**DEFINITIONS: WAC 173-340-200**

**"Highly impacted community"** means a community that Ecology has determined is likely to bear a disproportionate burden of public health risks from environmental pollution, such as minority, low-income, tribal, or indigenous populations.

**REMEDIAL INVESTIGATION: WAC 173-340-350(6)(c)(ix)**

**(c) Investigations.** Sufficient investigations must be performed to characterize the distribution of hazardous substances present at the site, and the threat they pose to human health and the environment. Ecology makes the final determination as to which investigations are needed at the site and the sufficiency of those investigations. Where applicable to the site, these investigations must include the following:

 **…**

**(ix) Effects on highly impacted communities.** Sufficient information must be collected to identify whether and how the site may affect a highly impacted community. When identifying effects, a cumulative impacts analysis must be conducted based on existing and available data. Effects may be health, social, cultural, or economic;

**REQUIREMENTS FOR CLEANUP ACTIONS: WAC 173-340-360(3)(d)**

**(3) Requirements.** A cleanup action must meet all of the following requirements. When a cleanup action includes more than one cleanup action component, the overall cleanup action must meet these requirements. Ecology recognizes that some of these requirements contain flexibility and require the use of professional judgment in determining how to apply them at a particular site. Ecology makes the final determination as to whether a cleanup action meets these requirements.

**(a) General requirements. …**

**(b) Action-specific requirements.** **…**

**(c) Media-specific requirements. …**

**(d) Equitable distribution of benefits and burdens.** When determining whether a cleanup action alternative meets the requirements in this subsection, evaluate and document the following:

**(i)** How the alternative may benefit or burden any highly impacted community affected by the site. When evaluating burdens, a cumulative impact analysis must be conducted based on existing and available data. Burdens may be health, social, cultural, or economic; and

**(ii)** The degree to which the alternative equitably distributes its benefits and burdens between any highly impacted and other communities affected by the site.

**EXPECTATIONS FOR CLEANUP ACTIONS: WAC 173-340-370(9)**

Ecology has the following expectations for cleanup actions. The expectations represent the likely results of the remedy selection process described in WAC [173-340-350](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-350) through [173-340-390](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-390). Ecology recognizes that conformance with the expectations may not be appropriate at some sites. Selecting a cleanup action conforming to the expectations is not a substitute for conducting a feasibility study. The expectations must be considered when evaluating cleanup action alternatives in the feasibility study. Any non-conformance of the preferred cleanup action alternative to the expectations must be documented and explained in the feasibility study report.

**…**

**(9)** Ecology expects that cleanup actions conducted under this chapter will provide an equitable distribution of benefits and avoid an inequitable distribution of burdens between any highly impacted and other communities affected by the site. Ecology further expects that any inequitable distribution will be mitigated in consultation with highly impacted communities.

**DOCUMENTATION – FEASIBILITY STUDY REPORT: WAC 173-340-350(7)(d)(vii) and (viii)(B)**

**(c) Study.** A feasibility study of cleanup action alternatives must be conducted in accordance with the following steps, except as otherwise directed by Ecology. …

**…**

**(iv) Step 4: Evaluate alternatives.** Conduct a detailed evaluation of each remaining cleanup action alternative to determine whether it meets the requirements in WAC [173-340-360](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-360) and conforms to the expectations in WAC [173-340-370](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-370).

**(v) Step 5: Select preferred alternative.** Based on the detailed evaluation in Step 4, select a preferred cleanup action alternative that meets the requirements in WAC [173-340-360](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-360) and conforms, as appropriate, to the expectations in WAC [173-340-370](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-370).

**(d) Report.** A feasibility study report must include all of the following information:

 **…**

**(vii)** Documentation of the detailed evaluation process in Step 4 of the feasibility study, including how equity for any highly impacted community is considered in that process (see WAC 173-340-360(3)(d)), and the basis for eliminating any alternative from further evaluation;

**(viii)** The preferred cleanup action alternative selected in Step 5 of the feasibility study, including:

**(A)** The basis for selecting the alternative and for any non-conformance to the expectations in WAC [173-340-370](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-370);

**(B)** The degree to which the benefits and burdens of the alternative are equitably distributed between any highly impacted and other communities affected by the site and the basis for any inequitable distribution;