

July 31, 2009

## **The Department of Ecology posts Issue Summaries related to the MTCA cleanup regulation update.**

Ecology announced in February 2009 the beginning of a rule-making effort for revising and updating the Models Toxics Control Act (MTCA) cleanup regulation. As part of this effort, Ecology is updating the cleanup portions of the Sediment Management Standards (SMS) rule.

Ecology is analyzing key rule-related issues, and has prepared a set of Issue Summaries. The Issue Summaries provide some basic information. They are intended to provide a foundation for dialog regarding options for addressing the issues.

These Issue Summaries are available on Ecology's web site. Go to [www.ecy.wa.gov](http://www.ecy.wa.gov), choose Programs, go to Toxics Cleanup and look at *In Progress: MTCA Cleanup Regulation & SMS updates*.

### **How did we identify issues?**

Ecology chose issues based on a combination of input from stakeholders, interested parties, Ecology staff, pressing need, and resources available. The issues being addressed fall into four broad categories.

- Cleanup of contaminated sediments: Reconciling cleanup portions of the SMS with the MTCA regulation.
- Scientific issues: Updating the regulation based on new science and recent regulatory guidance.
- Improving the efficiency of the cleanup process: Simplifying and clarifying the MTCA cleanup regulation.
- Legal and procedural updates: Updates and changes to the process and procedural sections of the regulation, including updates addressing new laws.

### **What are Issue Summaries?**

The Issue Summaries are a tool to communicate our analysis and the details of each issue. To date we have prepared 14 Issue Summaries. Each includes a description of the issue, background, and some early consideration of possible options.

Ecology has posted the following Issue Summaries:

MTCA Cleanup Regulation Issues:

- ABC Framework for Cleanup Levels
- Use and Scope of Method A
- Terrestrial Ecological Evaluations
- Remedy Selection
- Human Health Risk Assessment Methods and Policies

- Fish Consumption Rates for High Exposure Population Groups
- Vapor Intrusion
- Cleanup Levels for Lead Contaminated Soils

Sediment Issues:

- Freshwater Sediment Standards
- Other Toxic, Radioactive, Biological or Deleterious Substances
- Background Concentrations in Setting Sediment Cleanup Standards
- Integrating the Sediment Management Standards and MTCA Rules
- Human Health Risks in Setting Sediment Cleanup Standards
- Ecological Risk from Bioaccumulative Chemicals in Sediments

### **Does Ecology want any feedback?**

Yes! Ecology welcomes input and feedback. While we will be unable to respond to each comment received, we will certainly read and consider all comments.

**We ask that comments on these Issue Summaries be sent to Ecology by August 31, 2009. Comments received by this date will help us focus our efforts. Send comments to: [RuleUpdate@ecy.wa.gov](mailto:RuleUpdate@ecy.wa.gov).**

Please organize your comments as follows:

*Date*

*Your Name*

*Representing*

*Contact information (mailing address, e-mail, phone number)*

*Title of the Issue Paper you are commenting on*

*Comments and supporting information*

### **What will Ecology do with the comments received?**

Your comments will help Ecology focus attention on areas or issues that require more analysis. Comments will also help define the scope of this rulemaking effort.

Ecology is still analyzing the issues and identifying options related to updating the MTCA cleanup regulation and the cleanup portions of the SMS. We have begun evaluating the various options identified in the Issue Summaries. We are interested in public input as we look at the issues and options, and these Issue Summaries are intended to provide an early opportunity to review and comment as Ecology begins working on rule language.

Comments will also assist Ecology in structuring a process for stakeholder input. We are identifying and creating a rule advisory process consisting of one or more committees to evaluate and recommend options to Ecology. The exact structure of the committee(s) is yet to be determined but we will ensure

they represent a diverse group of interests. A relatively high level of commitment will be expected of committee members. The committee(s) will likely meet over a 4 to 6 month period beginning fall 2009. We are looking at our program budget to determine what level of staff support we can provide for advisory committees. Once further information is available details will be provided via email, on our website, and in the Site Register.

We recognize that not everyone has the time to dedicate to committee meetings. Ecology continues looking for ways in which interested persons can participate.

- We welcome your comments -- please email them to [RuleUpdate@ecy.wa.gov](mailto:RuleUpdate@ecy.wa.gov).
- We will post information as it becomes available on our web site, including opportunities for further involvement.
- We will use this MTCA update ListServ for rule-related announcements.
- For more information, go to [www.ecy.wa.gov](http://www.ecy.wa.gov) , click on Programs, go to Toxics Cleanup and look at *In Progress: MTCA Cleanup Regulation & SMS updates*.

**Thank you** for your interest. If you have questions or suggestions related to this announcement, please contact:

Martha Hankins  
Toxics Cleanup Program  
Washington Department of Ecology  
[360.407.6864/martha.hankins@ecy.wa.gov](http://360.407.6864/martha.hankins@ecy.wa.gov)

