

Model Toxics Control Act
Public Involvement for Cleanup Sites
(summary for Rule Team discussion on 12/19/2019)

Cleanup Project Milestone	Required by Statute ⁽¹⁾	Proposed in Rule Update
Site Discovery & Reporting	NONE	NONE
Initial Ranking and Listing	<u>INFORM</u> only some sites are listed	<u>INFORM</u> all sites will be listed
Re-Ranking (cleanup progress tracking) <ul style="list-style-type: none"> • New information • Changes in site conditions • Change in program status 	N/A	INFORM
Investigative and Remedial Plans <ul style="list-style-type: none"> • Ecology-led sites • Formal sites 	CONSULT	CONSULT
Administrative Orders & Decrees (Formal Sites) <ul style="list-style-type: none"> • Enforcement Orders • Notices of Violation • Agreed Orders • Consent Decrees 	CONSULT	CONSULT
De-Listing <ul style="list-style-type: none"> • Ecology-led • Formal sites 	NONE ⁽²⁾	CONSULT
De-Listing <ul style="list-style-type: none"> • Voluntary Cleanup Program • Other (II, PLIA, etc.) 	NONE ⁽²⁾	<u>DISCRETIONARY</u> ⁽³⁾ add reference to Subsection 600(3) in updated Section 173-304-330

⁽¹⁾ Statutory requirements:

- Public participation is required at RCW 70.105D.030(2)(a).
- “Public notice” is defined at RCW 70.105D.020(30).

⁽²⁾ Current rule requires CONSULT for removing sites from the Hazardous Sites List. (WAC 173-340-330(7))

⁽³⁾ The Policy & Technical Support Unit will incorporate footnote 31 of the 11/8/2019 Preliminary Draft rule revisions (see page 30) into the updated rule language.