

WAC 173-303-646910 Disposal of CAMU-eligible wastes into permitted dangerous waste landfills. (1) The department may approve placement of CAMU-eligible wastes in dangerous waste landfills not located at the site from which the waste originated, without the wastes meeting the requirements of WAC 173-303-140(2), if the conditions in (a) through (c) of this subsection are met:

(a) The waste meets the definition of CAMU-eligible waste in WAC 173-303-64650 (3) (a) and (b).

(b) The department identifies principal hazardous constituents in such waste, in accordance with WAC 173-303-64660 (3) (d) (i) and (ii), and requires that such principal hazardous constituents are treated to any of the following standards specified for CAMU-eligible wastes:

(i) The treatment standards under WAC 173-303-64660 (3) (d) (iv); or

(ii) Treatment standards adjusted in accordance with WAC 173-303-64660 (3) (d) (v) (A), (C), (D) or (E) (I); or

(iii) Treatment standards adjusted in accordance with WAC 173-303-64660 (3) (d) (v) (E) (II), where treatment has been used and that treatment significantly reduces the toxicity or mobility of the principal hazardous constituents in the waste, minimizing the short-term and long-term threat posed by the waste, including the threat at the remediation site.

(c) The landfill receiving the CAMU-eligible waste must have a dangerous waste permit, meet the requirements for new landfills in WAC 173-303-665, and be authorized to accept CAMU-eligible wastes; for the purposes of this requirement, "permit" does not include interim status.

(2) The person seeking approval must provide sufficient information to enable the department to approve placement of CAMU-eligible waste in accordance with subsection (1) of this section. Information required by WAC 173-303-64660 (2) (a) through (c) for CAMU applications must be provided, unless not reasonably available.

(3) The department must provide public notice and a reasonable opportunity for public comment before approving CAMU-eligible waste for placement in an offsite permitted dangerous waste landfill, consistent with the requirements for CAMU approval at WAC 173-303-64660(6). The approval must be specific to a single remediation.

(4) Applicable dangerous waste management requirements, including recordkeeping requirements to demonstrate compliance with treatment standards approved under this section, for CAMU-eligible waste must be incorporated into the receiving facility permit through permit issuance or a permit modification, providing notice and an opportunity for comment and a hearing. Notwithstanding WAC 173-303-810(8), a landfill may not receive CAMU-eligible waste under this subsection unless its permit specifically authorizes receipt of such waste.

(5) For each remediation, CAMU-eligible waste may not be placed in an offsite landfill authorized to receive CAMU-eligible waste in accordance with subsection (4) of this section until the following additional conditions have been met:

(a) The landfill owner/operator notifies the department responsible for oversight of the landfill and persons on the facility mailing list, maintained in accordance with WAC 173-303-840 (3) (e) (i) (D), of his or her intent to receive CAMU-eligible waste in accordance with this section; the notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and treatment requirements.

(b) Persons on the facility mailing list may provide comments, including objections to the receipt of the CAMU-eligible waste, to the department within fifteen days of notification.

(c) The department may object to the placement of the CAMU-eligible waste in the landfill within thirty days of notification; the department may extend the review period an additional thirty days because of public concerns or insufficient information.

(d) CAMU-eligible wastes may not be placed in the landfill until the department has notified the facility owner/operator that he or she does not object to its placement.

(e) If the department objects to the placement or does not notify the facility owner/operator that he or she has chosen not to object, the facility may not receive the waste, notwithstanding WAC 173-303-810(8), until the objection has been resolved, or the owner/operator obtains a permit modification in accordance with the procedures of WAC 173-303-830(4) specifically authorizing receipt of the waste.

(f) As part of the permit issuance or permit modification process of subsection (4) of this section, the department may modify, reduce, or eliminate the notification requirements of this subsection as they apply to specific categories of CAMU-eligible waste, based on minimal risk.

(6) Generators of CAMU-eligible wastes sent off site to a dangerous waste landfill under this subsection must comply with the requirements of 40 C.F.R. 268.7 (a)(4), which is incorporated by reference at WAC 173-303-140(2); offsite facilities treating CAMU-eligible wastes to comply with this section must comply with the requirements of Sec. 268.7 (b)(4), which is incorporated by reference at WAC 173-303-140(2), except that the certification must be with respect to the treatment requirements of subsection (1)(b) of this section.

(7) For the purposes of this subsection only, the "design of the CAMU" in WAC 173-303-64660 (3)(d)(v)(E) means design of the permitted dangerous waste landfill.

[Statutory Authority: Chapters 70.105, 70.105D, and 15.54 RCW and RCW 70.105.007. WSR 04-24-065 (Order 03-10), § 173-303-646910, filed 11/30/04, effective 1/1/05.]