



MTCA / SMS Advisory Group & Sediment Workgroup Joint Kickoff Meeting Notes

Friday, November 20th, 2009

Port of Tacoma Fabulich Center, 09:00 – 15:30 Hrs

Meeting Synopsis / Summary

This meeting was the joint kickoff meeting for the two groups advising Ecology during the MTCA/SMS rule update. The primary intent of this meeting was two-fold: 1) lay out goals, expectations and ground rules and 2) provide a balcony-view summary of the issues. Goals and expectations:

- Ecology is asking for feedback. The target date for proposed rule language has been set for Fall, 2010.
- Key sediment issues: human-health, background standards (e.g. dioxin), clarifying other deleterious substances, freshwater standards and overall MTCA / SMS integration.
- Key MTCA issues: remedy selection, vapor intrusion and changes / updates to cleanup standards (e.g. early life stage exposure).

Group members had several requests / recommendations on how Ecology can maximize the efficiency and effectiveness of the rulemaking process:

- Clarify how the sediments workgroup will interact with the broader external advisory committee and the science advisory panel.
- Ensure that the advisory group's time and expertise is used efficiently and effectively. Suggestions: (1) advance distribution of agendas and materials; (2) providing clear roadmap of meeting topics to enable committee members to prepare for discussions; (3) preview next meeting topics at the end of each meeting; and (4) make sure that sufficient information is provided to support group discussions on rulemaking issues; and (5) active facilitation to ensure group participation (not just a few individuals).
- Implement the rulemaking process in ways that avoid "reinventing the wheel". Whenever possible, the agency/committees should consider existing protocols and approaches.

Acronyms

- MTCA – Model Toxics Control Act (Chapter 173-340 WAC).
- SMS – Sediment Management Standards (Chapter 173-304 WAC).
- H-H – human health.
- TEE – terrestrial ecological standards (MTCA Section 7490)
- PMEPP – permanent to the maximum extent practicable (MTCA 360)
- RIFS – remedial investigation / feasibility study (MTCA 350-360)
- TCP – Toxics Cleanup Program (Department of Ecology).
- SEPA – State Environmental Policy Act
- APA – Administrative Procedures Act
- TPH – Total Petroleum Hydrocarbons

Introduction

09:00 Hrs

Dave Bradley (Ecology, Manager, Information and Policy Section) for Jim Pendowski (Ecology Toxics Cleanup Program Manager) – Jim unable to make it today.

Key points:

- Ecology is revising the MTCA and SMS rules to address issues identified during rule implementation, meetings with Ecology site managers and external scoping meetings held over the last 12-18 months.
- During those meetings, Ecology heard that wholesale changes are not needed to the MTCA and SMS rules. People stated that the two rules generally work fairly well. However, there were several re-occurring themes: (1) MTCA and SMS cleanup provisions are not well-synchronized; (2) vapor intrusion provisions need to be updated and clarified; (3) rule updates are needed to reflect new scientific information/regulatory guidance and new state laws; and (4) rule updates to clarify other rule provisions (e.g. remedy selection).
- The CR1-101 (notice of rule making) was filed in February, 2009. The rulemaking scope described in the CR-101 focuses on the four areas identified above. In addition, Ecology plans to review the relationship between the SMS rule and Dredged Material Management Program (DMMP) guidelines for open water sites. This issue will be considered later in the process after the groups have worked through the main cleanup issues.
- Some issues may be best addressed by guidance - others by rule. The advisory groups will need to consider the balance between statewide consistency and site-specific flexibility.
- Ecology has tried to create a process that will enable us to work with people with considerable experience/expertise and diverse viewpoint. The process is designed to provide for critical review and broad input on Ecology rulemaking decisions. The process is not designed to reach consensus on all issues.
- Ecology recognizes that we have established an ambitious scope and schedule. Key challenges for this process include maintaining focus on priority issues, creating decision-making process

that focus on solutions, nimbly adapting to rule discussions/evolving budget and constructively use experience and expertise of advisory group members.

Logistics, Ground Rules & Introductions

09:13 Hrs

Today's meeting – morning session – the focus will be on ground rules, introductions, goals, expectations, etc. For the afternoon session, the focus will be more of a high-level discussion of the issues and update plans for both the MTCA / SMS rules. All meeting materials will be posted on Ecology's [MTCA/SMS Rule Updates](#) web site.

Introductions and Key Issues of Interest

09:20 Hrs

Please introduce yourself and give a brief “sound bite” of your key or top issues:

- **Heather Trim – People for Puget Sound** – bioaccumulation and source control (sediments).
- **Wendy Steffensen - North Sound Baykeeper** – bioaccumulative toxins, poor RI/FS studies and use of ineffective interim measures (sediments).
- **Teresa Michelsen – Avocet Consulting** - better integration of MTCA / SMS; sediments - clarify “deleterious” and provide more details on how to establish background; more information on H-H, statistics; often unclear as to which rule governs in certain situations; sediments and bioaccumulation – bioassay should override or trump chemical standards – this remains unclear and is an on-going issue; should be more emphasis on bioassays.
- **Larry Dunn – Lower Elwha / Klallam Tribe** - fish consumption, H-H and risk; sediment cleanups and better integration of MTCA / SMS.
- **Lionel Klikoff – WA DNR (Aquatic Lands Division)** – echoes Teresa M.'s sentiments and concerns (define / clarify deleterious, integrate MTCA / SMS, clarify remedy selection and evaluate bioaccumulation).
- **Glen St. Amant – Muckleshoot Tribe – Fisheries Division** – protection of fish and tribal resources; fish consumption rates – are the studies accurate / protective?
- **Pete Rude – City of Seattle Public Utilities** – has worked on sediment issues since '91 (Cascade Pole, etc.); has extensive experience; key issues are H-H and background.
- **Alexandra Smith – Lane Powell PC** – integrating MTCA/ SMS, delineating a site, vapor intrusion, risk-based concentrations (RBCs) and institutional controls.
- **Dave McBride – WA Department of Health (DOH) – Env. Health Assessment** – background and fish consumption, some sediment issues.
- **Joanne Snarski – Port of Olympia** – freshwater, H-H and process issues.
- **Clay Patmont – Anchor Env.** – sediment cleanups - we have a good history of 10-20 years of process; we're at a critical juncture – need to get it right – we should consider using, to the extent practicable, existing policies, rules and guidelines (e.g. other states, etc.).
- **Kymerly Takasaki – US Army Corps of Engineers (USACE)** – top issue is clarity – lay the “bread crumbs” - make sure rules, policies and guidelines are easy to use, follow and understand.

- **Mary Henley – City of Tacoma** – we need clarity and a streamlined process.
- **Jack Word – Newfields NW** – instead of site by site, consider a “watershed” approach – evaluate multiple sites over a larger scale; bioaccumulation is paramount.
- **Chris Waldron – Pioneer Technologies Corporation** – vapor intrusion; however, also interested in better integration of MTCA / SMS; clarity / transparency of rules, policies and guidelines is extremely important. Has the MTCA process become more important than results (cleanup)? Heed or consider the 80/20 “Pareto” principle – 80% of the effects are the result of 20% of the causes. Risk assessment – a lower number is not necessarily a better number – balcony or global view is important.
- **Will Ernst – Boeing** – consistency vs. flexibility.
- **Kris Hendrickson – Landau Associates** – remedy selection – maintain constrained flexibility; provide a streamlined process for simple sites; more details on institutional and engineering controls.
- **Patty Boyden – Port of Vancouver** – flexibility, vapor intrusion, H-H and background.
- **Tom Newlon – Stoel Rives LLP** – “make sure it works”; independent or non-enforcement driven cleanups should be emphasized; we’re teetering on the brink of enforcement-oriented cleanups only.
- **Llyn Doremus – Nooksack Tribe** – restore cleanup sites to tribal “harvest conditions” (e.g. fishing, etc.).
- **Lon Kissinger - EPA Region X** – has worked on fish consumption since early ‘90s for both Ecology and EPA; background – how to measure and study scale / design issues are important; guidelines on how to account for anthropogenic background are also needed; more details are needed on the choice / selection of exposure parameters.

MTCA History

09:46 Hrs

Pete Kmet – overview of MTCA rules / process.

-----10:20 Hrs BREAK -----

Rulemaking Issues

10:40 Hrs

Martha Hankins , Supervisor, Ecology TCP Policy and Technical Support Unit – welcome everyone - notice of rule making (CR-101) filed earlier this year (February) with the code reviser’s office; CR-102 (proposed rule making and draft rule language) scheduled for Fall, 2010. SEPA, APA and regulatory fairness act requirements will also need to be processed.

Rulemaking - Ecology’s Goals and Expectations

10:46 Hrs

Dave Bradley, Ecology – process – some meetings may be exhausting. Phases:

- Dec-09 - Feb-10 – discuss and evaluate issues,
- Feb-10 – Apr-10 – continue to work issues,
- Spring – 2010 – start wrapping-up issues and formulate recommendations, and
- Summer – 2010 – draft rule, prepare public review information.
- Fall 2010 – formal public review of draft rule language.

These two committees, the MTCA/SMS Advisory Group and the Sediment Workgroup, are advising TCP on the MTCA/SMS rule update. However, other workgroups may form, depending upon needs.

Expectations:

- **Expectations for Rule Process:** Meetings will sometimes be exhausting and committees will sometimes be frustrated with Ecology in terms of process and substance. Process is designed to provide critical review/broad viewpoints on Ecology rule decisions – not consensus on all issues.
- **Expectations for Advisory Groups:** Members bring wealth of knowledge/experience. Expect groups will raise tough questions and participate in finding answers to those questions.
- **Expectations for Ecology:** Ecology will listen to advisory groups and objectively evaluate what we hear. We will be transparent in our decisions and rationale for decisions.
- **Expectations on Issues:** We are dealing with two rules with common challenges. Issues we can consider will be limited by time and resources. We will inevitably need to put issues into a parking lot for future discussions.
- **Expectations on Communication:** Ecology wants and expects that members will speak up at meetings and follow up on concerns between meetings via e-mail, phone or in-person.

Discussion:

- ***Who participates in other committees / workgroups?*** Ecology has not made any decisions on creating additional work groups. However, vapor intrusion and DMMP coordination are examples of issues that may ultimately warrant such groups. Membership will vary depending on the issue. Work groups may include a combination of current advisory group members and other people with special experience or expertise on the issue. Work groups provide a mechanism for broader participation. Ecology will discuss options for work groups on particular issues as rule discussion progress
- ***Is the proposed rule timeline too aggressive and is it realistic?*** Several members noted that the last MTCA rule revision took ~ 5-yrs (1996-01). However, one member noted that two years of the last MTCA process was devoted to figuring out what issues would be addressed during the rulemaking. Ecology recognizes that the schedule is ambitious. This is one reason why the Department has spent a lot of time on rule scoping. It will be important to “make sure that the main thing stays the main thing”. Ecology also plans to structure discussions in ways that

emphasize forward movement on issues (e.g. roadmap for discussions, clear discussion questions, early identification of information needed to support discussions, etc).

- **How will TCP coordinate this rule making with other Ecology programs and EPA? Is the cleanup program the most appropriate venue for these rule-making and associated issues (e.g. stormwater)?** Some issues (e.g. stormwater, source control) cannot be solely solved by MTCA / SMS rule revision. Issues like stormwater and source control are being evaluated state and agency-wide.
- **Is the sediments workgroup a “subcommittee”?** Yes. The sediments workgroup has equal rights and will participate equally in the broader MTCA / SMS integration and rulemaking effort. However, members of each group are not required to attend other group meetings. They may attend and observe, but they will not be at the table.
- **If other workgroups are formed, then how will Ecology ensure proper balance and weighting amongst the various members interests?** Comment / request noted. If additional workgroups are formed, then the balance and composition of members will be evaluated.
- **The audience typically leaves at the end of the day, which often leaves little or no time for comment. How will Ecology address this?** Ecology will time for audience participation at multiple points during the meeting day, as opposed to waiting to seek audience input only at the end of the meeting.
- **Is the sediment workgroup solely limited to “technical issues” and do they have input on broader MTCA / SMS issues?** The sediments workgroup will have a heavy scientific and technical focus but it is not just limited to technical sediment issues. This is because it is difficult to separate policy from technical on some issues. The sediments workgroup had equal standing with the larger external advisory committee and is free to address or speak to any sediment issue, e.g. freshwater standards. Note - the sediments workgroup has lots of technical sediment-related experience. The knowledge and expertise of this workgroup should be fully utilized to the extent practicable.
- **Ecology should also consider looking to Oregon or outside of the Pacific NW for existing rules, guidelines and policies - avoid reinvention, e.g. San Francisco Bay PCB cleanup.** The Pacific NW is no longer the national leader in sediment cleanups. We need to look to other states. We should recognize the unique qualities of the Pacific NW, e.g. the tribes, our relatively pristine environment, etc.
- Comment - note also that other states have faced similar problems and no solutions have emerged.

- **How will Ecology evaluate contributions from other sources?** Source control is just as important as background issue. Ecology should recognize the importance of both bioassays and source control.

Wrap-up – Goals and Expectations (11:26 Hrs)

There are a number of issues, including vapor intrusion, sediments cleanup requirements, scientific / technical (e.g. addressing the effects of exposure during early life-stages), and regulatory analysis. Two-way communication is important. Speak-up! Please e-mail Ecology if you have questions / concerns.

Follow-up questions (goals and expectations):

- **What about meeting notes? How will they be distributed?** Ecology will post meeting notes to [MTCA/SMS Rule Update](#) web page. Please keep in mind that committee members are reporting to others – meetings notes and information pipeline will be important.
- **Can group members expect timely decisions on critical, important or controversial issues, e.g. cancer-slope factors?** Yes. Ecology will do its best to make timely decisions and communicate accordingly. However, the reality is that we may make tentative decisions on key issues and allow time for proper feedback and processing.
- **It sounds like Ecology has already made decisions on key issues. Is this true?** Yes and no. There has been extensive work on certain subjects, for example, updates to the remedy selection sections and Ecology's recent draft vapor-intrusion guidance. However, please don't read too much into this. No firm decisions have been made. For example, the early life-stage exposure issue will be discussed for the first time by the MTCA Science Advisory Panel Monday November 23rd.
- **Please provide real time feedback and be upfront about fundamental constraints on key issues. If Ecology knows they cannot do something, then please be upfront and let group members know. Please don't waste time – if you can't do it, then just say so.** Ecology concurs and we will try to accommodate this to the extent practicable.
- **What is the interaction between the MTCA / SMS Advisory Group and the MTCA Science Advisory Panel?** The MTCA Science Advisory Board (SAB) was eliminated by the legislature in 2009. Ecology has convened a science "panel" to gain advice and input on key scientific issues. The composition of this panel is essentially the same as the former SAB (primarily for logistical reasons and time). The current number of panel members (5) may expand. The science panel will be focused primarily on unique or special technical / scientific issues. We will be discussing the scientific aspects of certain rule issues with the panel. For example, the relative exposure contribution of soil ingestion and dermal contact was discussed with the MTCA Science Advisory

Board at their last meeting in June 2009. Ecology has also evaluated the scientific information on early life-stage exposure considerations for cancer risks. This issue was discussed for the first time by the newly formed MTCA Science Advisory Panel on November 23rd. In both cases, the feedback on the scientific aspects of these issues will help shape discussions by the advisory groups that will also consider the policy and workability of potential rule options

- ***Can the two advisory groups identify questions or issues for review by the science panel?*** Yes. However, there are a wide range of potential science panel topics. Consequently, Ecology will continue to evaluate suggestions by external parties and determine which issues/questions should actually be addressed by the science panel. This will be done in consultation with the rule advisory groups.
- ***Is the science panel paid or unpaid?*** No, Science Panel members are not paid. The only reimbursements are for travel and meals.
- ***Why was the MTCA Science Advisory Board (SAB) eliminated?*** As part of the budget exercise / analysis during the last legislative session, the Governor requested an analysis of all state boards and commissions (~ 400). The MTCA SAB was one of the boards that was eliminated.

Note: Ecology is responsible for framing issues and bringing them to the science panel.

Discussion

Group member's recommendations / comments on ground rules, expectations, etc.:

- ***If possible, designate a chair each workgroup. Please be succinct when reporting to broader groups.***
- ***Post meeting minutes.***
- ***Clarify roles and expectations. Be clear about what you want from whom.***
- ***Reviewing materials vs. drafting rules – recognize that some are “doers” and are apt to operate accordingly.***
- ***Reign-in or control “doers”. Avoid negotiated rule making. Check the Oregon water quality standards process for tips on how to create a level and fair playing field.***
- ***How can we best make use of existing talent and roles? Important issue.***

11:52 agenda check – time for lunch.

- Sediments workgroup – lots of existing material and information. Don't re-invent the wheel. Evaluate issues efficiently.
- ***Procedural question – how much “off-line” communication is allowed? Can workgroup members communicate with each other off-line or outside of the formal process? What are the***

rules? Any communication with Ecology is and is a public record and is subject to disclosure. The private sector is not subject to state public disclosure laws. However, again, any communication to Ecology or within Ecology is a record and is subject to disclosure. Reality – workgroup members will have off-line communication. Ecology does understand and acknowledge that.

- Request – e-mail courtesy - please avoid reply-all e-mails. Please formulate an e-mail procedure.

---- LUNCH 12:01 Hrs – audience is invited to join-in on box lunches provided by Ecology ---

Roadmap

12:39 Hrs

Objective – discuss future meeting topics. Identify issues: sediments, vapor intrusion, H-H, risk...what order, dates, locations, etc. The advisory group will meet monthly for the next several months.

Questions / Comments:

- **Why is there a gap between sediment workgroup meetings # 3 and #4?** Some key members are unable to meet in February. The April 15th SEATAC meeting also presents some conflict.
- **Have decisions already been made? It seems like issues have already been laid out.**
- **Avoid scope creep.**
- **Will there be a vetting process? Alternatively, is every issue paper reviewed separately?** Issues papers just provide background information.
- **How will issue overlap be handled?** Both groups (MTCA / SMS) are working on similar issues with overlap. Ecology understands and acknowledges that there will be some overlap. There are many interconnected issues – no way to avoid this.
- **Given the issue overlap, please clarify roles / responsibilities. Don't waste time – be efficient.** Ecology is asking for feedback. Group members are in turn are requesting that Ecology operate efficiently. Please be clear about expectations, roles, responsibilities, etc. Participants have limited time and resources.
- **How will both groups interact on same or similar issues?** Thinking may change and evolve. We need to be flexible.

Dave Bradley discussed plans for future meetings. Dec-2nd – will introduce topics; Dec-18th – will lead into H-H and background. Think of this process as “brick by brick” with each brick building on the other.

Comments / questions:

- **What is the scope of this rule making?** It's still unclear. Too many issues, etc.
- **What questions are we trying to answer?** Need to more clearly identify this.
- **What are the future meeting dates?** Some cannot make December meeting.
- **Where's the MTCA / SMS integration issue paper?** In the materials packet (provided) as well as on the Ecology website.

Sediments – Priority Issues

13:09 Hrs

Chance Asher, Supervisor, Ecology Sediments Unit

Overview

The sediments workgroup is comprised of 8 members: Joanne Snarski, Peter Rude, Jack Word, Clay Patmont, Glen St. Amant, Teresa Michelsen, Paul Fuglevand and Lon Kissinger. Dec-2nd meeting topics: freshwater standards, H-H and background. Dec-18th meeting – H-H and background. The web link was down yesterday (Nov-19th) – Ecology apologizes.

Issue # 1 – integrating human health and ecological risk – issue components:

- Background,
- New criteria, and
- SMS biological confirmation.

Goals and objectives of the sediments workgroup:

- Improve cleanup process,
- Focus on cleanup,
- Recognize that SMS is only one part of source control.
- Puget Sound toxics loading study – inter-program coordination within Ecology.

Questions / Comments:

- ***When will the Ecology toxics loading study be completed?*** End of next year (2010).
- ***How locked-in is the schedule?*** Need to be smart about decisions.
- ***Source control is a huge problem.*** Please form a source-control workgroup. Ecology has limited resources. This may not be possible.

Sediment workgroup priority issues:

- SMS / MTCA integration,
- Freshwater standards,
- Clarifying “other deleterious substances”,
- Bioaccumulation and H-H,
- Bioaccumulation and ecological risk, and
- Background / ambient concentrations.

Key differences between MTCA and SMS

Issue	SMS	MTCA
Cleanup Levels	2-phase structure (SQS, CSL, etc.)	1-phase structure (10-6)
Process	Cleanup levels with remedy	Cleanup levels prior to remedy
Remedy	Cost, net environmental benefit, feasibility	Permanence

Options:

- Focus solely on SMS,
- Adopt MTCA terms,
- Adopt MTCA remedy criteria – “PMEP” – permanent to the maximum extent practicable.
- **Key point - majority of changes are likely to be within SMS.**

SMS history and overview – SMS regulations are unique in that they speak to or address water quality standards. WA SMS is connected to and has integrated state water quality standards.

Questions / Comments:

- **When does MTCA apply to sediments?** Please be clear.

Editorial – early on, there were clear reasons for separating MTCA / SMS, for example, DMMP and source control are sediment issues and MTCA was limited solely to upland cleanups. However, over time, the needs and thinking have evolved.

Sediments - Closing Remarks and Comments

- Overall goal is to not merge MTCA / SMS; clarify process and make it easier to follow and understand.
- **Freshwater standards** – no current standards or biological criteria; limited to narrative standards; options – revise / clarify SMS.
- **Deleterious substances** – options – clarify – biological criteria trumps chemistry – not everyone understands this. Deleterious criteria was meant to capture other substances and to address possible bioaccumulative / synergistic impacts. Options – clarify the regulatory connection between MTCA and SMS; update the MTCA hazardous substances definition.

Questions / Comments:

- **Are these issues solely limited to sediments workgroup? Can the broader advisory group weigh-in?** Yes, there will be back and forth discussion.

Bioaccumulation and Ecological Risk

- SMS criteria – benthic – acute and chronic toxicity.
- MTCA has terrestrial ecological (TEE) – integrate tissue sampling and bioaccumulation (?)
- Options – narrative standard, develop guidance or consider wildlife-based bioaccumulation and H-H.

Human Health (H-H) and Background

- These two issues are intertwined, e.g. dioxins.
- Options – define narrative standard to address H-H – narrative standard only (?)
- Bioaccumulation exposure unclear.
- 2-tiered SMS model and cost / feasibility.
- Background – SMS – unclear as to how to integrate background; natural vs. area is a problem (not defined in SMS).
- Risk-based sediment standards are typically way below background, which creates problems feasibility (e.g. dioxins).
- Options – background – define in guidance – agree on an approach on how to quantify and define.
- Options – standards – derive a range of standards, e.g. upper and lower, pending background definition.
- Single cleanup level or lower / upper level? This will need to be worked out.

Questions / Comments:

- ***What statistical approaches are being evaluated for sediments?*** Ecology is currently trying to obtain contract support for this issue.

END – sediments discussion

---- **BREAK** ---- 14:10 Hrs

MTCA Priority Issues

14:24 Hrs

Pete Kmet, P.E., Ecology Policy and Technical Support Unit

Issues and proposed changes to MTCA - Overview

- ***Liability*** – joint and several – no change.
- ***Vapor intrusion*** – regulation needs to be updated – guidance currently out for public comment.
- ***Method A lookup tables*** – cleanup levels for PCE, TCE, VC, Pb and toluene will be updated; need to figure out how to integrate TEE standards into Method A; may expand Method A to all sites.
- ***Method B*** – early life stage exposure assumption may be incorporated – work-in-progress with the science panel; may reorganize regulation by exposure pathway.

Questions / Comments:

- **Is the MTCA 10-5 risk threshold for multiple substances consistent with EPA risk thresholds?**
This is somewhat of a complicated question as risk thresholds vary amongst various regulations, e.g. National Toxics Rule is 10-6.

MTCA issues (cont)

- **Method C** – although this can technically be used for g.w., it rarely is and may therefore be removed;

Questions / Comments:

- **Can Method C be used for sediments, for example, the Tacoma tide flats?** There is some confusion on this. Will need to check.

MTCA issues (cont)

- **Remedy selection** – PMEP and restoration timeframe are the two issues under scrutiny. PMEP – costs – periodic reviews, present net worth and benchmarks. PMEP – benefits – overall protectiveness, permanence, long-term effectiveness. May also incorporate climate change criteria, a process flow diagram / with supporting language and details on how to incorporate TEE.

Questions / Comments:

- **Comment – the slide that depicts Pb / As soil mixing is just dilution – that is not a remedy.**
- **Remedy selection – how are we supposed to cleanup?** MTCA 360 is confusing and does not clearly speak to how to get to the finish line. When are you done? Why should you keep going? Good example is Bellingham Bay.
- **Cost / benefit analysis – this seems like a “shell” game.** The cost benefit analysis process is murky – does not account for big picture.
- **What about disproportionate cost analysis (DCA) tools?** For example, “weighting factors” have been used on Bellingham Bay cleanups. Ecology should consider this.
- **How much detail should be incorporated into the rule?**

MTCA issues (cont)

- **Uniform Environmental Covenants Act (UECA)** – regulation needs to be updated for this.
- **Financial assurances and periodic reviews** - Ecology’s hazardous waste program has accelerated efforts to evaluate these two issues – TCP may do the same.
- **Leaking underground storage tanks (LUST)** – several changes to MTCA Section 450, for example, early ground water investigations, may add cleanup deadlines and a RI/FS trigger for Method A; TPH guidance work-in-progress.

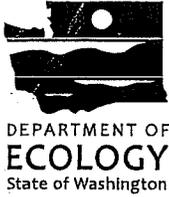
---- END Discussion 15:14 Hrs ---

Questions / Comments:

- ***When will the TPH guidance be released?*** Although no date is available, Ecology expects the guidance to be ready soon. It is currently going through internal review.
- ***Discussion about the relationship between guidance and rule.*** Because of resource issues, Ecology does not expect rule and guidance to come out simultaneously.

---- **Audience Comments** – Ecology requests comments from the audience – none ----

Meeting Adjourned - END – 15:30 HRS – Thank-You!!



DEPARTMENT OF ECOLOGY MEETING SIGN-UP SHEET

Complete and submit this form to the Ecology Fiscal Office (Fiscal), MS 47615, for events which require a sign-up sheet, or when needed to support payment or reimbursement of vendor charges.

NOTE: If the event is training, use the "Completed Developmental Activity Report" (form ECY 010-73) instead of this form.

Events which require a sign-up sheet:

- a. All Advisory Group/Committee, Task Force, or Volunteer Committee meetings.
- b. Events where Fiscal pays a vendor for a meeting room fee.
- c. Events where coffee and/or light refreshments are served, and Fiscal reimburses staff or a vendor.
- d. Events where meals are served, and Fiscal reimburses the vendor.
(Sign-up sheet required for each meal and rosters must agree with number of meals served.)
- e. Events with lodging costs, and Fiscal reimburses the vendor.
(Sign-up sheet required for each night and rosters must agree with number of persons billed for.)

1. Title of meeting or name of group MTCA/SMS Advisory Group and Sediments Workgroup

2. Meeting Date 11/20/2009 Scheduled Start & End Times (i.e., 8 a.m. - noon) 9:00 - 3:30

3. Meeting location (city and facility) Tacoma; Fabulich Center, room 104

4. Contact Person Stacie Singleton Contact Phone 407-6264

Attendees

Name	Representing
1. <u>LOW KISSINGER</u>	<u>USEPA Region 10</u>
2. <u>Stacie Singleton</u>	<u>Ecology</u>
3. <u>TOM NEWTON</u>	<u>Steel Lives</u>
4. <u>Patty Boyden</u>	<u>Port of Vancouver</u>
5. <u>Kris Hendrickson</u>	<u>Landau Associates</u>
6. <u>WILL ERNST</u>	<u>BOEING</u>
7. <u>CHRIS WALDRON</u>	<u>PIONEER TECHNOLOGIES CORP</u>
8. <u>JACK WORTH</u>	<u>NewFields</u>
9. <u>Mary Henley</u>	<u>City of Tacoma</u>
10. <u>Kym Takasaki</u>	<u>USACE</u>

Agency Representative's Statement

To the best of my knowledge, if a vendor provided a non-state facility, it did did not meet the Americans with Disabilities Act (ADA) access criteria.

Signature _____

Date _____

Name

Representing

Name	Representing
11. Clay Padmont	Anchorage QEA
12. Joanne Snarski	Port of Olympia
13. David McBride	WA Dept. of Health
14. CHARLES SAN JUAN	WA DOE
15. Alexandra Smith	Lane Powell
16. Pete Rude	City of Seattle
17. Glen St. Amant	Mackleson Fisheries
18. LIONEL KURKOFF	DNR
19. LARRY DUW	Lower Elwha Klallam Tribe
20. Teresa Michelsen	Avocat Consulting
21. Wendy Steffensen	North Sound Baykeeper - RE Sources
22. Heather Trim	Peysle Fr Puget Sound
23. CHANCE ASTER	Ecology
24. PETE KMET	Ecology
25. DAVE BRADLEY	"
26. MARTHA HAWKINS	"
27. Russ McMillan	"
28. ADRIENNE DORRANT	"
29. Peter Leon	Parametrix
30. Roger McGinnis	Hart Crowser
31. Leslie Conner	Port of Tacoma
32. Gene Revelas	Integral Consulting
33. Mark Larsen	Anchorage QEA
34. Brian Gouvan	Port of Bellingham
35. JOHN McCOCKLE	ENVIRONMENTAL RESOLUTIONS, INC.
36. Eric Larsen	DELTA CONSULTANTS
37. Helen Popemus	Nooksack Indian Tribe
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