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June 8, 2012

Mr. Jim Pendowski
Toxics Cleanup Program
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: Comments on Determination of Significance and Scope of Environmental Impact Statement for Revisions to Sediment Management Standards (Chapter 173-204 WAC)

Dear Mr. Pendowski:

TransAlta appreciates the opportunity to provide comments on the Department of Ecology's (Ecology) threshold determination and proposed scope of the Environmental Impact Statement (EIS) concerning the revisions to Sediment Management Standards (Chapter 173-204 WAC). TransAlta Centralia Generation and TransAlta Centralia Mining offer the following comments related to the scope of the EIS.

As drafted, the proposed scope of the EIS completely ignores Ecology's stated intent of including a default fish consumption rate (FCR) in the SMS rule. On many occasions, including three public workshops on FCR hosted by Ecology last month, Ecology signaled its intent to include a default FCR in the SMS rule revisions. At a minimum, Ecology should create a range of "Human Health Alternatives" for the purpose of evaluating the merits and probable adverse impacts of including a default FCR in the SMS rule versus relying on the default FCR (and other site-specific considerations) provided under the Model Toxics Control Act (MTCA). The alternatives need to bracket the range of potential default FCRs that Ecology plans to evaluate in the rulemaking process. Additionally, Ecology should include an examination of setting separate FCRs for Puget Sound, the Columbia River system, and the other river systems in Washington State.

As Ecology is aware, the SMS rule is adopted both under the authority of MTCA and as part of the state's water quality standards (WQS). Thus, Ecology must expand the scope of the EIS to address the probable adverse impacts associated with adopting a default FCRs in the SMS, which must be

approved by the U.S. Environmental Protection Agency (EPA) as a Clean Water Act (CWA) water quality standard. There is considerable risk that once the SMS rule revisions are adopted and approved by EPA as a water quality standard, Ecology will lose any ability to rely on the National Toxics Rule (NTR). Therefore, the scope of the SMS EIS must take into consideration the probable adverse impacts to the water quality standards associated with incorporating the proposed ranges of the FCR anticipated by the SMS into the freshwater and saltwater WQS.

Ecology must look at the proposal to set a default FCR in a more comprehensive way in order to avoid eliminating Ecology's discretion to rely on the NTR. Further, Ecology must acknowledge and review (within the same EIS) the use of the FCR to set cleanup standards and affect water quality standards. These proposals are integrated and must be evaluated using a comprehensive approach. Ecology's own SEPA rules do not allow for the type of segmented review that the Department is currently proposing.

Thank you for considering these comments. Please contact me at brian_brazil@TransAlta.com or (360) 807-8031 if you have any questions about these comments.

Sincerely,

A handwritten signature in blue ink that reads "Brian Brazil".

Brian Brazil
Environmental Manager
TransAlta Centralia Generation, LLC