

**WAC 173-340-420 Periodic review.** (1) Purpose. A periodic review consists of a review by the department of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected.

(2) Applicability. The department shall conduct periodic reviews of a site whenever the department conducts a cleanup action; whenever the department approves a cleanup action under an order, agreed order or consent decree; or, as resources permit, whenever the department issues a no further action opinion; and one of the following conditions exists, at the site:

(a) Where an institutional control and/or financial assurance is required as part of the cleanup action;

(b) Where the cleanup level is based on a practical quantitation limit 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.

(3) General requirements. If a periodic review is required under subsection (2) of this section, a review shall be conducted by the department at least every five years after the initiation of a cleanup action. The department may require potentially liable persons to submit information required by the department to conduct a periodic review.

(4) Review criteria. When evaluating whether human health and the environment are being protected, the factors the department shall consider include:

(a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;

(b) New scientific information for individual hazardous substances or mixtures present at the site;

(c) New applicable state and federal laws for hazardous substances present at the site;

(d) Current and projected site and resource uses;

(e) The availability and practicability of more permanent remedies; and

(f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

(5) Notice and public comment. The department shall publish a notice of all periodic reviews in the *Site Register* and provide an opportunity for public comment. The department shall also notify all potentially liable persons known to the department of the results of the periodic review.

(6) Determination of whether amendment of the cleanup action plan required. When the department determines that substantial changes in the cleanup action are necessary to protect human health and the environment at the site, a revised cleanup action plan shall be prepared. The department shall provide opportunities for public review and comment on the draft cleanup action plan in accordance with WAC 173-340-380 and 173-340-600.

(7) Determination of whether future periodic reviews required. In conducting a periodic review under this section, the department shall

determine whether additional reviews are necessary, taking into consideration the factors in subsection (4) of this section. Sites with institutional controls shall remain subject to periodic reviews as long as the institutional controls are required under this chapter.

[Statutory Authority: Chapter 70.105D RCW. WSR 01-05-024 (Order 97-09A), § 173-340-420, filed 2/12/01, effective 8/15/01; WSR 91-04-019, § 173-340-420, filed 1/28/91, effective 2/28/91; WSR 90-08-086, § 173-340-420, filed 4/3/90, effective 5/4/90.]