

Recap of Discussions

Washington State Department of Ecology



What We've Heard – High Level

▶ Overall Process –

- ▶ Constructive – not sure how SMS process fits with other processes.
- ▶ Too many topics for too few meetings/Moving too quickly.
- ▶ Still hungry for details, but don't put too much detail in rule.
- ▶ Insufficient attention to source control and environmental justice.

▶ Regional Background -

- ▶ Wide range of opinions on the need to incorporate this concept into the rule and its applicability to particular areas.
- ▶ Wide range of opinions on where regional background should be set. Some think it would be set too high and should be capped at 10^{-5} human health risk. Others see it being set so low that the concept has no practical utility.
- ▶ General theme - more details needed to fully evaluate whether and how this concept would work (where to collect samples, by whom, statistical issues, periodic updates, public review, etc.)

What We've Heard – High Level (continued)

▶ Units:

- ▶ Unit concept provides flexibility to get cleanup done.
- ▶ Unit concept will encourage greater reliance on interim measures and represents a piecemeal approach to broader problems.

▶ Liability:

- ▶ Key to getting a PLP to the table and cleanup getting done.
- ▶ Open process for general public /other PLPs to review proposed settlements
- ▶ Concern that resolving liability for individual units may be counter-productive to broader cleanup efforts.

▶ Human Health:

- ▶ Wide range of opinions on target cancer risk level used to define the upper & lower tiers. ECY should consider incremental risks.
- ▶ Non-cancer risks. Consider range of hazard quotients/hazard indices.
- ▶ Greater role for fish tissue information
- ▶ General theme - more details needed to fully evaluate how rule would work (fish consumption rates, other risk parameters, site use factors, etc.)

What We've Heard – High Level (continued)

▶ Compliance methods/metrics:

- ▶ Guidance needed on compliance (metric (point by point vs area weighted average), statistical methods (variations on MTCA three-part rule, non-detects))

▶ Remedy Selection:

- ▶ Range of opinions on the utility of disproportionate cost analysis (DCA). It has worked well at some sites. Can add too much complexity.
- ▶ Ten years is not a reasonable time frame for some cleanups.
- ▶ Role of monitored natural recovery is unclear. Rule language may inappropriately constrain use of MNR.
- ▶ Institutional controls will be needed for many years. Ecology needs to establish additional requirements to ensure effectiveness & accountability.

▶ Today's Topics

- ▶ Freshwater Sediments
- ▶ Liability – Baywide/Watershed wide issues
- ▶ Source Control/Cross Program Coordination

Next Steps – Rough Timeline

- ▶ Fish Consumption Rate (FCR) workshop (December 12th)
- ▶ Attend Water Quality Program rule meetings (December 2011 and January 2012)
- ▶ We would like written comments by the end of December 2011
- ▶ Review advisory committee feedback and written comments as we make revisions to the draft rule language (January – March 2012)
- ▶ Prepare regulatory analyses (December 2011 – April 2012)
- ▶ Potential fourth advisory committee meeting (April 2012??)
- ▶ Formal rule proposal (May 2012)

Next Steps – Issues

- ▶ Advisory committee discussions have identified several areas that Ecology will need to address when preparing rule revisions, guidance materials and/or regulatory analyses
 - ▶ Regional background:
 - ▶ Human health risk guidance:
 - ▶ Fish consumption rates:
 - ▶ Remedy selection/institutional controls:
 - ▶ Compliance methods and metrics:
 - ▶ Freshwater sediments:
 - ▶ Source control at cleanup sites:
 - ▶ Regulatory analyses: