

WAC 173-200-060 Point of compliance. (1) The point of compliance is the location where the enforcement limit, set in accordance with WAC 173-200-050, shall be measured and shall not be exceeded.

(a) The department shall establish the point of compliance for an activity. The point of compliance shall be established in the groundwater as near the source as technically, hydrogeologically, and geographically feasible.

(b) Compliance with the enforcement limits shall be maintained throughout the site from the uppermost level of the saturated zone extending vertically to the lowest depth that could potentially be affected by an activity.

(2) An alternative point of compliance, established at a location some distance from the source up to but not exceeding the property boundary, may be approved by the department as follows:

(a) An alternative point of compliance may be approved in the following situations:

(i) When all known, available, and reasonable methods of prevention, control, and treatment result in an exceedance of the criteria at the point of compliance.

(ii) When a point of compliance is defined in another state administrative rule including, but not limited to, Minimum functional standards for solid waste handling (chapter 173-304 WAC), Dangerous waste regulations (chapter 173-303 WAC), and Uranium and/or thorium mill operation and stabilization of mill tailing piles (chapter 402-52 WAC).

(b) In determining an alternative point of compliance, the department shall consider, at a minimum, the following factors:

(i) Effectiveness of all known, available, and reasonable methods of prevention, control, and treatment;

(ii) The contaminant volume, type, mobility, and characteristics;

(iii) Design and life span of the activity;

(iv) Existing and anticipated land and groundwater uses; and

(v) Remedial options if an enforcement level is exceeded at the point of compliance.

(3) The department recognizes that evaluation of the impact of an activity at the designated point of compliance may be impractical, and the department may allow evaluation of that activity at some other point, in accordance with WAC 173-200-100 and 173-200-080(5).

[Statutory Authority: RCW 90.48.035. WSR 90-22-023, § 173-200-060, filed 10/31/90, effective 12/1/90.]