water is applied on sites to which suppliers have legal access and control pursuant to the provisions of OAC 252:656-25-2(d),” which states, “(d) **Control.** The applicant shall show they have the right to control the use of the land application site. A long-term contract for a minimum of 20 years is required.”