

Part 115 Inertness Criteria

The DEQ should use Part 201 generic residential cleanup criteria (Part 201 criteria) as the underlying foundation for determining when a material may be land applied under Part 115. Thus, the general rule would be that the Part 115 program would not authorize land application if the concentration of a constituent in the environment would exceed Part 201 criteria.

In determining the concentration of a constituent in the environment, the DEQ should account for

- Incorporation into the soil directly resulting from and application practices, and
- Reduction in concentration that might occur through natural processes over a reasonable period of time as demonstrated by the proponent of the land application under consideration.

The DEQ can vary from the Part 201 criteria if it can determine that that the exposure assumptions underlying those criteria are not reasonably likely in the circumstances under which the land application will occur. The ability to make this determination turns, in part, on the probable long term fate of the material in the environment and the ability of the DEQ to monitor and ensure conditions that limit exposures remain in place

The recommendation is not an endorsement of the Part 201 criteria per se. It is recognition that public policy should foster consistent approaches to the risks associated with exposures to contaminants in the environment. Likewise, public policy should reflect new information and understanding and the appropriateness of using Part 201 criteria as the foundation for land application decisions under Part 115 should be periodically reevaluated.