

**WAC 173-340-380 Cleanup action plan.** (1) **Purpose.** The purpose of a cleanup action plan is to document the selected cleanup action and to specify the cleanup standards and other requirements the cleanup action must meet.

(2) **Applicability.**

(a) Whether required. A cleanup action must be selected and a cleanup action plan must be developed regardless of which administrative option in WAC 173-340-510 is used to conduct remedial action at the site.

(b) **Requirements.** A cleanup action plan must comply with the requirements in this section. For sites where there is a release or threatened release to sediment, a cleanup action plan must also comply with the applicable requirements in WAC 173-204-575.

(3) **Timing.** Except as otherwise directed by ecology, a remedial investigation/feasibility study must be completed before cleanup standards are established and a cleanup action is selected. An emergency remedial action or an interim action may be conducted before a cleanup action is selected.

(4) **Administrative options and requirements.** A cleanup action may be selected and a cleanup action plan may be developed under any of the administrative options for remedial action described in WAC 173-340-510. Reporting and public participation requirements depend on the administrative option used to conduct remedial action.

(a) **Ecology-conducted or ecology-supervised remedial actions.** For an ecology-conducted or ecology-supervised cleanup action, ecology will:

(i) Select the cleanup action and establish the cleanup standards and other requirements that the cleanup action must meet;

(ii) Issue a draft cleanup action plan that includes the information required in subsection (5) of this section. For routine actions, ecology may include the draft cleanup action plan in an order or decree instead of in a separate document;

(iii) Provide or require public notice of the draft cleanup action plan in accordance with WAC 173-340-600(14);

(iv) After review and consideration of public comments, issue a final cleanup action plan. For routine actions, ecology may include the final cleanup action plan in an order or decree instead of in a separate document; and

(v) Provide notice of the final cleanup action plan in accordance with WAC 173-340-600(14).

(b) **Independent remedial actions.** Independent cleanup action plans must be reported to ecology in accordance with WAC 173-340-515. Plans must include, as appropriate, the information specified in subsection (5) of this section.

(5) **Content of cleanup action plan.** A cleanup action plan must include the following information and provide a level of detail commensurate with the complexity of the site and cleanup action:

(a) A general description of the cleanup action selected in accordance with WAC 173-340-350 through 173-340-390, including any model remedy;

(b) A summary of the rationale for selecting the cleanup action, including any model remedy;

(c) A summary of how impacts on likely vulnerable populations and overburdened communities were considered when selecting the cleanup action and developing the plan;

(d) For ecology-conducted or ecology-supervised remedial actions, a brief summary of how ecology considered the following when selecting the cleanup action:

(i) Public concerns identified under WAC 173-340-600 (13) and (14); and

(ii) Indian tribes' rights and interests identified under WAC 173-340-620;

(e) A brief summary of the other cleanup action alternatives evaluated in the remedial investigation/feasibility study;

(f) Cleanup standards and, where applicable, remediation levels, for each hazardous substance and for each environmental medium of concern at the site;

(g) Any changes to the default assumptions or reasonable maximum exposure scenarios used to establish cleanup standards or to demonstrate the protectiveness of the cleanup action;

(h) The schedule for implementing the cleanup action plan including, if known, the restoration time frame;

(i) Any institutional controls required as part of the cleanup action;

(j) Any applicable state and federal laws for the cleanup action known at this step in the cleanup process. This does not preclude subsequent identification of applicable state and federal laws;

(k) A preliminary determination by ecology that the cleanup action will comply with WAC 173-340-360; and

(l) If the cleanup action involves on-site containment, specification of the types, concentrations, and estimated mass of hazardous substances remaining on site and the measures that will be used to prevent migration of and exposure to the substances. Ecology may require or allow estimates of the volume of contaminated material in place of, or in addition to, estimates of the mass of hazardous substances.

(6) **National priorities list sites.** For sites on the national priorities list, ecology may use a record of decision or an order or consent decree prepared under the federal cleanup law to meet the requirements of this section, provided that:

(a) The cleanup action meets the requirements in WAC 173-340-360;

(b) The state concurs with the cleanup action; and

(c) The public was provided an opportunity to comment on the cleanup action.

[Statutory Authority: Chapters 70A.305 and 70A.355 RCW. WSR 23-17-159 (Order 18-09), § 173-340-380, filed 8/23/23, effective 1/1/24. Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-380, filed 2/12/01, effective 8/15/01.]