

WAC 173-340-300 Site discovery and reporting. (1) Purpose. As part of a program to identify hazardous waste sites, this section sets forth the requirements for reporting a release of a hazardous substance due to past activities, whether discovered before or after the effective date of this regulation. It also sets forth the requirements for reporting independent remedial actions. The department may take any other actions it deems appropriate to identify potential hazardous waste sites consistent with chapter 70.105D RCW.

(2) Release report.

(a) Any owner or operator who has information that a hazardous substance has been released to the environment at the owner or operator's facility and may be a threat to human health or the environment shall report such information to the department within ninety days of discovery. Releases from underground storage tanks shall be reported by the owner or operator of the underground storage tank within twenty-four hours of release confirmation, in accordance with WAC 173-340-450. To the extent known, the report shall include:

(i) The identification and location of the hazardous substance;

(ii) Circumstances of the release and the discovery; and

(iii) Any remedial actions planned, completed, or underway. All other persons are encouraged to report such information to the department.

(b) Persons should use best professional judgment in deciding whether a release of a hazardous substance may be a threat or potential threat to human health or the environment. The following, which is not an exhaustive list, are examples of situations that generally should be reported under this section:

(i) Contamination in a water supply well.

(ii) Contaminated seeps, sediment or surface water.

(iii) Vapors in a building, utility vault or other structure that appear to be entering the structure from nearby contaminated soil or groundwater.

(iv) Free product such as petroleum product or other organic liquids on the surface of the ground or in the groundwater.

(v) Any contaminated soil or unpermitted disposal of waste materials that would be classified as a hazardous waste under federal or state law.

(vi) Any abandoned containers such as drums or tanks, above ground or buried, still containing more than trace residuals of hazardous substances.

(vii) Sites where unpermitted industrial waste disposal has occurred.

(viii) Sites where hazardous substances have leaked or been dumped on the ground.

(ix) Leaking underground petroleum storage tanks not already reported under WAC 173-340-450.

(3) Exemptions. The following releases are exempt from these notification requirements:

(a) Application of pesticides and fertilizers for their intended purposes and according to label instructions;

(b) Lawful and nonnegligent use of hazardous substances by a natural person for personal or domestic purposes;

(c) A release in accordance with a permit that authorizes the release;

(d) A release previously reported to the department in fulfillment of a reporting requirement in this chapter or in another law or regulation;

(e) A release previously reported to the United States Environmental Protection Agency under CERCLA, Section 103(c) (42 U.S.C. Sec. 9603(c));

(f) Except for releases under subsection (2)(b)(iii) of this section, a release to the air;

(g) Releases discovered in public water systems regulated by the department of health; or

(h) A release to a permitted wastewater facility.

An exemption from the notification requirements in this section does not imply a release from liability under this chapter.

(4) Report of independent remedial actions.

See WAC 173-340-515 for additional reporting requirements for independent remedial actions. See WAC 173-340-450 for reporting requirements for independent remedial actions for releases from underground storage tanks.

(5) Department response. Within ninety days of receiving information under this section, the department shall conduct an initial investigation in accordance with WAC 173-340-310. For sites on the hazardous sites list, the department shall, as resources permit, review reports that document independent cleanup actions. The review shall include an evaluation of whether the site qualifies for removal from the hazardous sites list or whether further remedial action is required.

(6) Other obligations. Nothing in this section shall eliminate any obligations to comply with reporting requirements that may exist in a permit or under other laws.

[Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-300, filed 2/12/01, effective 8/15/01; WSR 91-04-019, § 173-340-300, filed 1/28/91, effective 2/28/91; WSR 90-08-086, § 173-340-300, filed 4/3/90, effective 5/4/90.]