

WAC 173-340-330 Contaminated sites list. (1) **Purpose.** The purpose of the contaminated sites list is to identify:

(a) All sites for which ecology or PLIA has determined further remedial action is necessary under state cleanup law to:

(i) Confirm whether there is a threat to human health or the environment posed by a release or threatened release; or

(ii) Address the threat posed by a release or threatened release, based on the criteria in subsection (5) of this section; and

(b) For each listed site, the site's current remedial action status.

(2) **Adding a site to the list.** After an initial investigation under WAC 173-340-310 or 374-45-040, ecology will add a site to the contaminated sites list if ecology or PLIA determines further remedial action is necessary under state cleanup law to:

(a) Confirm whether there is a threat to human health or the environment posed by a release or threatened release; or

(b) Address the threat posed by a release or threatened release, based on the criteria in subsection (5) of this section.

(3) **Tracking the remedial action status of a site.** For each site on the contaminated sites list, ecology will track and include on the list the site's remedial action status. Ecology may change the remedial action status of a site to reflect current conditions.

(4) **Splitting or combining sites on the list.** Ecology may split or combine sites on the contaminated sites list consistent with its authority under chapter 70A.305 RCW.

(5) **Removing a site from the list.** Ecology will remove a site from the contaminated sites list if, and only if, ecology or PLIA determines that the listing is erroneous or that the site meets the applicable criteria in this subsection. A person does not need to submit a petition under subsection (6) of this section for ecology to remove a site from the contaminated sites list.

(a) **Permanent cleanup action.** For sites where the selected cleanup action is permanent, a site must meet the following criteria to be removed from the list:

(i) All cleanup standards have been achieved; and

(ii) All necessary remedial actions under state cleanup law have been completed.

(b) **Nonpermanent cleanup action without containment.** For sites where the selected cleanup action is not permanent and does not include containment, a site must meet the following criteria to be removed from the list:

(i) All cleanup standards have been achieved; and

(ii) All remedial actions under state cleanup law, except confirmation monitoring and periodic reviews, have been completed.

(c) **Nonpermanent cleanup action with containment.** For sites where the selected cleanup action is not permanent and includes containment, a site must meet the following criteria to be removed from the list:

(i) All cleanup standards have been achieved;

(ii) All necessary construction has been completed;

(iii) All necessary operation and maintenance activities have been completed, except for the following:

(A) Passive maintenance activities, such as monitoring, inspections, or periodic repairs; or

(B) For solid waste landfills permitted under chapter 173-340, 173-350, or 173-351 WAC, any operation or maintenance activities of systems for explosive gas control, leachate collection, or surface water run-on or runoff management;

(iv) All necessary performance monitoring has been completed;

(v) Sufficient confirmation monitoring has been completed to demonstrate that the cleanup action effectively contains the hazardous substances of concern at the site;

(vi) Any required institutional controls are in place and have been demonstrated to be effective in protecting public health and the environment and the integrity of the cleanup action;

(vii) Any required financial assurances are in place; and

(viii) Written documentation is present in ecology files that describes what hazardous substances remain on site, where they are located, and the long-term monitoring and maintenance obligations at the site.

(6) **Petitions for removing a site from the list.** A site owner, operator, or potentially liable person may petition ecology to remove a site from the contaminated sites list if ecology has not removed the site from the list under subsection (5) of this section.

(a) **Content.** A petition must be in writing and include the following:

(i) For claims the listing of the site is erroneous, sufficient documentation of investigations to demonstrate to ecology's satisfaction that the listing is erroneous;

(ii) For claims based on independent remedial action, a written opinion from ecology or PLIA that no further remedial action is necessary at the site to meet the criteria in subsection (5)(b) of this section. A person may request such an opinion from ecology under WAC 173-340-515(5) or from PLIA under chapter 374-80 WAC, as applicable; or

(iii) For claims based on ecology-supervised or ecology-conducted remedial action, sufficient documentation of remedial actions, including investigations, feasibility studies, interim actions, cleanup actions, and compliance monitoring, to demonstrate to ecology's satisfaction that no further remedial action is necessary at the site to meet the criteria in subsection (5) of this section.

(b) **Response.** Ecology will review the petition as resources permit. Unless ecology determines that the listing is erroneous or that the site meets the criteria in subsection (5) of this section, ecology may collect from the petitioner all costs incurred by ecology in reviewing the petition. Ecology may require a deposit in advance of reviewing the petition.

(7) **Public participation when removing a site from the list.** For an ecology-conducted or ecology-supervised remedial action, ecology will provide public notice in accordance with WAC 173-340-600(17) before removing a site from the contaminated sites list. Ecology may recover the costs of providing such public participation in accordance with WAC 173-340-550.

(8) **Relisting of sites.** Ecology may relist a site on the contaminated sites list that it previously removed from the list if ecology or PLIA determines further remedial action is necessary at the site to meet the criteria in subsection (5) of this section.

(9) **Notification.**

(a) Ecology will make the contaminated sites list and the current list of remedial action status categories publicly available on ecology's website.

(b) Ecology will make a site's current listing and remedial action status publicly available on ecology's website under WAC 173-340-600(5).

(c) If requested, ecology will notify a person electronically under WAC 173-340-600(6) upon:

(i) Any change in a site's remedial action status;

(ii) Splitting or combining a site on the contaminated sites list; or

(iii) Removing or relisting a site on the contaminated sites list.

(10) **Liability.** Placement of a site on the contaminated sites list does not, by itself, imply that persons associated with the site are liable under chapter 70A.305 RCW.

[Statutory Authority: Chapters 70A.305 and 70A.355 RCW. WSR 23-17-159 (Order 18-09), § 173-340-330, filed 8/23/23, effective 1/1/24. Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-330, filed 2/12/01, effective 8/15/01; WSR 90-08-086, § 173-340-330, filed 4/3/90, effective 5/4/90.]