

July 20, 2010

Hello,

Attached please find materials for the MTCA/SMS Advisory Group meeting on Monday, July 26, 2010. (There are 9 attachments to this email.) This meeting is our last in this series. (Expect to be invited to additional meetings this fall.) We have covered a lot of territory, and very much appreciate the feedback we've received to date.

At this meeting we have three topics on the agenda, and have reserved time to talk generally about other rule topics. As you know, we are planning a several month break from these meetings. We at Ecology need time to process and consider your comments, and the implications of issues you have raised. In some cases we need to rethink our initial ideas; in other cases we will want to analyze implementation concerns and see if we can find ways to make the revisions more workable.

Please note that there are a handful of issues that we are considering that we just have not been ready to present and discuss – mostly because we have not yet completed the analysis needed to have a productive discussion.

I am hoping that you will set aside time in October and November for continued discussions. Our goal is to provide a draft of the proposed rule language for both the MTCA and SMS rules. I am working on being able to give you information on Monday about the sections of the MTCA and SMS rules that we expect will be changing, with a summary of major changes, and reference to when the related topics were discussed with you (or when they will be discussed).

For our meeting on Monday, please read the attached materials and consider the following questions.

Topic 1: SMS Rule Revisions

Attached please find a table summarizing the status of the various parts to the sediment-related rule revisions. The table refers to four attachments.

- SMS Rule Status (table)
- Attachment A – SMS/MTCA Integration: Definitions
- Attachment B – Terminology
- Attachment C – Ecological Risk Narrative
- Attachment D – MTCA/SMS Integration

The goal of the discussion on July 26 is to provide you with information about where Ecology is in the process and to let you know what to expect as we move toward developing a complete preliminary draft of proposed rule language. As you read through these materials, please think if there are additional things you think we should consider.

- 1) Do the proposed rule revisions meet the goals of harmonizing the MTCA and SMS rules? Are the definitions and terminology clear?
- 2) Do you think these revisions will the cleanup process more efficient?
- 3) Can you see any fatal flaws or unintended consequences? If so, can you offer solutions?

Topic 2: Science Policy & Cleanup Levels

Policy choices related to incorporating new scientific information influence soil and groundwater cleanup levels. Ecology has reviewed the advisory group comments on several science policy issues and has identified several draft rule revisions. The following document identifies the issues, options considered, rationale, and draft rule revisions.

- Policy Choices Underlying Updates to MTCA Cleanup Levels

Over the past months we have discussed the policy choices for resolving a number of difficult issues.

- 1) Do you believe that the draft rule revisions proposed in this document are within the range of options supported by currently available science and technical information? If not, what alternative information should be considered by Ecology in developing draft rule revisions?
- 2) Are you aware of other options for resolving these issues that have not yet been discussed and that you believe Ecology should consider during this rule making process?

Within this document Ecology provides preliminary evaluations looking at potential impacts associated with the draft rule revisions. Eventually the evaluations will be integrated with other analyses as Ecology evaluates the complete set of proposed rule revisions.

- 3) Do the preliminary evaluations begin to help you understand some of the implications of the draft revisions?
- 4) There are a number of ways these evaluations could be conducted. Does the approach presented make sense given your understanding of the issues? If not, what alternatives do you recommend? Are there further additions or evaluations you would find helpful as you review these types of rule revisions?

Topic 3: Vapor Intrusion

A workgroup related to this rule making effort has met three times. Attached please find:

- A summary of the vapor workgroup discussions
- (very) preliminary draft vapor intrusion rule language

At the last Vapor Workgroup meeting, we distributed some (very) preliminary draft rule language for the workgroup to review. This group plans to meet again in early August to discuss this draft. The draft incorporates a tiered evaluation process consistent with the 2009 draft Ecology Vapor Intrusion Guidance.

One of the general issues identified by both the MTCA/SMS Advisory Group and the Vapor Workgroup is the level of detail that belongs in rule verses in guidance. We are interested in your thoughts on this.

- 1) Does the preliminary draft language provide too much detail, not enough detail, or about the right level of detail?

I know this is a lot of material. Thank you.

If you have trouble with the attachments please let me know. Also, they will be soon be available on the Ecology web site. Here is a link to where they will go: [MTCA/SMS Advisory Group](#).

See you on Monday.

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