

## MTCA/SMS Advisory Group Meeting #7, July 26, 2010

### Status Summary

This status summary provides a reference for MTCA SMS Advisory Group member and interested persons regarding the topics presented to the advisory group, where Ecology is in terms of evaluating the input, and identified next steps.

MTCA/SMS Advisory Group agenda topics were chosen to get timely feedback on priority issues. All advisory group meetings and science panel meetings are open to the public. Meeting materials (agendas, handouts, presentations, and technical analysis and discussion documents) are posted on the Ecology website. Input from group and audience members is collected into the meeting notes. (To find meeting materials for the various advisory groups, go to [www.ecy.wa.gov](http://www.ecy.wa.gov), type “MTCA SMS rule update” in the search box, and click Go. )

Over the past six months, with input from this group, Ecology has been moving from broad issues and general ideas to refining the options while continuing the scientific and technical analysis, and identifying and working through implementation questions. This is a step toward producing rule language and supporting documentation. We have received from participants and audience members significant, well reasoned, and thoughtful input. In order to more directly consider the input received, we are in the process of adjusting the schedule for this rule making.

<i>Issue</i>	<i>Status</i>	<i>Comments &amp; Feedback</i>	<i>Next Steps</i>
<p>Cleanup of contaminated sediments:</p> <ul style="list-style-type: none"> <li>▪ protecting human health &amp; addressing background</li> </ul>	<p>In 2008, Ecology began identifying, reviewing and analyzing issues and options. The Department distributed several issue summaries in 2009 and received many comments on this particular issue. Ecology has discussed ideas and options with the Sediment Work Group and MTCA/SMS Advisory Group.</p> <p>The Sediment Workgroup met seven times between November 2009 and June 2010. Several meetings discussed options for protecting human health and incorporating background concentrations. (See meeting materials from 12/2/09; 1/7/10; 3/16/10; 5/3/10.) Ecology is evaluating input and feedback on a potential decision making framework and is working to develop a proposal.</p>	<p>Ecology received numerous comments (at meetings and in writing) from advisory group and workgroup members on site definition, the definition of regional background, source control, appropriate cleanup levels, and resolving liability.</p> <p>All Sediment Workgroup meeting materials, meeting notes, and comments received are posted on the Ecology website.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Continue to synthesize and incorporate advisory group feedback into a potential decision making framework.</li> <li><input type="checkbox"/> Work with the TCP management team to address implementation and policy questions.</li> <li><input type="checkbox"/> Work with the Office of the Attorney General on questions related to liability and site definition.</li> <li><input type="checkbox"/> Work with the Ecology Water Quality program on questions related to source control.</li> <li><input type="checkbox"/> Work with EPA on questions related to federal law.</li> <li><input type="checkbox"/> One or more joint Sediment Workgroup and MTCA/SMS Advisory Group meetings are planned for fall 2010 for continued discussion on the framework idea, proposal, and rule language.</li> </ul>

MTCA Cleanup Regulation Update & Integrating the MTCA & SMS Rules

<i>Issue</i>	<i>Status</i>	<i>Comments &amp; Feedback</i>	<i>Next Steps</i>
<ul style="list-style-type: none"> <li>▪ Protecting biota from bioaccumulative chemicals</li> </ul>	<p>Ecology recognizes the problem that current criteria are based only on benthic toxicity and do not include impacts to biota and higher trophic levels from bioaccumulative chemicals.</p> <p>Ecology plans to add to the SMS rule a narrative criteria directing that bioaccumulative pathways be considered. The specifics will be included in guidance.</p> <p>The Sediment Workgroup on 1/28/10 and 6/ 2/10 discussed and provided to Ecology preliminary input on the issue and on a draft narrative addressing ecological risk from bioaccumulatives.</p>	<p>Ecology has heard repeatedly that cleanup standards need to address bioaccumulative effects.</p> <p>Workgroup members suggested that the narrative not be limited to bioaccumulatives: they recommended that toxicity to higher trophic levels be included in the narrative. Ecology revised the draft to reflect this input.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Discuss with MTCA/SMS Advisory Group on July 26, 2010 for policy level feedback &amp; input.</li> <li><input type="checkbox"/> Develop guidance for implementation.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Freshwater sediment standards</li> </ul>	<p>Ecology is planning to promulgate both chemical and biological freshwater sediment criteria. The Sediment Workgroup discussed and provided feedback on the methodology, QA/QC, and reliability analysis on chemical values as well as the biological criteria and framework presented in the draft report. (1/7/10; 3/16/10; 5/3/10; 6/2/10). Peer review of the technical report was discussed 5/3/10 and 6/2/10.</p> <p>The draft report <i>Development of Benthic SQVs for Freshwater Sediments in WA, OR, and ID</i> and biological criteria framework is available on the Ecology website (see the Sediment Workgroup meeting materials 5/3/10).</p> <p>Results of the report and a summary of the Sediment Workgroup discussions was presented to the MTCA/SMS Advisory Group on 6/ 21/10.</p>	<p>In addition to input provided during the Sediment Workgroup meetings, Ecology received written comments from several Workgroup members (Patmont; Word; and Rude).</p> <p>Meeting materials and comments are included with Workgroup information on the Ecology web site (see especially 5/3/10 and 6/2/10).</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> A larger peer review by national experts is being planned.</li> <li><input type="checkbox"/> Identify and resolve implementation concerns and develop recommendations.</li> <li><input type="checkbox"/> The chemical and biological criteria will be presented and the scientific methodology discussed by members of the MTCA science panel on August 25, 2010.</li> </ul>
<p>Integrating the MTCA and SMS rules</p>	<p>This issue was presented to the MTCA/SMS Advisory Group and the Sediment Workgroup at the initial joint kickoff meeting on 11/ 11/09.</p> <p>Draft rule language on terminology and definitions was reviewed and discussed by the Sediment Workgroup 5/3/10 and 6/2/10. Ecology reviewed input from the Sediment Workgroup on terminology and definitions and updated the preliminary draft rule language based on feedback received.</p>	<p>Meeting materials and comments received are posted on the Ecology web site Sediment Workgroup information, 5/3/10.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Present and ask for feedback from the MTCA/SMS Advisory Group on July 26, 2010. Consider feedback and make revisions if appropriate.</li> <li><input type="checkbox"/> Revisit proposed language to ensure consistency with subsequent related policy and implementation decisions.</li> <li><input type="checkbox"/> Harmonize language between MTCA and SMS rule amendments.</li> </ul>

MTCA Cleanup Regulation Update & Integrating the MTCA & SMS Rules

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<p>Vapor Intrusion</p>	<p>Ecology completed draft guidance in Fall 2009. Information was presented to and discussed by the MTCA/SMS Advisory Group in December, 2009.</p> <p>The MTCA Science Panel (March 2010) agreed that Ecology should incorporate recent inhalation risk methodology. Ecology has prepared initial revisions to the air cleanup equations based on new EPA guidance.</p> <p>Ecology formed a workgroup to evaluate and provide feedback on vapor-related rule updates; the vapor workgroup has met three times (5/13/10; 6/24/10 and 7/16/10).</p> <p>Feedback from the vapor workgroup is being used to develop draft rule language. The Vapor Workgroup discussed inhalation toxicity; screening levels; addressing background; and compliance monitoring. and getting to NFA. How decisions were made and data required was discussed for sites in Vancouver and Georgetown. (7/16/10) Very preliminary draft rule language was distributed as a starting point for discussions.</p> <p>Handouts from the Vapor Workgroup were ( Summary of Vapor Workgroup Discussions &amp; Next Steps , and the very preliminary draft rule language) were distributed to the MTCA/SMS Advisory Group for discussion 7/26/10.</p>	<p>Most agree that a rule section addressing vapor intrusion is appropriate. However, most comments prefer that Ecology not specify too much detail in rule to maintain flexibility for site specific evaluation and response.</p> <p>Responses on risk issues identified 5/13/10 were collected and reviewed 6/24/10.</p> <p>(Meeting notes and materials from the Vapor Workgroup will be posted on the Ecology website.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Provide a status update to the MTCA/SMS Advisory Group at the July 26 meeting.</li> <li><input type="checkbox"/> Refine the very rough preliminary draft rule language to incorporate ideas and lessons from the 7/16/10 Vapor Workgroup discussions.</li> <li><input type="checkbox"/> The next Vapor Workgroup meeting is scheduled for August 5, 2010 (tentative). Meetings are open to the public and held at Ecology HQ in Lacey.</li> <li><input type="checkbox"/> Consider comments on institutional controls and covenants when developing draft vapor intrusion provisions; and discusses with the Vapor Workgroup.</li> <li><input type="checkbox"/> Use results from Vapor Workgroup discussions to prepare draft rule language for review by the full MTCA/SMS Advisory Group in Fall 2010.</li> </ul>
<p>Remedy Selection:</p> <ul style="list-style-type: none"> <li>▪ Revisions to Chapter 173-240 WAC Sections 350 – 390</li> </ul>	<p>Draft preliminary draft rule language was distributed to the MTCA/SMS Advisory Group, and discussed December 18, 2009.</p> <p>Besides verbal input, Ecology asked for written comments if group members wished to provide them.</p>	<p>Group members expressed a range of opinions.</p> <p>In addition to comments provided by advisory group members (and audience) during the MTCA/SMS advisory group meetings, Ecology received written comments from several members (Boyden, Hendrickson, Newlon, Trim, Steffensen, and Waldron).</p> <p>Written comments received are posted on the Ecology website (Comments are collected into one file at the end of the MTCA/SMS Advisory Group meeting materials.)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ecology staff continues working through comments and identifying areas that need further research and/or discussion.</li> <li><input type="checkbox"/> The preliminary draft rule amendments (target fall 2010) will reflect input received to date.</li> <li><input type="checkbox"/> Ecology will prepare a focus sheet identifying and explaining proposed changes</li> </ul>
<p>Institutional Controls and Periodic Reviews:</p>	<p>Ecology distributed preliminary draft rule language updating institutional controls and periodic review sections consistent with the Uniform Environmental</p>	<p>Group members expressed a range of opinions.</p> <p>In addition to comments provided by advisory group</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ecology staff are working through comments and identifying areas that need</li> </ul>

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<ul style="list-style-type: none"> <li>▪ Revisions to Chapter 173-240 WAC Sections 420 and 440</li> </ul>	<p>Covenant Act to the MTCA/SMS Advisory Group for review and comment. Proposed revisions addressed both implementation issues and new requirements. The draft rule revisions were reviewed and discussed at the January 11, 2010 meeting.</p> <p>Ecology is reviewing and updating the environmental covenant boilerplate, which may lead to additional rule changes.</p>	<p>members (and audience) during the MTCA/SMS advisory group meetings, Ecology received written comments from several members (Brincefield, Boyden, Dunn, Hurst, Mauermann, Newlon, Trim; and Waldron).</p> <p>Written comments received are posted on the Ecology website (Comments are collected into one file at the end of the MTCA/SMS Advisory Group meeting materials.)</p>	<p>further research and/or discussion.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Coordinate rule updates with environmental covenant boilerplate language.</li> <li><input type="checkbox"/> Identify issues pertaining to institutional controls and covenants related to vapor intrusion.</li> </ul>
<p>Updates based on new scientific information and regulatory guidance:</p> <ul style="list-style-type: none"> <li>▪ Early life adjustments</li> </ul>	<p>The MTCA Science Panel discussed this issue in November 2009 and March 2010. They concurred that scientific evidence exists regarding children's susceptibility to chemical carcinogens.</p> <p>Prior to the March 22, 2010 MTCA/SMS Advisory Group meeting, Ecology distributed <i>Early Life Exposure to Chemical Carcinogens: Looking at Benzo[a]pyrene as an Example for Updates to the Model Toxics Control Act Cleanup Regulation</i>.</p> <p>At that meeting, Ecology asked for feedback on the scientific and regulatory information, policy questions, and implementation concerns.</p> <p>Ecology discussed a draft proposal for updates to the Method A groundwater tables. (6/21/10) When preparing this proposal, Ecology (consistent with EPA policy) applied early life adjustments to carcinogens with a mutagenic mode of action (MOAs).</p> <p>The proposal and rationale are included in the discussion paper distributed to the MTCA/SMS Advisory Group for discussion 7/ 26/10: <i>Science Policy Choices Underlying Updates to MTCA Cleanup Levels</i>.</p>	<p>Advisory group members (and audience members) provided comments on this issue during the January and March meetings. Ecology has also received written comments on this issue from several members (Boyden/Stoner, Dunn, Ernst and Newlon).</p> <p>There appears to be support for using EPA guidance on early-life stage exposure; there is a wide range of opinions on whether to apply to all carcinogens/.</p> <p>Written comments received are posted on the Ecology website (Comments are collected into one file at the end of the MTCA/SMS Advisory Group meeting materials.)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> On July 26 discuss Ecology's proposal and rationale.</li> <li><input type="checkbox"/> Translate into preliminary draft rule language for discussion fall 2010.</li> </ul>
<p>Updates based on new scientific information and regulatory guidance:</p> <ul style="list-style-type: none"> <li>▪ Concurrent soil exposure pathways</li> </ul>	<p>The MTCA Science Panel discussed this issue at their June and November 2009 meetings. They concluded that Ecology's methodology for evaluating concurrent soil exposure is consistent with current scientific information.</p> <p>Prior to the March 22, 2010 MTCA/SMS Advisory Group meeting, Ecology distributed <i>Early Life Exposure to Chemical Carcinogens: Looking at Benzo[a]pyrene</i></p>	<p>Members expressed a wide range of opinions on this issue (ranging from; always consider both soil ingestion and dermal pathways; consider both soil ingestion and dermal contact for some chemicals; to never consider both pathways and base cleanup levels on soil ingestion only).</p> <p>Several members noted the large uncertainties and limited data for dermal absorption.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> On July 26 discuss Ecology's proposal and rationale.</li> <li><input type="checkbox"/> Translate into preliminary draft rule language for discussion fall 2010.</li> </ul>

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	<p>as an Example for Updates to the Model Toxics Control Act Cleanup Regulation. In this document, Ecology discusses potential revisions to the equations used to calculate soil cleanup levels based on the direct contact pathway.</p> <p>Ecology proposal collapses standard and modified Method B into a single Method B that includes both ingestion dermal contact. The proposal and rationale are included in the discussion paper distributed to the MTCA/SMS Advisory Group for discussion 7/ 26/10: <i>Science Policy Choices Underlying Updates to MTCA Cleanup Levels</i>.</p>		
<p>Updates based on new scientific information and regulatory guidance:</p> <ul style="list-style-type: none"> <li>▪ Hierarchy of toxicological information</li> </ul>	<p>Ecology distributed a <i>Preliminary Review of Method A Cleanup Levels for Groundwater and Soil</i> for the March 22, 2010 MTCA/SMS Advisory Group meeting. In that document, Ecology discussed revisions to the hierarchy of toxicological information.</p> <p>The MTCA Science Panel discussed this issue in March 2010.</p> <p>Ecology distributed a status report on risk-related issues at the April 26, 2010 MTCA/SMS meeting.</p> <p>Ecology distributed a discussion paper at the May 13, 2010 Vapor Workgroup meeting and compiled responses from individual members.</p> <p>Ecology discussed the impacts to Method A updates at June 21 MTCA/SMS Advisory Group Meeting.</p> <p>The hierarchy of toxicological information is included in the discussion paper distributed to the MTCA/SMS Advisory Group for discussion 7/ 26/10: <i>Science Policy Choices Underlying Updates to MTCA Cleanup Levels</i>.</p>	<p>Advisory group members (and audience members) provided comments on this issue during the January and March meetings. Ecology has also received written comments on this issue from several members (Boyden/Stoner, Dunn, and Waldron). The MTCA Science Panel and several members of the Vapor Workgroup (Trejo and Tomlinson) have also provided feedback on this issue.</p> <p>There appears to be general agreement on the following:</p> <ul style="list-style-type: none"> <li>• IRIS toxicity values represent the “gold standard”</li> <li>• HEAST values are often out-of-date because EPA no longer maintains this database.</li> <li>• Values published by NCEA are generally reliable and identified as an acceptable source of toxicity values in the current rule.</li> </ul> <p>There is a wide range of opinion on the use of the EPA Regional Screening Tables. Some members believe this is a reliable source of toxicity parameters. However, many other members were concerned that some of the values included in the Regional Screening Tables were developed through processes with limited peer and public review. They recommend that Ecology either (1) not use values from other sources (e.g., CalEPA) or (2) not automatically use these values without additional review of individual parameters.</p>	<p><input type="checkbox"/> Ecology continues work on developing draft rule language (revisions to Section 708) that takes into account comments on earlier materials. Preliminary draft revisions were included in <i>Science Policy Choices Underlying Updates to MTCA Cleanup Levels</i> distribute for discussion at the July 26 MTCA/SMS Advisory Group meeting.</p>

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<p>Updates based on new scientific information and regulatory guidance</p> <ul style="list-style-type: none"> <li>▪ EPA Cancer Guidelines (2005)</li> <li>▪ Inhalation Risk Assessment Guidance (2009)</li> </ul>	<p>Ecology distributed a <i>Preliminary Review of Method A Cleanup Levels for Groundwater and Soil</i> for the March 22, 2010 MTCA/SMS Advisory Group meeting. In that document, Ecology discussed revisions based on the new EPA guidance (updating the definition of carcinogen, air cleanup levels, etc.)</p> <p>The MTCA Science Panel discussed this issue at their March 2010 meeting.</p> <p>Ecology distributed a status report on risk-related issues to the MTCA/SMS Advisory Group 4/26/10.</p> <p>Ecology distributed a discussion paper to the Vapor Workgroup 5/13/10. This topic was discussed by the Vapor Workgroup 6/24/10</p> <p>There appears to be agreement that Ecology should incorporate EPA inhalation risk guidelines and update the definition of carcinogen to reflect current EPA cancer risk guidelines.</p> <p>Ecology's proposal and rationale is included in the discussion paper distributed to the MTCA/SMS Advisory Group for discussion 7/ 26/10: <i>Science Policy Choices Underlying Updates to MTCA Cleanup Levels</i>.</p>	<p>MTCA/SMS Advisory group members (and audience members) provided comments on this issue 3/22/10. Ecology has also received written comments from several members (Boyden/Stoner, Dunn, and Waldron). The MTCA Science Panel and several members of the Vapor Workgroup (Trejo and Tomlinson) have also provided feedback on these issues.</p> <p>Written comments received are posted on the Ecology website (Comments are collected into one file at the end of the MTCA/SMS Advisory Group meeting materials.)</p>	<p><input type="checkbox"/> Ecology continues work on revisions to Sections 200, 708 and 750 that takes into account comments on earlier materials. Preliminary draft revisions were included in <i>Science Policy Choices Underlying Updates to MTCA Cleanup Levels</i> distribute for discussion at the July 26 MTCA/SMS Advisory Group meeting.</p>
<p>Lead Cleanup Levels</p>	<p>The options and implications for updating the lead soil cleanup levels were presented and discussed at the 1/11/10 and 3/22/10 with the MTCA/SMS Advisory Group.</p> <p>To support discussions on this issue, Ecology distributed <i>Updating Cleanup Levels for Lead Contaminated Soils</i> prior to the March meeting.</p>	<p>Advisory group members (and audience members) provided comments on this issue during the March meeting. Ecology has also received written comments from several members (Boyden/Stoner, Ernst, Dunn and Waldron/Grimstead).</p> <p>Written comments received are posted on the Ecology website (Comments are collected into one file at the end of the MTCA/SMS Advisory Group meeting materials.)</p>	<p><input type="checkbox"/> Discuss options with the TCP management team.</p> <p><input type="checkbox"/> Consider input by the MTCA/SMS Advisory Group when making policy choices..</p> <p><input type="checkbox"/> Evaluate the benefits and costs associated with draft rule revisions when preparing the environmental and economic analyses required by state law.</p>
<p>Cleanup Standards: updates to Method A</p> <ul style="list-style-type: none"> <li>▪ Method A Soil tables</li> <li>▪ Method A Groundwater tables</li> <li>▪ Use and applicability of</li> </ul>	<p>Ecology distributed a <i>Preliminary Review of Method A Cleanup Levels for Groundwater and Soil</i> at the March 22, 2010 MTCA/SMS Advisory Group meeting.</p> <p>Ecology distributed outlines of proposed changes to the groundwater and soil cleanup standards sections of the MTCA rule at the April 26, 2010 MTCA/SMS Advisory Group meeting. The outline identified potential</p>	<p>Advisory group members (and audience members) provided comments on this issue during the January and March meetings. Ecology has also received written comments from Patty Boyden/Mike Stoner.</p> <p>Acknowledging implementation concerns, there appears to be general agreement that Ecology should update the Method A tables based on new scientific information and</p>	<p><input type="checkbox"/> Continue discussion on updates to Method A soil cleanup levels at July 26 MTCA/SMS Advisory Group Meeting.</p> <p><input type="checkbox"/> Consider feedback received at the July 26 meeting when preparing the Fall 2010 draft rule amendments.</p>

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Method A	<p>revisions to the criteria for the use and applicability of Method A.</p> <p>After reviewing comments, Ecology prepared <i>Draft Revisions-Method A Groundwater Cleanup Levels</i> (June 2010). Updates to Method A ground water cleanup levels and Method A use/ applicability were discussed 6/21/10 by the MTCA/SMS Advisory Group.</p>	<p>regulatory requirements.</p> <p>Written comments received are posted on the Ecology website (Comments are collected into one file at the end of the MTCA/SMS Advisory Group meeting materials.)</p>	<p><input type="checkbox"/> Ecology plans to discuss draft rule revisions with the MTCA Science Panel at a meeting later this Fall.</p> <p><input type="checkbox"/> Evaluate the benefits and costs associated with the draft rule revisions when preparing the environmental and economic analyses required by state law.</p>
<p>MTCA Rule Framework:</p> <ul style="list-style-type: none"> <li>▪ Organizing cleanup standards around exposure pathways to improve usability</li> </ul>	<p>Ecology distributed outlines of proposed changes to the groundwater and soil cleanup standards sections of the MTCA rule. This framework reflects Ecology's belief that site evaluation and cleanup are best organized around identifying and addressing exposure pathways.</p> <p>Outlines distributed and discussed with the MTCA/SMS Advisory Group 4/26/10.</p>	<p>Early feedback from stakeholders recommended targeted efforts to improve the usability and readability of the rule. Recent suggestions are that Ecology remains focused on priority topics.</p>	<p><input type="checkbox"/> After identifying highest priority issues, and considering resources available, decide which targeted changes make significant improvements to the usability of the rule.</p>
Fish Consumption Rates	<p>Fish consumption rates are used to establish MTCA surface water cleanup standards; the MTCA Science Advisory Board (in 2008) agreed with Ecology that the current default value of 54 g/day is not protective of high fish consuming populations (especially tribal and other ethnic groups).</p> <p>At the initial meeting of the MTCA/SMS Advisory Group several members identified this issue as a priority.</p> <p>Ecology outlined a number of options in the 2009 Issue Summary. These options were presented and discussed with the MTCA/SMS Advisory Group on April 26, 2010.</p> <p>TCP policy staff are working with the Ecology management team to refine options.</p>	<p>Advisory group members (and audience members) provided comments on this issue during the April 26, 2010 MTCA/SMS Advisory Group meeting. Ecology also received written comments from several members (Boyden/Stoner, Dunn, and Waldron).</p> <p>There are a variety of opinions regarding changing the default fish consumption rate used in for setting surface water cleanup standards.</p> <p>There appears to be general acknowledgment on the need for site-specific application of fish consumption rates. Some advisory group members also preferred to update the default value in addition to specifying how site specific fish consumption rates should be established.</p> <p>A major question is how to establish the site specific rates. There appeared to be agreement that Ecology should work on refining an option for a narrative standard that takes into account fish habitat considerations when developing a site-specific fish consumption rate.</p> <p>Some group members recommended that Ecology consider a regional or watershed-based approach.</p>	<p><input type="checkbox"/> Ecology is evaluating work done by the Oregon DEQ fish &amp; shellfish consumption rate project as a potential model.</p> <p><input type="checkbox"/> TCP is working with other Ecology programs to prepare a briefing for senior Ecology managers on this issue for late July/August.</p> <p><input type="checkbox"/> TCP will consider the advisory group feedback and direction from senior management when preparing draft rule revisions. Ecology plans to incorporate these revisions into the draft rule amendments that will be distributed to the MTCA/SMS Advisory Group in Fall 2010.</p>
Terrestrial Ecological	<p>Early feedback to Ecology instructed that the current organization of the TEE sections is confusing.</p>	<p>Draft revisions were generally well received. Technical reviewers identified a couple of policy issues as needing</p>	<p><input type="checkbox"/> Ecology is currently reviewing the comments from technical reviewers.</p>

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Evaluations (TEE)	Ecology has developed draft revisions to the TEE provisions of the MTCA rule and distributed this early draft for review to several technical reviewers that have prepared and/or reviewed TEEs at one or more sites.  Ecology has approached this issue from the standpoint of clarifying existing requirements – not creating new ones.	further clarification.  <ul style="list-style-type: none"> <li>• How to provide appropriate flexibility for cleanup decisions that impact ecologically valuable habitat (for example, old growth forests).</li> <li>• Regarding using bioassays for establishing no impact to wildlife.</li> </ul>	<input type="checkbox"/> Ecology will identify policy issues that require Advisory Group feedback in the Fall.  <input type="checkbox"/> Ecology will provide the MTCA/SMS Advisory Group an opportunity to comment on the draft revisions which will be included in the Fall 2010 draft rule amendments.
Groundwater discharges to surface water	Ecology recognized contaminated groundwater affecting surface water and sediments as a complex issue. A preliminary presentation to the MTCA/SMS Advisory Group on 6/21/10 identified some of the major issues and concerns. Ecology is exploring how to provide direction on this issue.	Agreement that in some situations this pathway seems to be significant. General feedback is that this issue is worth further analysis. Hesitation as to whether Ecology has sufficient WA data for putting specific requirements in rule.	<input type="checkbox"/> Ecology will continue analysis and will consider providing guidance.

Next Steps

We are working on a table that for use when we have draft rule language that includes the following information. Is there other information you would find helpful?

<i>MTCA Rule Section(s) &amp; topics</i>	<i>Major changes</i>	<i>Date(s) discussed with the advisory group(s)/reference materials</i>	<i>Next steps / Future decisions</i>
<b>Part I – overall cleanup process</b>			
<b>Part II – definitions and usage</b>			
<b>Part III – site reports and cleanup actions</b>			
<b>Part IV – site cleanup and monitoring</b>			
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