

2008 MTCA Rule Update

October 22, 2008

The Department of Ecology is continuing work on a plan to update MTCA Cleanup Regulation. We plan to file the CR-101 (announcing the rule making) toward the end of November.

Right now Ecology is in the process of identifying and scheduling resources needed to address the areas being updated. We are working through the range of possible issues to address as part of this rule making effort.

To prioritize the issues we can realistically address as part of this rule making effort, we are asking:

- Will resolving this issue promote more efficient or effective cleanups?
- Is this an issue frequently encountered at Washington cleanup sites?
- Do we need to make updates because of new science or changed regulations?
- What priority do affected groups place on the issue?
- Does Ecology have the resources to address the issue as part of the current rule making effort?
- Is the issue "ripe" for consideration? That is, does there exist sufficient scientific knowledge or technical experience related to the issue?
- Is rule-making the most effective mechanism for addressing the issue?

The following areas are potentially under consideration as we continue to identify specific places where we will propose updates to the cleanup regulation.

Issue Areas

- Integrating MTCA and the sediment management standards
- Clarifying requirements for addressing the vapor intrusion pathway
- Updating the scientific basis for evaluating human health risks
- Updating the ecological cleanup levels to reflect recent science
- Providing a methodology for addressing areawide contamination
- Updating legal and administrative process issues
- Reviewing the statistics analysis requirements of MTCA
- Clarifying requirements regarding remedy selection
- Updating requirements pertaining to leaking underground storage tank (LUST) sites
- Clarifying previously enacted provisions, fixing technical and typographical errors

After the CR-101 is filed, Ecology will analyze these issues and develop draft proposed rule language.

We recognize this rule update includes issues that are particularly important to Washington tribes.

We also will talk with affected groups, stakeholders and technical experts. Here's a revised timeline for the rule revision process:

CR-101 -- Expected filing date: late Fall, 2008

CR-102 -- Expected filing date: Spring 2010

CR-103 -- Expected filing date: Fall 2010

Opportunities for input will be announced on this web site, or contact:

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