

## DEPARTMENT OF ECOLOGY

December 4, 2007

TO: Science Advisory Board Members  
FROM: Dawn Hooper, Toxics Cleanup Program  
SUBJECT: Materials for the December 14, 2007, Science Advisory Board (SAB) Meeting

Enclosed are the draft agenda and discussion materials for the December 14 MTCA SAB meeting. Here is a reminder of the meeting logistics:

December 14, 2007 (Friday)  
9:00-3:00 p.m.  
University of Washington  
Graham Visitor Center  
2300 Arboretum Dr. E  
Seattle, WA

There are two main meeting topics:

### **Topic #1 Fish Consumption Rates for the Lower Elwha Klallam Tribe**

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In late October, the Lower Elwha Klallam Tribe (LEKT) completed a report and recommendations on tribal fish consumption rates applicable to the Port Angeles area. The LEKT has recommended that the Department of Ecology (Ecology) use a fish consumption rate of 583 grams/day when establishing cleanup requirements for the former Rayonier mill site located in Port Angeles, Washington. The LEKT believes this value is appropriate because it takes into account the tribe's treaty reserved rights, customs, and fishing habits.

❑ **Science Advisory Board Review:** Ecology is requesting the SAB review the background information and provide advice and opinions on whether Ecology's proposal is consistent with current scientific information. Specifically, we are interested in your responses to the following questions:

1. The LEKT is recommending that Ecology use a fish consumption rate of 583 g/day when establishing cleanup requirements for the former Rayonier mill site and Port Angeles Harbor. Is the proposed rate consistent with current scientific information?
2. The LEKT is recommending that Ecology use a fish diet fraction of one (1) when establishing cleanup requirements for the former Rayonier mill site and Port Angeles Harbor. Is the proposed value consistent with current scientific information?
3. The LEKT is recommending that Ecology use an average body weight of 79 kg when establishing cleanup requirements for the former Rayonier mill site and Port Angeles Harbor. Is the proposed value consistent with current scientific information?

- ❑ **Information Materials to Support the Board’s Review:** Ecology has compiled information materials to support the SAB’s review of this issue. These materials are attached to this memorandum. **Please note that we are not expecting that you will have reviewed these materials in detail prior to the December 14 meeting.** The attached materials include:
- A document “Lower Elwha Klallam Tribe Fish Consumption and the EPA Region 10 guidelines” that was recently prepared by the Lower Elwha Klallam Tribe.
  - A document “Local Sea Food and Lower Elwha Klallam Tribal Health” that was recently prepared by the Lower Elwha Klallam Tribe.
  - A document “Framework for Selecting and Using Tribal Fish and Shellfish Consumption Rates for Risk-Based Decision Making at CERCLA and RCRA Cleanup Sites in Puget Sound and the Strait of Georgia” that was recently prepared by EPA Region X.
  - Additionally, Ecology is preparing a technical memorandum that discusses the proposed fish consumption rate and the key scientific and policy issues underlying the proposal. This will be emailed prior to the meeting and copies will be provided at the meeting.
- ❑ **The December 14 Science Advisory Board Meeting:** We have three main goals for the fish consumption discussion on December 14. First, we want to provide you with background information on this issue. We are planning to present an overview of the rulemaking process and summarize the technical and policy rationale for the proposed amendments. Second, we will provide you with the opportunity to ask us any initial questions you might have on the project background and/or written materials. Third, we want to make sure that we have clearly communicated our expectations for the Board’s review of this issue. Toward that end, we would like the SAB to consider the following questions:
- Are the questions written in way that can be objectively evaluated based on current scientific information and knowledge?
  - Are there other scientific questions that you believe Ecology should be considering when evaluating this issue?
  - Do the discussion materials provide you with a sufficient amount of information to review the questions identified above? If not, what additional information would you find useful?

Based on these discussions, Ecology will prepare any supplementary materials needed to support the Board’s review of the above questions. These materials will be mailed to Board members prior to the next SAB meeting.

## **Topic #2: MTCA Rule Review Issues**

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Ecology has begun the MTCA five-year review process. As part of the review, the Toxics Cleanup Program (TCP) has compiled a list of potential rulemaking issues that have been identified by TCP staff, the MTCA Science Advisory Board, and other interested people and organizations.

- ❑ **Science Advisory Board Review:** The Department is requesting that the SAB review the list of issues that it intends to consider during the five-year rule review process and provide advice and opinions on the issues listed. During this discussion, Ecology would like to briefly discuss the list of issues, their relative priority for inclusion in the rule review process, receive Board input on any other potential issues the Board suggests the agency consider, and review how Ecology plans to proceed with the review process.
- ❑ **Information Materials to Support SAB's Review:** Ecology has compiled a set of discussion materials to support the SAB's review of this issue. These materials are attached to this memorandum. The attached materials include:
  - Presentation on Potential Issues for a Five-year Review of MTCA
  - Issue paper on Potential Issues for Five-Year Review of the MTCA Cleanup Regulation.
- ❑ **The December 14 Science Advisory Board Meeting:** We are planning to present a brief overview of the potential rulemaking issues. We will then discuss the range of issues with the Board. To prepare for that discussion, we would like the SAB to consider the following questions:
  - Which issues should be the highest priority for review?
  - Are there other scientific questions that you believe Ecology should be considering during the five-year rule review?
  - What sources of information are you aware of that would help with Ecology's evaluation of these issues?

Finally, the March 2007 meeting summary was approved through email review. We are willing to reopen the enclosed summary for further review if necessary.

We look forward to meeting with you again. If you have questions prior to the meeting, please contact Dawn Hooper (360/407-7182), Pete Kmet (360/407-7199) or Dave Bradley (360/407-6907).

Attachments