

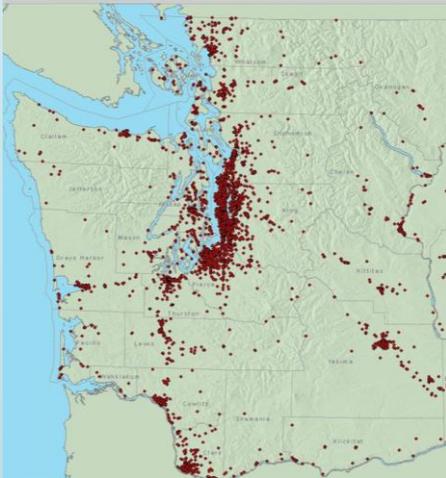
# SMS Rule Revisions and Ecology Environmental Objectives

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# Ecology is taking broad actions

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- ▶ Get contaminants out of the environment
- ▶ Prevent exposures
- ▶ Support reforming the Toxics Substance Control Act
- ▶ Gather toxics loading data
- ▶ Protect Washington fish consumers

# WA Dept of Ecology

▶ Multiple programs address environmental concerns

- Spills
- Air Quality
- Nuclear Waste
- Toxics Cleanup (TCP)
- Shorelands & Environmental Assistance
- Hazardous Waste & Toxics Reduction
- Environmental Assessment (EAP)
- Water Quality (WQP)
- Water Resources
- Waste 2 Resources



# Ecology-wide efforts to address bioaccumulative chemicals leads to multi-program collaboration

- ▶ Water Quality Program (WQP)
  - Prevent contamination
  - Discharge permits
- ▶ Environmental Assessment Program (EAP)
  - Data about Washington water bodies
- ▶ Hazardous Waste and Toxics Reduction (HWTR)
  - ▶ Regulates hazardous wastes
- ▶ Toxics Cleanup Program (TCP)
  - Cleanup contaminated sites

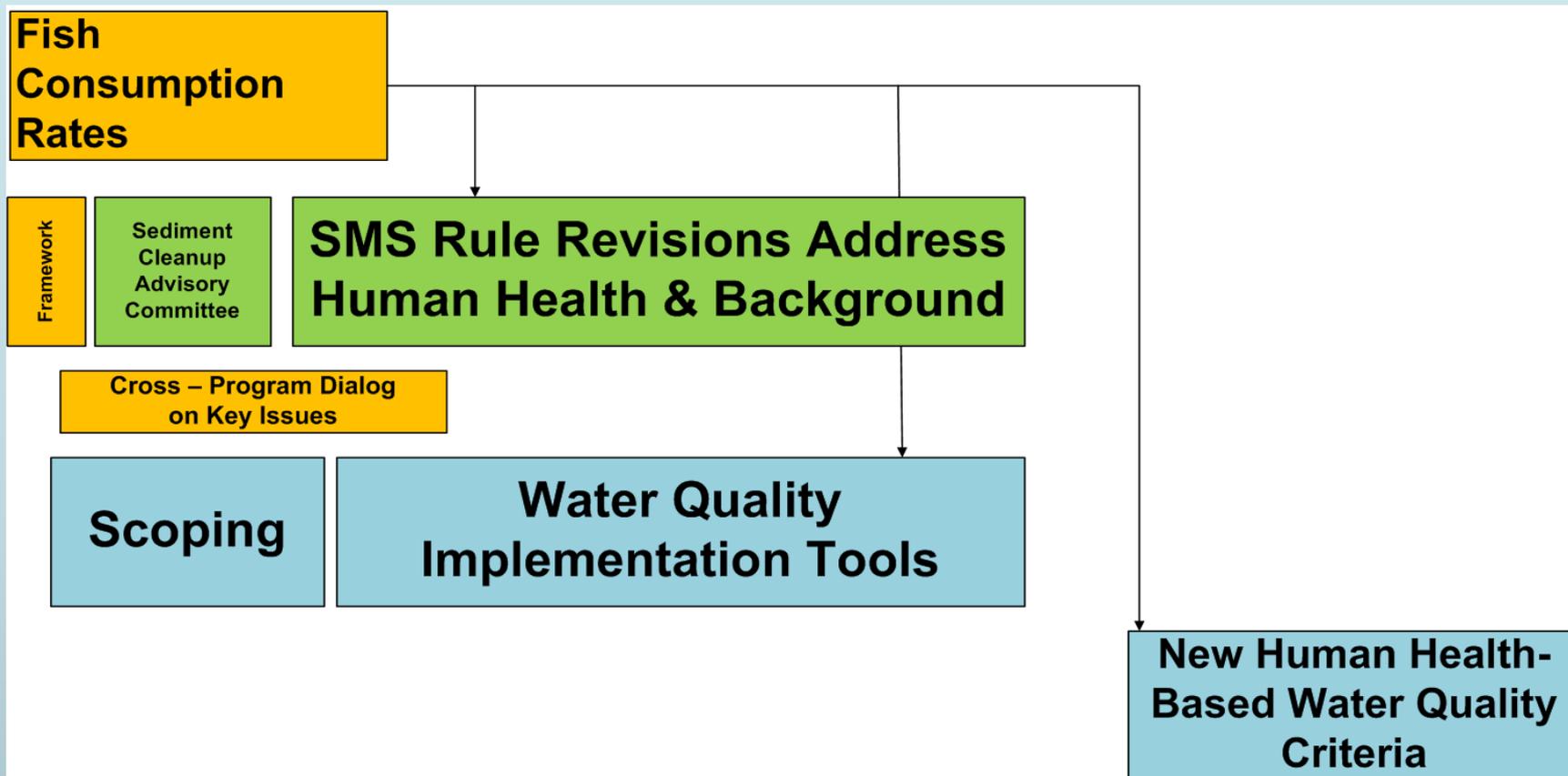
# 3 Separate but coordinated processes

- Dec 2011

Jan – Apr 2012

May – Dec 2012

2013 – early 2014



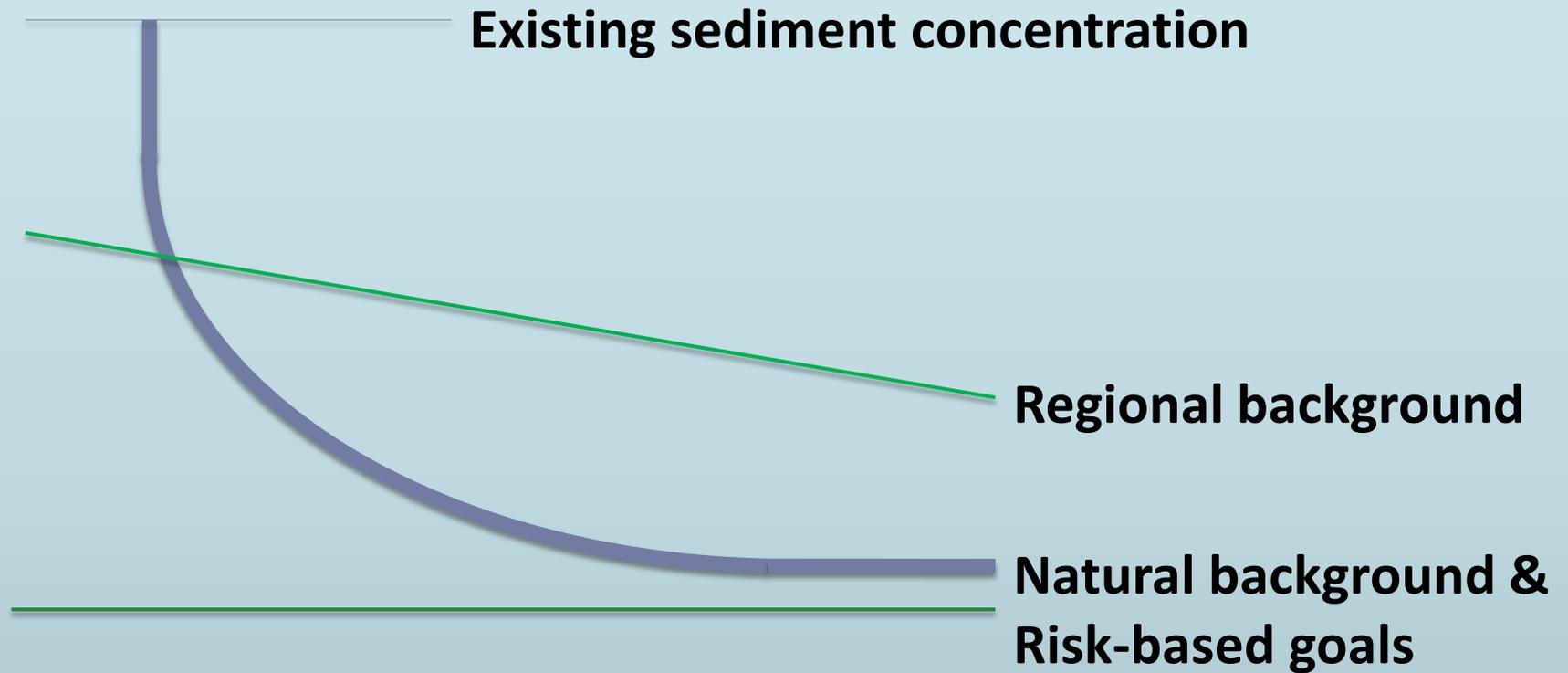
# Sediment Cleanup Concerns

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- ▶ Bioaccumulatives are ubiquitous at levels above risk-based concentrations and natural background
- ▶ Concentrations much higher in urban industrial shoreline areas – from permitted and unpermitted stormwater, atmospheric deposition, and historical activity
- ▶ Widespread, ubiquitous & anthropogenic contamination: entire bays may be cleanup sites with many sources and many PLPs

# Bioaccumulatives are ubiquitous

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# Draft SMS Rule revisions will address

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- Human health & background framework
- Fish consumption rates
- Freshwater sediment standards
- Source control requirements

# Challenges

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- ▶ Contaminant concentrations protective of fish consumers are extremely low
- ▶ Frequently lower than natural background and laboratory analytical capabilities
- ▶ Nationwide challenge

# A separate challenge: developing fish consumption rates

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- ▶ **How to protect Washington fish consumers**
  - All fish consumers in WA – including tribes and other high consumers
  
- ▶ ***Fish Consumption Rates Technical Support Document: a review of data and information about fish consumption in Washington***
  - Available at [www.ecy.wa.gov/toxics/fish.html](http://www.ecy.wa.gov/toxics/fish.html)
  - Comment period through Dec 31, 2011
  - Workshop being planned for mid-December
  
- ▶ This committee (you) will discuss how the fish consumption rates will be used in SMS

# SMS Update schedule

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- ▶ **Now through Dec 2011**
  - Sediment Cleanup Advisory Committee – 3 meetings
  - Fish Consumption Rates comment period
- ▶ **Jan – March 2012**
  - Incorporate input
  - Regulatory analyses (EIS, Cost-Benefit Analysis, Small Business Impacts)
- ▶ **April 2012**
  - Amendments to the SMS rule proposed
- ▶ **Spring – Summer**
  - Public Comment Period
- ▶ **Fall 2012**
  - Adopt SMS amendments



▶

**There are several key issues addressed in the framework and preliminary draft rule revisions**

# Key Issue 1: human health

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How to integrate

- human health risks
- background concentrations
- the current SMS two-tier framework and MTCA

to conduct cleanups that

- allow for meaningful progress in reducing risks to human health and the environment,
- are protective, technically feasible and cost effective
- and synchronize cleanup and source control



## Key Issue 2: Liability (Site units AND larger area)

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Efficiently clean up contaminated sediments  
and

allow PLPs to settle liability for discrete units within a  
larger bay-wide / area-wide site

while they also

contribute to cleanup and source control for the larger  
bay-wide or area-wide site



## Key Issue 3: Reduce regional background

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Establish watershed-wide cleanup and source control actions that reduce regional concentrations toward natural background and protective human-health risk based criteria



# SMS Rule Revisions

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- ▶ Sediment Cleanup Advisory Committee (you) provide feedback and input primarily on the framework: does it provide answers to the key issues? Does the rule language capture it?