

WAC 173-340-130 Administrative principles. (1) Introduction.

The department shall conduct or require remedial actions consistent with the provisions of this section.

(2) Information sharing. It is the policy of the department to make information about releases or threatened releases available to owners, operators or other persons with potential liability for a site in order to encourage them to conduct prompt remedial action. It is also the policy of the department to make the same information available to interested members of the general public so they can follow the progress of site cleanup in the state.

(3) Information exchange.

All persons are encouraged to contact the department and seek assistance on the general administrative and technical requirements of this chapter. Through its technical consultation program described in WAC 173-340-515, the department may also provide informal advice and assistance to persons conducting or proposing remedial actions at a specific site at any time. Unless the department is providing formal guidance for the implementation of an order or decree, any comments by the department or its agents are advisory and not commitments or approvals binding on the department. A person may not represent this advice as an approval of a remedial action. If the person requesting the advice is seeking binding commitments or approvals, then an order or consent decree shall be used.

(4) Scope of public participation. The department seeks to encourage public participation in all steps of the cleanup process. The department shall encourage a level of participation appropriate to the conditions at a facility and the level of the public's interest in the site.

(5) Scope of information. It is the department's intention that adequate information be gathered at a site to enable decisions on appropriate actions. It is also the department's intention that decisions be made and cleanups proceed expeditiously once adequate information is obtained. Studies can be performed and submittals made at varying levels of detail appropriate to the conditions at the site. Also, steps in the cleanup process may be combined to facilitate quicker cleanups, where appropriate. Flexibility in the scope of investigations and in combining steps may be particularly appropriate for routine cleanup actions. Once adequate information has been obtained, decisions shall be made within the framework provided in this chapter and in site-specific orders or decrees.

(6) Preparation of documents. Except for the initial investigation, any of the studies, reports, or plans used in the cleanup process can be prepared by either the department or the potentially liable person. The department retains all authority to review and verify the documents submitted and to make decisions based on the documents and other relevant information.

(7) Interagency coordination.

(a) If the department is conducting remedial actions or requiring remedial actions under an order or decree, the department shall ensure appropriate local, state, and federal agencies and tribal governments are kept informed and, as appropriate, involved in the development and implementation of remedial actions. The department may require a potentially liable person to undertake this responsibility. If the potentially liable person demonstrates that they are unable to obtain adequate involvement to allow the remedial action to proceed by a particular government agency or tribe, the department shall request the involvement of the agency or tribe.

(b) The nature and degree of coordination and consultation shall be commensurate with the other agencies' and tribes' interests and needs at the site. Interested agencies and tribes shall also be included in the mailing list for public notices under WAC 173-340-600. To facilitate coordination, it is important that agencies and tribes provide specific comments, including the identification of additional information needed or mitigating measures that are necessary or desirable to satisfy their concerns.

(c) In order to provide for expeditious cleanup actions, all federal, state, local agencies, and tribes are encouraged to coordinate when providing notices, holding meetings and hearings, and preparing documents. Whenever reasonable, the department shall coordinate and combine its activities with other agencies and tribes to minimize the duplication of notices, hearings and preparation of documents, unless otherwise prohibited.

(8) State Environmental Policy Act. See chapter 197-11 WAC for the State Environmental Policy Act requirements pertaining to the implementation of the Model Toxics Control Act.

(9) Appeals. Unless otherwise indicated all department decisions made under this chapter are remedial decisions and may be appealed only as provided for in RCW 70.105D.060.

[Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-130, filed 2/12/01, effective 8/15/01; WSR 90-08-086, § 173-340-130, filed 4/3/90, effective 5/4/90.]