

WAC 173-340-120 Overview. (1) Purpose. This section provides an overview of the cleanup process that typically will occur at a site where a release of a hazardous substance has been discovered with an emphasis on sites being cleaned up under order or consent decree. If there are any inconsistencies between this section and any specifically referenced sections, the referenced section shall govern.

(2) Site discovery. Site discovery includes:

(a) Release reporting. An owner or operator who knows of or discovers a release of a hazardous substance due to past activities must report the release to the department as described in WAC 173-340-300. Most current releases of hazardous substances must be reported to the department under the state's hazardous waste, underground storage tank, or water quality laws. The term "hazardous substance" includes a broad range of substances as defined by chapter 70.105D RCW.

(b) Initial investigation. Within ninety days of learning of a hazardous substance release, the department will conduct an initial investigation of the site under WAC 173-340-310. For sites that may need further remedial action, the department will send an early notice letter to the owner, operator, and other potentially liable persons known to the department, informing them of the department's decision.

(3) Site priorities. Sites are prioritized for further remedial action by the following process:

(a) Site hazard assessment. Based on the results of the initial investigation, a site hazard assessment will be performed if necessary, as described in WAC 173-340-320. The purpose of the site hazard assessment is to gather information to confirm whether a release has occurred and to enable the department to evaluate the relative potential hazard posed by the release. If the department decides that no further action is required, it will notify the public of that decision through the *Site Register*.

(b) Hazardous sites list. The department will maintain a list of sites known as the "hazardous sites list" where further remedial action is required. The department will add sites to this list after the completion of a site hazard assessment. Sites placed on the list will be ranked using the department's hazard ranking method. The department will remove a site from the hazardous sites list if the site meets the requirements for removal described in WAC 173-340-330.

(c) Biennial program report. Every even-numbered year, the department will prepare a biennial program report for the legislature. The hazard ranking, along with other factors, will be used in this report to identify the projects and expenditures recommended for appropriation. See WAC 173-340-340.

(4) Detailed site investigations and cleanup decisions. The following steps will be taken to ensure that the proper method of cleanup is chosen for the site.

(a) Remedial investigation. A remedial investigation will be performed at ranked sites under WAC 173-340-350. The purpose of the remedial investigation is to collect data and information necessary to define the extent of contamination and to characterize the site.

(b) Feasibility study. A feasibility study will be conducted at ranked sites under WAC 173-340-350. The purpose of the feasibility study is to develop and evaluate alternative cleanup actions. The department will evaluate the remedial investigation/feasibility study, establish cleanup levels and the point or points at which they must be complied with in accordance with the procedures provided for in WAC 173-340-700 through 173-340-760 and select a cleanup action that protects human health and the environment and is based on the remedy se-

lection criteria and requirements in WAC 173-340-350 through 173-340-390. WAC 173-340-440 sets forth the circumstances in which institutional controls will be required to ensure continued protection of human health and the environment.

(c) Cleanup action plan. The cleanup action will be set forth in a draft cleanup action plan that addresses cleanup requirements for hazardous substances at the site. After public comment on the draft plan, a final cleanup action plan will be issued by the department.

(5) Site cleanup. Once the appropriate cleanup action has been selected for the site, the actual cleanup will be performed.

(a) Cleanup actions. WAC 173-340-400 describes the design and construction requirements for implementing the cleanup action plan.

(b) Compliance monitoring and review. The cleanup action must include compliance monitoring under WAC 173-340-410 and in some cases periodic review under WAC 173-340-420 to ensure the long-term effectiveness of the cleanup action.

(6) Interim actions. Under certain conditions it may be appropriate to take early actions at a site before completing the process described in subsections (2) through (5) of this section. WAC 173-340-430 describes when it is appropriate to take these early or interim actions and the requirements for such actions.

(7) Leaking underground storage tanks. Underground storage tank (UST) owners and underground storage tank operators regulated under chapter 90.76 RCW are required to perform specific actions in addition to what other site owners and operators would do under this chapter. WAC 173-340-450 describes the requirements for leaking underground storage tanks.

(8) Procedures for conducting remedial actions.

(a) Remedial action agreements. The department has authority to take remedial actions or to order persons to conduct remedial actions under WAC 173-340-510 and 173-340-540. However, the department encourages agreements for investigations and cleanups in appropriate cases. These agreements can be agreed orders or consent decrees reached under the procedures of WAC 173-340-520 and 173-340-530.

(b) Independent remedial actions. Persons may conduct investigations and cleanups without department approval under this chapter. The department will use the appropriate requirements in this chapter when evaluating the adequacy of any independent remedial action. Except as limited by WAC 173-340-515(2), nothing in this chapter prohibits persons from conducting such actions before the department is ready to act at the site; however, all interim and cleanup actions must be reported to the department under WAC 173-340-515. Furthermore, independent remedial actions are conducted at the potentially liable person's own risk and the department may take or require additional remedial actions at these sites at any time. (See WAC 173-340-515 and 173-340-545.)

(9) Public participation. At sites where the department is conducting the cleanup or overseeing the cleanup under an order or decree, the public will receive notice and an opportunity to comment on most of the steps in the cleanup process. At many sites, a public participation plan will be prepared to provide opportunities for more extensive public involvement in the cleanup process.

These and other requirements are described in WAC 173-340-600.

[Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-120, filed 2/12/01, effective 8/15/01; WSR

91-04-019, § 173-340-120, filed 1/28/91, effective 2/28/91; WSR
90-08-086, § 173-340-120, filed 4/3/90, effective 5/4/90.]