

WAC 173-340-430 Interim actions. (1) **Purpose.** An interim action is distinguished from a cleanup action in that an interim action only partially addresses the cleanup of a site. (Note: An interim action may constitute the cleanup action for a site if the interim action is subsequently shown to comply with WAC 173-340-350 through 173-340-390.) An interim action is:

(a) A remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility;

(b) A remedial action that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or

(c) A remedial action needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study or design of a cleanup action.

Example. A site is identified where oil-based wood preservative has leaked from a tank and is puddled on the ground and is floating on the water table. Runoff from adjacent properties passes through the site. Neighborhood children have been seen on the site. In this case, several interim actions would be appropriate before fully defining the extent of the distribution of hazardous substances at the site and selecting a cleanup action. These interim actions might consist of removing the tank, fencing the site, rerouting runoff, and removing the product puddled on the ground and floating on the water table. Further studies would then determine what additional soil and groundwater cleanup would be needed.

(2) **General requirements.**

Interim actions may:

(a) Achieve cleanup standards for a portion of the site;

(b) Provide a partial cleanup, that is, clean up hazardous substances from all or part of the site, but not achieve cleanup standards; or

(c) Provide a partial cleanup of hazardous substances and not achieve cleanup standards, but provide information on how to achieve cleanup standards for a cleanup. For example, demonstration of an unproven cleanup technology.

(3) **Relationship to the cleanup action.**

(a) If the cleanup action is known, the interim action shall be consistent with the cleanup action.

(b) If the cleanup action is not known, the interim action shall not foreclose reasonable alternatives for the cleanup action. This is not meant to preclude the destruction or removal of hazardous substances.

(4) **Timing.**

(a) Interim actions may occur anytime during the cleanup process. Interim actions shall not be used to delay or supplant the cleanup process. An interim action may be done before or in conjunction with a site hazard assessment and hazard ranking. However, sufficient technical information must be available regarding the facility to ensure the interim action is appropriate and warranted.

(b) Interim actions shall be followed by additional remedial actions unless compliance with cleanup standards has been confirmed at the site.

(c) The department shall set appropriate deadlines commensurate with the actions taken for completion of the interim action.

(5) **Administrative options.** Interim cleanup actions may be conducted under any of the administrative options for remedial action described in WAC 173-340-510.

(6) **Public participation or notification.**

(a) For an ecology-conducted or an ecology-supervised remedial action, the department will provide or require public notice of a draft interim action plan prepared under this section in accordance with WAC 173-340-600(18).

(b) For an independent remedial action, the department will notify the public of an interim action report in accordance with WAC 173-340-600(20).

(7) **Submittal requirements.** Unless otherwise directed by the department and except for independent remedial actions, emergency remedial actions, and underground storage tank releases being addressed under WAC 173-340-450, a report shall be prepared before conducting an interim action. Reports prepared under an order or decree shall be submitted to the department for review and approval. Reports for independent remedial actions shall be submitted as required by WAC 173-340-515. Reports shall be of a scope and detail commensurate with the work performed and site-specific characteristics, and shall include, as appropriate:

(a) A description of the interim action and how it will meet the criteria identified in subsections (1), (2) and (3) of this section;

(b) Information from the applicable subsections of the remedial investigation/feasibility study of WAC 173-340-350 and 173-340-351, including at a minimum:

(i) A description of existing site conditions and a summary of all available data related to the interim action; and

(ii) Alternative interim actions considered and an explanation why the proposed alternative was selected;

(c) Information from the applicable subsections of the design and construction requirements of WAC 173-340-400; and

(d) A compliance monitoring plan meeting the applicable requirements of WAC 173-340-410;

(e) A health and safety plan meeting the requirements of WAC 173-340-810;

(f) An inadvertent discovery plan meeting the requirements in WAC 173-340-815; and

(g) A sampling and analysis plan meeting the requirements of WAC 173-340-820.

(8) **Construction.** Construction of the interim action shall be in conformance with WAC 173-340-400(7).

[Statutory Authority: Chapters 70A.305 and 70A.355 RCW. WSR 23-17-159 (Order 18-09), § 173-340-430, filed 8/23/23, effective 1/1/24. Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-430, filed 2/12/01, effective 8/15/01; WSR 91-04-019, § 173-340-430, filed 1/28/91, effective 2/28/91; WSR 90-08-086, § 173-340-430, filed 4/3/90, effective 5/4/90.]