

**WAC 173-340-130 Administrative principles.** Ecology will conduct or require remedial actions, or provide technical assistance for independent remedial actions, consistent with the provisions of this section.

(1) **Sharing information.** Ecology's policy is to make information about releases or threatened releases available to owners, operators, or other persons with potential liability for a site in order to encourage them to conduct prompt remedial action. Ecology's policy is also to make the same information available to interested members of the general public so they can follow the progress of site cleanup in the state.

(2) **Providing technical assistance.** All persons are encouraged to contact ecology and seek assistance on the general administrative and technical requirements of the state cleanup law. Under ecology's voluntary cleanup program, persons planning or conducting independent remedial action may also request technical assistance on how to investigate and clean up a site and written opinions on whether a planned or completed remedial action meets the substantive requirements of the state cleanup law. Such technical assistance is advisory only and is not binding on ecology. Such technical assistance does not constitute, and may not be represented by a person as, an approval of a remedial action. See RCW 70A.305.170(1) and WAC 173-340-515(5). Ecology will only provide a binding commitment or approval under an order or decree.

(3) **Collecting adequate information.** Ecology intends that adequate information be gathered at a site to enable decisions on appropriate actions. Ecology also intends that decisions be made and cleanups proceed expeditiously once adequate information is obtained. Studies can be performed and submittals made at varying levels of detail appropriate to the conditions at the site. Also, steps in the cleanup process may be combined to facilitate quicker cleanups, where appropriate. Flexibility in the scope of investigations and in combining steps may be particularly appropriate for routine cleanup actions. Once adequate information has been obtained, ecology will make decisions within the framework provided under the state cleanup law and in site-specific orders or decrees.

(4) **Preparing documents.** Except for the initial investigation, any of the studies, reports, or plans used in the cleanup process can be prepared by either ecology or the potentially liable person. Ecology retains all authority to review and verify the documents submitted and to make decisions based on the documents and other relevant information.

(5) **Encouraging and facilitating public participation.** For ecology-conducted and ecology-supervised remedial actions, ecology seeks to encourage public participation and facilitate equitable participation in all steps of the cleanup process under WAC 173-340-600. Ecology will encourage a level of participation appropriate to the threats posed by a site and the level of the public's interest in the site. When assessing public participation needs at a site, ecology will consider the interests of likely vulnerable populations and overburdened communities.

(6) **Engaging and collaborating with Indian tribes.** For ecology-conducted and ecology-supervised remedial actions, ecology will seek to engage affected Indian tribes under WAC 173-340-620 by providing timely information, effective communication, continuous opportunities for collaboration and, when necessary, government-to-government consultation, as appropriate for each site.

(7) **Coordinating with agencies.**

(a) For ecology-conducted and ecology-supervised remedial actions, ecology will ensure appropriate local, state, and federal agencies are kept informed and, as appropriate, involved in the development and implementation of remedial actions. Ecology may require a potentially liable person to undertake this responsibility. If the potentially liable person demonstrates that they are unable to obtain adequate involvement by a particular government agency to allow the remedial action to proceed, ecology will request the involvement of the agency.

(b) The nature and degree of coordination and consultation must be commensurate with the other agencies' interests and needs at the site. Interested agencies must be included in the lists for public notices under WAC 173-340-600. To facilitate coordination, it is important that agencies provide specific comments, including the identification of other applicable state and federal laws and any additional information or mitigating measures that are necessary or desirable to satisfy their concerns.

(c) In order to provide for expeditious cleanup actions, all federal, state, and local agencies, are encouraged to coordinate with ecology when providing notices, holding meetings and hearings, and preparing documents. Whenever reasonable, ecology will coordinate and combine its activities with other agencies to minimize the duplication of notices, hearings and preparation of documents, unless otherwise prohibited.

(8) **Integrating State Environmental Policy Act.** See chapter 197-11 WAC for the State Environmental Policy Act requirements pertaining to the implementation of the state cleanup law.

(9) **Ecology decisions.** Ecology retains all authority to determine compliance with state cleanup law requirements, including:

(a) Whether a remedial action is necessary under state cleanup law;

(b) Whether a remedial action meets the requirements in state cleanup law; and

(c) Whether a remedial action plan or report meets the requirements in state cleanup law.

(10) **Appealing ecology decisions.** Unless otherwise indicated, all ecology decisions made under this chapter are remedial decisions and may be appealed only as provided for in RCW 70A.307.070.

[Statutory Authority: Chapters 70A.305 and 70A.355 RCW. WSR 23-17-159 (Order 18-09), § 173-340-130, filed 8/23/23, effective 1/1/24. Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-130, filed 2/12/01, effective 8/15/01; WSR 90-08-086, § 173-340-130, filed 4/3/90, effective 5/4/90.]