

Potential Issues for 5-Year Review of MTCA

Department of Ecology

December 14, 2007

MTCA Science Advisory Board Meeting

“Everything should be made as simple as possible,
but no simpler” Albert Einstein

Purpose of Review

- An inventory of technical & policy issues Ecology is considering for the MTCA Cleanup Regulation 5-year review
- Dynamic process in consideration of whether and how to modify the rule

Criteria for Potential Inclusion

- Does the revision promote more efficient/effective cleanups?
- Is it a frequently encountered issue at many sites?
- Needed to reflect new science/regulations?
- What priority to affected groups place on the issue?
- Does Ecology have the resources to address the issue?
- Is the issue "ripe" for consideration?
- Is rule-making the most effective mechanism for addressing the issue?

SAB Focus Questions

- Are there other issues Ecology should consider?
- What issues should be the highest priority?
- What sources of information are you aware of that would help with Ecology's evaluation of these issues?

Area-Wide Soil Contamination Issues

- Clarify when owners/operators of properties located in larger areas of contamination must report arsenic and lead contamination?
- Clarify when Ecology will list individual properties within areas of contamination?
- Clarify how and when Ecology will exercise enforcement discretion on individual properties within large areas of contamination?
- Incorporate interim action criteria into rule?

SAB Considerations: Other issues? Priority? Sources of Information?

Human Health Issues

- Update the definition & procedures for carcinogens?
- Incorporate early life exposure approach for carcinogens?
- Incorporate the Benchmark Dose method for non carcinogens?
- Specify additional databases & sources of information for toxicity values?
- Use Hazard Quotient less than 1 when significant background exposures?

SAB Considerations: Other issues? Priority? Sources of Information?

Issues Related to Groundwater Cleanup Levels

- Incorporate EPA's approach for concurrent drinking water & vapors?
- Provide more specific methodology for developing non-potable groundwater cleanup levels?
- Add specifics on how to demonstrate protection of surface water/sediments?

SAB Considerations: Other issues? Priority? Sources of Information?

Issues Related to Surface Water & Sediment Cleanup Levels

- Revise the default fish consumption rate and procedure for evaluating high fish-consuming populations?
- Update to include bioaccumulation factors?
- Clarify relationship between sediment rule requirements and MTCA?—e.g. level of risk, risk assessment procedures, relationship between MTCA cleanup & remediation levels and SMS screening levels/minimum cleanup levels
- Add freshwater sediment cleanup levels?
- Explicitly state wood waste is a hazardous substance when found in sediments?

SAB Considerations: Other issues? Priority? Sources of Information?

Issues Related to Soil Cleanups

- Change default soil ingestion rate?
- Add acute exposure default scenario?
- Add concurrent ingestion/dermal?
- Add procedures for assessing vegetables grown in contaminated soils?
- Changes to procedures for measuring compliance with soil cleanup levels?—e.g. particle size, statistical methods

SAB Considerations: Other issues? Priority? Sources of Information?

Vapor-Related Issues

- Add specific procedures for evaluating vapor exposures? (e.g. vapors moving from soil/ground water to indoor air)?
- Clarify compliance monitoring requirements?

SAB Considerations: Other issues? Priority? Sources of Information?

Tables

- Change Method A soil cleanup levels?
 - Arsenic (background)
 - Lead (blood lead levels)
 - Trichloroethylene (vapors)
- Change Method A ground water cleanup levels?
 - Trichloroethylene (vapors)
 - Add perchlorate?
- Should urban background be factored into the Method A tables?
- Should the Ecological Screening Values be updated to reflect EPA's Ecological Soil Screening Levels?

SAB Considerations: Other issues? Priority? Sources of Information?

Other Issues

Remedy Selection

- Add default assumptions for evaluating the protectiveness of remedies?
- Add more specifics on how to conduct a disproportionate-cost analysis?

Periodic Review/Institutional Controls

- Update rule to reflect Uniform Environmental Covenants Act?

SAB Considerations: Other issues? Priority? Sources of Information?

Schedule

- Scoping meetings December & early 2008
- Consultations with EPA, Dept. of Health, MTCA SAB, Tribes
- Narrowed list of issues early 2008
- Begin rule-making process early 2008