

**WAC 173-204-530 Evaluation and listing of sites. (1) Purpose.**

The department shall prepare and maintain a list of contaminated sediment sites in the order of their relative risk to human health and the environment. From this list, the department shall select sites where action shall be taken.

(2) **Site evaluation.** The department shall evaluate each sediment cleanup site identified by the procedures in WAC 173-204-520 on a consistent basis using procedures approved by the department. The purpose of the evaluation is to estimate, based on technical information compiled during the hazard assessment procedures in WAC 173-204-520, the relative potential risk posed by the site to human health and the environment. Information obtained during the hazard assessment, shall be included in the site evaluation.

(3) **Considerations in site evaluation.** In conducting sediment site evaluations, the department shall assess both human health hazard and ecological hazard, and consider chemical toxicity, affected resources, and site characteristics for both types of hazards. The department shall also use best professional judgment and other information as necessary on a case-by-case basis to conduct site evaluations.

(4) **Site reevaluations.** The department may, at its discretion, reevaluate a site. To reevaluate a site, the department shall use any additional information within the scope of the evaluation criteria and best professional judgment to establish that a significant change should result.

(5) **Listing of sites.**

(a) Contaminated sediment sites shall be placed on a list. The list shall describe the current status of cleanup action at each site.

(b) The department shall routinely publish and make the list available to be used in conjunction with a review of ongoing and proposed regulatory actions to determine where and when a cleanup action should be taken. The department shall also make the list available to landowners and dischargers at or near listed sites, and to the public.

(6) **Site delisting.**

(a) The department may remove a site from the list only after it has determined that:

(i) All cleanup actions, except confirmational monitoring and all other actions required in the cleanup action plan or equivalent document under WAC 173-204-575, have been completed and all sediment cleanup standards have been achieved; or

(ii) The listing of the site was erroneous.

(b) A site owner or operator may request that a site be removed from the list by submitting a petition to the department. The petition shall state the reason for the site delisting request, and as determined appropriate by the department, shall include thorough documentation of all investigations performed, all cleanup actions taken, and all compliance monitoring data and results to demonstrate to the department's satisfaction that the sediment cleanup standards have been achieved. The department may require payment of costs incurred for review and verification of the work performed. The department shall review such petitions, however the timing of the review shall be at its discretion and as resources may allow.

(c) The department shall maintain a record of sites that have been removed from the list under (a) of this subsection. This record shall be made available to the public on request.

(d) The department shall provide public notice and an opportunity to comment when the department proposes to remove a site from the list.

(7) **Site relisting.** The department may relist a site which has previously been removed if it determines that the site requires further cleanup action.

(8) **Relationship to hazardous sites list.** The department may additionally evaluate cleanup sites on the site list developed under subsection (5) of this section for possible inclusion on the hazardous sites list published under WAC 173-340-330.

[Statutory Authority: Chapter 70.105D RCW. WSR 13-06-014 (Order 08-07), amended and recodified as § 173-204-530, filed 2/25/13, effective 9/1/13. Statutory Authority: Chapters 43.21C, 70.105D, 90.48, 90.52, 90.54 and 90.70 RCW. WSR 91-08-019 (Order 90-41), § 173-204-540, filed 3/27/91, effective 4/27/91.]