Washington State Department of Ecology
Sediment Management Standards Rule
Review/Comment Form

Please submit all comments to RuleUpdate@ecy.wa.gov

Reviewer Name:	
Sections of Document Reviewed:	SMS sections 173-204-200, -500 - 590
Document Version/Date:	

Page Number	Line Number	Comment
11	74	Low salinity vs marine sediments – It seems the definitions need to address a temporal factor. If applied literally, sediment sites on estuarine waters could well bounce between classifications depending upon tidal cycle, seasonal river flows, weather events, etc. That would be unworkable. Has Ecology provided guidance on this matter? If so, would it be appropriate to incorporate the guidance into these regulatory definitions?
45	43 - 48	Other than case-by-case best professional judgment approaches, is there any new direction on how low salinity and non-Puget Sound marine sediment sites get evaluated? Has the experience been that Puget Sound SQS and CSL (chemistry and biological), inevitably get used for non-Puget Sound marine sites?
45 48 53 56	37-42 90 – 92 29 -31 10 -110	These two sentences created a bit of confusion. I appreciate the data needs and evaluation methodology to delineate Station Cluster of Low Concern, Station Cluster of Potential Concern, a Cleanup Site, etc. But the draft rule language that is referenced could almost be mis-read to say that even a <u>single</u> sample station data value would be sufficient to declare a SQS or CSL exceedence, thus triggering additional regulatory activity.
43	48-52	Might be good to provide a reference to or otherwise delineate those "tribal usual and accustomed fishing areas." We have all heard the phrase but I'll bet few people know of the actual geographic reach. It is not obvious what the value is in regulation of a statewide fish consumption default rate. It would seem that every sediment site will have its own collection of exposed population groups (with fish/shellfish consumption patterns), site location/geography, etc., that inevitably will be used to determine an appropriate RME. A default FCR placed in the regulation would need to be accounted for in every sediment site transaction. If the best thinking on FCR was simply left as a guidance document and a reference made to that in the regulation, it forces consideration of the compiled information but also promotes implementation flexibility. See the NWPPA/NCASI comment letter on the Ecology FCR document (publication No. 11-09-050) for the technical/interpretation problems with the product. Ecology will need to account for these in its policy choices and in SMS/WQS regulation implementation.

Questions? Please Contact: Chance Asher – Phone: (360) 407-6914 E-mail: chance.asher@ecy.wa.gov

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