



**Policy 1-11 Public Dialogue**  
**Sediment Management Standards (SMS) Issues**  
**December 2016**  
**Ecology Lead: Peter Adolphson**

Key Issues	Ecology Thinking
<p>What will happen with SMS listings now that Part V of the SMS are no longer water quality standards?</p>	<ul style="list-style-type: none"> <li>• The revised SMS (Sep. 2013) that are considered water quality standards are Parts I – IV.</li> <li>• Part V of SMS were not adopted as a water quality standard and therefore is no longer used for water quality listings for the Assessment. Part V applies only to cleanup sites regulated under the Model Toxics Control Act (MTCA).</li> <li>• There is some redundancy built into the revised SMS to account for what parts are water quality standards versus cleanup.               <ul style="list-style-type: none"> <li>○ Part III (WAC 173-204-320-340) has sediment quality standards (SQS) that are equivalent to Part V (WAC 173-204-570) sediment cleanup objectives (SCO). SQS = SCO</li> <li>○ Part IV (WAC 173-204-420, Table II) has sediment impact zone maximum criteria (SIZmax) that are equivalent to Part V (WAC 173-204-562, Table III) cleanup screening levels (CSL). SIZmax = CSL</li> </ul> </li> <li>• Under the new SMS rule, Parts III and IV will both be used in combination to drive Category 5 listings.</li> <li>• Part IV can be used in place of Part V because Part IV is not only an approved WQ standard, but has requirements for sediment source control, whose intent states (in part):               <p><b>“WAC 173-204-400 General considerations.</b></p> <ul style="list-style-type: none"> <li>○ <i>(1) The standards of WAC 173-204-400 through 173-204-420 specify a process for managing sources of sediment contamination.”</i></li> <li>○ <i>(10) As determined necessary, the department shall use issuance of administrative actions under authority of chapters 90.48 or 70.105D RCW to implement this chapter.”</i></li> </ul> </li> </ul>
<p>Some commenters felt that listings that were based on Part V of the SMS rule should remain in Category 5.</p>	<ul style="list-style-type: none"> <li>• Part III (SQS) and Part IV WQ (SIZmax), will both be used in combination to drive category 5 listings.</li> <li>• Based on the revised rule paradigm, the former Part V cleanup screening levels (CSL) chemical criteria is equivalent to Part IV sediment impact zone maximum (SIZmax) chemical criteria, therefore the listing process to Category 5 would not need to change from the previous process.</li> </ul>

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<p>How will SMS be used to move waterbody segments from Category 5 to Category 4b? Some commenters felt that Category 4b listings based upon Part V of the SMS should be moved back to Cat 5 because Part V is no longer a water quality standard.</p>	<ul style="list-style-type: none"> <li>• Part III and IV can potentially be used as a “two-tiered” framework to place waters in Cat 4B.</li> <li>• Purpose of clean up under water quality standards is to protect aquatic life benthic use. Since SIZmax (Part IV) and CSL (Part V) criteria are identical, the listing process would not need to change for how Cat 4bs are determined. Because clean up addresses BOTH human health under the SMS as well as benthic protection, benthic protection is assured.</li> <li>• The sediment 4b cleanups would address restoring benthic uses and human health issues related to sediment impacts and risks.</li> <li>• There is continued ongoing coordination between Ecology’s Toxics Cleanup Program and Water Quality Program to ensure all waterbody listings are addressing all parameters for each listed waterbody.</li> </ul>
<p>Some commenters felt that the new SMS rule offers no reassurance that cleanups will meet water quality standards.</p>	<p><b>The Administrative procedures for SMS are specified in MTCA at WAC-173-340-730 which states (in part): (1) Applicable state and federal laws.</b> All cleanup actions conducted under this chapter shall comply with applicable state and federal laws. For purposes of this chapter, the term "applicable state and federal laws" shall include legally applicable requirements and those requirements that the department determines, based on consideration of the criteria in subsection (4) of this section, are relevant and appropriate requirements.</p> <p>Part III and Part IV of the SMS are approved WQ standards by EPA. Part IV states in part: <b>“Puget Sound marine sediment impact zone maximum chemical criteria.</b> The maximum chemical concentration levels that may be allowed within an authorized sediment impact zone due to a permitted or otherwise authorized discharge shall be at or below the chemical levels stipulated in Table II, Sediment Impact Zone Maximum Chemical Criteria, except as provided for by the marine sediment biological effects restrictions of subsection (3) of this section, and any compliance time periods established under WAC 173-204-410 (6)(d) and 173-204-415.”</p> <p>It should be noted that Sediment Impact Zone Maximum (SIZmax) Criteria listed in Table II is the same as the Cleanup Screening Level (CSL) Criteria listed in Table III. Additionally Part IV states: “As determined necessary, the department shall use issuance of administrative actions under authority of chapters 90.48 or 70.105D RCW to implement this chapter.” Therefore, once cleanup is required under an administrative order and is completed, by statute, water quality standards must be met.</p>

<b>Key Issues</b>	<b>Ecology Thinking</b>
Were fish consumption rates included in the SMS rule amendments?	Ecology did not include a default fish consumption rate in the new SMS. Instead, the rule amendments include a narrative in Part V that requires cleanup levels to be based on a Reasonable Maximum Exposure (RME) and that the default RME is a tribal exposure scenario.