



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

As required by the Washington State Administrative Act RCW 34.05.

IMPLEMENTATION PLAN FOR THE ADOPTION OF
Chapter 173-340 WAC, Model Toxics Control Act (MTCA) Cleanup Regulations

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This document is available on the Department of Ecology's website at:
http://www.ecy.wa.gov/programs/tcp/regs/final_amend_2007/amend.html

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Implementation Plan for Chapter 173-340 WAC

1. Please describe how the Agency intends to carry out and enforce the rule. Please include a description of the resources the Agency intends to use.

The Department of Ecology (Ecology) Toxics Cleanup Program (TCP) will take the lead in implementing the rule changes. Implementation of the rule will be incorporated into continuing program activities. Both implementation and enforcement remain part of the existing regulatory framework for conducting remedial actions. These amendments change and improve the existing regulatory framework. Implementation will be primarily carried out by program staff in the four regional offices. Rule writers will provide written material to guide implementation and will hold meetings to assist staff at headquarters and at the regional offices. Implementing the rule changes will not require any added staff since changes are minor and do not change the existing regulatory framework for managing the cleanup of toxic wastes.

2. Please describe how the Agency intends to inform and educate affected persons about the rule.

Ecology will continue to publish, in the *Site Register* and other department publications, notices that explain the rule changes. Throughout the rulemaking effort, information has been published to familiarize the regulated community with the proposed changes. Information appeared in major newspapers, department publications, fact sheets, technical memorandums, and many public presentations. Ecology intends to continue using these types of educational tools to provide the public with information on the rule changes. Ecology also intends to take the following specific steps:

- Mailing the Rule Notification sheet to potentially affected parties.
- Electronically posting the final rule, final State Environmental Policy Act (SEPA) document, Concise Explanatory Statement (CES), and final Cost-Benefit Analysis (CBA) on the Toxic Cleanup Program's web site.
- Distributing copies of the final rule, final SEPA document, CES, and final CBA.
- Providing technical assistance to constituents as they prepare to implement the rule amendments.
- Providing training sessions and workshops to interested parties.
- Preparing and updating guidance documents.
- Posting any guidance on the Toxics Cleanup Program's web site.
- Directly contacting the many stakeholders Ecology communicates with daily.

3. Please describe how the Agency intends to promote and assist voluntary compliance for this rule.

The actions listed above that inform and educate stakeholders on the changes will also help promote voluntary compliance. Existing guidance materials, such as the Cleanup Levels and Risk Calculations (CLARC), will be updated to reflect the new changes. During site visits, site managers and other Ecology staff will tell inform the regulated community about relevant changes. Headquarters staff is available to respond to stakeholder phone and e-mail queries. Regulations and guidance documents are also available on Ecology's Web site. All these available resources will help with voluntary compliance.

4. Please describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome.

Ecology will rely on environmental objectives that are currently built into the program's performance measures aimed at satisfying the Government Management Accountability and Performance (GMAP) goals. The primary objective is cleaning up all sites that are contaminated with hazardous substances in Washington State. The program's performance measures to assess progress and outcomes include:

- the percentage of sites cleaned up or in the process of being cleaned up;
- the percentage of acres of contaminated sediment sites cleaned up or in the process of being cleaned up;
- and the number of reported releases from underground storage tanks.

Another objective is the number of Brownfields sites to reenter the market as productive, usable tax revenue producing and environmentally restored sites. TCP site managers will set cleanup standards in cleanup action plans and monitor the cleanup process to ensure the requirements of the rule are complied with. The effectiveness of the amended rule requirements will be measured on a site-by-site basis as cleanup occurs.

5. Please describe how the Agency intends to train and inform Ecology staff about a new rule or rule amendment.

Most of the site managers that provide technical assistance in cleanup activities are located in the regional offices. Training on the rule changes is being considered for site managers and other staff. The Agency will provide workshops on specific topic areas relating to policies and procedures for setting and evaluating compliance with cleanup levels and remediation levels for dioxins and furans, PAHs, and PCBs. Training will be conducted by headquarters staff who worked on various aspects of the rule changes. Added education on the dioxin rule will be given to TCP staff involved in cleanup activities in a series of invited presentations at section staff meetings.

6. Please identify supporting documents that may need to be revised because of the rule amendment. Or identify new supporting documents that need to be developed because of a new rule.

The Cleanup Levels and Risk Calculations (CLARC) Guidance will be updated to reflect changes to the rule. Also, the Workbook Tools for Calculating Soil and Ground Water Cleanup Levels User's Guide under the Model Toxics Cleanup Act Cleanup Regulation will be reviewed and updated if necessary.