

Proposed Changes to Sections 350-390

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Timing of Steps in Formal Cleanup Process

Cleanup Step	Average
Site Discovery/Report Received	.1 years
Initial Investigation	.3 years
Site Hazard Assessment (SHA)	.3 years
Remedial Investigation/Feasibility Study (RI/FS) Includes Enforcement/Agreed Order negotiations.	3.7 years 4-6 mos
Public Comment Period	.1 to .3 yrs
Cleanup Action Plan (CAP) Includes Consent Decree negotiations.	1.1 years 9-12 mos
Public Comment Period	.1 to .3 yrs
Cleanup Engineering Design	3 years
Cleanup Construction Includes design, construction, operation and monitoring.	3 years

Insights and Notes:

- Not all sites go through all steps.
- Not a linear process, steps may overlap.
- There may be time between steps.

Improvements:

- Shorten RI/FS and CAP phases.
 - Group sites when possible.
 - Overlap steps where possible.
- (Based on 180 sites)

IF a site went through all these steps sequentially -- Total: 11.9 years

Remedy Selection - Options

- Editorial and Simple Structural Changes: No significant revisions to the rule. Only editorial and structural changes to clarify the remedy selection requirements.
- Modest Policy Clarifications: Selected revisions to provide for submittal of better information and to clarify several of the remedy selection requirements.
- Significant Policy Revisions: Changes to current provisions and new presumptions added that are intended to speed up the remedy selection process.
- Combination: Incorporates elements of all three of the above options.

Remedy Selection - What we Heard

- Support for editorial changes for clarity but keep current flexibility in remedy selection
- Don't specify presumptions like restoration time frame or what constitutes a remedy that is permanent to the maximum extent practicable
- Allow easier use of institutional controls, especially in light of passage of UECA; more emphasis on remedies described in expectations (Section 370)
- Support for consideration of green house gas emissions & consideration of anticipated effects of climate change; acknowledgement this can be counter to goal of achieving permanent remedies

Section 350 (8) RI Content Changes to Reduce Delays

- Emphasis on scoping, conceptual site model and expedited assessment techniques
- Soils
 - Unified Soil Classification System (ASTM D2487)
- Groundwater-emphasize more complete investigations
 - Horizontal & vertical flow
 - Off property characterization
- Vapors -place holder for now
- Integration of Terrestrial Ecological Evaluation into RI/FS

Section 350 (9): Step by Step Selection Process Description added to FS

Step 1: Remedial action goals

Step 2: Alternatives identified

Step 3: Initial screening process

Step 4: Detailed screening process

- Meets minimum requirements?
- Has reasonable restoration timeframe?
- Determine costs and benefits
- Conduct disproportionate-cost analysis

Step 5: Select preferred remedy & document
basis for Selection

Section 350 (9) Changes-FS Content Changes to aid in Ecology & Public Review

- Identify proposed cleanup levels and points of compliance
- Documentation of step by step remedy selection process & basis for proposed remedy
- Estimated contaminant amount & concentration remaining for each alternative evaluated in detail
- SEPA checklist

Changes (continued)

Section 350 (11) (Additional Requirements)

- Managing waste generated by RI/FS

Section 355 (Remediation Levels)

- Editorial Changes

Section 357 (Risk Assessment)

- Editorial Changes

Remedy Selection Requirements

Seven Criteria

- Protect Human Health & Environment
- Comply with Cleanup Standards
- Comply with ARARs
- Provide for Compliance Monitoring
- Use Permanent Solutions to the Maximum Extent Practicable
- Provide for a Reasonable Restoration Timeframe
- Consider Public Concerns

Plus Remedy-Specific Requirements

Section 360 Changes

(2) Minimum Requirements

- Consolidated "threshold" and "other" requirements
- Consolidated requirements for nonpermanent groundwater remedies
- Institutional controls quantitative analysis eliminated

(3) Restoration timeframe

- Moved up to correspond with FS Steps
- Editorial changes
- Presumptive time frame NOT included

Section 360(4) PMEP Changes

- Disproportionate-cost standard editorial changes
- Criteria sorted by cost and benefits
- Section 370 expectations must be considered in analysis
- Cost analysis must include agency oversight, periodic reviews, institutional controls oversight
- Net present value analysis—inflation rate and rate of return specified

Section 360(4) PMEP Changes

- Long term effectiveness includes evaluation of projected 1 foot sea level rise
- For equally permanent remedies, preference for remedy generating least greenhouse gas