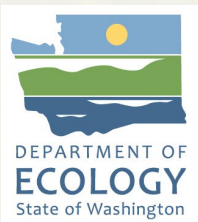




Proposed Amendments to Chapter 173-340 WAC

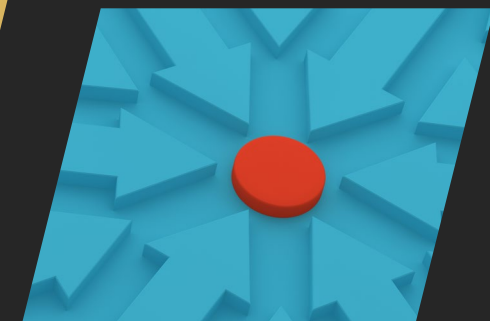
MTCA Cleanup Regulations

Public hearings – Thursday, March 23 and Monday, March 27, 2023



Model Toxics Control Act Cleanup Rule

- Governs investigation & cleanup of contaminated sites
- Last significant update in 2001
- Focus on updating & clarifying cleanup process
- Many updates, for most parts of the rule except the cleanup standards





- Exploratory Rulemaking (2018)
- First Rulemaking
 - Development (2019-2023)
 - Stakeholder and Tribal Advisory Group
 - Preliminary drafts
 - Proposal (2023)
 - Proposed rule amendments
 - Public comment and hearings
 - Adoption (August 2023)
 - Effective (2024)

Major Themes

Environmental
Justice

Public
participation &
tribal
engagement

Site hazard
assessment &
ranking

Planning &
prioritizing MTCAs
resources

Site level
decisions &
procedures

Independent
vs.
Ecology cleanups

Underground
storage tank
(UST) release
response

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Theme 1

Environmental Justice: Program-level decisions

Identify sites likely to impact vulnerable populations or overburdened communities



Prioritize sites when allocating resources



Develop strategic plans



Assess progress





Theme 1

Environmental Justice:

Site-level decisions

- 
- Investigate threats to impacted communities
 - Develop & evaluate alternatives through an EJ lens
 - Document evaluations
 - Seek participation (if formal site)
- 

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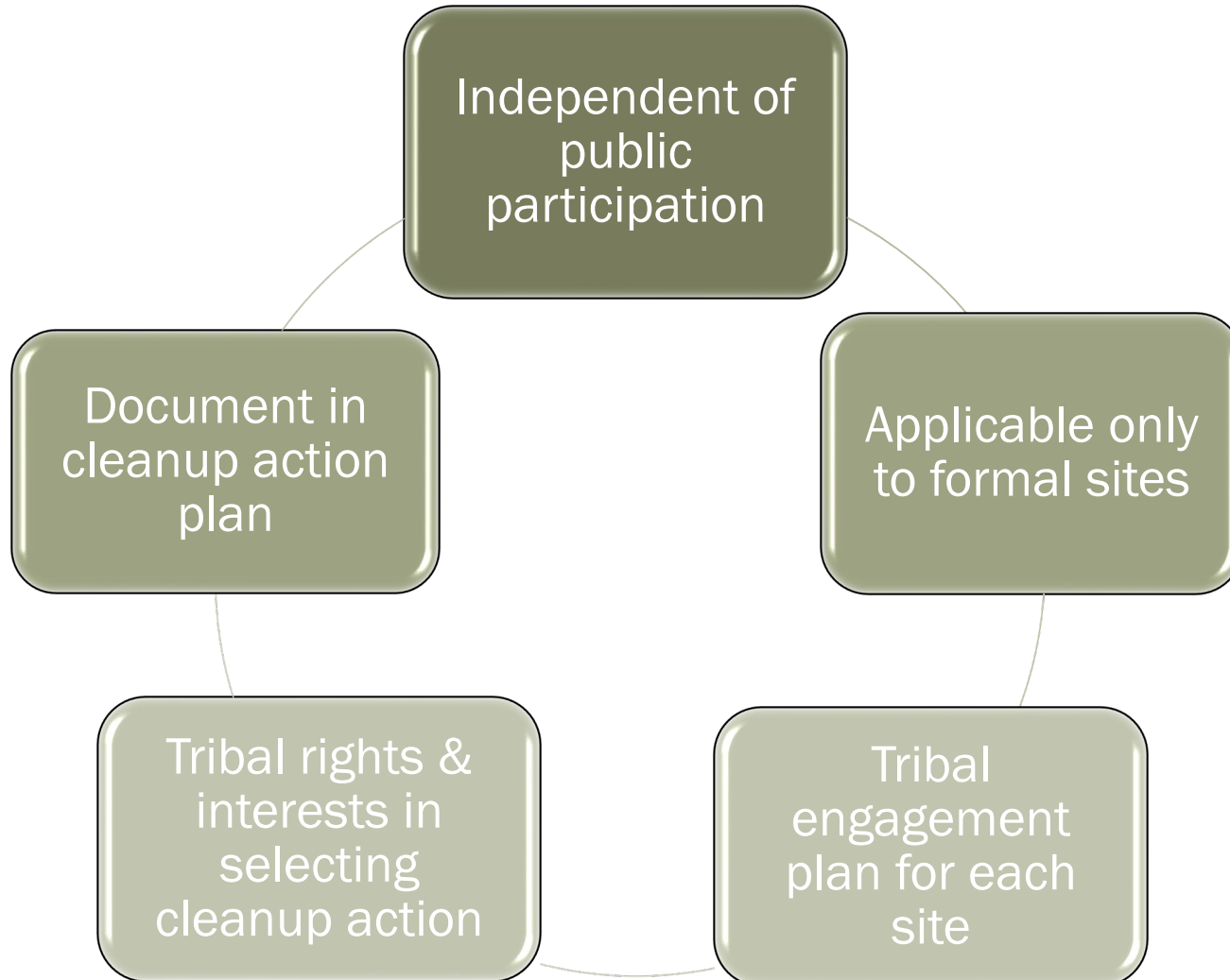


Theme 2 Public Participation & Notice

- Adds new methods
- Updates:
 - Use of *Site Register*
 - “Public notice” for formal sites
- Clarifies methods for independent sites

Theme 2

Separate Tribal Engagement



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Theme 3

Site Hazard Assessment & Ranking Process

- Removes WARM from the rule
- Requires new procedure → the “**SHARP Tool**”
 - ✓ Enables us to rank all sites
 - ✓ Uses current available information
 - ✓ Reports confidence
 - ✓ Allows updates to rankings
- Supports site listing, cleanup decisions, & public information
- Informs program-level planning prioritization & evaluation



Theme 3

Site Hazard Assessment & Ranking Process

SHARP

MTCA



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Theme 4

Program Planning & Prioritization



Comprehensive, integrated strategic planning based on SHARP



- Resource allocation based on legislative priorities
 - Human health & environment
 - Environmental Justice
 - Land reuse



- Periodic program evaluation and adjustment
- Public access and notice



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Theme 5– Site-Level Decisions Remedial investigations

- Clearer, step-wise procedures



- Emphasized potential EJ impacts



- Added cultural resource protection



- Moved approved sampling & analysis methods outside rule



Theme 5 – Site Level Decisions

Cleanup action requirements and feasibility studies



- Clearer, step-wise procedures

- Increased EJ accountability & transparency

- Emphasis on climate resilience

- Clarified and separated consideration of public concerns & tribal interests



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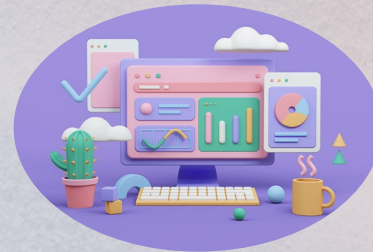
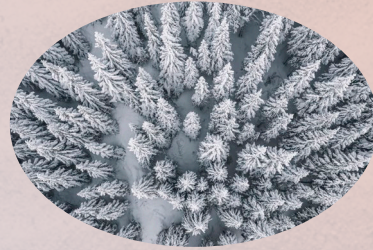
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Theme 6 Independent remedial actions



- Updated overview of administrative options
- Clarified requirements for independent actions
- Required separate reporting of investigations
- Changed how we notify the public

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Theme 7: Leaking Underground Storage Tank

Improve initial
response

Streamline
actions &
reporting

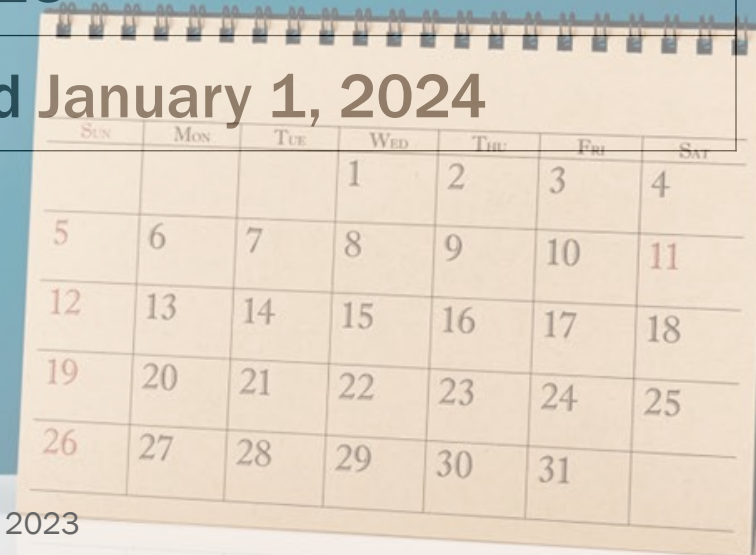
Update
characterization
requirements

Strengthen
free product
removal
requirements

Require periodic
status reports

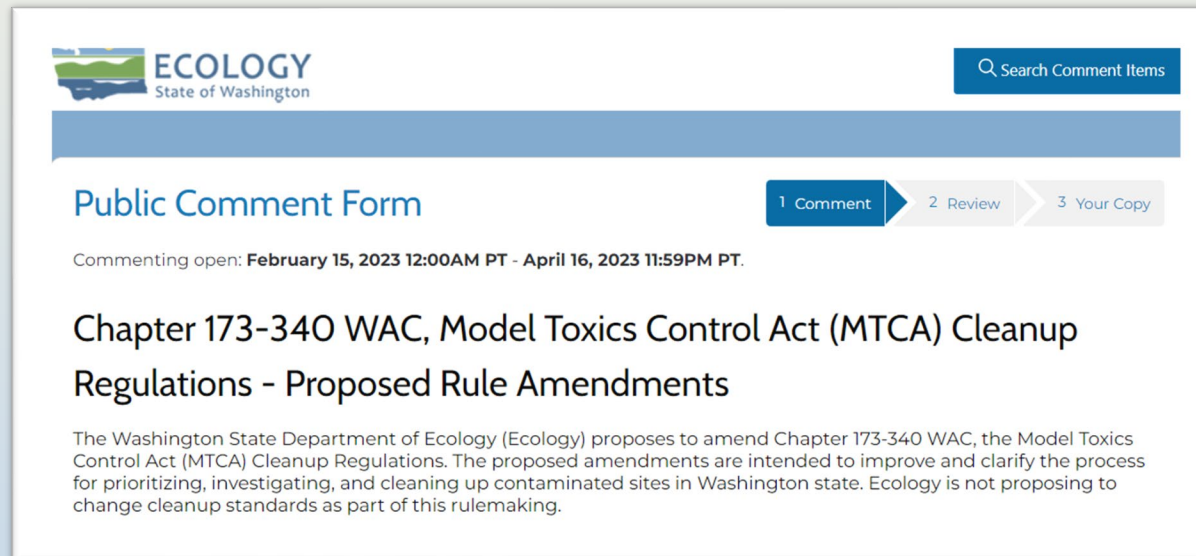
Schedule

Milestone	Date
Filed CR-102	February 15, 2023
Public comment period	February 15 - April 16, 2023
Public hearings	March 23 and 27, 2023
Adopt rule	August 2023
Rule effective	Anticipated January 1, 2024



To provide written comments

- Submit online: <https://tcp.ecology.commentinput.com/?id=uJVx2>



The screenshot shows the 'Public Comment Form' interface. At the top left is the 'ECOLOGY State of Washington' logo. At the top right is a search bar labeled 'Search Comment Items'. Below the header is a blue bar with the title 'Public Comment Form' and a progress indicator showing '1 Comment', '2 Review', and '3 Your Copy'. The comment period is listed as 'February 15, 2023 12:00AM PT - April 16, 2023 11:59PM PT'. The main title of the comment is 'Chapter 173-340 WAC, Model Toxics Control Act (MTCA) Cleanup Regulations - Proposed Rule Amendments'. Below the title is a paragraph of text: 'The Washington State Department of Ecology (Ecology) proposes to amend Chapter 173-340 WAC, the Model Toxics Control Act (MTCA) Cleanup Regulations. The proposed amendments are intended to improve and clarify the process for prioritizing, investigating, and cleaning up contaminated sites in Washington state. Ecology is not proposing to change cleanup standards as part of this rulemaking.'

- or mail them to:

Sarah Wollwage
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

For more information about the rulemaking

- Visit Ecology's rulemaking webpage:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-340>

- or contact:

Clint Stanovsky
Cleanup Rulemaking Lead
MTCARule@ecy.wa.gov
360-742-9703