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MEMORANDUM

To: Washington Department of Ecology

From: Tad Deshler and Kathy Godtfredsen

Subject: Comments on determination of significance and scoping notice related to Sediment Management Standards rule revision

Date: June 8, 2012

Thank for you the opportunity to comment on the Determination of Significance and scope of the Environmental Impact Statement (EIS) to be prepared for revisions to the Sediment Management Standards. We agree that these revisions are significant and should be addressed in an EIS. We have two comments.

First, according to your description of the scope of the EIS, potential adverse impacts associated with implementing sediment cleanup actions fall into two broad categories: 1) impacts due to residual concentrations and 2) impacts due to cleanup actions. This characterization seems reasonable, but the EIS should also consider potential adverse impacts from sediment cleanups that may not move forward in a timely manner because project proponents might consider the criteria to be overly stringent, the sediment cleanup process to be overly cumbersome, or the potential for recontamination to be too high above a given background level.

Second, the EIS alternatives presented address only two of the four SMS revision objectives (i.e., human health and freshwater criteria). Additional alternatives and analysis should also be developed for the other two stated objectives: 1) cleanup decisions and liability resolution that take into account background concentrations and ongoing discharges, and 2) synchronizing cleanup actions and source control requirements.