

WAC 173-204-575 Cleanup action decisions. (1) **Purpose.** The department shall use the remedial investigation/feasibility study report and other appropriate information to establish sediment cleanup standards and select cleanup actions for a site or sediment cleanup unit. These decisions must be consistent with this part and chapter 70.105D RCW.

(2) **State cleanup sites.** For sites or sediment cleanup units being cleaned up under the authority of chapter 70.105D RCW, the department shall prepare a cleanup action plan documenting its cleanup decisions. The cleanup action plan shall be prepared consistent with the pertinent requirements and procedures specified in WAC 173-340-380. The decisions in the cleanup action plan shall be incorporated into any enforcement order, agreed order, consent decree, or other binding legal document issued under chapter 70.105D RCW. The public review process for the department's decisions shall comply with the requirements and procedures in chapter 173-340 WAC.

(3) **Federal cleanup sites.** For sites or sediment cleanup units being cleaned up under the authority of the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Sec. 9601 et seq.), a record of decision, administrative order, consent decree, or other binding legal document issued under the federal cleanup law may be used by the department to meet the requirements of this section provided:

(a) The remedial action is consistent with the requirements in this part;

(b) The state has concurred with the remedial action; and

(c) An opportunity was provided for the public to comment on the remedial action.

(4) **Other authorities.** For sites or sediment cleanup units being cleaned up under other authorities, the department expects that cleanup decisions will be incorporated into the permit, administrative order, or other appropriate binding legal document. The public review process, and documentation for the department's decisions, shall be consistent with the requirements and procedures for the underlying administrative authority.

(5) **Public involvement.** The department shall provide public notice and an opportunity for review and comment on its sediment cleanup decisions under this part.

(a) Where the underlying administrative authority used to implement the remedial action provides an adequate public notice and comment opportunity prior to implementation of the remedial action, separate public notice and comment is not required under this part.

(b) If the underlying administrative authority does not provide adequate public notice and comment opportunity, then the department shall provide for this prior to implementation of the remedial action.

(c) Where more than one public notice and comment period is needed to fulfill the requirements of this part and those in other laws, the department may combine public notice and comment periods, hearings, and other public involvement opportunities to streamline the public review process.

[Statutory Authority: Chapter 70.105D RCW. WSR 13-06-014 (Order 08-07), § 173-204-575, filed 2/25/13, effective 9/1/13.]