

**WAC 197-11-268 MTCA interim actions.** The following shall apply when an interim action (WAC 173-340-430) is conducted as part of a remedial action conducted by ecology, or by a potentially liable person under an order, agreed order, or consent decree under MTCA.

(1) If the interim action will not have a probable significant adverse environmental impact, the lead agency shall issue a DNS which may be combined with the public notice of the interim action, provided that for proposals listed in WAC 197-11-340 (2)(a) the comment period is no less than fifteen days prior to the effective date of the MTCA document.

(2) If the interim action will have a probable significant adverse environmental impact, the lead agency shall issue a determination of significance. If early scoping has already been performed for the facility under WAC 197-11-265, no additional scoping is required. If early scoping has not been performed, the lead agency shall issue a DS and scoping notice, allowing at least a twenty-one day advance comment period (WAC 197-11-408).

(3) The final EIS shall be issued no later than the issuance of the interim action report or the issuance of an order, agreed order, or decree.

[Statutory Authority: RCW 43.21C.110. WSR 95-08-041 (Order 94-22), § 197-11-268, filed 3/31/95, effective 5/1/95.]