

**WAC 173-350-900 Remedial action.** When the owner or operator of a solid waste facility permitted under this chapter is subject to remedial action under the authority of chapter 70.105D, Hazardous waste cleanup—Model Toxics Control Act, and chapter 173-340 WAC, Model Toxics Control Act—Cleanup, the roles of the jurisdictional health department and the department are as follows:

(1) The jurisdictional health department:

(a) May participate in all negotiations, meetings, and correspondence between the owner and operator and the department in implementing the remedial action;

(b) May comment upon and participate in all decisions made by the department in assessing, choosing, and implementing a remedial action;

(c) Must require the owner or operator to continue any remaining activities for the operation, closure, and post-closure of the facility as appropriate under this chapter, after remedial actions are completed; and

(d) Must exercise its authority for permitting any solid waste handling at the facility that is not addressed through requirements of a remedial action conducted under any consent decree, order, or agreed order issued by the department for the implementation of the remedial action, including permit modifications that may be necessary to address impacts on solid waste handling due to remedial actions.

(2) The department:

(a) Must follow the requirements of chapter 173-340, Model Toxics Control Act—Cleanup, regarding permits and exemptions from applicable local, state, and federal laws to ensure that the remedial action complies with the substantive provisions of chapter 70.95 RCW, Solid waste management—Reduction and recycling, and the substantive provision of any laws requiring or authorizing local government permits or approvals; and

(b) Must review and comment on any solid waste permitting activities conducted by the jurisdictional health department regarding the facility.

(3) Nothing in this section is intended to prohibit a jurisdictional health department from charging a fee to the person conducting the remedial action to defray the costs of services rendered relating to the substantive requirements for the remedial action.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-900, filed 8/1/18, effective 9/1/18. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-900, filed 1/10/03, effective 2/10/03.]