

October 29, 2012

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Subject: Comments on Proposed Sediment Management Standard (SMS) Rule Revisions for managing contaminated sediments in Washington State

Dear Ms Dorrah:

AECOM appreciates the opportunity to provide comments on the proposed Sediment Management Standards (SMS) rule revisions, Chapter 173-204 Washington Administrative Code (WAC), released for public comment on August 15, 2012. We appreciate Ecology's efforts to produce a streamlined process for implementing sediment cleanup actions in Washington State. However, we are concerned that some these changes may complicate site investigations and delay cleanup actions. In addition to the comments submitted by AECOM on January 17, 2012 regarding achievable endpoints for the protection of human health, we are submitting the following five comments regarding remedy selection, construction, and compliance.

- **Selecting a Cleanup Standard.** We appreciate the efforts to streamline the SMS cleanup standard selection process, but the proposed rule stating "*the sediment cleanup level may be adjusted upward from the Sediment Cleanup Objective [SCO] based on whether it is technically possible and whether it will have adverse environmental impacts*" (WAC 173-204-560) is less flexible and does not acknowledge the complexities and uncertainties of working in a water environment. We strongly encourage Ecology to modify the language and retain technical practicability and net environmental benefit in the selection process. This is more supportive of sustainable cleanup actions that optimize risk reduction and benefits, encourage the use of the best available technologies, and allow for site-specific considerations.
- **Background Concentrations.** The process for determining background concentrations (for the protection of human health) should be transparent, collaborative, and peer-reviewed to ensure consistency among different project sites. Background concentrations need to consider the limits of technical feasibility and contributions from ongoing urban sources. In addition, the rule should discuss the concept of spatially-weighted average concentrations (SWACs) that are determined over the exposure area of interest. SWACs are more appropriate than point concentrations for the protection of human health and some ecological endpoints. The SMS rule should clarify that concentrations for the protection of human health are not typically applied on a point-basis.
- **Construction Time Frames.** The expectation that a site should be restored within "a single construction season" (WAC 173-204-500, Cleanup Process Expectations, line 1501) may not be appropriate for many sites. This is a design issue and should be removed from the rule. Because of our limited in-water work windows in Puget Sound, it may be difficult to implement cleanup work in one work season. In addition, this statement favors faster cleanups instead of better, more protective cleanups that also minimize short-term risks.

- **Remedy Selection.** The remedy should be permanent to the maximum extent practicable. However, the bias towards dredging should be removed from the evaluation when selecting a remedy (WAC 173-204-570, Selection of Cleanup Actions, Lines 1571, 2920, and 2987). The selection of a remedy should balance short-term impacts, long-term benefits, cost, and technical practicability. There should not be an *a priori* preferred technology for the remediation of contaminated sediment; each site should be evaluated based on its unique characteristics. In fact, dredging will likely disrupt the natural recovery processes during the construction phase and result in additional recovery time needed after construction to achieve background concentrations.
- **Final Cleanups Under the SMS.** Under the proposed rule, there are no mechanisms in place to reach a final remedy without meeting the SCO; however, the SCO may not be achievable in many instances. The SMS rule should contain mechanisms to allow for achievable cleanup actions. The rule and guidance need to include a workable and final solution. One solution is to include Institutional Controls (ICs), when combined with active and passive remedies, as acceptable for meeting cleanup standards derived for the protection of human health.

We appreciate the level of effort Ecology has put into the rule revision process. Please do not hesitate to call or contact Anne Fitzpatrick at 206-624-9349 or email at anne.fitzpatrick@aecom.com for additional clarification of these comments.

Sincerely,



Anne Fitzpatrick
Sr. Managing Scientist, AECOM

Cc: John Ryan (AECOM)
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