

November 30, 2010
Greetings,

A lot has happened since the last MTCA/SMS Advisory Group and Sediment Workgroup meetings. We have, over the past months, evaluated and worked through most of the MTCA and SMS rulemaking issues identified by the advisory groups. We have been developing draft rule language. We were almost ready to restart the advisory group process when the Governor issued Executive Order (10-06) which temporarily suspends non-critical rulemaking.

Ecology reviewed all the ongoing agency rulemaking efforts to determine which to suspend for a year and which to continue. The results of that evaluation process are provided on Ecology's website. (Here is a link: [Ecology Rule Moratorium](#) .)

As described in the agency documents, we are planning to separate the MTCA and SMS rulemaking efforts.

- Sediment Management Standards: We plan to continue work on revisions to the SMS rule, with particular focus on establishing a framework for making decisions on bioaccumulative chemicals. These rule changes are important from the standpoint of Puget Sound protection. The narrative standards in the current SMS rule are difficult to implement and can result in project delays and increased costs, and Ecology has consistently heard that this is a priority issue. There are a few related MTCA issues (such as fish consumption rates) that we plan to incorporate into this effort. We plan to revise the CR-101 to clearly identify which issues will be addressed in this rulemaking.
- Model Toxics Control Act (MTCA) Cleanup Regulation: We plan to suspend work on the MTCA rule. This was a difficult decision. We have identified a number of rule changes that are needed to reflect new laws and/or scientific information. However, we believe the MTCA rule establishes a decision-making framework that allows Ecology to consider much of this information when making site-specific decisions under the current rule. We intend to resume this rulemaking in one year.

We are holding a final advisory group meeting on Friday, December 17th at the Ecology Northwest Regional Office (NWRO). The meeting will start at 9:00 am and end before 3:00 pm, with a lunch break from 12 to 1. (Lunch is on your own.)

At this meeting we will:

- Provide the rationale for Ecology's decisions on the MTCA and SMS rules.
- Describe the current status of the MTCA rulemaking and initial decisions Ecology reached on key rule issues following advisory group input. (After the meeting, we plan to post the preliminary draft MTCA rule language; we are hoping this will serve as a starting point when we resume the MTCA rulemaking process a year from now.)
- Describe the current status of the SMS rulemaking and initial decisions Ecology reached on key rule issues identified by the advisory groups. We also want to discuss the process for completing the SMS rule. We are currently evaluating several options and will welcome your thoughts.

We look forward to seeing you on the 17th. We will send you an agenda, directions, and meeting materials next week. In the meantime, please contact me (360-407-6864) if you have questions or would like further information.

Regards,
-Martha

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