

**WAC 173-204-564 Sediment cleanup levels based on protection of higher trophic level species.** (1) **Applicability.** This section defines sediment cleanup objectives and cleanup screening levels for contaminants based on protection of species at trophic levels not addressed in WAC 173-204-562 and 173-204-563 (hereafter called "higher trophic level species"). They are used to establish sediment cleanup levels for sites and sediment cleanup units under WAC 173-204-560.

(2) **Requirements.** Sediment cleanup objectives and cleanup screening levels based on protection of higher trophic level species shall be established at concentrations that have no adverse effects. To establish such concentrations, a site-specific ecological risk assessment meeting the requirements of this subsection must be performed.

(a) Approval by the department. Prior to performing the assessment, the department must approve the criteria, methods, and procedures to be used in the assessment.

(b) Species evaluated. The assessment must evaluate higher trophic level species that currently utilize, may potentially inhabit, or have historically inhabited the site.

(c) Factors considered. The assessment must consider factors such as:

(i) Effects that impair the higher trophic level species reproduction, growth, or survival;

(ii) The species life history, feeding and reproductive strategy, population numbers, home range, and the potential for recruitment or immigration of individuals to the site; and

(iii) The potential for the contaminant to bioaccumulate or biomagnify through the food chain. A contaminant will be presumed to have this potential if any of the following conditions are met:

(A) The contaminant is listed as a persistent, bioaccumulative, or toxic (PBT) contaminant on the department's PBT list in WAC 173-333-310; or

(B) The log of the contaminant's octanol-water partitioning coefficient is greater than 3.5 ( $\log K_{ow} > 3.5$ );

(iv) Whether contaminants are present at the site at concentrations that are known or suspected to cause adverse or minor adverse effects on higher trophic level species.

(d) Coordination. Coordination with the appropriate state and federal agencies should be conducted if species protected under the federal Endangered Species Act (16 U.S.C. 1531 et seq.), Title 77 or 79 RCW are present at the site or the site is within the critical habitat of a protected species.

[Statutory Authority: Chapter 70.105D RCW. WSR 13-06-014 (Order 08-07), § 173-204-564, filed 2/25/13, effective 9/1/13.]