WAC 173-204-130 Administrative policies. The department shall implement this chapter in accordance with the following policies:

(1) The department shall seek to implement, and as necessary modify this chapter to protect biological resources and human health consistent with WAC 173-204-100(2). To implement the intent of this subsection, the department shall use methods that accurately reflect the latest scientific knowledge consistent with the definitions contained in WAC 173-204-200 and 173-204-505, as applicable.

(2) At the interface between surface sediments, groundwater or surface water, the applicable standards shall depend on which beneficial use is or could be adversely affected, as determined by the department. If beneficial uses of more than one resource are affected, the most restrictive standards shall apply.

(3) It shall be the goal of the department to modify this chapter so that methods such as confirmatory biological tests, sediment impact zone models, use of contaminated sediment site models, etc., continue to accurately reflect the latest scientific knowledge as established through ongoing validation and refinement.

(4) Any person or the department may propose an alternate technical method to replace or enhance the application of a specific technical method required under this chapter. Using best professional judgment, the department shall provide advance review and approval of any alternate technical method proposed prior to its application. Application and use of alternate technical methods shall be allowed when the department determines that the technical merit of the resulting decisions will improve the department's ability to implement and meet the intent of this chapter as described in WAC 173-204-100(2), and will remain consistent with the scientific intent of definitions contained in WAC 173-204-200 and 173-204-505. The department shall maintain a record of the department's decisions concerning application for use of alternate technical methods pursuant to this subsection. The record shall be made available to the public on request.

(5) Intergovernmental coordination. The department shall ensure appropriate coordination and consultation with federally recognized Indian tribes and local, state, and federal agencies to provide information on and to implement this chapter.

(6) The department shall conduct an annual review of this chapter, and modify its provisions every three years, or as necessary. Revision to this chapter shall be made pursuant to the procedures established within chapter 34.05 RCW, the Administrative Procedure Act.

(7) Review of scientific information. When evaluating this chapter for necessary revisions, the factors the department shall consider include:

(a) New or additional scientific information which is available relating surface sediment chemical quality to acute or chronic adverse effects on biological resources as defined in WAC 173-204-200 (1) and (7);

(b) New or additional scientific information which is available relating human health risk to marine, low salinity, or freshwater surface sediment chemical contaminant levels;

(c) New or additional scientific information which is available relating levels of other toxic, radioactive, biological and deleterious substances in marine, low salinity, or freshwater sediments to acute or chronic adverse effects on biological resources, or to a significant health risk to humans;
(d) New state or federal laws which have established environment-
al or human health protection standards applicable to surface sedi-
ment; or

(e) Scientific information which has been identified for addi-
tion, modification or deletion by a scientific review process estab-
lished by the department.

(8) Public involvement and education. The goal of the department
shall be to provide timely information and meaningful opportunities
for participation by the public in the annual review conducted by the
department under subsection (6) of this section, and any modification
of this chapter. To meet the intent of this subsection the department
shall:

(a) Provide public notice of the department's decision regarding
the results of its annual review of this chapter, including:

(i) The department's findings for the annual review factors iden-
tified in subsection (7) of this section;

(ii) The department's decision regarding the need for modifica-
tion of this chapter based on its annual review; and

(iii) Identification of a time period for public opportunity to
comment on the department's findings and decisions pursuant to this
subsection.

(b) Provide public notice by mail or by additional procedures de-
termined necessary by the department which may include:

(i) Newspaper publication;

(ii) Other news media;

(iii) Press releases;

(iv) Fact sheets;

(v) Publications;

(vi) Any other method as determined by the department.

(c) Conduct public meetings as determined necessary by the de-
partment to educate and inform the public regarding the department's
annual review determinations and decisions.

(d) Comply with the rule making and public participation require-
ments of chapter 34.05 RCW, the Administrative Procedure Act, for any
revisions to this chapter.

(9) Test sediments evaluated for compliance with the sediment
quality standards of WAC 173-204-320 through 173-204-340 and/or the
sediment impact zone maximum criteria of WAC 173-204-420 and/or the
sediment cleanup standards of WAC 173-204-560 shall be sampled and an-
alyzed using the Puget Sound Protocols or other methods approved by
the department. Determinations made pursuant to this chapter shall be
based on sediment chemical and/or biological data that were developed
using an appropriate quality assurance/quality control program, as de-
termined by the department.

(10) The statutory authority for decisions under this chapter
shall be clearly stated in the decision documents prepared pursuant to
this chapter. The department shall undertake enforcement actions con-
sistent with the stated authority under which the action is taken. The
process for judicial review of these decisions shall be pursuant to
the statutes under which the action is being taken.

(11) When the department identifies this chapter as an applica-
ble, or relevant and appropriate requirement for a federal cleanup ac-
tion under the Comprehensive Environmental Response, Compensation and
Liability Act, the department shall identify the entire contents of
this chapter as the appropriate state requirement.