

## **Informal Public Comments on Sediment Cleanup Advisory Committee**

### **Advance Materials for Committee Review**

**Teresa C. Michelsen, 10/22/2011**

Overall, the framework as described in these materials is a positive reflection of the hard work completed by the agency and the Sediment Advisory Group last year. I strongly support the overall approach taken. The only area that seems to require clarification in the text is some inconsistent language in various places on whether full or partial settlements can be obtained for site units. Also, it is my belief that it would be ideal for as many PLPs as possible to contribute to an overall fund for regional sites to support the agency's efforts to reduce concentrations to the Sediment Quality Objective, but the current language needs further clarification to determine which PLPs would be eligible for the cash-out option. Possibly some example calculations would help in illustrating how a site manager or PLP would determine whether the PLP's past and present contributions to the overall site contamination are small enough to allow the cash-out. This part must be straight-forward to implement or it will stall the overall cleanup framework for a bay, which seems otherwise workable.

What follows are some minor comments on the text of the proposed rule revisions:

**Table of Contents.** Subsection 540 – not quite parallel grammatically. Should be “Evaluation and listing of sites”? Or “Site evaluation and listing”. Subsections 572 and 573 titles should be parallel. I personally think it would be easier if both of these subsections were title “sediment cleanup standards for ...” parallel to 571 and 574, since the SQS and CSL values listed are only one part of those subsections.

**Definitions.** “Enhanced natural recovery” may want to better emphasize the goal of this type of action, which is to speed up the rate of naturally occurring processes that would eventually result in recovery.

**Definitions.** “Sediment cleanup standard” currently requires a concentration – however, it has sometimes been set as a level of toxicity in the past, to be measured through bioassay tests. Perhaps this should say something like “numeric concentration and/or toxicity level”. Sometimes we don't know what is specifically causing the toxicity, or it may be a mixture. I'm also wondering if we won't be moving toward also having some tissue standards in the future that could apply (e.g., to shellfish at the site). This current definition just seems a bit limiting.

**Station Clusters (2)(b).** Shouldn't this be subsections 572 and 573, like the other subsections?

**Station Clusters (3).** Should this also include bioaccumulative standards protective of wildlife? See also 570(3)(g).

**Hazard Assessment 530(2)(a)(i-iv).** Shouldn't all of these include 572 and 573?

**Site List 540(5)(a).** Since annual updating has been struck, "on a more frequent basis" should also be struck. (a)(i) "Sites awaiting cleanup action" seems overly broad, since it doesn't indicate whether any work at all has been conducted. It might help to have a category "RI/FS underway" and/or "Cleanup Action Plan".

**Sediment Cleanup Standards 570(2).** Similar to the above, suggest replacing "concentrations" with "concentrations or effects levels" in all subsections. (3) and (4): suggest using "at least as stringent as (a)-(d) below", rather than the current language. The subheading letters for subsection (4) are also off.

**Human Health Standards 571(2).** Suggest using "at least as stringent as (a) and (b) below:" rather than the current language.

**Human Health Standards 571(4)(a).** The language is unclear as to whether the tribal consumption rate is the same as the rate cited in the next sentence or if that stated rate would be for other consumers.

**Human Health Standards 571(4)(b).** Tribal risk-based levels frequently use different exposure parameters than those established by EPA for the general population (e.g., body weight, years residing at the site, etc.), and this reality is not reflected here, although they will need to be done at almost every site. May need to reference more specific tribal risk assessment guidance.

**Marine Benthic Standards 572.** What happened to the marine SQS? Why does freshwater have SQS and CSL but marine only have CSL? I would suggest making these two sections entirely parallel. Can we get rid of "Puget Sound" at this point (it's been more than 20 years and there is a fair amount of evidence that they perform well from OR to BC) and just call these marine standards for the state? This would entail changing the subsections titles and deleting (b).

**Marine Benthic Standards 572 (1)(a).** Again, I would argue that the bioassay test standards can be used as easily as the numbers in Table III to evaluate cleanup alternatives and establish cleanup standards.

**Marine Benthic Standards 572 (2)(a).** Instead of "detection limit" in this and the following subsections, I would recommend "method detection limit." Also, it needs to be specified that data will be reported as U at the MDL and J-flagged between the MDL and PQL. This is critical not so much for benthic standards but for bioaccumulation evaluations.

**Marine Benthic Standards 572 (5).** Is this subsection still needed? It seems like this is covered better elsewhere under the overall framework for selecting standards and the terminology is slightly inconsistent with the natural background and regional background concepts.

Thank you for this opportunity to comment on the proposed rule language.