

Sediment Management Standards, Chapter 173-204 WAC

On February 22, 2013, the Department of Ecology (Ecology) adopted changes to Chapter 173-204 WAC, Sediment Management Standards (SMS). The changes will be published in the Washington State Register on March 20, 2013, and become effective on September 1, 2013.

What is Chapter 173-204 WAC?

Chapter 173-204 WAC establishes marine, low salinity and freshwater sediment management standards for the state of Washington. The 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.

Summary of the adopted rule changes

The amendments to Chapter 173-204 WAC:

- Integrate the SMS and Model Toxics Control Act (MTCA), Chapter 173-340 WAC, cleanup requirements where appropriate.
- Clarify requirements for protection of human health from sediment contamination.
- Clarify requirements for protection of higher trophic level species from sediment contamination.
- Promulgate numeric chemical and biological criteria for freshwater sediment to protect the benthic community.
- Clarify requirements for coordinating source control and cleanup actions at cleanup sites.

These amendments are needed in order to speed up the cleanup of contaminated sediment by providing clear, workable, and predicable requirements for sediment cleanup.

Response to Comments

Ecology's response to comments received during the public comment period is now available. Download a copy at www.ecy.wa.gov/biblio/1309043.html.

WHY IT MATTERS

The adopted amendments clarify requirements to cleanup sediment contaminated with bioaccumulative chemicals and establish freshwater benthic standards. This 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.

Effective date:

September 1, 2013

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Special accommodations:

If you need this document in 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.

Whom does this rule affect?

The rule changes affect the following persons:

- Persons who are liable for conducting cleanup of contaminated sediment sites.
- Persons who are liable for conducting cleanup of upland sites that may impact sediment.
- Persons who may be exposed to or impacted by contaminated sediment sites.
- Persons who are responsible for a source or discharge that creates a contaminated sediment site.

More information

- Ecology is planning on having an informational meeting in mid April, 2013. This will provide an opportunity for interested persons to learn about the adopted rule and why Ecology made decisions on rule language. More specifics on the meeting will be posted at: <http://www.ecy.wa.gov/programs/tcp/regs/2011-SMS/2011-SMS-hp.html>.
- For more information about the adopted changes to the Sediment Management Standards, visit: <http://www.ecy.wa.gov/programs/tcp/regs/2011-SMS/2011-SMS-hp.html>.
- To get updates on the Sediment Management Standards rule, sign up for e-mail list at: <http://listserv.wa.gov/cgi-bin/wa?A0=MTCA-SMS-RULE-UPDATE>
- To get updates on Ecology's rule-making activities, sign-up for the WACTrack e-mail list at www.ecy.wa.gov/maillist.html.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at (360) 407-6998 or bari.schreiner@ecy.wa.gov.

