

The background of the slide is a faded photograph of a port. A large ship is docked at a pier, and a tall crane is visible in the upper left. The water is calm, and the sky is overcast.

MTCA/SMS Rule Revisions

Prepared for
Water Quality Partnership
November 19, 2009

Why Revise the MTCA & SMS Rules?

- Ecology implementation experience
 - Sediment cleanup requirements in MTCA and SMS rules do not always fit neatly together
 - Accumulation of frequently-occurring issues
- Public feedback
 - Comments during scoping meetings
 - Comments on issue summaries

What Did We Hear About the Rules?

- MTCA and SMS rules work pretty well – except when they don't
 - MTCA & SMS do not always fit neatly together
 - Vapor intrusion provisions are unclear
- There are some conflicts with new science and new laws
- It is not all about the rules!
 - Guidance/Model Remedies
 - Training

What is the Scope of the Rule Effort?

- CR-101 Rulemaking Notice (February 2009)
 - Get rid of confusion for sediment cleanups
 - Update/clarify vapor intrusion provisions
 - Consider new science
 - Incorporate new laws
- We also want to look at relationship between SMS rule and Dredged Material Management Program (DMMP) disposal guidelines for open water sites.

What Sediment Cleanup Issues Are We Evaluating?

- Decision Frameworks for Bioaccumulative Chemicals
 - Solutions-based approach
 - Consideration of background concentrations
 - Consideration of cleanup costs
- Technical/Policy Issues
 - Fish consumption rates
 - Early-life stage adjustments to cancer slope factors
 - Biological tests and interpretation criteria for freshwater sediments

Do we have a rule advisory group?



MTCA/SMS Advisory Group

- 18-20 members
- Review technical and policy issues surrounding Ecology proposals for MTCA and SMS rule revisions
- Provide advice on regulatory analyses
- 8-10 meetings

Sediment Work Group

- 8-10 Members
- Scientific/technical focus.
- Work with Ecology staff on initial sediment cleanup proposals for review by MTCA/SMS Advisory Group
- 4-6 Meetings

Discussion Phases

Kickoff Meeting

Issue Discussions
Decision Frameworks

Dec 2009 -
Feb 2010

Issue Discussions –
Specific Topics

Feb 2010 –
April 2010

Draft Rule Review

Spring 2010

Informal Public Review

Summer
2010

Formal Public Review

Fall 2010/ Winter 2011

Why not consider changes to SMS source control provisions?

- Decided to focus on immediate issues that we face at cleanup sites and open water disposal sites.
- SMS rule is only one part of source control strategy that is scheduled to be developed following completion of toxics loading study.
 - TCP will work with WQP and other Ecology programs to integrate SMS provisions into broader strategy.
 - TCP will review implications for source control prior to proposing changes to cleanup provisions.

Challenges

- Maintaining focus on priority issues
- Balancing the need for predictable requirements and site-specific flexibility
- Adapting to rule discussions and evolving agency budget realities

For Further Information

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Rule Website:

Go to: www.ecy.wa.gov

Choose Programs (in top bar)

Click on Toxics Cleanup

Click on *In Progress: MTCA Cleanup Regulation and SMS Updates*