Aqueous Film-Forming Foam Collection and Disposal Program

Participation Agreement

_____ (Participant) and Washington State Department of Ecology (Ecology) agree to the following terms and conditions for participation in Ecology's Aqueous Film-Forming Foam (AFFF) Collection and Disposal Program.

Background

Ecology is authorized by the Legislature to implement a voluntary disposal program of qualifying PFAS-containing firefighting foam possessed by participating fire departments and state agencies (Participants).

Ecology is working to hire a licensed hazardous waste hauler to collect and transport the qualifying firefighting foam to a hazardous waste treatment, storage, and disposal facility. The hazardous waste hauler will conduct the collection, transport, and final disposal of the AFFF described in this agreement on behalf of the participant.

Ecology will cover only the costs for qualifying participants associated with the collection, transport, and disposal of qualifying foam. Ecology will not cover the costs associated with decontaminating AFFF-contaminated equipment. This program will not cover costs associated with the disposal of non-qualifying foam or other hazardous waste.

While the hazardous waste hauler will conduct the actual foam disposal, participants in the program will remain the "generators" of the foam under Washington's dangerous waste regulations (see WAC 173-303-040). Participation in this program is voluntary. Ecology will not at any time assume the generator's responsibilities under Chapter 173-303 WAC.

Terms of Participation

The participant agrees to:

1. Sign and return this participation agreement to Ecology (see next page).
2. Submit current information through the new AFFF foam stockpile survey on the location, amount, and containerization of the foam (https://forms.office.com/g/jLFmjmKFAx).
3. Provide a point of contact within your organization who can answer questions about the foam stockpiles in a timely manner and coordinate with the contracted hazardous waste transporter. Update this point of contact as necessary.
4. Comply with all dangerous waste regulations. Compliance requires, but is not limited to, the completion of required hazardous waste paperwork, including manifests, notification of dangerous waste site identification forms, and annual reports.

As funding allows, and prior to the termination of the program, Ecology will pay for:

- Collection of qualifying foam from participant's premises.
- Transportation to and disposal at an authorized facility.

The program is scheduled to terminate on June 30, 2027.

Participants agree to allow Ecology or our authorized third party, if necessary, to sample foam stockpiles to determine their PFAS concentrations and chemical characteristics.

Participants also agree to indemnify, defend, save and hold harmless the state of Washington, its employees, and agents from any and all claims or causes of action for death or injuries to person or for loss or damage to property arising from or on account of acts or omissions of participant, its officers, employees, or agents in entering into this agreement or that may occur in the course of Ecology, its employees, or agents carrying out the terms of this agreement.

If Ecology is unable to secure a contract with a hazardous waste hauler, this agreement will automatically terminate. Further, either the participant or Ecology may terminate this agreement upon thirty days written notice to the other party. At the end of the thirty days, this agreement will be terminated. This agreement shall terminate automatically upon enactment of any law or regulation which renders the contents illegal or prohibits any obligations entered into within.

Signatures

Provide your name, signature, and date in the fields below.

Name of Participant's Representative

Signature of Participant's Representative

Date

*** * *for Ecology use* * ***

Katrina Lassiter, Program Manager
Hazardous Waste & Toxics Reduction Program

Date

How to submit

Submit your signed form by clicking the button below, or send it by email or mail.

Online

Click the "submit" button.

Submit

Email

AFFFDisposal@ecy.wa.gov

Mail

Sean Smith
Hazardous Waste & Toxics Reduction Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

ADA Accessibility

To request an ADA accommodation, contact Ecology by phone at 360-407-6700, by email at hwtrpubs@ecy.wa.gov, or visit ecology.wa.gov/accessibility.
For Relay Service or TTY call 711 or 877-833-6341.