

**WAC 197-11-262 Determination of significance and EIS for MTCA remedial actions.** (1) The following applies to remedial actions that will have a probable significant adverse environmental impact.

(2) If the preliminary evaluation in WAC 197-11-256 results in a determination of significance, the scoping notice may be combined with either the MTCA public review process for the scope of work for an ecology conducted RI/FS (WAC 173-340-600 (12)(a)), or with the public review process for the order, consent decree or agreed order covering an RI/FS.

(3) If a determination of significance is issued later in the MTCA process and early scoping has been done under WAC 197-11-265, no additional SEPA scoping is required. If early scoping has not been done, scoping shall be completed consistent with WAC 197-11-408 or 197-11-410.

(4) The EIS may be integrated with the RI/FS. The format of the document shall be flexible as allowed by WAC 197-11-640, provided:

(a) The fact sheet shall be the first section (WAC 197-11-430(1));

(b) A summary shall be included which meets the requirements in WAC 197-11-440(4); and

(c) Reasonable alternatives as defined in WAC 197-11-786 and 197-11-440(5) (including the no action alternative), significant adverse impacts, mitigation measures and any unavoidable impacts are clearly identified.

(5) If the EIS and RI/FS are not combined, the EIS requirements of WAC 197-11-430 shall apply.

(6) The draft EIS shall be issued no sooner than the issuance of the RI/FS and not later than issuance of the draft cleanup action plan. The final EIS shall be issued no sooner than the issuance of the draft cleanup action plan and no later than the final cleanup action plan, notwithstanding the requirements of WAC 197-11-460(5).

[Statutory Authority: RCW 43.21C.110. WSR 95-08-041 (Order 94-22), § 197-11-262, filed 3/31/95, effective 5/1/95.]