Resource Contact:	Policy and Technical Support Unit	*Effective:*	August 5, 1992
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Policy 330B Removal Of Sites From The Hazardous Sites List

This policy outlines the steps and criteria that the Toxics Cleanup Program will use in determining which sites will be removed from the Hazardous Sites List. This policy is not intended to provide detailed technical guidance. POL 330A covers the related topic of adding sites to the hazardous sites list. See also POL 600A regarding the publication of site information in the Site Register.

1. Sites May Be Removed From The Hazardous Sites List For Several Reasons.

Ecology may propose to remove sites from the Hazardous Sites List in the following circumstances:

A. At sites where confirmation monitoring is not required, all remedial actions have been completed and performance monitoring demonstrates that cleanup standards have been achieved;
B. At sites where confirmation monitoring is required, all remedial actions have been completed, performance monitoring demonstrates that cleanup standards have been achieved, and confirmation monitoring is underway;
C. Certain sites at which contaminants are left on the site above cleanup levels and monitoring is on-going. These are sites that use containment and/or institutional controls as a means of restricting exposure to hazardous substances (see paragraphs 2 & 3); and,
D. A site at which the listing was erroneous because of mistaken identity, where further investigation has revealed no threat to human health or the environment, or other reasons (this does not include disagreement over test results).

See WAC 173-340-410 for definitions of three categories of compliance monitoring, including: protection, performance and confirmation.

2. Certain Containment Sites May Qualify For Removal From The Hazardous Sites List

Containment means "a container, vessel, barrier, or structure, whether natural or constructed, which confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment." To qualify for removal from the list the site must meet all of the following conditions:

A. All construction and operation of remedial actions have been adequately completed and only passive maintenance activities such as monitoring, inspections, and periodic repairs remain. For municipal solid waste landfills only, all construction and

operation of remedial actions have been adequately completed in accordance with a closure plan meeting the substantive requirements in chapter 173-351 WAC and approved by the department as part of a remedial action under this chapter, and the only remaining active maintenance activities are methane gas control, surface water diversion, and/or the operation of leachate collection and treatment systems (e.g., Leachate collection systems installed when the landfill was built or added later to extract leachate from within the fill area. Note: this does not include ground water pump and treat systems, interception trenches or other systems removing a mixture of ground water and leachate beneath the landfill or outside the fill area);

B. All required performance monitoring during and after cleanup construction has been completed and the monitoring achieved;
C. Sufficient confirmation monitoring has been done to demonstrate that the remedial actions have effectively contained the hazardous substance. The period of time for conducting confirmation monitoring will vary depending on such factors as the volume, toxicity, mobility, and concentration of hazardous substances remaining at a site, and the anticipated short and long-term effectiveness of the cleanup action;
D. Have institutional controls in place that are effective in protecting public health and the environment from exposure to hazardous substances, and protects the integrity of the remedial action;
E. Written documentation is present in the department files that describes what hazardous substances have been left on site, where they are located, and the long-term monitoring and maintenance obligations at the site;
F. When required under WAC 173-340-440, financial assurances are in place; and,
G. For sites with releases to ground water, it has been demonstrated the site meets ground water cleanup levels at the designated point of compliance.

3. Containment Sites Must Have Long-Term Confirmation Monitoring

Once performance monitoring is completed, containment sites are still required to perform long-term confirmation monitoring. WAC 173-340-410(3) requires long-term monitoring until residual hazardous substance concentrations no longer exceed site cleanup levels established under WAC 173-340-700 through WAC 173-340-760. Orders and consent decrees should include specific confirmation monitoring requirements.

It is expected that the intensity of confirmation monitoring will be reduced from that done during performance monitoring and over time. The confirmation monitoring could vary from frequent extensive samplings to as little as periodic visual inspections. Actual requirements will vary, depending on site-specific needs.

4. Some Sites Will Remain On The Hazardous Sites List Indefinitely

Sites utilizing containment will not be removed from the list if there is any continuing active remedial work, such as ground water pump and treatment systems, active pumped surface water diversion, or active vapor or gas control systems, except as allowed under 2A above, for municipal solid waste landfills.

Sites with either containment or institutional controls at which ground water has not met the cleanup standards at the designated point of compliance will not be removed from the list.

5. Ecology Will Notify Public Before Site Removal

When Ecology proposes to remove a site from the Hazardous Sites List, for whatever reason, there must be public notice and an opportunity to comment (30 day comment period). A fact sheet shall be prepared explaining why the department is proposing to remove the site and what, if any, issues might be of continued concern to the public. After the comment period, the department shall send a letter responding to the person(s) submitting comments. If there are a lot of substantive issues raised, the department, at its discretion, may instead prepare a more detailed responsiveness summary. The final decision to remove a site from the Hazardous Sites List will be published in the site register and a notice sent to interested people.

6. Information On Sites Removed From The List Will Be Retained In The Central Data Base

Sites removed from the Hazardous Sites List for the reasons listed in paragraph (1) of this policy (except for erroneous listings) shall be kept on the central data base for the Toxics Cleanup Program. This data base will be available to the public upon request.

7. Removal of Site From Hazardous Sites List Does Not Eliminate Requirement For Periodic Review

According to WAC 173-340-420, Ecology shall review, no less frequently than every five years, the following categories of cleanup actions:

A. Where an institutional control and/or financial assurance is required as part of the cleanup action (see WAC 173-340-440 for when institutional controls and financial assurance are required);
B. Where the cleanup level is based on a practical quantitation limit (PQL) as provided for under WAC 173-340-707; and,
C. Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

8. Ecology Will Review Removal Petitions, As Resources Permit

Owners/operators and other potentially liable persons may submit a petition for the removal of a site from the Hazardous Sites List. The section manager will, at their discretion and as resources permit, review these petitions and verify work performed. Verification testing to show compliance with cleanup standards will normally be required for sites with independent remedial action which have petitioned for removal. The testing could be done by the potentially liable person with Ecology oversight, or by Ecology itself.

9. Ecology May Recover Costs For The Review Of Petitions And Public Notice

Ecology may recover the costs of reviewing a petition to remove a site from the hazardous sites list. In addition, the costs of public notice may be recovered.

Note: This policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this policy depending on site-specific circumstances, or modify or withdraw this policy at any time.

Approved:

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Toxics Cleanup Program