WAC 197-11-250  SEPA/Model Toxics Control Act integration.  (1)
WAC 197-11-253 through 197-11-268 integrate the procedural require-
ments and documents of this chapter with those required under the Mod-
el Toxics Control Act (MTCA), chapter 70.105D RCW, and chapter 173-340
WAC.

(2) Both MTCA and SEPA provide opportunities for early public re-
view of a proposal. The following sections contain procedures to com-
bine the MTCA and SEPA processes to reduce duplication and improve
public participation. These sections supplement the other requirements
of this chapter. To the extent there is a conflict, these sections su-
persede any conflicting provisions of this chapter.

(3) WAC 197-11-253 through 197-11-268 apply to remedial actions
as defined in RCW 70.105D.020(12) and conducted by ecology or by a po-
tentially liable person (PLP) under an order, agreed order, or consent
decree under MTCA. These sections do not apply to independent remedial
actions; rather, the remainder of this chapter applies to independent
remedial actions that are subject to SEPA.

(4) When the remedial action is part of a development proposal,
the procedures in WAC 197-11-256 through 197-11-268 shall be used to
combine the procedural requirements of SEPA and MTCA, to the extent
practicable.

(5) To effectively integrate the procedural requirements of SEPA
and MTCA, the SEPA elements of the environment that could be impacted
need to be identified as early in the MTCA process as possible. Early
consideration of SEPA facilitates identification of study areas prior
to conducting the remedial investigation/feasibility study (RI/FS) and
effective, timely integration of SEPA and MTCA documents. The thresh-
old determination may be delayed until later in the MTCA process.

(6) WAC 197-11-256 through 197-11-268 do not change the categori-
cal exemption for information collection in WAC 197-11-800(17) or the
emergency exemption in WAC 197-11-880.

(7) Interim actions (WAC 173-340-430) conducted as part of a re-
medial action conducted by ecology, or by a potentially liable person
under an order, agreed order, or consent decree under MTCA are gov-
erned by WAC 197-11-268.

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW
43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382,
43.21C.0383, 43.21C.110, 43.21C.222. WSR 03-16-067 (Order 02-12), §
197-11-250, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW
43.21C.110. WSR 95-08-041 (Order 94-22), § 197-11-250, filed 3/31/95,
effective 5/1/95.]