

Rule Proposal Notice

Toxics Cleanup Program

August 2012

Sediment Management Standards, Chapter 173-204 WAC

The Department of Ecology proposes to adopt amendments to Chapter 173-204 WAC, Sediment Management Standards (SMS). The rule proposal will be published in the Washington State Register on September 5, 2012.

The purpose of this rule proposal is to amend Chapter 173-204 WAC. These amendments are needed in order to speed up the cleanup of contaminated sediment by providing clear, workable, and predictable requirements for sediment cleanup.

This rule-making:

- Integrates requirements for sediment cleanup actions in the Sediment Management Standards rule with requirements in the Model Toxics Control Act Cleanup Regulation (WAC 173-340).
- Updates the SMS cleanup decision framework to address bioaccumulative chemicals.
- Proposes chemical and biological benthic criteria for freshwater sediments.
- Clarifies requirements for coordinating cleanup actions and source control measures.

Ecology issued a:

- Determination of Significance and Environmental Impact Statement under the State Environmental Policy Act.
- Small Business Economic Impact Statement (SBEIS).
- Preliminary Cost-Benefit and Least Burdensome Alternative Analyses.

These documents and the proposed rule language are available for review at:

www.ecy.wa.gov/programs/tcp/regs/SMS/2012/proposedRule.html.

WHY IT MATTERS

The SMS rule is used to conduct environmental cleanup work, manage the dredging of sediment for navigation and cleanup and manages sources of contamination to sediment from dischargers.

Clarifying requirements to cleanup sediment contaminated with bioaccumulative chemicals will help make the cleanup process more effective, efficient, and protective of human health and the environment.

Cleaning up contaminated sediment is an important step towards restoring and protecting the state's waterways and valuable natural resources, such as fish and shellfish.

More information:

For more information about the Sediment Management Standards, please visit the following website:

www.ecy.wa.gov/programs/tcp/regs/2011-SMS/2011-SMS-hp.html

Contact information:

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Special accommodations:

If you need this document in a format for the visually impaired, call the Toxics Cleanup Program at 360.407.7170.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Submit your comments

Comment period ends October 15, 2012.

You can give us your official comments in the following ways:

1. Testify or submit written comments at public hearings.
2. Email your comments to: RuleUpdate@ecy.wa.gov
3. Mail comments to: Department of Ecology
Toxics Cleanup Program
Adrienne Dorrah
PO Box 47600
Olympia, WA 98504-7600
4. Fax comments to: (360) 407-7154

Public hearing schedule

Ecology will hold six public hearings on this rule proposal. The hearings will begin with a short presentation followed by a Q&A session. Testimony will start at the end of the Q&A session.

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| <ol style="list-style-type: none"> 1. Location: Pacific Market Center 6100 4th Avenue South Seattle, WA 98105 Date/Times: Sept. 26, 2012 at 9:30 a.m. & 5:30 p.m. 2. Location: Whatcom Community College 237 West Kellogg Road Bellingham, WA 98226 Date/Time: Sept. 27, 2012 at 5:30 p.m. 5. Location: Hampton Inn Richland 486 Bradley Blvd Richland, WA 99352 Date/Time: Oct. 4, 2012 at 5:30 p.m. | <ol style="list-style-type: none"> 3. Location: Department of Ecology 300 Desmond Drive SE Lacey, WA 98503 Date/Time: Oct. 1, 2012 at 6:30 p.m. 4. Location: CenterPlace Reg. Event Center 2426 N Discovery Place Spokane Valley, WA 99216 Date/Time: Oct. 3, 2012 at 5:30 p.m. |
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NOTE: Ecology will be at each location thirty minutes before the start of the hearing for an Open House.

Ecology's response to your comments

All of the comments we receive will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. You will find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than December 14, 2012.

