

December 9, 2009

Greetings,

Thank you all for participating in the joint kickoff meeting on November 20. We got off to a great start. Our next meeting is Friday, December 18, 2009, from 9 am to 3:30 pm, again at the “Fab Center” in Tacoma.

We have three topics for this meeting:

1. Sediment cleanup: ideas and options for addressing human health risk from contaminated sediments.
2. Remedy selection: discussion of possible proposed changes to 173- 340-360 WAC.
3. Vapor intrusion: a brief presentation on key points in the VI guidance and summary of comments from the review of this draft, and discussion of potential rule making issues.

To prepare for this meeting, please review the materials for the first two topics distributed at the November 20, 2009, kickoff meeting. (There are also copies on the Ecology web site; see the link at the bottom of this message.) In addition, attached to this email are some early ideas about proposed changes to the remedy selection section of the MTCA cleanup regulation. (Note that this rule language is early, preliminary, and informal; it’s intended to encourage discussion and get feedback.)

To help focus our discussion on the 18th, here are the questions Ecology is asking:

Sediments: Human Health and Background

Ecology has begun sorting through the questions and issues related to addressing human health during sediment cleanups.

- After considerable early analysis, Ecology believes the two options identified are feasible. Are there any fatal flaws you can identify with these two options?
- What areas regarding these two options need further work or discussion?
- Are there other ideas and options you think Ecology should consider?

Remedy Selection

Ecology has begun work on revisions to section 360. Attached are two versions of these early and preliminary revisions:

1. A legislative draft format version showing all strikeouts and additions to Sections 350 through 390 of the MTCA rule.
2. For easier reading, a “clean” version of Sections 350 through 390 with all the strikeouts removed (and new additions highlighted in red).

These revisions are intended to address several issues raised by Ecology site managers and discussed in the July 2009 Issue Paper. Please consider the following questions/issues as you review these revisions:

- Most of these revisions are intended to improve the readability of these Sections. Have we accomplished this objective?
- Clarification of the requirements for a remedial investigation (note the cross reference to the sediment rules).
- The addition of a step-by-step description of the remedy selection process and a better description of what to include in a feasibility study. The MTCA and SMS rules both include remedy selection requirements applicable to sediment cleanup actions. Are there reasons why the MTCA remedy selection requirements should not be applied to sediment cleanup actions?
- Removal of the requirement that a “quantitative scientific analysis” be conducted to justify the use of institutional controls.
- Some minor rewording of the “disproportionate-cost test.”
- Have the evaluation criteria in Section 360 been grouped appropriately into the cost and benefit categories?
- Climate change has been factored into the remedy selection criteria in the form of consideration of sea level rise and greenhouse gas emissions as a distinguishing factor between two otherwise equal remedies. Does this adequately capture this emerging issue?

Vapor Intrusion: Guidance and Rule

Ecology recently completed a Draft Vapor Intrusion Guidance that was distributed at the November 20 kickoff meeting.

- The draft guidance includes a tiered decision-making approach similar to approaches used by the US EPA and in other states. Do you believe this approach provides a workable framework for addressing vapor intrusion in the MTCA rule?
- The draft guidance contains a list of hazardous substances with the potential for causing vapor intrusion problems. This list is based primarily on lists developed by the US EPA and Cal-EPA. It is a bit shorter than the US EPA and Cal-EPA lists because it excludes substances for which there is no inhalation toxicity information. Do you agree these are the appropriate substances on which to focus vapor evaluations?
- There are many indoor and outdoor sources that contribute to background concentrations of individual hazardous substances. Do you believe that the approach used in the guidance for considering background levels (subtracting background from indoor air readings) is reasonable and consistent with current approaches used in other states and/or other environmental media?

- Do you have suggestions for addressing vapor intrusion problems that occur at industrial and commercial facilities where operations can contribute to VOCs?
- What provisions in the guidance do you believe are appropriately placed in the rule?
- Are there other issues (such as cleanup level compliance sampling and statistics) that should be addressed in the rule?

Also attached is a summary from the kickoff meeting; please verify that these notes accurately reflect your understanding of the meeting.

See you December 18th!

Martha Hankins

Meeting materials are located at:

<http://www.ecy.wa.gov/programs/tcp/regs/2009MTCA/mtcaAmend.html>

Go to MTCA/SMS Advisory Group (on the left side of the window).