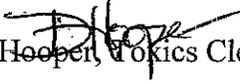


DEPARTMENT OF ECOLOGY

May 28, 2008

TO: Science Advisory Board Members
FROM: Dawn Hooper,  Toxics Cleanup Program
SUBJECT: Materials for the June 2, 2008, Science Advisory Board (SAB) Meeting

Enclosed are the draft agenda and discussion materials for the June 2, 2008 MTCA SAB meeting. Here is a reminder of the meeting logistics:

June 2, 2008 (Monday)
9:00-4:00p.m.

EPA - Region 10
1200 6th Avenue
Columbia/Bitterroot Rooms, 12th Floor
Registration - 12th Floor
Seattle, WA

There are two main points of focus for this meeting and a presentation for the Board. As we work to conclude the SAB review of the proposal to establish fish consumption rates for the Lower Elwha Klallam (LEK) Tribe, the Board is asked to focus attention on whether salmon should be included in the fish consumption rate for the Tribe. Additionally, the Board will be presented a status of the rule revision process and discussion of selected issues included in the five-year MTCA rule review. Finally, a lunchtime presentation about Ecology's role with the Puget Sound Initiative and the relationship to the Puget Sound Partnership will be offered.

Fish Consumption Rates for the Lower Elwha Klallam Tribe

In December 2007 and March 2008 Department of Ecology (Ecology) presented to the Model Toxics Control Act (MTCA) Science Advisory Board (SAB) a series of questions designed to explore different issues related to Tribal fish consumption.

At the March 2008 Science Advisory Board (SAB) meeting, Ecology presented a series of questions to help evaluate the LEK Tribal proposal. Although the SAB reached consensus on most of the major issues, the SAB requested Ecology to further evaluate the issue of inclusion/exclusion of Salmonids from the Tribal fish diet. At the March SAB meeting, Ecology presented to the SAB the LEK Tribal proposal to exclude Salmonids from the LEK Tribal fish consumption rate. To reach a decision, the SAB asked Ecology to further evaluate whether an association exists between the contaminant body burden of adult salmon harvested by the LEK Tribal members and the contaminants (dioxins/furans/PCBs) from the Port Angeles site.

Ecology believes the factors to consider in responding to this question are:

- Salmonid life-cycle;

- Residency time of the salmonids; and
- Transport and fate of site-specific contaminants (biological and mechanical contaminant transport).

Ecology has reevaluated the issue of including / excluding salmon from the LEK Tribal fish diet. In reevaluating this issue, Ecology examined or reexamined the following:

- Salmonid life-cycle;
- Residency time of the salmon;
- Abundance of salmon in and around Port Angeles Harbor area;
- Chemical contamination of Puget Sound;
- Salmon chemical contaminant body burdens; and
- Transport and fate of site-specific contaminants (biological, mechanical, and atmospheric contaminant transport).

Science Advisory Board Review: Ecology has prepared a report, *Continuation of Site-Specific Proposal for Modifying the Default MTCA Fish Consumption Exposure Parameters -- Factors to Consider For Inclusion/Exclusion of Salmon for Tribal Fish Consumption*, to address issues posed by the Board. This report presents Ecology's Proposal, Rationale and Summary of Factors for Exclusion/Inclusion of Salmon for Total Tribal Fish Diet.

Ecology believes it is reasonable to conclude that some non-zero amount of the contaminant body burden in salmonids harvested by members of the LEKT is associated with releases from the Former Rayonier Mill Site. However, Ecology does not believe that current information is sufficient to precisely quantify how local releases from individual sites such as the former Rayonier mill site impact the body burdens of salmonids harvested in local areas. Consequently, Ecology plans to explore several risk management policy options when developing cleanup requirements for the Former Rayonier Mill Site.

The Department requests that the SAB review the additional background information and provide advice and opinions on whether Ecology's proposal is consistent with current scientific information.

The June 2 Science Advisory Board Meeting: We have several goals for the fish consumption discussion on June 2. First, we want to provide you with additional background information on the inclusion/exclusion issue. Second, we will provide you with an opportunity to hear the perspective from the audience regarding Ecology's proposal to include salmon in the Tribal fish diet. Third, we want to get the Board's reaction whether it is scientifically reasonable to conclude that there is an unquantifiable association between contaminant body burdens of salmonids harvested by members of the LEKT and releases from the Former Rayonier Mill Site.

Status of the Rule Revision Process and Discussion of Selected Issues Included in the Five-year MTCA Rule Review

Ecology will present a status report of the rule revision process for the five-year rule review and present a set of issues for the SAB to consider at the June 2 meeting and at future meetings as the information is developed.

Ecology plans to review and revise the Model Toxics Control Act (MTCA) Cleanup Regulation and the cleanup provisions in the Sediment Management Standards (SMS) rule. The Toxics Cleanup Program (TCP) has developed an initial list of rulemaking issues.

Over the next eighteen months, TCP plans to consult with the Science Advisory Board on many of these issues. For the June 2 Board meeting, TCP has identified several initial issues. These initial issues focus on the regulatory definitions for key terms used in one or both of the two rules. These include the following new or revised terms:

- Averaging time
- Bioaccumulation Factor (BAF)
- Carcinogen

TCP believes that several regulatory definitions in the MTCA rule need to be updated based on new scientific information and/or regulatory requirements and asks for the Board's consideration of these issues. TCP has developed the following supporting documentation to aid the Board in their evaluation, *Revisions to MTCA Cleanup Regulation-- Key Definitions, Prepared for the MTCA Science Advisory Board (SAB) Discussion on June 2, 2008*.

The discussion materials are divided into three sections that correspond to the three regulatory definitions being reviewed by Ecology. Each section includes:

- Question for the Science Advisory Board: This part identifies one or more questions related to each regulatory definition.
- Background: This part summarizes the current rule definition and how the term is used within the MTCA decision-making framework.
- Draft Definition: This part identifies the revised definition developed by Ecology.
- Rationale for Draft Definition: This part summarizes Ecology's rationale for the draft definition.

We anticipate that further discussion by the Board will be needed on the implications of the revised definitions when reviewing the procedures for establishing cleanup standards and selecting cleanup actions.

March 2008 Meeting Summary: Finally, the March 2008 meeting summary was distributed for review and approved. We will provide for approval, a revised version at the meeting based on recommended edits received from several Board members.

We look forward to meeting with you again. If you have questions prior to the meeting, please contact Dawn Hooper (360/407-7182).

Enclosures

