

Draft Sediment Management Standards Chapter 173-204 WAC Amendments Public Comment Form

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Version of Document Reviewed:		<input type="checkbox"/> Review Version (Reader Friendly) <input type="checkbox"/> Official Version
Date:		10/19/2012
Page Number	Line Number	Comment
		<p>The sediment cleanup objective should be clarified in the definitions and the cleanup standards as risk based or natural background, the cleanup level should be PQL based. . <i>“Analytical detection limits have never been an acceptable basis for setting standards since they are not related to actual environmental impacts. The environmental impact of a pollutant is based on a scientific determination, not a measuring technique which is subject to change. Setting the criteria at levels that reflect adequate protection tends to be a forcing mechanism to improve analytical detection methods. As the methods improve, limits closer to the actual criteria necessary to protect aquatic life and human health become measurable”.</i>(National Toxics Rule preamble 40 CFR) Including the PQL as a standard for the cleanup objective is inappropriate.</p> <p>On the subject of PQL the proposed PQL standard from the SMS issue paper dated 5/2/12 should not be instituted it is clearly a pragmatic approach to an issue that the state perceives as unfair to labs. Setting the median value of the middle four lab attained values as the standard clearly will lead to a situation where labs are penalized for improving detection limits and PQLs. This results in a standard that will likely never be improved, thus restricting cleanups to existing analytical detection limits. Ecology generally only requires three labs to choose from in analysis and that requirement is met by the three lowest PQL labs, which is appropriate with in the concept of the National Toxics Rule and the base concept of environmental improvement through cleanup. Therefore only the 3 lowest PQL labs should be used. The PQL issue further lead to a proposed use of this pragmatic method to try to address a PQL value for dioxins. The use of Tef scaling units to modify PQLs for each of 17 congeners and adding the results together to set the PQL for that suite of chemicals is inappropriate outside of the scientific use of TEQ methodology, outside the MTCA rule in how it is to be applied and the results unprotective of human health.</p>
	1551-1554	If a risk based concentration is below natural background then natural background should be the sediment cleanup objective PQL should not be considered for this value which by definition is an ultimate goal.
	2190-2227	Sediment cleanup levels are designated as being established by the SCO and may be adjusted upward based upon site factors. Natural background and or the PQL. This is redundant if the SCO is identified with identical language as it is in the SMS (1551-1554), in the case of dioxins and PCBs both the SCO and SCL will be the same number by defaulting to the PQL. The SCO should be left with the goal of protection of human health and the environment and the PQL should be part of the SCL or the remediation standard.
	2284-2287	This line should be re written leaving out the reference to “known or suspected contaminant sources” the bold survey clearly established that our current knowledge of sediment transport in Puget Sound and Washington waters is inadequate to make such predictions, therefore regional background should exclude elevated levels of contaminants period. Statistical analyses should be limited to appropriate methods which remove outliers.
	2362	D) This is may be workable for bivalves but is not workable for crab and fin fish, the range of the fish is purely subjective and immeasurable as related to the impacts of a cleanup site. Further there is currently no method to assess how much of a contaminant that a fish or crab acquires at a site at any given time much less over its lifetime. The only measurable level is the current level in the sample at the time of collection. This modifier should be removed from the rule as unworkable.
	2346	RME should be 100% from the site as any of the proposed modifiers are totally subjective, based upon the nature of finfish and crab two of the most consumed resources from Puget Sound. This combined with the uncertainty of dispersion of contaminants in the marine environment makes any number less than 100% inappropriate.
	2355-2357	A and B are appropriate parameters C,D, and E are not, being totally subjective for most species that are being assessed.
		A fish consumption default rate should be included in the SMS rule, the scientifically defensible work has been done by the Department of Ecology and should be included. A the lack of an appropriate default fish consumption rate will result in lengthy, contentious cleanups in all cases, an issue that I do not believe was the intent of the rule changes.

