

**WAC 173-340-300 Site discovery and reporting.** (1) **Purpose.** This section sets forth the requirements for reporting a release or threatened release of a hazardous substance to the environment that may pose a threat to human health or the environment.

(2) **Applicability and timing.** Except as provided under (a) of this subsection, within 90 days of discovering a release or threatened release of a hazardous substance to the environment that may pose a threat to human health or the environment, an owner or operator must report the release to ecology. All other persons are encouraged to report such a release to ecology.

(a) **Exemptions.** An owner or operator does not need to report the following releases under this section:

(i) A release previously reported to ecology in fulfillment of a reporting requirement in this chapter or in another law or regulation, including a release previously reported to ecology under chapter 173-360A WAC;

(ii) A release from a heating oil tank previously reported to PLIA under WAC 374-45-030;

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

(iv) A release previously reported to the state division of emergency management under RCW 90.56.280;

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

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

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

(viii) Except for a release specified under (b)(iii) of this subsection, a release to the air;

(ix) A release discovered in a public water system regulated by the department of health; or

(x) A release to a permitted wastewater facility.

An exemption from the reporting requirements in this section does not imply a release from liability under the state cleanup law.

(b) **Examples.** An owner or operator should use best professional judgment in deciding whether a release or threatened release of a hazardous substance to the environment may pose a threat to human health or the environment. The following, which is not an exhaustive list, are examples of situations that an owner or operator should generally report 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) Nonaqueous phase liquid, such as a petroleum product or chlorinated solvent, on the surface of the ground or in the groundwater (free product);

(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; and

(ix) Leaking underground petroleum storage tanks not already reported under chapter 173-360A WAC.

(3) **Content of release report.** An owner or operator must include the following information in a release report, to the extent known:

(a) The identity and location of the hazardous substance;

(b) The circumstances of the hazardous substance release and its discovery; and

(c) Any planned, ongoing, or completed independent remedial actions to investigate or clean up the release.

(i) See WAC 173-340-515(4) and 173-340-450 for additional reporting requirements for independent remedial actions.

(ii) See WAC 173-340-310(5) for ecology's authority to defer completing an initial investigation of a release to review independent remedial actions completed within 90 days of release discovery.

(4) **Other release reporting requirements.** Nothing in this section eliminates any obligations to comply with reporting requirements in other laws or permits including, but not limited to, the following:

(a) **Releases from regulated UST systems.** Under chapter 173-360A WAC, UST system owners and operators and regulated service providers must report a confirmed release of a regulated substance from an UST system to ecology within 24 hours. As specified in subsection (2)(a)(i) of this section, a release previously reported to ecology under chapter 173-360A WAC is exempt from the release reporting requirements in this section; however, the release must still be investigated and cleaned up in accordance with the state cleanup law. WAC 173-340-450 specifies interim actions that UST system owners and operators must perform immediately or shortly after confirming a release to reduce the threats posed by the release, prevent any further release, and characterize the nature and extent of the release;

(b) **Releases from heating oil tanks.** Under chapter 374-45 WAC, owners and operators of a heating oil tank and owners of the property where the tank is located must report a suspected or confirmed release from the tank to PLIA within 90 days. As specified in subsection (2)(a)(ii) of this section, a release previously reported to ecology under chapter 374-45 WAC is exempt from the release reporting requirements in this section; however, the release must still be investigated and cleaned up in accordance with the state cleanup law.

(5) **Reservation of rights.** Nothing in this section precludes ecology from taking any actions it deems appropriate to identify contaminated sites consistent with chapter 70A.305 RCW.

[Statutory Authority: Chapters 70A.305 and 70A.355 RCW. WSR 23-17-159 (Order 18-09), § 173-340-300, filed 8/23/23, effective 1/1/24. 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.]