Cleanup Rule (Chapter 173–340 WAC): Comments from the Public and Ecology staff (2009–2018)

In February 2018, the Washington State Department of Ecology (Ecology) began an Exploratory Rulemaking process to update the Cleanup Rule, which has not been fully updated since 2001.

In 2009 Ecology began to update the rule, considering rule changes from the public, Ecology staff, and other agencies. We stopped work on the update in 2010 following Governor's Executive Order 10-06, which directed all state agencies to suspend non-critical rulemaking. Ecology preserved the incomplete rule changes for future consideration.

In 2017 we returned to the rule update, collecting suggestions from Ecology staff and soliciting comments from other agencies and the public through the Exploratory Rulemaking process (February–May 2018).

This document presents: a) rule changes suggested by Ecology staff in 2017; b) comments received from other agencies and the public during the Exploratory Rulemaking in 2018; and c) planned rule changes from the suspended rulemaking of 2009–2010.

We'll be addressing many of these comments during three planned rulemakings over several years. The first rulemaking launched on December 20, 2018. Read its timeline and plan of work at https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-340

For more information, please contact:

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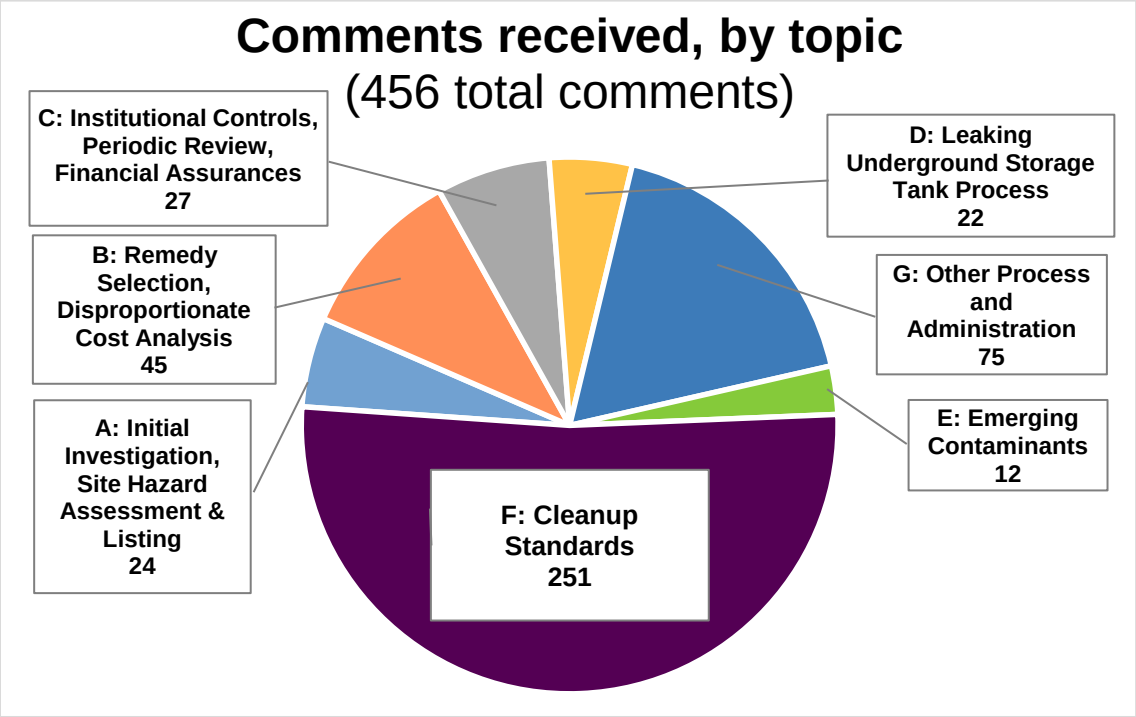

Figure 1: Rule changes suggested by the public and Ecology staff from 2009 through 2018.

Ecology is updating the Cleanup Rule. The Model Toxics Control Act (MTCA) Regulations, known as the Cleanup Rule (Chapter 173-340 WAC), set standards and procedures for cleaning up contaminated sites under Washington state's environmental cleanup law, MTCA (Chapter 70.105D RCW). Both the rule and law help us remove contamination that can pose risks to your health and the environment. We expect this update to include several rulemakings over the next five to ten years, beginning in 2018. For more details:

- **Read about the first Cleanup Rulemaking, timeline, and plan (2018–2020):** https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-340
- **Cleanup Rule Update scoping process and exploratory rulemaking (2018):** https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act/Exploratory-rulemaking
- **Subscribe to Cleanup Rule Update emails**: http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=MTCA-SMS-RULE-UPDATE&A=1
- **Download Washington's cleanup law (the Model Toxics Control Act, Chapter 70.105D RCW) and regulations (the Cleanup Rule, Chapter 173-340 WAC):** https://fortress.wa.gov/ecy/publications/summarypages/9406.html
- **Access the MTCA law (Chapter 70.105D RCW):** https://app.leg.wa.gov/rcw/default.aspx?cite=70.105d&full=true
- **Access the Cleanup Rule (Chapter 173-340 WAC):** https://app.leg.wa.gov/WAC/default.aspx?dispo=true&cite=173-340&full=true
- **Learn about cleaning up contaminated sites under MTCA:** https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process
- **Watch the April 3, 2018, statewide scoping webinar in your Chrome browser:** https://watech.webex.com/watech/ldr.php?RCID=273c0fe57a52651bf9781dfddab85714

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Last revised date: 7/9/2019

How are these comments sorted?

Comments are sorted by:

1. **Which rulemaking** (first or second); and within these, by
2. **Code and Topic** (see code listed below); and within these by
3. **WAC Reference** [Part (1,2…), Section (173-340-100,-200,…) and Subsection (-100(1)(a)(i)(A)…], if applicable.

Rulemaking topic comment codes

Which rulemaking?	Code	Topic
1st (Process & Administration)	A	Initial Investigations (II) / Site Hazard Assessment (SHA) / Listing
	B	Remedy Selection / Disproportionate Cost Analysis (DCA)
	C	Institutional Controls / Periodic Reviews / Financial Assurances
	D	Leaking Underground Storage Tanks (LUST)
	E	Emerging Contaminants (Corrections and Clarifications)
	F	Cleanup Standards - Parts 7 and 9 (Corrections and Clarifications)
	G	Other process and administration topics
2nd (Cleanup Standards)	E	Emerging Contaminants (Change in Effect)
	F	Cleanup Standards Parts 7 and 9 (Change in Effect)
1st & 2nd	H	Questions or comments about the rulemaking process

Acronyms and Terms	Definitions
2010 proposed rule changes	Suspended by Governor's Executive Order in 2010, an annotated draft of planned Cleanup Rule changes was available to the public on Ecology's website until mid-2017. The draft was removed when the agency launched its website. Now available on EZView.
2010 MTCA Rulemaking	Suspended by Governor's Executive Order in 2010. See Science Advisory Board Abolished--Selections from 2009 Session Laws posted on our EZView page.
Blueprint	An Ecology template used by staff during the internal scoping period (2017–2018).
Code A: II, SHA, Listing	Initial Investigation; Site Hazard Assessments; Prioritization and Listing
Code B: CU Selection, DCA	Cleanup Action Selection; Disproportionate Cost Analysis
Code C: ICs, Periodic Review	Institutional Controls; Periodic Review; Monitoring and Assurances
Code D: LUSTs	Leaking Underground Storage Tank procedures
Code E: Emerging Contaminants	Affects both Process and Administration and Cleanup Standards
Code F: Cleanup Standards	Sections 700 and 900 of the Cleanup Rule
Code G: Other	Process and Administration topics that fall outside Codes A-E
Code H: Rulemaking Process	Public comments on the rulemaking process received during Exploratory Rulemaking
Contributor Name	First and last name of commenter
Cleanup Rule	Model Toxics Control Act Cleanup Regulation, Chapter 173-340 WAC
Date	Date of comment
Description	Staff comments (summarized) / Public comments (in their entirety)
eComment	Ecology's website for gathering public comments online
Event Format	Event at which the comment was received
Exploratory Rulemaking	Ecology's public planning and scoping process for updating the Cleanup Rule, active February 2018 through May 2018
LV	Lauren VanHyning (Ecology's Policy & Technical Support Unit staff member) who entered written comments received 4/3/2018 into Ecology's online eComments system
Memo or email	Internal comment received by memo or email
MTCA	Model Toxics Control Act, Chapter 73.105D RCW
PLT	Comments received at TCP's Program Leadership Team meeting on March 27, 2017
PLIA	Washington State's Pollution Liability Insurance Agency
Probable Type of Change	Type of change to the Rule. Options: Correction, Clarification, Change in Effect, Non-Rulemaking
Public eComment	Public comments received during Exploratory Rulemaking (02/1/2018 to 04/15/2018) and entered into eComment
Public Scoping Event	Statewide webinar held on April 3, 2018, as part of the Cleanup Rule Update Exploratory Rulemaking process. Comment cards were collected from meeting participants and entered into eComment by Lauren VanHyning (LV).
Rule Sections	Options: Process and Administration (Parts 1-6 and Part 8); Cleanup Standards (Parts 7 and 9)
Source ID#	Consecutive number assigned to each new comment
Source Sub-ID#	Sub numbers assigned to denote multiple comments from one comment source
TCP	Toxics Cleanup Program, one of twelve programs in the Washington State Department of Ecology
Topic	Options: **A:** II, SHA, Listing. **B:** CU Selection, DCA. **C:** ICs, Periodic Review. **D:** LUSTs. **E:** Emerging Contaminants. **F:** Cleanup Standards. **G:** Other. **H:** Rulemaking Process.

Acronyms and Terms	Definitions
WAC Reference: 173-340-	Section of Washington Administrative Code (WAC) Chapter 173-340- that the comment pertains to
Workshop Table Talk	TCP Program Workshop, Summer 2017
Workshop Poster	TCP Program Workshop, Summer 2018

Rulemaking topic comment codes		
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	F	Cleanup Standards - Parts 7 and 9 (Change in Effect)
1st & 2nd	**H**	Questions or comments about the rulemaking process

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	A: II, SHA, Listing	Change in Effect	120 (6)	Allow more interim actions -- not just in the case of emergencies				PLT Discussion	22	6
1st	A: II, SHA, Listing	Change in Effect	140	Require that sites that have caused contamination but that are not in the formal cleanup process must complete the RI/FS and implement cleanup within specified timeframes unless ecology specifies otherwise.	Gordon	Mark		Blueprint	40	4
1st	A: II, SHA, Listing	Change in Effect	140 (2) - (3)	Eliminate the current requirement for Ecology to complete an Initial Investigation. Instead, require PLP to complete a site characterization report within 90 days after release confirmation.	Gordon	Mark		Blueprint	40	1
1st	A: II, SHA, Listing	Change in Effect	140 (4)	Eliminate the current requirement for Ecology to complete a site hazard Assessment. Instead, rank sites using information from the site characterization report prepared as described in Source ID# 40-1.	Gordon	Mark		Blueprint	40	2
1st	A: II, SHA, Listing	Change in Effect	140 (5)	Eliminate language in 140 (5) that allows the department to delay action at lower-priority sites.	Gordon	Mark		Blueprint	40	3
1st	A: II, SHA, Listing	Change in Effect	310	Make Initial Investigation consistent with TCP Policy 310A.	Gordon	Mark		Blueprint	14	
1st	A: II, SHA, Listing	Change in Effect	310	Off-ramp for simple sites?				PLT Discussion	22	25
1st	A: II, SHA, Listing	Change in Effect	310	Add option for deferred listing of a site.				2010 MTCA Rulemaking	30	5
1st	A: II, SHA, Listing	Clarification	310	Add description of contents of initial investigation.				2010 MTCA Rulemaking	30	4
1st	A: II, SHA, Listing	Change in Effect	320	Remove or update rule provisions on Site Hazard Assessments	Gordon	Mark		Blueprint	12	
1st	A: II, SHA, Listing	Clarification	320	Add statement that Site Hazard Assessments are not typically conducted for voluntary cleanup program sites.				2010 MTCA Rulemaking	30	6
1st	A: II, SHA, Listing	Change in Effect	320, 330	Rewrite the SHA process and WARM so that it evaluates the eligibility of the site for the VCP, serving as a stepping stone between listing and cleanup.	Alvarez	Kirsten		Blueprint	28	
1st	A: II, SHA, Listing	Change in Effect	320 (4)	Revise scope of SHA to provide more flexibility to revise the WARM Scoring Manual.	Tomlinson	Priscilla		Memo or e-mail	34	2
1st	A: II, SHA, Listing	Change in Effect	330	Remove the date reference for the WARM/SHA section, also remove SEDRANK provisions. May need to remove reference to the Science Advisory Board, which no longer exists.	O'Dowd	Scott		Blueprint	8	

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1st	A: II, SHA, Listing	Change in Effect	330 (2) (b)	Revise codified language to allow revision of the WARM Scoring manual (pub 90-14).	Tomlinson	Priscilla		Memo or e-mail	34	1
1st	A: II, SHA, Listing	Change in Effect	330 (7)	Update landfill regulation reference. Expand delisting option to industrial landfills.				2010 MTCA Rulemaking	30	8
1st	A: II, SHA, Listing	Clarification	330 (7)	Add sites can't be removed from list until public comment complete.				2010 MTCA Rulemaking	30	9
1st	A: II, SHA, Listing	Change in Effect	360	Include Environmental Justice factors in prioritizing site cleanups				PLT Discussion	22	24
1st	A: II, SHA, Listing	Change in Effect	pending	early-action source removal	Perez	Richelle		Workshop Table Talk	3	1
1st	A: II, SHA, Listing	Change in Effect	pending	I think it would be good to reconsider the 90 day reporting requirement under MTCA when the language is revised. I'd say more often than not, contamination discovered at a site is not from an ongoing release or certainly can't be proved to be ongoing. The UST regulations do not distinguish between historic and active releases and so the 24 hour reporting requirement kicks in either way. For this reason, I don't see why MTCA would have a different reporting requirement. Also, this might create confusion amongst contractors and fail to get Ecology staff involved early on in any cleanup efforts.	Rodriguez	Krystal	11/27/18	Memo or e-mail	55	
1st	A: II, SHA, Listing	Clarification	pending	A - If most sites aren't ranked using Site Hazard Assessments, why are they (SHAs) still being used?	LV		4/11/18	Public Scoping Event	206	
1st	A: II, SHA, Listing	Clarification	pending	A - I.I of site listing site investigations. Clarify indicated hazardous substances. Shown specify screening process.	LV		4/11/18	Public Scoping Event	248	
1st	A: II, SHA, Listing	Clarification	pending	Regarding Site Hazard Assessments (SHA), provide clarification regarding what the ranking score means and how it is used. Evaluate potential for revising a SHA score given time, changes in site use and/or implementation of remedial actions.	Aspect Consulting		4/15/18	Public eComment	268	1
1st	A: II, SHA, Listing	Clarification	pending	Clarify Initial Investigation process for site cleanup and closure.	Aspect Consulting		4/15/18	Public eComment	268	2
1st	B: CU Selection, DCA	Change in Effect	200	Consider changing the definition from "permanent cleanup action" to "permanent cleanup action to the maximum extent practicable." These terms appear to be used interchangeable in various parts of the Cleanup Rule (and MTCA?).	Cruz	Jerome		Memo or e-mail	47	3
1st	B: CU Selection, DCA	Clarification	200	Maybe change the definition in WAC 173-340-200 from "permanent cleanup action" to "permanent cleanup action to the maximum extent practicable". It appears to me to be used as equivalent or interchangeably in various parts of MTCA.	Cruz	Jerome	7/3/18	Memo or e-mail	52	4
1st	B: CU Selection, DCA	Clarification	200	Suggestion: Revisit the nomenclature conflict between SMS and MTCA. SMS calls groundwater in the biologically active zone "sediment pore water" when a sediment cleanup is underway (WAC 173-204-200). MTCA calls the water in this zone "ground water", because it defines groundwater as "below a surface water". This discrepancy might be a potential problem for upland MTCA sites where contamination extends into adjoining water bodies, if both upland and sediment cleanups are necessary and a POC is being set for groundwater in the biologically active zone.	Adams	Mark	7/3/18	Memo or e-mail	52	10

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1st	B: CU Selection, DCA	Clarification	200	Suggestion: Clarify and emphasize the language in MTCA that water in soil/bedrock close to a shoreline or a river is by definition groundwater, regardless of how much surface water might be mixed in via tidal action or by stream outflow. Or, revise MTCA with rules that address mixed waters. It appears there is confusion and disagreement within TCP on this matter. Although MTCA defines groundwater pretty clearly, some cleanup project managers will not allow POCs near tidal shorelines or near streams bordered by open-work gravels, based on their interpretation that mixed waters are not groundwater under MTCA. An additional factor is the reluctance of cleanup project managers to allow a POC in part of an aquifer that is subject to surface water dilution under the old adage, "dilution is not the solution to pollution".	Adams	Mark	7/3/18	Memo or e-mail	52	11
1st	B: CU Selection, DCA	Clarification	350	Add detailed step by step description and illustration of the process for identifying, screening and analyzing alternatives in the feasibility study.				2010 MTCA Rulemaking	30	17
1st	B: CU Selection, DCA	Clarification	350	Added description of content of feasibility study.				2010 MTCA Rulemaking	30	18
1st	B: CU Selection, DCA	Clarification	350, 360, 370	-350, -360 -370, rule – Suggestion: Combine these sections into one, as they all are involved in completing an FS. Doing so would simplify the regulation, increase clarity, and reduce the potential for conflicts.	Adams	Mark	7/3/18	Memo or e-mail	52	6
1st	B: CU Selection, DCA	Clarification	350 (8), 350, 360,	Suggestion: Expand -350 (8) to more closely to match how feasibility studies are conducted. As currently configured, -350 (8) starts with screening alternatives and then moves on to evaluating the survivors against the criteria in -350 and -360. The way FS's are actually done, at least in my experience, goes more like this: First, preliminary CULs are established for identified/potential future transport/exposure pathways and the areas needing cleanup are identified by comparison with the preliminary CULs. Second, all of the individual technologies that might work to clean up the identified contamination are assembled and screened. Third, the technologies passing the screening are combined into alternatives. Fourth the alternatives are evaluated against the criteria in -350 and -360, particularly -360, and often a preferred cleanup alternative is identified. Key decision points in the 4th stage include whether the DCA is structured appropriately, and whether the cost estimates are sufficiently accurate.	Adams	Mark	7/3/18	Memo or e-mail	52	7

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	B: CU Selection, DCA	Clarification	360	Suggestion: Clarify the two key DCA issues - weighting of the how well evaluation criteria are met and the relative importance of the evaluation criteria. I've always had another concern regarding the lack of guidance on the use of weighting in the process of selecting an alternative. I know this has been discussed in the past, and is generally left up to the discretion of the CPM because there has been a strong split between those who think it should continue and those that don't see where it fits into the regulation. I feel that the ranking for compliance with the general requirements already has a certain amount of subjectivity in the determination, e.g., permanence for Alt. 3 is "5" on a scale of 1-10. So, adding another level of subjectivity by weighting the criteria, e.g., multiply public participation by 0.1 (10% weighting), makes for a very complicated process that is not well defined and often for an ambiguous result. It would be great if both of these DCA issues could be addressed	Timm	Ron	7/3/18	Memo or e-mail	52	1
1st	B: CU Selection, DCA	Non-Rulemaking?	360	Ecology should have an official position (maybe an interpretation memo?) that states that it considers containment to be a permanent cleanup action.	Cruz	Jerome	7/3/18	Memo or e-mail	52	3
1st	B: CU Selection, DCA	Change in Effect	360	Interim actions not fully valued in MTCA -	Stanovsky	Clint		Workshop Table Talk	5	5
1st	B: CU Selection, DCA	Change in Effect	360	Need more realistic and comprehensive treatment of cleanup decisions				PLT Discussion	22	2
1st	B: CU Selection, DCA	Change in Effect	360	Internalize all costs and risks of cleanups in remedy selection (DCA)	Stanovsky	Clint		PLT Discussion	22	3
1st	B: CU Selection, DCA	Clarification	360	Modified disproportionate-cost text to clarify that incremental costs must be "substantially" higher than incremental benefits to be disproportionate when comparing two alternatives. This reflects how this test is being applied at sites under the current rule.				2010 MTCA Rulemaking	30	24
1st	B: CU Selection, DCA	Clarification	360	Add a statement that the expectations in Section 370 need to be considered when selecting a remedy.				2010 MTCA Rulemaking	30	25
1st	B: CU Selection, DCA	Clarification	360	Add discussion of what to include in a cost estimate and the parameters for a rate of return and inflation rate when used in a present worth analysis.				2010 MTCA Rulemaking	30	26
1st	B: CU Selection, DCA	Clarification	360	Add a factor that compatibility of the remedy with the land use plan be considered.				2010 MTCA Rulemaking	30	27
1st	B: CU Selection, DCA	Clarification	360	Add climate change as a factor that needs to be considered when selecting a remedy. Climate change is considered in two ways - sea level rise and greenhouse gas emissions.				2010 MTCA Rulemaking	30	28
1st	B: CU Selection, DCA	Change in Effect	360 (3) (d)	Revise to say that a DCA is not required if Ecology and the PLP agree that the cleanup action proposed in the CAP is "a permanent cleanup action to the maximum extent practicable."	Cruz	Jerome		Memo or e-mail	47	2
1st	B: CU Selection, DCA	Change in Effect	360 (3) (d)	Revise WAC 173-340-360 (3)d) to require that a DCA is not required if Ecology and the PLPs agree that the proposed cleanup action in the CAP is a "permanent cleanup action to the maximum extent practicable". This is to solve the dilemma on DCA	Cruz	Jerome	7/3/18	Memo or e-mail	52	2
1st	B: CU Selection, DCA	Change in Effect	360 (3) (e) and (f)	When conducting a DCA under (e), can the site manager apply unequal weights to the criteria set forth under (f)?	Timm	Ron		Memo or e-mail	47	1

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	B: CU Selection, DCA	Clarification	370	Suggestion: Make these expectations part of the cleanup alternatives evaluation process by including some (or all?) of them as criteria. It is difficult for site managers to understand when and how to include these expectations in the selection of a cleanup alternative, given that they are not part of the explicit evaluation criteria in -360	Adams	Mark	7/3/18	Memo or e-mail	52	8
1st	B: CU Selection, DCA	Clarification	370, 360 (3) (d), 360 (2) (b) (i), 360 (3), 700-760	Given a remedial action consisting of containment (e.g. a landfill cap over industrial or solid wastes contaminated with hazardous substances), there is still some ambiguity on whether this constitutes a permanent remedial action. MTCA has language in WAC 173-340-370 that says the department recognizes the need for engineering controls such as containment, yet does not clarify if this is considered a permanent cleanup action, or permanent cleanup action to the maximum extent practicable. Here's the background on why it came to my attention: in WAC 173-340-360 (3)d), a DCA is not required if Ecology and the PLPs agree that the proposed cleanup action in the CAP is a "permanent cleanup action". This is problematic for a proposed remedy involving containment. Note that it does not say permanent "to the maximum extent practicable", which is the terminology in the minimum requirements WAC 173-340360 (2) (b) (i) and when determining whether the cleanup action uses permanent solutions to the maximum extent practicable (WAC173-340-360 (3)). Anecdotally, opinions seem to vary over whether a containment remedy constitutes a permanent cleanup. Some don't think so because there are still hazardous substances present exceeding cleanup levels. Other say it is because the containment (as long as the institutional controls and O&M obligations that commonly go with it), achieves the cleanup standards at a site and are permanent "to the maximum extent practicable". The other reason, as pointed out by Ron Timm, is that if this is being done under a formal order like an agreed order or consent decree, why would Ecology enter into such a mechanism if it did not consider it to be a permanent cleanup? The definition of permanent cleanup action in WAC 173-340-200 does not help here because it defines a permanent cleanup action to mean cleanup standards of WAC-173-400-7000 through-760 "can be met without further action being	Cruz	Jerome	7/3/18	Memo or e-mail	52	5
1st	B: CU Selection, DCA	Clarification	720 (8) (c)	Suggestion: Clarify or eliminate the demonstration requirement for a CPOC that "..all practicable methods of treatment are to be used in the site cleanup." It is unclear how this demonstration is to be made, whether it applies only to the groundwater remedy or the entire site cleanup, and whether it should be made as part of the FS or in some later document. If a conditional point of compliance is being considered, the FS analysis will have already developed a cleanup alternative that meets all of the selection criteria, is permanent to the maximum extent practicable, and results in contaminated groundwater not meeting cleanup levels in a reasonable restoration time frame. What further analysis is needed to demonstrate that "all practicable methods of treatment are to be used"?	Adams	Mark	7/3/18	Memo or e-mail	52	14

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	B: CU Selection, DCA	Clarification	720 (8) (c), 350, 390, 360 (1) (b)	Suggestion: Clarify the apparent contradiction between the statement "Where it can be demonstrated under WAC 173-340-350 through 173-340-390 that it is not practicable to meet the cleanup level throughout the site within a reasonable restoration time frame, the department may approve a conditional point of compliance….", and the requirement in -360 (1) (b) that when selecting a cleanup action, the one selected will "Provide for a reasonable restoration time frame". It appears the intent is to recognize sites like landfills that may be able to keep contaminated groundwater from migrating too far from the source, but may never be able to clean up the groundwater at the source. But the language is confusing on a straight read, and seems to present a contradiction.	Adams	Mark	7/3/18	Memo or e-mail	52	12
1st	B: CU Selection, DCA	Clarification	720 (8) (d)	Suggestion: Reduce the three approved situations for an off-property CPOC, and associated sets of requirements, to one situation and one set of requirements. Having an abutting case, a near-but-not-abutting case, and an area-wide case for off-property POCs adds unnecessary complexity and the potential for conflicting provisions. Having one set of requirements would simplify and clarify the rule, and make implementation less subject to dispute and misinterpretation.	Adams	Mark	7/3/18	Memo or e-mail	52	13
1st	B: CU Selection, DCA	Clarification	720 (8) (d)	Explain that although the MTCA rules focus on the furthest downgradient locations permissible, a POC will generally be set further up gradient to meet the requirement that it be as close as practicable to the source of contamination. There is ongoing confusion in the consulting world, and probably Ecology's as well, about where CPOCs should be set in shoreline settings. Part of the confusion arises from MTCA's focus on the most extreme locations possible. For example, in a situation where a property is near, but does not abut the shoreline, the regulations allow a POC at the location where groundwater flows into surface water. Although the regulations also specify that the POC must be as close as practicable to the source of contamination, people tend to overlook this requirement (accidentally or on purpose?) and focus on the MTCA language allowing the less conservative POC.	Adams	Mark	7/3/18	Memo or e-mail	52	17
1st	B: CU Selection, DCA	Correction	720 (8) (d) (i) and (ii)	Suggestion: If the three off-property cases are retained, then correct the text in (i) to match that in (ii). As written, 720 (8) (d) (i) states that for properties abutting surface water, the extensive list of A-G conditions for approving a CPOC applies only (my insertion) when the CPOC would be located within the surface water. This provision is much less stringent than the parallel section of 720 (8) (d (ii) for the near, but not abutting case, which requires all of the A-G conditions to be met for all cases. Apparently there was a miscue in drafting the "i" section, resulting in the A-G conditions being excluded from it, except in the virtually unheard of case where a POC is set in a surface water body. Although Ecology has made a policy decision to require "i" to meet the same A-G conditions as "ii" (Implementation Memo 16), it would be better if the rule were to be corrected to reflect this decision.	Adams	Mark	7/3/18	Memo or e-mail	52	15

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	B: CU Selection, DCA	Clarification	720 (8) (d) (i) (b), 350-390, 360 (2) (a) (ii)	Suggestion: Fix the logical contradiction in the criterion that an off-property CPOC can be set if a remedy has been selected through the MTCA process (-350 to -390) that will result in groundwater not meeting cleanup levels before it discharges to surface water. This provision appears in (i) first and is also referenced as a requirement in (ii). In (ii) the requirement appears to contradict the threshold requirement for selection of a cleanup action under -360 (2) (a) (ii) – "Comply with cleanup standards;" (cleanup level met at POC). The first part of (ii) allows a POC to be set no further than the location where groundwater discharges into surface water, but only if it meets (-720 (8) (d (i) (B), which requires that groundwater not meet cleanup levels at the point of discharge. It is not clear how a remedy can be selected with a POC where the groundwater will not meet cleanup levels, or how a POC can function if the groundwater is always contaminated above cleanup levels? Or maybe I'm just confused.	Adams	Mark	7/3/18	Memo or e-mail	52	18
1st	B: CU Selection, DCA	Change in Effect	720 (8) (d) (ii), 370 (6), 720 (8) (d) (i) (c)	Suggestion: Eliminate the provision that allows a groundwater POC to be located in surface water for the abutting case, and replace it with the location requirements used in -720 (8) (d) (ii) for the near, but not abutting case. The provision (i) allowing a POC to be set in a water body is a direct violation of the golden rule – dilution is not the solution to pollution. It also appears to violate the spirit of -370 (6), which states that "The department expects that dilution will not be the sole method for demonstrating compliance with cleanup standards….", and the spirit of -720 (8) (d) (i) (C), which disallows a mixing zone for groundwater to meet surface water cleanup levels. Further, it violates the spirit of -360 (2) (g), which states that cleanup actions should not rely entirely on dilution and dispersion unless the costs are grossly disproportion to benefits. And finally, it is possible a POC of this type has never been set by an Ecology site manager. Pete Kmet said that in drafting this section of MTCA he was thinking of landfills back in Wisconsin where it was apparently impossible to keep leachate-contaminated groundwater from discharging into local surface water bodies.	Adams	Mark	7/3/18	Memo or e-mail	52	16
1st	B: CU Selection, DCA	Clarification	720 (9) (a)	Clarify the meaning of the sentence – "Compliance with ground water cleanup levels shall be determined by analysis of ground water samples representative of the ground water". Some interpret ground water variably mixed with surface water in a transitional zone near shorelines as not "representative of ground water" based on this rule provision, and choose POCs outside the transitional zone. Others interpret this provision as having to do with monitoring at the right locations in an aquifer based on the shape of a plume and it's migration direction. Clarity is needed on how to interpret this provision of MTCA.	Adams	Mark	7/3/18	Memo or e-mail	52	19

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	B: CU Selection, DCA	Change in Effect	pending	Suggestion: Lessen the influence of cost in selecting a cleanup action, or stiffen the requirements to include future maintenance and replacement costs in the DCA. The remedy selection process appears to be inherently tilted in favor of do-nothing-but-contain alternatives. In the process of comparing alternatives and determining which alternative is permanent to the maximum extent practicable through the DCA, the alternative that actually cleans up a site is often disproportionately more costly. The fundamental problem that really can't be addressed in guidance is the balance between cost and environmental benefit. As it now stands, cost has equal weight to environmental benefit through the DCA, and commonly in my experience, it (cost) becomes the major differentiating factor in choosing a cleanup. Part of the reason for this is that all alternatives being evaluated must be protective, whereas not all of the costs must be reasonable. So the DCA typically ends with a range of costs extending from low to unreasonably high, balanced against a range of alternatives all of which will work to protect people and the environment. In addition, the ultimate cost for cleanup at some future date does not necessarily have to be considered in the analysis, and the constraints of a "reasonable restoration time frame" tends to push the choice towards more immediate, cheaper solutions. This tipping of the scales leads to many "cleanups" treading water as protective actions, not cleanups. For sites where a large volume of contamination really needs to be contained forever, protective action makes sense. And for the many sites where cleanup can't be properly completed until the property is redeveloped, protective actions make sense there as well. But it appears there is a large area of middle ground where cleanups could be done, but aren't because of the way the DCA is constructed. There are also many sites that fall into a separate group – those with very small amounts of contamination and limited risk, but an inability to get at the contamination without removing structures, or,	Adams	Mark	7/3/18	Memo or e-mail	52	9
1st	B: CU Selection, DCA	Change in Effect	pending	B - DCA process should include consideration for sustainability (e.g. containment may be preferable to dig and haul when: a) onsite risks of leaving contaminants in place are low b) moving huge amounts of soil by truck results in high carbon footprint.)	LV		4/11/18	Public Scoping Event	207	
1st	B: CU Selection, DCA	Change in Effect	pending	B - Evaluating ways to streamline both regulatory process and the cleanup process for remedy selection and implementation - to address REAL risks instead of all potential risks that may ever exist - to allow for redevelopment to support 10 call economies (i.e. affordable housing, creating jobs, public use of 'clean' open space, etc.)	LV		4/11/18	Public Scoping Event	209	
1st	B: CU Selection, DCA	Change in Effect	pending	B - The current rule has Ecology preparing the CAP, but consultants typically write these. Consider rewriting the rule to address the actual process.	LV		4/11/18	Public Scoping Event	211	
1st	B: CU Selection, DCA	Change in Effect	pending	B - Use of silica gel needs to be allowed. Distrust by Ecology of ground water - surface water interface - tidal pumping can cause concentrations (TPH or Solvent) to decrease due to increased oxidation - NOT dilution - need to allow monitoring as ground water discharges to surface water, OK to monitor at the ground water/surface water interface by shoreline wells, seeps, and/or pore water sampling.	LV		4/11/18	Public Scoping Event	214	

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	B: CU Selection, DCA	Change in Effect	pending	Consider adopting EPA's CERCLA model remedy for landfills, with long-term adaptive management during periodic reviews, instead of contingency planning at the time of remedy selection.	Aspect Consulting		4/15/18	Public eComment	268	6
1st	B: CU Selection, DCA	Clarification	pending	B - When evaluating remedies in FS and DCA - need further clarification regarding source removal options. In practice, Ecology often requires evaluation and costing of excavation options even when it is obviously not technically practicable. Should be allowed to compare to treatment remedies that also remove mass.	LV		4/11/18	Public Scoping Event	212	
1st	B: CU Selection, DCA	Clarification	pending	B - Provide Clarity on DCA Benefit scoring. This could be done by example table in guidance instead of rule amendment.	LV		4/11/18	Public Scoping Event	213	
1st	B: CU Selection, DCA	Clarification	pending	B - DCA: How is sustainability incorporated into process? Runs cursory to permanent in some cases.	LV		4/11/18	Public Scoping Event	249	
1st	B: CU Selection, DCA	Clarification	pending	Clarify the options for selecting and implementing remedies. Include consideration and further description of Initial Investigation and Model Remedy routes to site cleanup and closure.	Aspect Consulting		4/15/18	Public eComment	268	3
1st	B: CU Selection, DCA	Clarification	pending	Provide clarity in the disproportionate cost analysis process (maybe guidance instead of rule changes?). The current rule language allows for considerable subjectivity and there are stark regional differences in how the DCA process is applied to sites and used in decision-making.	Aspect Consulting		4/15/18	Public eComment	268	4
1st	B: CU Selection, DCA	Clarification	pending	Pertaining to remedy selection, provide clarification and description regarding the incorporation of climate change (greenhouse gas emissions), green technologies, and sustainability into remedy evaluation and selection.	Aspect Consulting		4/15/18	Public eComment	268	5
1st	B: CU Selection, DCA	Non-Rulemaking?	pending	B - "Reasonable restoration timeframe" should be included within DCA analysis as it is redundant and poorly defined on how to determine the "practicability of achieving a shorter restoration timeframe."	LV		4/11/18	Public Scoping Event	208	
1st	B: CU Selection, DCA	Non-Rulemaking?	pending	B - Reasonable Restoration timeframe, particularly with large diffuse plumes - low level, but exceeding CULs. VERY expansive to address.	LV		4/11/18	Public Scoping Event	210	
1st	C: ICs, Periodic Review	Change in Effect	360	Remove requirement for "quantitative scientific analysis" of institutional controls.				2010 MTCA Rulemaking	30	23
1st	C: ICs, Periodic Review	Change in Effect	420	Clarify and provide further direction on completing periodic reviews	Gordon	Mark		Blueprint	13	
1st	C: ICs, Periodic Review	Change in Effect	420	Changed criteria for when Ecology is required to conduct a periodic review				2010 MTCA Rulemaking	30	32
1st	C: ICs, Periodic Review	Change in Effect	420	Timing of periodic reviews changed				2010 MTCA Rulemaking	30	33
1st	C: ICs, Periodic Review	Change in Effect	420	Changed criteria for when a periodic review requires follow-up action by Ecology				2010 MTCA Rulemaking	30	35
1st	C: ICs, Periodic Review	Change in Effect	420	Added requirement for public involvement before accepting EPA reviews				2010 MTCA Rulemaking	30	36
1st	C: ICs, Periodic Review	Clarification	420	Added contents of periodic review				2010 MTCA Rulemaking	30	34
1st	C: ICs, Periodic Review	Clarification	420	Added cross-reference to Section 550 for cost recovery				2010 MTCA Rulemaking	30	37
1st	C: ICs, Periodic Review	Change in Effect	440	Modified to authorize the use of institutional controls at any stage of the cleanup process, not just cleanup actions, consistent with UECA.				2010 MTCA Rulemaking	30	39

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1st	C: ICs, Periodic Review	Change in Effect	440	Expanded alternative mechanisms for publically-owned real property interests to include public street and utility easements and rights of way				2010 MTCA Rulemaking	30	40
1st	C: ICs, Periodic Review	Change in Effect	440	The contents of an environmental covenant have been substantially revised, reflecting UECA requirements and needed clarifications from experience				2010 MTCA Rulemaking	30	41
1st	C: ICs, Periodic Review	Change in Effect	440	Procedures for filing an environmental covenant have been revised to reflect UECA and current practice				2010 MTCA Rulemaking	30	42
1st	C: ICs, Periodic Review	Change in Effect	440	The local government notification requirements are changed to reflect new requirements in UECA.				2010 MTCA Rulemaking	30	43
1st	C: ICs, Periodic Review	Change in Effect	440	The presumption changed to focus financial assurance on sites with substantial maintenance requirements.				2010 MTCA Rulemaking	30	44
1st	C: ICs, Periodic Review	Change in Effect	440	The exemption based on sufficient resources has been replaced with a performance standard where this needs to be demonstrated each year				2010 MTCA Rulemaking	30	45
1st	C: ICs, Periodic Review	Change in Effect	440	A provision has been added providing for recovery of costs of implementing institutional controls.				2010 MTCA Rulemaking	30	47
1st	C: ICs, Periodic Review	Change in Effect	440	A provision has been added clarifying that pre-existing, nonconforming covenants are still valid and enforceable.				2010 MTCA Rulemaking	30	48
1st	C: ICs, Periodic Review	Clarification	440	Incorporated concept of “activity and use limitations” and “affirmative obligations,” new terms used in UECA				2010 MTCA Rulemaking	30	38
1st	C: ICs, Periodic Review	Clarification	440	The method for costing out the amount of financial assurance and the requirements for the various financial assurance mechanisms have been more explicitly spelled out.				2010 MTCA Rulemaking	30	46
1st	C: ICs, Periodic Review	Change in Effect	440 (8) (b) & 720 (8) (c)	Develop an approach to restrictive covenants for publicly-owned properties such as rights-of-way (ROWs) with soil or groundwater contamination.	Gordon	Mark		Blueprint	38	
1st	C: ICs, Periodic Review	Change in Effect	pending	C - For contamination in ROWs/under streets, streamline the process to get municipalities/DOT to allow impacts to remain without going through the environmental. covenant process.	LV		4/11/18	Public Scoping Event	215	
1st	C: ICs, Periodic Review	Change in Effect	pending	Consider allowing reassessment of financial assurances contingent with long-term compliance monitoring results instead of at the time of cleanup (reassessment at first/each 5-year periodic review).	Aspect Consulting		4/15/18	Public eComment	268	7
1st	C: ICs, Periodic Review	Change in Effect	pending	Develop more practical institutional controls/process for sites/situations where contamination extends off-property but does not pose an exposure risk. For example, we need a path or mechanism for closing sites where off-property contamination may exist, but is not considered practicable to address, without requiring an individual environmental covenant for each and every potentially impacted property parcel or public right of way. These situations would need to be demonstrated to pose a low risk for exposure, and the final remedy would need to include long term monitoring/controls and periodic review.	Aspect Consulting		4/15/18	Public eComment	268	8
1st	C: ICs, Periodic Review	Clarification	pending	Contaminants within Right of way	Kallus	Andy		Workshop Table Talk	2	10
1st	C: ICs, Periodic Review	Clarification	pending	C - Periodic Review: Revise specify steps. Formalize Process. Re-openers?	LV		4/11/18	Public Scoping Event	250	
1st	C: ICs, Periodic Review	Non-Rulemaking?	pending	More flexible , frequent use of covenants	Kallus	Andy		Workshop Table Talk	2	11

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1st	D: LUSTs	Clarification	450	to distinguish from other uses in the Cleanup Rule, change the words "Site Characterization" to "LUST Site Characterization."	Wietfeld	John		Memo or e-mail	49	2
1st	D: LUSTs	Change in Effect	450	not meeting cleanup reporting requirements	Johnston?	Jeff		Workshop Table Talk	6	2
1st	D: LUSTs	Change in Effect	450	problems removing free product	Johnston?	Jeff		Workshop Table Talk	6	3
1st	D: LUSTs	Change in Effect	450	need other options besides enforcement	Johnston?	Jeff		Workshop Table Talk	6	4
1st	D: LUSTs	Change in Effect	450	Under consideration: Deletion of this Section and replacement with revised language in the UST rule. The revisions would address several key issues that have emerged at UST sites including: well installation criteria for confirmed releases, criteria for when an RI/FS must be conducted, deadlines for conducting an RI/FS				2010 MTCA Rulemaking	30	49
1st	D: LUSTs	Change in Effect	450	Proposed change: Add deadline for beginning the initial site characterization that will be extended from 20 days to 30 days. The verbal and written reporting requirements should be consolidated into a single written report, with a deadline extended to 90 days				2010 MTCA Rulemaking	54	1
1st	D: LUSTs	Change in Effect	450	Proposed change: The criteria for when monitoring wells must be installed as part of an initial response should be amended to reflect current practice. A key new requirement should be if wells are not installed, a licensed hydrogeologist must certify that the site doesn't pose a threat to groundwater.				2010 MTCA Rulemaking	54	2
1st	D: LUSTs	Change in Effect	450	Proposed change: Add a 60 day for the beginning free product recovery, along with a requirement for monthly checking for free product and quarterly reporting of efforts to remove the free product. This would be to emphasize that free product recovery needs to be an on-going effort.				2010 MTCA Rulemaking	54	3
1st	D: LUSTs	Change in Effect	450	Proposed change: The trigger for having to conduct an RI/FS should be changed from failing to meet the groundwater standards under water quality law (90.48), to failing to meet the Method A soil and groundwater cleanup levels. Use of the Method A soil and groundwater standards (rather than 90.48) will provide consistency with other cleanup sites. Note that this doesn't mean that every site must clean up to Method A standards. But it does mean that to use a different standard requires justification through an RI/FS, as would be required at any other cleanup site.				2010 MTCA Rulemaking	54	4
1st	D: LUSTs	Change in Effect	450	Proposed change: Add Specific deadlines for initiating an RI/FS and reporting the results to the department. The intent of this schedule is to phase in compliance so consultants doing investigations and Ecology can manage the workload.				2010 MTCA Rulemaking	54	5
1st	D: LUSTs	Change in Effect	450	Proposed change: add a statement that if the RI/FS shows additional cleanup is needed, the cleanup work must begin within 6 months of submitting the RI/FS report or no later than within 2 years from the start of the RI/FS				2010 MTCA Rulemaking	54	6
1st	D: LUSTs	Change in Effect	450	Proposed change: The contents of the report to be submitted at the completion of the cleanup should be specified.				2010 MTCA Rulemaking	54	7
1st	D: LUSTs	Clarification	450	flexibility w/r/t inaccessible free product	Kallus	Andy		Workshop Table Talk	2	6

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1st	D: LUSTs	Non-Rulemaking?	450	not enforcing LUST reporting requirements	Johnston?	Jeff		Workshop Table Talk	6	1
1st	D: LUSTs	Change in Effect	450 (5) (b)	after the words "release confirmation" add, "and also every three years of no active remediation,"	Wietfeld	John		Memo or e-mail	49	1
1st	D: LUSTs	Change in Effect	515	Extend LUST-type regulatory language to non-petroleum sites (e.g., solvents, metals, PAHs, PCBs).	Hughes	Jeremy		Blueprint	24	
1st	D: LUSTs	Change in Effect	pending	Push PLPs with a schedule and penalties (e.g., extend LUST rules to other IRAs)				PLT Discussion	22	11
1st	D: LUSTs	Change in Effect	pending	VCP - Define by Rule what products can/must be submitted when.				PLT Discussion	22	13
1st	D: LUSTs	Change in Effect	pending	A/D - Suggest establishing timelines for sites to complete a release determination assessment, complete a sensitive receptor survey, complete a site characterization etc. Other states do this and it appears help speed up the cleanup process, particularly on LUST cleanups.	LV		4/11/18	Public Scoping Event	205	
1st	D: LUSTs	Change in Effect	pending	D - LUST cleanups should be more risk-based and consider receptors.	LV		4/11/18	Public Scoping Event	216	
1st	D: LUSTs	Change in Effect	pending	D - LUST-petroleum only cleanups - maybe develop a low threat closure process to streamline site characterization, cleanup actions, etc. So that property owners can transact on their properties.	LV		4/11/18	Public Scoping Event	217	
1st	D: LUSTs	Clarification	pending	Provide clarification regarding the roles, responsibility and authority of Ecology and PLIA to manage and opine on LUST/petroleum sites.	Aspect Consulting		4/15/18	Public eComment	268	9
1st	E: Emerging Contaminants	Non-Rulemaking?	600	Address if/how social media are used in outreach	MacClellan	Megan		PLT Discussion	22	23
1st	E: Emerging Contaminants	Non-Rulemaking?	pending	Clarify relation TCP classifications of substances as "hazardous" for tax and/or cleanup purposes, and the relation of these classifications to CLARC.	White	Jim		Memo or e-mail	19	20
1st	F: Cleanup Standards	Clarification	200	Environmental justice mapping should be incorporated throughout the prevention and cleanup process and program. For example, as resources are prioritized to take advantage of private or public developers, we need to ensure that this does not systematically leave tribes, communities of color, and low-income communities further behind. Citizens for a Healthy Bay recommends the following changes be incorporated in the rulemaking process: • Incorporate rule changes that institutionalize environmental justice, from site evaluation to cleanup to where prevention resources are prioritized; and • Define “Environmental Justice”, “Disproportionate Impacts”, and “Sensitive Populations” in WAC 173-340-200.	Citizens for a Healthy Bay		4/13/18	Public eComment	266	4
1st	F: Cleanup Standards	Clarification	303	F - I was confused by the development of standards in WAC 173-303. I haven't checked the most recent version, but need to understand, link to MTCA, such as if >Method A, goes to Subtitle D landfill? Also, listed waste (again 173-303) decisions will thwart cleanups at dry cleaners when it is not usually clearly known that the waste (PCE or TCE) is 'discarded' or 'spent'. Some site managers are assuming any solvent is always a listed hazardous waste at ANY detected level, even BELOW MTCA cleanup levels or J-Flagged values.	LV		4/11/18	Public Scoping Event	236	

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1st	F: Cleanup Standards	Clarification	350	Regarding requirements for Remedial Investigation and Feasibility Study (WAC 173-340-350). Evaluate and clarify the applicability of RIFS requirements to large-scale redevelopment projects where construction will remove most/all the contaminated media, it is a waste of time and money to have to fully characterize nature and extent and evaluate alternatives when cleanup remedy is a lot-line to lot-line excavation. Consider developing and allow for the implementation of model remedies for properties being redeveloped.	Aspect Consulting		4/15/18	Public eComment	268	19
1st	F: Cleanup Standards	Clarification	350 (b) (c) (d)	WAC 173-340-350 (B) (C)and (D): The current terminology and directive to characterize the extent of hazardous substances is overly simplistic and has been used to require entities to continue to do assessment work when no contamination exceeding applicable cleanup levels has been detected. If one can adequately characterize the nature and extent of contamination exceeding the applicable cleanup levels, one should not be required to further assess until non-detect levels are reached.	McCorkle	John	4/13/18	Public eComment	258	6
1st	F: Cleanup Standards	Correction	355	Several editorial changes to remediation level section, no substantive changes.				2010 MTCA Rulemaking	30	20
1st	F: Cleanup Standards	Clarification	355, 360	The current system leads to prioritizing economic development drivers at the expense of communities impacted by toxic pollution. Developers can "jump the line" by paying for cleanup of sites prioritized as a lower hazard, while liable parties can opt for lower cleanup standards and use the high cost-benefit analysis as their defense, as seen in the ongoing Occidental Chemical Cleanup in Tacoma. Citizens for a Healthy Bay recommends the following changes be incorporated in the rulemaking process: • Reevaluate regional cleanup priorities to fully consider all long-term community and environmental impacts; • Define methodology used for the feasibility study's cost-benefit analysis in WAC 173-340-355; and • Define "practicable" in WAC 173-340-360	Citizens for a Healthy Bay		4/13/18	Public eComment	266	6
1st	F: Cleanup Standards	Correction	357	Several editorial changes to risk assessment section, no substantive changes.				2010 MTCA Rulemaking	30	21
1st	F: Cleanup Standards	Clarification	707 (2)	Clarify the rule language that addresses situations where the practical quantitation limit PQL) is higher than the cleanup level.	Gordon	Mark		Blueprint	31	
1st	F: Cleanup Standards	Clarification	710	Clarified that WQ law exemption only applies to state waste discharge permits, not NPDES permits, reflecting a decision by Ecology's director in 2008.				2010 MTCA Rulemaking	30	91
1st	F: Cleanup Standards	Clarification	720	Potable groundwater criteria: Clarification of yield provision. Some have interpreted the reference to WAC 173-160 to mean if a well can't meet the WAC setback or sealing requirements, the aquifer is nonpotable. This was not intended by this provision. Rather, it was intended to prevent using a pump test at a monitoring well with a small diameter or short screen length to justify non-potability. This is addressed by the revised language.				2010 MTCA Rulemaking	30	95
1st	F: Cleanup Standards	Clarification	720 (8)	Clarify the intent of Rule provision for CPOC on properties/sites adjoining surface water.	Mercuri	Joyce		Blueprint	18	

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1st	F: Cleanup Standards	Clarification	720 (8) (e)	Points of compliance on sites with groundwater and surface water	Stanovsky	Clint		Workshop Table Talk	5	1
1st	F: Cleanup Standards	Correction	720-1 (equation)	Fix typo: delete " (1.)" from the "ED ="term	Gordon	Mark		Blueprint	16	
1st	F: Cleanup Standards	Correction	730	To work out dimensionally, UCF2 in the MTCA equations below should be 1,000 grams/kg rather than 1,000 grams/liter. I verified this with Hun Seak.	Kallus	Andy	5/9/19	Memo or e-mail	58	
1st	F: Cleanup Standards	Clarification	747	F - WAC 173-340-747 provides some criteria for evaluating TCLP and SPLP metals data when considering soil cleanup levels that are protective of groundwater. Would it be possible to also provide criteria for other common contaminants such as petroleum compounds?	LV		4/11/18	Public Scoping Event	230	
1st	F: Cleanup Standards	Clarification	749-1 (table)	Clarified that “site” as used in the context of this table means area of contaminated soil.				2010 MTCA Rulemaking	30	161
1st	F: Cleanup Standards	Clarification	7491	Terrestrial ecological evaluation exclusions: Clarified that gravel can be an effective “physical barrier”.				2010 MTCA Rulemaking	30	155
1st	F: Cleanup Standards	Clarification	7492	Applicability of a simplified terrestrial ecological evaluation: Clarified that 10 acres of undeveloped property must be on or within 500 feet of the area of soil contamination (instead of “site”).				2010 MTCA Rulemaking	30	158
1st	F: Cleanup Standards	Correction	7493(2)(a)(i)	Ecological risk: Section -7493(2)(a)(i) makes reference to section -708(2)(b), which does not exist. This should be corrected. It may need to reference -703(2)(b).	Rochette	Elizabeth	4/12/18	Public eComment	256	7
1st	F: Cleanup Standards	Clarification	750 (6)	Modify existing language in 750 (6) consistent with 173-340-750 (1) (a), as follows: "Cleanup levels established under this section shall be attained in ambient (outdoor) air and air within any building, utility vault, manhole or other structure large enough for a person to fit into, throughout the site.	Harris	Adam		Memo or e-mail	42	
1st	F: Cleanup Standards	Clarification	pending	more guidance on hot spot definition	Kallus	Andy		Workshop Table Talk	2	8
1st	F: Cleanup Standards	Clarification	pending	low-level contaminants at site edges	Kallus	Andy		Workshop Table Talk	2	9
1st	F: Cleanup Standards	Clarification	pending	F - Is TPH as a regulated contaminant still appropriate? TPH is a problematic group of chemicals and many states have screening levels for TPH but not "cleanup levels". Just regulate BTEX, naphthalene, etc.	LV		4/11/18	Public Scoping Event	220	
1st	F: Cleanup Standards	Clarification	pending	F - Potable ground water defined > 10,000 mg/l TDS (seawater salt/brackish?)seems very high. Other requirements need clarification much interpretation is dependent on "department recognition" which policy/decisions seem to fall under and water is potable ->e.g.. perched in high density areas where well installation is prohibited.	LV		4/11/18	Public Scoping Event	221	
1st	F: Cleanup Standards	Clarification	pending	F - Method B is still not widely accepted even though is maybe used at all sites. When consideration of Method B CULs is submitted appropriately there is still a default to Method A. Can we make this clearer?	LV		4/11/18	Public Scoping Event	222	
1st	F: Cleanup Standards	Clarification	pending	F - MTCA should clarify that multiple CULs and POCs for an affected media can be established, based on changes in receptors, pathways, and other site-specific considerations.	LV		4/11/18	Public Scoping Event	224	

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	F: Cleanup Standards	Clarification	pending	F - Points of Compliance/Conditional Pt of Compliance for sites adjacent to or near surface water, need to clarify compliance points and monitoring requirement for the ground water to surface water and ground water to sediment pathways.	LV		4/11/18	Public Scoping Event	231	
1st	F: Cleanup Standards	Clarification	pending	G - Will guidance provided in existing Ecology tech manual be incorporated during the upcoming rule making processes?	LV		4/11/18	Public Scoping Event	237	
1st	F: Cleanup Standards	Clarification	pending	G - Separation of Feasibility Study complex sites vs simpler sites - maybe incorporate model remedy language (e.g. not needed for simple sites)? Or define process better?	LV		4/11/18	Public Scoping Event	241	
1st	F: Cleanup Standards	Clarification	pending	Clarify rule about setting conditional points of compliance along the shoreline and at landfill sites, the rule allows for setting a conditional point of compliance, so it shouldn't be so hard to set one and get Ecology to agree to it.	Aspect Consulting		4/15/18	Public eComment	268	14
1st	F: Cleanup Standards	Clarification	pending	MTCA Update for consistency with VI guidance, for example, update the 10,000 mg/kg soil criteria in MTCA as the trigger for vapor intrusion evaluation with respect to diesel range organics and incorporate key elements of the VI guidance into the rule.	Aspect Consulting		4/15/18	Public eComment	268	11
1st	F: Cleanup Standards	Clarification	pending	A -> F Specify Rule vs. Guidance. MCTA previously focused on incorporating guidance into rule vs. guidance - where is focus now?	LV		4/11/18	Public Scoping Event	247	
1st	F: Cleanup Standards	Clarification	pending	F - New Information Requirements: Specify process for incorporating new information into MTCA process. Used to have to go through Science Advisory Board.	LV		4/11/18	Public Scoping Event	251	
1st	F: Cleanup Standards	Clarification	pending	There are many inconsistencies between MTCA and the Sediment Management Standards especially since the Sediment Cleanup User's Manual (SCUM II) was revised. Since SCUM II is more recent and evolved, revising MTCA to be consistent with the latest methodologies for sediment sites makes sense.	King County DNRP		4/15/18	Public eComment	264	2
1st	F: Cleanup Standards	Clarification	pending	As part of the rule revisions addressing aquatic sites, additional documentation and guidance on how natural and regional background may be developed would be useful. This is particularly relevant for urban areas which may never achieve cancer risk goals due to diffuse sources (like air deposition or upstream stormwater inputs) which are outside the control of liable parties.	King County DNRP		4/15/18	Public eComment	264	3
1st	F: Cleanup Standards	Clarification	pending	There are many soils throughout the urban areas of the state (including King County) which exceed MTCA level A criteria despite not being part of a designated MTCA site. King County regulates these soils as solid waste which is conservative for many projects. Unfortunately, many salmon and river floodplain restoration projects require significant re-grading and terrain alteration, e.g. reconnecting a section of riverbank to the floodplain for salmon habitat. It would be most helpful if Ecology developed additional guidance on the management of lightly (e.g. metals, pesticides, PAHs) contaminated soils which allowed for commercial or other appropriate reuse – comparable to the latest guidance on petroleum contaminated soils. The transportation and landfill space issues posed by management of tens of thousands of cubic yards of these modestly contaminated soils as solid waste are formidable.	King County DNRP		4/15/18	Public eComment	264	6

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	F: Cleanup Standards	Clarification	pending	Clarification of the use of multiple cleanup levels for the same media type: The regulation should clarify that multiple cleanup levels and points of compliance for an affected media can be established, if warranted, based on changes in receptors, pathways and other considerations within a site.	Landau Associates		4/7/18	Public eComment	265	2
1st	F: Cleanup Standards	Clarification	pending	We have observed that Ecology has removed incentives for liable parties to engage in Consent Decrees (CDs) and is, instead, relying purely upon Agreed Orders for cleaning up contaminated sites. We find this approach to be short-sighted. Consent Decrees have been very effective in the cleanups in the Tacoma Tideflats, offering contribution protections and streamlining the cleanup process. Citizens for a Healthy Bay recommends the following changes be incorporated in the rulemaking process: • Include formal language clarifying the benefits of CDs to liable parties.	Citizens for a Healthy Bay		4/13/18	Public eComment	266	5
1st	G: Other	Change in Effect	120, 130, 350, +	Pattern rule language to be consistent with the 2017 TCP Climate Change report.	Asher	Chance		Blueprint	26	
1st	G: Other	Change in Effect	120, 430	Provide for mandatory interim actions				PLT Discussion	22	16
1st	G: Other	Correction	120 (3)	Eliminate reference to biennial report (eliminated by legislature in 2007)				2010 MTCA Rulemaking	30	1
1st	G: Other	Correction	120 (3) (c), 140 (5), 330 (1), 340	update several sections of the rule to reflect legislative changes in the MTCA requirements for the Biennial Report	Wirkkila	Angie		Memo or e-mail	45	
1st	G: Other	Change in Effect	140	Delete or update cleanup schedules set in the Rule	Stanovsky	Clint		Workshop Table Talk	5	2
1st	G: Other	Clarification	200	Numerous definitions need adding/amending to reflect changes in other parts of the rule and to clarify/update several terms. Several definitions should be moved here from other Sections. Definitions include affirmative obligations, biomarker, contingent remedial action, department-supervised remedial action, especially valuable habitat, indicator hazardous substances, mail, PAHs (Carcinogenic), pilot study, sediment, vapor, voluntary cleanup program, bioconcentration factor/bioaccumulation factor, carcinogen, contiguous undeveloped land, environmental covenant, gastrointestinal absorption fraction, institutional controls, MCGL (deleted), periodic review, routine cleanup action (deleted), sufficiently protective, volatile hazardous substance, wetlands.				2010 MTCA Rulemaking	30	2
1st	G: Other	Change in Effect	300	Add exemption from reporting for certain area wide contamination sites and asphalt pavement.				2010 MTCA Rulemaking	30	3
1st	G: Other	Correction	330	Eliminate reference to biennial report and MTCA Science Advisory Board as a result of 2007 and 2009 legislation.				2010 MTCA Rulemaking	30	7
1st	G: Other	Correction	340	Delete section as a result of 2007 legislation.				2010 MTCA Rulemaking	30	10
1st	G: Other	Change in Effect	350	Add provision encouraging expedited site assessments.				2010 MTCA Rulemaking	30	15
1st	G: Other	Change in Effect	350	Add requirement for managing materials generated by RI/FS.				2010 MTCA Rulemaking	30	19
1st	G: Other	Clarification	350	Add cross-reference to submittal requirements in Section 840.				2010 MTCA Rulemaking	30	11

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	G: Other	Clarification	350	RI/FS for existing and proposed Superfund sites must comply with federal requirements (in addition to MTCA).				2010 MTCA Rulemaking	30	12
1st	G: Other	Clarification	350	Add reference to sediment rule.				2010 MTCA Rulemaking	30	13
1st	G: Other	Clarification	350	Clarify that the geographic extent of study may need to extend off-property.				2010 MTCA Rulemaking	30	14
1st	G: Other	Clarification	350	Additions/modifications to RI contents: Conceptual site model, sediment rule requirements referenced, soils classified using unified soil classification system (ASTM D2487), groundwater characterization includes vertical as well as horizontal components, vapor migration (reference to new sections), terrestrial ecological evaluations, identification of applicable State and Federal laws, identification of preliminary cleanup levels.				2010 MTCA Rulemaking	30	16
1st	G: Other	Change in Effect	350 (7) (b)	Make the optional scoping activities in (7) (b) a distinct and mandatory step in the cleanup process.	Loftenius	Christer		Memo or e-mail	51	
1st	G: Other	Change in Effect	3500-3520	Vapor Intrusion (New sections): Clarification of information needed to evaluate the vapor intrusion exposure pathway				2010 MTCA Rulemaking	30	172
1st	G: Other	Change in Effect	3500-3520	Vapor Intrusion (New sections): Criteria for exempting sites from having to evaluate vapor intrusion				2010 MTCA Rulemaking	30	173
1st	G: Other	Change in Effect	3500-3520	Vapor Intrusion (New sections): Methods for conducting simplified vapor intrusion evaluations				2010 MTCA Rulemaking	30	174
1st	G: Other	Change in Effect	3500-3520	Vapor Intrusion (New sections): Site-specific vapor intrusion evaluation procedures				2010 MTCA Rulemaking	30	175
1st	G: Other	Non-Rulemaking?	357, 708	Clarify how TCP publishes and periodically updates minimum cleanup standards, and role of CLARC in this process.	White	Jim		Memo or e-mail	19	20 (a)
1st	G: Other	Clarification	360	Add compiled list of requirements for sites where groundwater isn't restored.				2010 MTCA Rulemaking	30	22
1st	G: Other	Change in Effect	370 (2)	stated cleanup expectations don't reflect actual practices and priorities	Stanovsky	Clint		Workshop Table Talk	5	3
1st	G: Other	Clarification	380	To facilitate public review, add requirement that Cleanup Action Plan identify when the default risk assessment assumptions are changed.				2010 MTCA Rulemaking	30	29
1st	G: Other	Non-Rulemaking?	390	"Build on" Model Remedies				PLT Discussion	22	12
1st	G: Other	Clarification	400	Add cross-reference to submittal requirements in Section 840.				2010 MTCA Rulemaking	30	30
1st	G: Other	Clarification	400	Modify provision addressing managing materials generated during cleanup to include contaminated soil and water.				2010 MTCA Rulemaking	30	31
1st	G: Other	Change in Effect	515	Extensive changes to VCP requirements, reflecting current practice for initial response, reviews, effect of response, rescinding opinions, terminating contracts and removing sites from list				2010 MTCA Rulemaking	30	50
1st	G: Other	Change in Effect	520 (1) (c)	revise prospective purchaser consent decree (PPCD) requirements that would limit the liability of lenders that foreclose on a contaminated property, or other changes that could improve the usability of PPCDs.	Perez	Richelle		Memo or e-mail	50	
1st	G: Other	Change in Effect	545	Additional changes may be forthcoming as a result of Taliesen vs. Razore decision				2010 MTCA Rulemaking	30	52
1st	G: Other	Clarification	545	Clarified that the 3 year clock for private right of action doesn't get triggered by an interim action. (Moses Lake vs. United States)				2010 MTCA Rulemaking	30	51

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	G: Other	Change in Effect	550	Changed timeframe from 30 to 90 days for when interest begins to accrue on unpaid bills. This is in response to a State Auditor audit finding.				2010 MTCA Rulemaking	30	54
1st	G: Other	Change in Effect	550	Upfront deposit for Ecology reviews under the voluntary cleanup program changed from mandatory deposit, to at Ecology's discretion, reflecting current practice				2010 MTCA Rulemaking	30	55
1st	G: Other	Clarification	550	Several clarifications to billing rate calculations.				2010 MTCA Rulemaking	30	53
1st	G: Other	Change in Effect	600	Re-evaluate cost effectiveness of posting newspaper legal ads.	MacClellan	Megan		PLT Discussion	22	19
1st	G: Other	Clarification	600	Streamline and make more consistent the "trigger" of comment periods	MacClellan	Megan		PLT Discussion	22	20
1st	G: Other	Change in Effect	600	Public participation plan required for all sites under an order, agreed order or decree, not just ranked sites, reflecting current practice				2010 MTCA Rulemaking	30	57
1st	G: Other	Change in Effect	600	Ecology must "consult with" local government on proposed institutional controls. Reflects new requirement added under the uniform environmental covenants act				2010 MTCA Rulemaking	30	58
1st	G: Other	Clarification	600	E-mail added an as acceptable notification method				2010 MTCA Rulemaking	30	56
1st	G: Other	Correction	600	References to biennial report and regional citizen advisory committees deleted, reflecting statutory changes.				2010 MTCA Rulemaking	30	59
1st	G: Other	Correction	600	Citizen technical advisor deleted. This position has never been established				2010 MTCA Rulemaking	30	60
1st	G: Other	Change in Effect	600	Ecology must incorporate broader notification for interim actions and early phases of cleanups. For example, Ecology worked on the Superlon Plastic cleanup in the Tacoma Tideflats for over two years before CHB was notified. Citizens for a Healthy Bay recommends the following changes be incorporated in the rulemaking process: • Formalize the process and include language for a broad, inclusive notification process for interim actions and early phases of cleanups. Consider press releases at all phases of cleanup (RCW 173-340-600.)	Citizens for a Healthy Bay		4/13/18	Public eComment	266	3

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	G: Other	Change in Effect	600 (7), 600 (15) (b)	The Site Register notice requirements are specified in both WAC 173-340-600 (7) and elsewhere in the chapter. In other words, the list in Section 600 (7) is not a complete list, unfortunately. Related to your question about how best to organize the guidance, I suggest organizing by topics to make them easier to find by staff: - Assessment, ranking, and listing - Ecology-conducted cleanups - Ecology-supervised cleanups - Independent cleanups - Periodic reviews of cleanups - Notes and news Note that I split up “formal cleanups” into “Ecology-conducted cleanups” and “Ecology-supervised cleanups.” That’s because some notice requirements are unique to each of those cleanup categories. For example, scoping notice for the RI/FS only applies to Ecology-conducted cleanups. Thought it might help call out those differences. I also separated out periodic reviews since such reviews may not have anything to do with whether the original cleanup was formal or independent; but also fine listing under each category of cleanup.	Feldcamp	Michael	3/7/19	Memo or e-mail	57	2
1st	G: Other	Clarification	600 (7), 600 (15) (b)	Regarding engineering design reports, the rule actually has conflicting requirements. Section 600 (7) does not differentiate between formal cleanup types while Section 600 (15) (b) does differentiate. So could argue that one either way. In my list, I included under both. Depending on what is decided, that may need to be changed. This needs to get clarified in the rule amendments.	Feldcamp	Michael	3/7/19	Memo or e-mail	57	1
1st	G: Other	Clarification	600 (7) (e)	Provide clearer definition of "beginning of negotiations"	MacClellan	Megan		PLT Discussion	22	21
1st	G: Other	Correction	610	Section deleted as a result of 2001 legislation				2010 MTCA Rulemaking	30	61
1st	G: Other	Change in Effect	747 (e), 745-747, 173-303-610; 303-610 (2) (b)i, 700-760	173-340-747 (e) is popularly referred to as the 3-part test for verifying soil cleanup. Ecology recently (Dec 2017) allowed the use of incremental sampling methodology (ISM) for sediments in its SCUM II manual, Ecology Publication No. 12-09-057. I request that Ecology modify 173-340-747 to allow the use of ISM for MTCA soil cleanups. I request that Ecology allow ISM for soil cleanups on industrial properties via the 173-340-745 reference to -747. While you are modifying only 173-340, I would also like ISM to be allowed for the closure of dangerous waste management units under 173-303-610; note that 173-303-610 (2) (b)i refers to 173-340-700 through -760. Therefore, I request that the Concise Explanatory Statement for the changes to 173-340 should explicitly acknowledge the applicability of the changes to 173-303-610 (2) (b)i	Price	John	4/12/18	Public eComment	255	1
1st	G: Other	Change in Effect	800	Changes to allow request for property access to be made through the property owner’s authorized representative, such as their consultant or legal counsel				2010 MTCA Rulemaking	30	62
1st	G: Other	Change in Effect	800	Changed to allow a request for property access via e-mail, as is common practice at sites.				2010 MTCA Rulemaking	30	63
1st	G: Other	Change in Effect	800	Added requirement that VCP sites must allow Ecology access to verify investigations and cleanup work				2010 MTCA Rulemaking	30	64

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	G: Other	Change in Effect	800	Access to site information changed to conform to public disclosure laws				2010 MTCA Rulemaking	30	65
1st	G: Other	Change in Effect	800	Add a provision such as: "The department, in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes of the underlying legislation, and applicable statutes."	Thompson	Jon		Memo or e-mail	48	
1st	G: Other	Correction	830	Updated analytical methods, including adding air toxics methods				2010 MTCA Rulemaking	30	66
1st	G: Other	Change in Effect	840	Fix several provisions under "General submittal requirements" that are outdated, too specific, or no longer enforced.	Morris	Matt		Blueprint	17	
1st	G: Other	Change in Effect	840	Requirements of "General Submittals" section is outdated, often too specific.	Mercuri	Joyce		PLT Discussion	22	9
1st	G: Other	Change in Effect	840	Added survey datum and measurement accuracy standards				2010 MTCA Rulemaking	30	69
1st	G: Other	Clarification	840	Added a description of what information is required when reporting monitoring results				2010 MTCA Rulemaking	30	68
1st	G: Other	Correction	840	Added recognition of role of licensed geologists, reflecting legislation passed in 2000				2010 MTCA Rulemaking	30	67
1st	G: Other	Clarification	840 (2)	Take out the part saying it is necessary to send 3 copies of submittals in VCP applications. It is costly and most often only one copy is kept. Language can be changed to say something more ambiguous so the requirement can be adjusted along with changes in technology. NWRO and the other regions disagree with each other on how many copies are necessary.	Willoughby	Mark	7/3/18	Memo or e-mail	53	
1st	G: Other	Non-Rulemaking?	pending	increase site management training, 8-hr. refreshers	Kallus	Andy		Workshop Table Talk	2	4
1st	G: Other	Non-Rulemaking?	pending	MTCA risk management decisions on CERCLA sites	Kallus	Andy		Workshop Table Talk	2	12
1st	G: Other	Clarification	pending	Remove references to "routine cleanups throughout the Rule	Mercuri	Joyce		Blueprint	10	
1st	G: Other	Correction	pending	E-mail fro A. Bazan to S. O'Down, added as item 20-33.				Memo or e-mail	21	
1st	G: Other	Change in Effect	pending	Remove contaminants from the environment sooner				PLT Discussion	22	7
1st	G: Other	Change in Effect	pending	Reward PLPs who make quicker decisions				PLT Discussion	22	10
1st	G: Other	Change in Effect	pending	Provide an enforcement tool that is not an Order.				PLT Discussion	22	15
1st	G: Other	Clarification	pending	Clarify VCP fee structure				PLT Discussion	22	22
1st	G: Other	Non-Rulemaking?	pending	Focus on Feasibility Studies to insure they provide information for design.				PLT Discussion	22	17
1st	G: Other	Non-Rulemaking?	pending	Public funding for cleanup of private sites				PLT Discussion	22	18
1st	G: Other	Change in Effect	pending	Consider eliminating the current rule which exempts households and some businesses from prosecution under MTCA for the improper disposal of hazardous waste. Create a new rule that mandates all cities provide curbside pickup of hazardous waste at least quarterly.	Hokanson	Monte	3/25/18	Public eComment	202	

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
1st	G: Other	Change in Effect	pending	Change the funding mechanism so money paid by VCP applicants goes to Ecology for resources and staff, instead of to the general fund. Ecology resources could then be adjusted based on demand from the regulated community. Better yet, implement a consultant review process for VCP similar to the successful water rights cost reimbursement program. This would be faster and less costly, and still adhere to the regulation (as proven in the water rights program).	Sugar	Arnie	4/5/18	Public eComment	204	
1st	G: Other	Change in Effect	pending	We recommend protecting MTCA funding of Public Participation Grants from raiding. Citizens for a Healthy Bay lost $83,000 during the 2015-2017 biennium due to the legislature zeroing out the fund. We also recommend reforming the grant facilitation process, as it is currently very time intensive for reporting requirements, and overly burdensome on small grantee organizations. Citizens for a Healthy Bay recommends the following changes be incorporated in the rulemaking process: • Create protected funding account so revenues from Hazardous Substance Tax cannot be raided during State budget shortfalls; • Contract with new grant tracking software developer to modernize and streamline grant reporting activities; • Simplify reporting requirements to more accurately capture impacts of grant monies; and • Formalize process to disperse grant award monies at time of contract period, rather than rely on reimbursement from grantees.	Citizens for a Healthy Bay		4/13/18	Public eComment	266	7
1st	G: Other	Change in Effect	pending	The disproportionate cost analysis has weakened cleanup targets at sites from Bellingham Bay to Commencement Bay and beyond. We would like to see a reevaluation and improved guidance of the disproportionate cost analysis to ensure we are appropriately investing in the long-term health of Washington's lands and waters and not at the expense of future generations.	Washington Environmental Council and partners		4/13/18	Public eComment	267	7
1st	G: Other	Non-Rulemaking?	pending	Thank you for including references for people who communicate in languages other than English on the rulemaking web page. We recognize and support this work.	Washington Environmental Council and partners		4/13/18	Public eComment	267	13
1st	H: Rulemaking Process	Non-Rulemaking?	pending	Category H Submittal. There is no existing guidance for characterization, storage, management, and disposal of investigation derived waste that is generated during MTCA investigations, cleanups, and due diligence projects. I realize that this isn't directly a MTCA issue, but it is a nexus between MTCA and the Dangerous Waste Regulation, which is ineffective at helping generators of this type of waste manage their liabilities. It would be very helpful if these two factions in Ecology worked together to provide effective guidance to generators. I would be happy to be involved in the process if there is a way for people in the industry to contribute. Thanks for your time.	Moore	Jennifer	4/5/18	Public eComment	203	
2nd	C: ICs, Periodic Review	Change in Effect	pending	base cleanup standards on likely exposure scenarios rather than concentrations in media.	Stanovsky	Clint		Workshop Table Talk	5	4
2nd	E: Emerging Contaminants	Change in Effect	200	Clarify definition of Hazardous Substance"	Perez	Richelle		Blueprint	9	
2nd	E: Emerging Contaminants	Change in Effect	702, 708	Make it easier for TCP to adopt new toxicity numbers for existing and new hazardous substances	Buchan?	Arthur		Blueprint	7	

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	E: Emerging Contaminants	Non-Rulemaking?	702, 708	Clarify how "new science" standards work in practice.	White	Jim		Memo or e-mail	19	22
2nd	E: Emerging Contaminants	Change in Effect	pending	emerging contaminants	Perez	Richelle		Workshop Table Talk	3	2
2nd	E: Emerging Contaminants	Change in Effect	pending	clarify and streamline adoption of standards for emerging contaminants	Perez	Richelle		Blueprint	4	
2nd	E: Emerging Contaminants	Change in Effect	pending	Make it easier to develop toxicity levels for emerging contaminants				PLT Discussion	22	14
2nd	E: Emerging Contaminants	Change in Effect	pending	E - Provide cleanup levels for PFOs and PFOA	LV		4/11/18	Public Scoping Event	218	
2nd	E: Emerging Contaminants	Change in Effect	pending	Evaluate and incorporate emerging science surrounding TPH mixtures. Conduct rigorous further investigation into the science of polar compounds and establish toxicity to develop TPH cleanup numbers that are based on actual risk. We recommend convening a coalition of qualified professionals from Ecology, industry, and academia to undertake this work, as done by the TPH Criteria Working Group 20 years ago.	Aspect Consulting		4/15/18	Public eComment	268	10
2nd	E: Emerging Contaminants	Non-Rulemaking?	pending	Clarify the process for adding and deleting substances from the hazardous substances list.	White	Jim		Memo or e-mail	19	21
2nd	E: Emerging Contaminants	Clarification	pending	E - Are polar metabolites really a risk? If so, why aren't they listed in CLARC?	LV		4/11/18	Public Scoping Event	219	
2nd	F: Cleanup Standards	Change in Effect	200	Toxic waste sites are disproportionately located in communities of color and low-income communities (http://frontandcentered.org/mtca-report/). Environmental justice mapping should be incorporated throughout the prevention and cleanup process and program. For examples, as resources are prioritized to take advantage of private or public developers, we need to ensure that this does not systematically leave tribes, communities of color, and low-income communities further behind. We would like to see rule changes that institutionalize environmental justice, from site evaluation to cleanup to where prevention resources are prioritized. We would also like to see Environmental Justice, Disproportionate Impacts, and Sensitive Populations defined in 173-340-200.	Washington Environmental Council and partners		4/13/18	Public eComment	267	1

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	200	Since voters passed Initiative 97 in 1988, the Model Toxics Cleanup Act has included three strong elements to address toxic pollution: prevention, public engagement, and cleanup. Source control efforts to stop further contamination and phasing out the use and release of high-priority chemicals to prevent contamination in the first place are two important approaches that will save cleanup money and protect health and the environment in the long run. We would like to see rulemaking address the importance of source control and prevention, including defining it in 173-340-200. We see the need to increase funding for source control and prevention, although we realize that that is an issue for the legislative budgeting processes. We would also like the agency to prioritize chemicals of emerging concern to phase out, including but not limited to toxic flame retardants, highly fluorinated or polyfluoroalkyl substances (PFAS) chemicals, and phthalates. Finally, we would like to see alignment with the Puget Sound Vital Sign Toxics in Fish and the implementation strategy currently under development.	Washington Environmental Council and partners		4/13/18	Public eComment	267	4
2nd	F: Cleanup Standards	Change in Effect	200 et al	Modernize terms and definitions for consistency with EPA and other states: Carcinogen, Reference Concentration, Inhalation Unit Risk, Cancer Slope factor	White	Jim		Memo or e-mail	19	1
2nd	F: Cleanup Standards	Change in Effect	360 (3) (e)	The full environmental impact of a remedial cleanup action should be a part of the cleanup alternative evaluation under 173-340-360 (3) (e). Many remedial approaches have substantial carbon footprints that are not currently part of the evaluation, and in some cases that footprint may inflict more environmental harm than the benefit attained from implementation of the remedial action. This footprint is an additional "cost".	McCorkle	John	4/13/18	Public eComment	258	2
2nd	F: Cleanup Standards	Non-Rulemaking?	600, 610	Public participation has been critical to MTCA since it was passed by voters. We would like to see increased transparency and public engagement throughout the prevention and cleanup processes. In particular, shunting topics into technical committees selected by Ecology decreases transparency. The people and communities most impacted by toxic pollution, including tribes, communities of color, and low-income communities, are less likely to engage in these groups without a dedicated and authentic effort to increase diversity, equity, and inclusion. We would like to see processes for ensuring representativeness of any groups convened to discuss technical issues critical to cleanup decisions. RCW 173-340-610 describes Regional Citizens' Advisory Committees. We would like to see these enhanced to engage the communities most impacted in a way that ensures representation. Any work developed in technical committees needs to be presented to Citizens' Advisory Committees for comment and input. RCW 173-340-600 describes public notice. We would like to see broadened public notice on interim actions and earlier phases of actions, whether in this section or other sections.	Washington Environmental Council and partners		4/13/18	Public eComment	267	5

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Non-Rulemaking?	610	We would like to see the creation of both administrative and technical advisory committees to oversee the direction of this update process. Committees should equitably represent stakeholders from communities most impacted by contaminated sites, environmental groups, and tribal nations. Steps should be taken to ensure that these committees are not dominated by industry representatives who are being paid to participate. Ecology should also create a Citizens Advisory Committee. Additionally, the people and communities most impacted by toxic pollution, including local tribes, communities of color, and low-income communities, are less likely to engage in advisory committee processes dominated by well-paid industry representatives. We recommend formalizing assurances of participation from these vulnerable groups. Citizens for a Healthy Bay recommends the following changes be incorporated in the rulemaking process: • Formalize the process for creating Administrative, Technical and Citizen advisory committees and add language to the exploratory rulemaking process. • Enhance Regional Citizens' Advisory Committees by presenting any work from technical committees to the Regional Citizens Advisory Committees (RCW 173-340-610.)	Citizens for a Healthy Bay		4/13/18	Public eComment	266	2
2nd	F: Cleanup Standards	Change in Effect	700	Combine exposure pathways to simplify e.g., soil ingestion/dermal/inhalation	Kallus	Andy		Workshop Table Talk	2	5
2nd	F: Cleanup Standards	Change in Effect	700	Updated discussion to conform to changes made in other sections of the rule.				2010 MTCA Rulemaking	30	70
2nd	F: Cleanup Standards	Change in Effect	700	Revised description of how to establish TPH cleanup levels; eliminating retrofitting and substitution options.				2010 MTCA Rulemaking	30	71
2nd	F: Cleanup Standards	Change in Effect	700	Table 830-1 testing requirements for petroleum contamination has been revised and supplemented with Table 830-2, identifying which petroleum products fall within the petroleum categories used in the rule.				2010 MTCA Rulemaking	30	72
2nd	F: Cleanup Standards	Change in Effect	700	Clarify and simplify the process of evaluating ARARs as currently presented in the code.	Tomlinson	Priscilla		Memo or e-mail	35	
2nd	F: Cleanup Standards	Change in Effect	700, 702	Update target risk goals for individuals and cumulative exposures: consider 10 (-5) instead of 10 (-6) and 10 (-4) instead of 10 (-5)				PLT Discussion	22	4
2nd	F: Cleanup Standards	Change in Effect	700, 702	More flexible risk assessment process: enhance, clarify, increase credibility.				PLT Discussion	22	5
2nd	F: Cleanup Standards	Change in Effect	700 (2), 700 (4), and 700 (5) (b),	Under MTCA Method B, the upper bound on the estimated excess cancer risk for individual substances is less than or equal to one in one million (1X10-6). If multiple hazardous substances or pathways are present at a site, the estimated excess cancer risk must be less than or equal to one in one hundred thousand (1X10-5). But since a site risk of (1X10-5) risk was considered acceptable previously for sites with multiple hazardous substances, that same risk could be acceptable for sites with single hazardous substances. Or the site risk of (1X10-6) could apply whether there is a single or multiple hazardous substances.	Groven	Connie		Blueprint	37	1
2nd	F: Cleanup Standards	Change in Effect	700 (5) (b)	Allow 10 (-5) risk for single carcinogen cleanups	Lawson	Rebecca		PLT Discussion	22	1

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	702	Added provision describing when mixing of Methods A, B and C is acceptable				2010 MTCA Rulemaking	30	73
2nd	F: Cleanup Standards	Change in Effect	703-1 and 730-2 equations	Allow use of bioaccumulation factors for calculating surface water cleanup levels.	White	Jim		Memo or e-mail	19	8
2nd	F: Cleanup Standards	Change in Effect	704	Eliminated restriction that Method A be used on “Routine sites”.				2010 MTCA Rulemaking	30	74
2nd	F: Cleanup Standards	Change in Effect	704	Added condition that Method A cannot be used if surface water is likely to be impacted, since Method A values don’t consider this exposure pathway.				2010 MTCA Rulemaking	30	75
2nd	F: Cleanup Standards	Change in Effect	704	Added a condition that Method A cannot be used at sites conducting a site-specific TEE. This is a condition retained from “routine sites”.				2010 MTCA Rulemaking	30	76
2nd	F: Cleanup Standards	Change in Effect	704	Added a requirement that vapor intrusion be evaluated.				2010 MTCA Rulemaking	30	77
2nd	F: Cleanup Standards	Change in Effect	705	Eliminated “standard” and “modified” terminology.				2010 MTCA Rulemaking	30	78
2nd	F: Cleanup Standards	Change in Effect	705	Added a requirement that vapor intrusion be evaluated.				2010 MTCA Rulemaking	30	79
2nd	F: Cleanup Standards	Change in Effect	705, 708	remove or clarify the multi-step process of identifying a Method B Cleanup Level.				PLT Discussion	22	26
2nd	F: Cleanup Standards	Change in Effect	706	Eliminated “standard” and “modified” terminology.				2010 MTCA Rulemaking	30	80
2nd	F: Cleanup Standards	Change in Effect	706	Added a statement that sites using Method C must have an institutional control for consistency with Section 440.				2010 MTCA Rulemaking	30	81
2nd	F: Cleanup Standards	Change in Effect	706	Added a requirement that vapor intrusion be evaluated.				2010 MTCA Rulemaking	30	82
2nd	F: Cleanup Standards	Change in Effect	708	Modernize methods allowed for developing new human health toxicity values	White	Jim		Memo or e-mail	19	3
2nd	F: Cleanup Standards	Change in Effect	708	expand sources of human health toxicity information.	White	Jim		Memo or e-mail	19	4
2nd	F: Cleanup Standards	Change in Effect	708	“Carcinogenic potency factor” term replaced with “cancer slope factor”; Science Advisory Board eliminated as a result of 2007 legislation.				2010 MTCA Rulemaking	30	83
2nd	F: Cleanup Standards	Change in Effect	708	HEAST removed as a presumptive source for reference dose, reference concentration and cancer slope factor. Replaced with a reference to EPA’s OSWER Directive 9285.7-53. Ecology commits to publishing and periodically updating a list of these values.				2010 MTCA Rulemaking	30	84
2nd	F: Cleanup Standards	Change in Effect	708	The method for calculating cleanup levels for carcinogenic PAHs changed to account for early life exposure per EPA’s 2003 guidance. cPAHs to be evaluated as individual hazardous substances. The basis for early life exposure adjustments is discussed in the March 22, 2009 MTCA/SMS Advisory Group materials. http://www.ecy.wa.gov/programs/tcp/regs/2009MTCA/AdvGrpMeetingInfo/AdvGrpMtgSchedule.html				2010 MTCA Rulemaking	30	85
2nd	F: Cleanup Standards	Change in Effect	708	Bioaccumulation factor added. Ecology commits to publishing and periodically updating a list of bioconcentration and bioaccumulation values.				2010 MTCA Rulemaking	30	86
2nd	F: Cleanup Standards	Change in Effect	708	EPA’s IEUBK and Adult Lead Model recognized as acceptable methods for calculating site-specific soil cleanup levels for lead. Also sets standards for use of these models.				2010 MTCA Rulemaking	30	87

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	708 (5)	Remove requirements for calculating additive risk (rarely done anyway)	Mercuri	Joyce		PLT Discussion	22	8
2nd	F: Cleanup Standards	Change in Effect	708(7)(b), 708(8)(a) through (c)	Databases for risk assessment: Section -708(7)(b) and (8)(a) through (c) should be updated to make reference to OSWER Directive 9285.7-53 and the hierarchy of toxicity databases given in the OSWER directive. Consider modifying the language so that they do not state that IRIS "shall" be used.	Rochette	Elizabeth	4/12/18	Public eComment	256	2
2nd	F: Cleanup Standards	Change in Effect	708 (8) (e), and Table 7087-2	consider whether to update TEFs for PAHs consistent with changes to California Environmental Protection Agency (CalEPA)	White	Jim		Memo or e-mail	46	
2nd	F: Cleanup Standards	Change in Effect	709	Kaplan-Meier added as an acceptable method for evaluating non-detected values.				2010 MTCA Rulemaking	30	88
2nd	F: Cleanup Standards	Change in Effect	709	Ecology commits to publishing and periodically updating a list of natural background concentrations.				2010 MTCA Rulemaking	30	89
2nd	F: Cleanup Standards	Non-Rulemaking?	709	Background determinations - new techniques. Arsenic as an example.	White	Jim		Memo or e-mail	19	26
2nd	F: Cleanup Standards	Change in Effect	709 (2) and 750 (5) (c)	Modify existing language to use concentrations in ambient (outdoor) air as a basis for adjusting cleanup levels (instead of basing CULs on "natural background" concentrations). This would be consistent with current TCP practice and our draft Vapor Intrusion guidance.	Gordon	Mark		Blueprint	41	
2nd	F: Cleanup Standards	Change in Effect	710	Landfill closure law reference updated.				2010 MTCA Rulemaking	30	90
2nd	F: Cleanup Standards	Change in Effect	720	non-Potable Groundwater	Kallus	Andy		Workshop Table Talk	2	2
2nd	F: Cleanup Standards	Change in Effect	720	General changes: Major reorganization—former Section 720 broken into multiple Sections to facilitate readability and use. Because of this, these will likely be published by the Code Reviser as new Sections without the changes highlighted. To facilitate review, changes from existing language are highlighted in traditional bill format.				2010 MTCA Rulemaking	30	92
2nd	F: Cleanup Standards	Change in Effect	720	General changes: "Ground water" now one word: "groundwater".				2010 MTCA Rulemaking	30	93
2nd	F: Cleanup Standards	Change in Effect	720	General changes: "Standard" and "Modified" Method B & C terminology eliminated (changes are still allowed to the default assumptions).				2010 MTCA Rulemaking	30	94
2nd	F: Cleanup Standards	Change in Effect	720	Potable groundwater criteria: Replaced reference to WAC 173-200 with Method B groundwater cleanup levels to provide for the same standards to be applied throughout the site.				2010 MTCA Rulemaking	30	96
2nd	F: Cleanup Standards	Change in Effect	720	Method A: Eliminated restriction that Method A be used on "Routine sites".				2010 MTCA Rulemaking	30	97
2nd	F: Cleanup Standards	Change in Effect	720	Method A: Added condition that Method A cannot be used if surface water is likely to be impacted, since Method A values don't consider this exposure pathway.				2010 MTCA Rulemaking	30	98
2nd	F: Cleanup Standards	Change in Effect	720	Method A: Added a requirement that vapor intrusion be evaluated.				2010 MTCA Rulemaking	30	99
2nd	F: Cleanup Standards	Change in Effect	720	Method A: Changes to several values in Table 720-1 are under consideration.				2010 MTCA Rulemaking	30	100
2nd	F: Cleanup Standards	Change in Effect	720	Method B for potable groundwater: Eliminated drinking water maximum contaminant level goals (MCLGs) as an ARAR.				2010 MTCA Rulemaking	30	101

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2nd	F: Cleanup Standards	Change in Effect	720	Method B for potable groundwater: Restoration timeframe added to clarify when surface water protection needs to be factored into groundwater cleanup levels.				2010 MTCA Rulemaking	30	102
2nd	F: Cleanup Standards	Change in Effect	720	Method B for potable groundwater: Added a requirement that vapor intrusion be evaluated.				2010 MTCA Rulemaking	30	103
2nd	F: Cleanup Standards	Change in Effect	720	Method B for potable groundwater: Averaging time for carcinogens changed from 75 to 70 years to conform to EPA risk assessment guidance.				2010 MTCA Rulemaking	30	104
2nd	F: Cleanup Standards	Change in Effect	720	Method B for potable groundwater: The method for calculating cleanup levels for carcinogens changed to account for early life exposure per Section 708.				2010 MTCA Rulemaking	30	105
2nd	F: Cleanup Standards	Change in Effect	720	Method B for non-potable groundwater: Amended language for surface water protection to include restoration timeframe.				2010 MTCA Rulemaking	30	106
2nd	F: Cleanup Standards	Change in Effect	720	Method B for non-potable groundwater: Added a requirement that vapor intrusion be evaluated.				2010 MTCA Rulemaking	30	107
2nd	F: Cleanup Standards	Change in Effect	720	Method C groundwater cleanup standards: Incorporated the same changes as above for potable and non-potable Method B.				2010 MTCA Rulemaking	30	108
2nd	F: Cleanup Standards	Change in Effect	720	Point of compliance: Combined “directly abutting” and “near” surface water point of compliance provisions. This change is intended to simplify the point of compliance for situations where groundwater is discharging to surface water and provide more comprehensive public notice to potentially impacted persons and agencies.				2010 MTCA Rulemaking	30	109
2nd	F: Cleanup Standards	Change in Effect	720	Demonstrating compliance: Changed presumption regarding filtering of monitoring well samples to accepting filtering for naturally occurring inorganic contaminants, providing certain conditions are met.				2010 MTCA Rulemaking	30	110
2nd	F: Cleanup Standards	Change in Effect	720	Demonstrating compliance: Added a statement allowing use of no-purge sampling methods provided a site-specific demonstration can be made that it is comparable to low flow sampling methods.				2010 MTCA Rulemaking	30	111
2nd	F: Cleanup Standards	Change in Effect	720	Demonstrating compliance: Added “direct comparison” options for demonstrating compliance.				2010 MTCA Rulemaking	30	112
2nd	F: Cleanup Standards	Change in Effect	720	Demonstrating compliance: Added a performance standard for non-parametric statistical methods calculating a UCL.				2010 MTCA Rulemaking	30	113
2nd	F: Cleanup Standards	Change in Effect	720	Demonstrating compliance: Added requirements that well screen placement and dilution be considered when evaluating extent of natural attenuation between near-shore monitoring wells and surface water.				2010 MTCA Rulemaking	30	114
2nd	F: Cleanup Standards	Change in Effect	720	Demonstrating compliance: Simplified handing of non-detects by allowing simple direct substitution methods. This reflects current practice for handling of non-detects and generally provides a conservative (high) estimate of residual concentrations for determining compliance.				2010 MTCA Rulemaking	30	115
2nd	F: Cleanup Standards	Change in Effect	720	Demonstrating compliance: Added Kaplan-Meier method as an acceptable alternative to direct substitution for non-detects.				2010 MTCA Rulemaking	30	116
2nd	F: Cleanup Standards	Change in Effect	720 (2)	Clarify non-potable groundwater language (e.g., 0.5 gallons per minute (gpm) yield on a "sustainable" basis, etc.)	San Juan	Charles		Blueprint	27	
2nd	F: Cleanup Standards	Change in Effect	720 (2)	H - Have groundwater protection under the rule correlate to the WAC 178-160 surface seal requirements, so potable groundwater is better defined as groundwater below 18 feet.	LV		4/11/18	Public Scoping Event	244	

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	720 (2) (i)	C/F - WAC 173-340-720 (2) (i) 1) Develop table values for non-potable groundwater 2) Develop a process for determining non-potability. 3) Streamlined process for setting environmental covenant for non-potable GW	LV		4/11/18	Public Scoping Event	234	
2nd	F: Cleanup Standards	Change in Effect	720 (8), 720 (8) (e), 173-201A,	Application of Surface Water Cleanup Levels to Groundwater: Surface water quality standards (e.g., Chapter 173-201A WAC) are often used as an ARAR in developing groundwater cleanup levels for groundwater that discharges to surface water, including most Puget Sound shoreline sites. This is reasonable when linked to a conditional point of compliance at the location of groundwater discharge to surface water. However, we have run into instances where Ecology PMs have required that groundwater cleanup levels be set at the surface water standard and be achieved throughout the site or at a conditional point of compliance up gradient of the shoreline rather than at a conditional point of compliance at the shoreline. There is not a reasonable technical rationale for requiring compliance with surface water criteria up gradient of the point of groundwater discharge to surface water, especially for criteria based on human ingestion of aquatic organisms, since no exposure can occur. This issue could be addressed through a revision to WAC 173-340-720 (8), subsections c and d. It appears that this issue is at least partially the result of the MTCA regulation not explicitly providing an opportunity to apply different cleanup levels to different areas of the site for the same media. One approach to addressing this issue could be formally adopting an operable unit approach similar to CERCLA, discussed below. Or the changes suggested in item 3 below could be adopted. Additionally, the regulation should specifically provide an opportunity to establish a groundwater concentration protective of surface water based on attenuation (i.e. a groundwater cleanup level protective of surface water that is higher than the surface water criteria) similar to 173-340-720 (8) (e) but regardless of the use of a conditional point of compliance. Attenuation is often significant in highly biologically active zones near the groundwater to surface water interface and at tidally influenced sites subject to significant hydrodynamic dispersion, and it is not always possible to install monitoring points immediately adjacent to a	Landau Associates		4/7/18	Public eComment	265	1
2nd	F: Cleanup Standards	Change in Effect	720 (8) (d) (i)	Need to clarify the applicability of conditions A-G of the subject paragraph to setting an off-property Conditional Point of Compliance (CPOC) on properties abutting, and near-but-not-abutting) surface water.	Cruz	Jerome		Memo or e-mail	44	
2nd	F: Cleanup Standards	Change in Effect	720 (9)	Ecology should reconsider their position (expressed in guidance) regarding the use of silica gel cleanup methodology on groundwater samples given the current scientific understanding regarding the toxicity of polar non-hydrocarbons that are addressed by the cleanup methodology. This position could then be expressed in WAC 173-340-720 (9), similar to the direction regarding the use of filtered samples.	McCorkle	John	4/13/18	Public eComment	258	3

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	720 (9)	The directive in WAC 173-340-720 (9) that only unfiltered samples (particularly for metals) are acceptable for compliance monitoring is not consistent with current industry standard sampling practices (even low-flow sampling in soil types with fine grained sediments can produce false positives for metals in unfiltered samples). While MTCA provides for use of filtered samples via (9) (b), in practice the requirements to demonstrate (ii) to the satisfaction of agency site managers are often too stringent to be effective.	McCorkle	John	4/13/18	Public eComment	258	4
2nd	F: Cleanup Standards	Change in Effect	720 (9) (b)	Clarify the existing language regarding field filtering of naturally occurring inorganic substances (setting a numerical turbidity standard).	Gordon	Mark		Blueprint	29	
2nd	F: Cleanup Standards	Change in Effect	720 (9) (d)- (e) & 740 (7) (d) - (e)	Relax requirements of the three-part statistical rule to be more realistic for typical data distributions and allow more compliance data sets to pass the test.	Thomlinson	Priscilla		Blueprint	39	
2nd	F: Cleanup Standards	Change in Effect	720 (9) (e), 740 (7) (e)	Change 3-part rule (10% standard) to address low-level contamination	Kallus	Andy		Workshop Table Talk	2	7
2nd	F: Cleanup Standards	Change in Effect	720, 740	Remove reference to "Land's Method and replace with reference to ProUCL	Gordon	Mark		Blueprint	15	
2nd	F: Cleanup Standards	Change in Effect	720-1 and 720-2 (equations)	Update/simplify Rule equations for groundwater cleanup levels.	White	Jim		Memo or e-mail	19	7
2nd	F: Cleanup Standards	Change in Effect	730	General changes: Major reorganization—former Section 730 broken into multiple Sections to facilitate readability and use.				2010 MTCA Rulemaking	30	117
2nd	F: Cleanup Standards	Change in Effect	730	General changes: Method A eliminated. It is proposed to eliminate Method A as an option for surface water cleanup standards, since there are currently no Method A table values and values in applicable state and federal laws don't incorporate tribal fish consumption rates.				2010 MTCA Rulemaking	30	118
2nd	F: Cleanup Standards	Change in Effect	730	General changes: "Standard" and "Modified" Method B & C terminology eliminated (changes are still allowed to the default assumptions).				2010 MTCA Rulemaking	30	119
2nd	F: Cleanup Standards	Change in Effect	730	Method B & C: Added discussion of fish consumption rate and diet fraction to more explicitly acknowledge high fish consuming populations, such as tribes, need to be considered when establishing cleanup levels.				2010 MTCA Rulemaking	30	120
2nd	F: Cleanup Standards	Change in Effect	730	Method B & C: Averaging time for carcinogens changed from 75 to 70 years. This is conform MTCA to EPA risk assessment guidance.				2010 MTCA Rulemaking	30	121
2nd	F: Cleanup Standards	Change in Effect	730	Method B & C: The method for calculating cleanup levels for carcinogens changed to account for early life exposure per Section 708.				2010 MTCA Rulemaking	30	122
2nd	F: Cleanup Standards	Change in Effect	730	Method B & C: Added preference for using bioaccumulation factor instead of bioconcentration factor, where sufficient information is available. Bioaccumulation takes into account contaminants accumulating in fish and shellfish through their food consumption, in addition to exposure to the water.				2010 MTCA Rulemaking	30	123
2nd	F: Cleanup Standards	Change in Effect	730	Method B & C: Petroleum mixture cleanup level equation added to enable calculation of site-specific TPH cleanup levels.				2010 MTCA Rulemaking	30	124
2nd	F: Cleanup Standards	Change in Effect	730	Demonstrating compliance: Added provision describing interpretation of non-detected values for consistency with the other sections of the MTCA rule.				2010 MTCA Rulemaking	30	125

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	730 (3) (c), 201A	Risk-Based Cleanup Levels: the rule would benefit from having a mechanism for allowing the development of exposure risk-based cleanup levels for circumstances that are not adequately addressed by MTCA Method A, B or C cleanup levels. The regulation should be modified to allow the development of exposure risk-based cleanup levels for all media. Below are a couple of examples of situations that would benefit from greater flexibility in developing exposure risk-based cleanup levels: a. Example - Vapor Intrusion. Many vapor intrusion sites involve commercial buildings. The current regulations allow for some modifications to the Method B air cleanup levels, but the allowable modifications are limited and do not directly address commercial exposure. The rule would benefit from a better established process for evaluating vapor intrusion risk for various building types and uses. Because vapor intrusion is building-specific, it would make sense to have a process for calculating either building-specific or use-specific cleanup levels applicable to commercial buildings. b. Example - Surface Water Bodies Without Aquatic or Potable Water Exposure. A mechanism for developing surface water cleanup levels for surface water bodies, such as stormwater ponds and ditches, that are clearly not intended for potable water use and do not contain fish, should be provided. The current modified Method B cleanup level development approach [WAC 173-340-730 (3) (c)] does not adequately address this condition, and Ecology typically requires the application of standard Method B cleanup levels or in many cases state surface water standards developed under WAC 173-201A.	Landau Associates		4/7/18	Public eComment	265	4
2nd	F: Cleanup Standards	Clarification	740	Method A Arsenic: Table 740-1 arsenic, footnote b states “Cleanup level based on direct contact using Equation 740-2 and protection of ground water for drinking water using the procedures in WAC 173-340-747(4), adjusted for natural background for soil.” However, Equation 740-1 gives an arsenic value of 0.67 mg/kg (carcinogen), equation 747-1 with a Cw value of 5 µg/L gives 2.92 mg/kg, and the statewide background value from San Juan (1994) is 7.0 mg/kg [90th percentile]. None of these result in a value as high as 20 mg/kg. Footnote b for Table 740-1 should be restated to indicate the basis for the 20 mg/kg, which has been mistaken for the statewide background value.	Rochette	Elizabeth	4/12/18	Public eComment	256	1
2nd	F: Cleanup Standards	Change in Effect	740, 745	General changes: Major reorganization—former Sections 740 & 745 broken into multiple Sections to facilitate readability and use.				2010 MTCA Rulemaking	30	126
2nd	F: Cleanup Standards	Change in Effect	740, 745	General changes: “Standard” and “Modified” terminology eliminated (changes to default parameters are still allowed).				2010 MTCA Rulemaking	30	127
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method A: Eliminated restriction that Method A be used on “Routine sites”.				2010 MTCA Rulemaking	30	128
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method A: Added condition that Method A cannot be used if surface water is likely to be impacted, since Method A values don’t consider this exposure pathway.				2010 MTCA Rulemaking	30	129

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method A: Added a condition that Method A cannot be used at sites conducting a site-specific TEE. This is a condition retained from "routine sites". Sites requiring a site-specific TEE are complex sites not suitable for a simple Method A approach. This is consistent with the approach under the current MTCA rule.				2010 MTCA Rulemaking	30	130
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method A: Added a requirement that vapor intrusion be evaluated.				2010 MTCA Rulemaking	30	131
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method A: Changes to several values in Tables 740-1 and 745-1 are under consideration.				2010 MTCA Rulemaking	30	132
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method B: Added requirement that vapor intrusion be evaluated.				2010 MTCA Rulemaking	30	133
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method B: Direct contact equations modified to include dermal exposure for all substances. This is to reduce rule complexity and make MTCA consistent with EPA risk assessment guidance. The affect of these changes on several chemicals are illustrated in Tables 1 & 2.				2010 MTCA Rulemaking	30	134
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method B: Averaging time for carcinogens changed from 75 to 70 years. This is conform MTCA to EPA risk assessment guidance.				2010 MTCA Rulemaking	30	135
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method B: The method for calculating cleanup levels for carcinogens changed to account for early life exposure per Section 708.				2010 MTCA Rulemaking	30	136
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method B: Added EPA's IEUBK Model as method for calculating site-specific soil cleanup levels for lead, since neither a cancer slope factor nor reference dose is available for lead.				2010 MTCA Rulemaking	30	137
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method C: Incorporated the same changes as above under Method B except EPA's Adult Lead Model used for calculating soil lead cleanup levels. Also, early life exposure not included since this is an adult worker exposure model.				2010 MTCA Rulemaking	30	138
2nd	F: Cleanup Standards	Change in Effect	740, 745	Method C: Changed soil adherence factor from 0.2 to 0.07 for consistency with EPA risk assessment guidance.				2010 MTCA Rulemaking	30	139
2nd	F: Cleanup Standards	Change in Effect	740, 745	Demonstrating compliance: Added discussion of when consideration of soil nuggets >2 mm in size should be considered. Birds commonly ingest small stones to help with digestion. Ingestion of lead pellets by children has also been reported in the literature. This addition is to address this concern.				2010 MTCA Rulemaking	30	140
2nd	F: Cleanup Standards	Change in Effect	740, 745	Demonstrating compliance: Added a performance standard for non-parametric statistical methods calculating a UCL.				2010 MTCA Rulemaking	30	141
2nd	F: Cleanup Standards	Change in Effect	740, 745	Demonstrating compliance: Simplified handing of non-detects by allowing use of direct substitution. This is consistent with current practice and generally provides a conservative (high) estimate of residual site concentrations.				2010 MTCA Rulemaking	30	142
2nd	F: Cleanup Standards	Change in Effect	740, 745	Demonstrating compliance: Added Kaplan-Meier method as an acceptable alternative to direct substitution for non-detects. This reflects EPA statistical guidance.				2010 MTCA Rulemaking	30	143
2nd	F: Cleanup Standards	Change in Effect	740, 745,	Update Rule provisions on Vapor Intrusion to match current guidance.	Gordon	Mark		Blueprint	11	
2nd	F: Cleanup Standards	Change in Effect	740-2 (equation)	Soil -- Consider changing current equation to assume a body-weight adjusted 30-year exposure instead of 6-year child exposure, consistent with EPA.	White	Jim		Memo or e-mail	19	10

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	740 (3) and 745 (5)	Clarify the phrase "significantly higher" related to vapor intrusion, or remove the phrase and develop an alternative approach.	Gordon	Mark		Blueprint	32	
2nd	F: Cleanup Standards	Change in Effect	740 (3) and 745 (5)	remove provisions in MTCA (there are at least 4) that indicates the vapor intrusion pathway must be evaluated for diesel range organics whenever total TPH concentration is greater than 10,000 mg/kg. See implementation memo No. 14	Gordon	Mark		Blueprint	33	
2nd	F: Cleanup Standards	Change in Effect	740 (7)	Soil -- Should the Rule require soil compliance monitoring on 0.25 or 0.15 mm particle size fraction rather than current 2.0 mm fraction?	White	Jim		Memo or e-mail	19	12
2nd	F: Cleanup Standards	Change in Effect	740 (7)	Soil -- Provide flexibility to application of the 3-part rule?	White	Jim		Memo or e-mail	19	13
2nd	F: Cleanup Standards	Change in Effect	740 (7)	Modify 3-part test (173-340-740 (7) WAC) to allow use of incremental sampling as an equivalent method.	Price	John	2/5/19	Blueprint	56	
2nd	F: Cleanup Standards	Change in Effect	740 (7)	Should rule allow alternatives to Land's method?	White	Jim		Memo or e-mail	19	14
2nd	F: Cleanup Standards	Change in Effect	747	Table 747-1 is proposed to be expanded to include Koc Values for more chemicals and temperature adjusted Henry's constants.				2010 MTCA Rulemaking	30	144
2nd	F: Cleanup Standards	Change in Effect	747	Table 747-4 to be updated with values from Oak Ridge National Laboratories.				2010 MTCA Rulemaking	30	145
2nd	F: Cleanup Standards	Change in Effect	747	Added requirement that soil fraction of organic carbon (foc) values be obtained from uncontaminated soils.				2010 MTCA Rulemaking	30	146
2nd	F: Cleanup Standards	Change in Effect	747	Description added on how to derive Henry's law constant (Hcc) values from the scientific literature, including how to correct values for groundwater temperature.				2010 MTCA Rulemaking	30	147
2nd	F: Cleanup Standards	Change in Effect	747	Added a table providing direction on number of soil samples to be analyzed for petroleum fractions. (dependent on volume of contaminated soils)				2010 MTCA Rulemaking	30	148
2nd	F: Cleanup Standards	Change in Effect	747	Added a statement that Ecology may require persons proposing new models to submit the model code and demonstrate the model has been validated and verified.				2010 MTCA Rulemaking	30	149
2nd	F: Cleanup Standards	Change in Effect	747	Added a statement allowing post-remediation empirical demonstrations. In these cases, the cleanup would be considered an interim action until the demonstration has been completed.				2010 MTCA Rulemaking	30	150
2nd	F: Cleanup Standards	Change in Effect	747(4)(c)(ii)	Metal Kd values: Table 747-3 should be modified to include a lower Kd value for Cr (VI). This is a major contaminant at the Hanford site and its Kd at Hanford is roughly 0 mg/kg (see PNNL-13895, Hanford contaminant distribution coefficient database and users guide), since the soils are generally coarse-grained and alkaline. Since -747(4)(c)(ii) states that the values in Table 747-3 "shall" be used, it is difficult to make a case that a lower site-specific Kd value should be used instead. Field data, however, have shown that hexavalent chromium at Hanford, which was associated with acidic forms of Cr (VI), migrates relatively rapidly to the water table, confirming the very low Kd for Cr(VI) at Hanford.	Rochette	Elizabeth	4/12/18	Public eComment	256	3

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	747 (e), 745-747, 173-303-610; 303-610 (2) (b)i, 700-761	173-340-747 (e) is popularly referred to as the 3-part test for verifying soil cleanup. Ecology recently (Dec 2017) allowed the use of incremental sampling methodology (ISM) for sediments in its SCUM II manual, Ecology Publication No. 12-09-057. I request that Ecology modify 173-340-747 to allow the use of ISM for MTCA soil cleanups. I request that Ecology allow ISM for soil cleanups on industrial properties via the 173-340-745 reference to -747. While you are modifying only 173-340, I would also like ISM to be allowed for the closure of dangerous waste management units under 173-303-610; note that 173-303-610 (2) (b)i refers to 173-340-700 through -760. Therefore, I request that the Concise Explanatory Statement for the changes to 173-340 should explicitly acknowledge the applicability of the changes to 173-303-610 (2) (b)i	Price	John	4/12/18	Public eComment	255	2
2nd	F: Cleanup Standards	Change in Effect	747 (7) and 747 (3) (d)	Provide clarification on what additional information is necessary when a PLP/Consultant wants to use a leaching test to demonstrate that groundwater won't be impacted.	Gordon	Mark		Blueprint	43	
2nd	F: Cleanup Standards	Change in Effect	747(8)	Alternate fate and transport models: Section-747(8) should require that all underlying equations used in alternate models be provided to the department, along with descriptions of any post-processing of the model results that influences the sitespecific cleanup level.	Rochette	Elizabeth	4/12/18	Public eComment	256	4
2nd	F: Cleanup Standards	Change in Effect	7490(1)(b)	Ecological risk: Can section -7490(1)(b) be modified to indicate that terrestrial ecological protection is equally important as human health protection, or is the view of the department that it is not? As it is now it reads as though cleanups should only be conducted to protect human health. There are circumstances where an ecological protection concentration is lower than a human health value. In that case, shouldn't the ultimate cleanup level be based on the ecological protection value?	Rochette	Elizabeth	4/12/18	Public eComment	256	5
2nd	F: Cleanup Standards	Change in Effect	7490(3)(b)(ii)	Ecological risk: Can section -7490(3)(b)(ii) regarding industrial systems be expanded to include cases where land that is zoned or designated as industrial will intentionally be revegetated as part of remediation? These areas probably will require a site-specific TEE; but section -7493(2)(a)(i) indicates that industrial areas will only require evaluation of wildlife protection. Also, plants and soil biota (ants for example) in these ecological systems can also bring contamination from depth to the surface by plants, affecting entire ecosystems.	Rochette	Elizabeth	4/12/18	Public eComment	256	6
2nd	F: Cleanup Standards	Change in Effect	7490-7494	Update the Terrestrial environmental evaluation (TEE) and statistical methods for compliance monitoring and background calculations	Buchan	Arthur		Blueprint	25	
2nd	F: Cleanup Standards	Change in Effect	749-2 (table)	Changes to several values in this Table are under consideration.				2010 MTCA Rulemaking	30	162
2nd	F: Cleanup Standards	Change in Effect	749-3 (table)	Changes to several values in this Table are under consideration.				2010 MTCA Rulemaking	30	163
2nd	F: Cleanup Standards	Change in Effect	749-5 (table)	Changes to several values in this Table are under consideration based on updates to the Oak Ridge National Laboratory database.				2010 MTCA Rulemaking	30	164
2nd	F: Cleanup Standards	Change in Effect	749-6 (table)	New table added to provide ecological TEFs for dioxins and furans.				2010 MTCA Rulemaking	30	165

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2nd	F: Cleanup Standards	Change in Effect	7490	Process overview added. These sections have been significantly reorganized and rewritten to clarify how the terrestrial ecological evaluation process works.				2010 MTCA Rulemaking	30	151
2nd	F: Cleanup Standards	Change in Effect	7490	Added provision allowing balancing cleanup vs. habitat destruction in areas of "especially valuable habitat".				2010 MTCA Rulemaking	30	152
2nd	F: Cleanup Standards	Change in Effect	7490	Policy statements added clarifying point of compliance, compliance monitoring and institutional controls for sites where cleanup levels are controlled by TEE values.				2010 MTCA Rulemaking	30	153
2nd	F: Cleanup Standards	Change in Effect	7491	Terrestrial ecological evaluation exclusions: Several definitions moved to Section 200.				2010 MTCA Rulemaking	30	154
2nd	F: Cleanup Standards	Change in Effect	7491	Terrestrial ecological evaluation exclusions: Added a requirement that barriers must be maintained to be effective.				2010 MTCA Rulemaking	30	156
2nd	F: Cleanup Standards	Change in Effect	7492	Applicability of a simplified terrestrial ecological evaluation: Moved criteria for determining if a site is eligible for a simplified TEE to here from Section 7491.				2010 MTCA Rulemaking	30	157
2nd	F: Cleanup Standards	Change in Effect	7493	Simplified terrestrial ecological evaluation procedures: The current rule is confusing regarding procedures for conducting a simplified TEE and options for setting cleanup levels. The proposed changes are intended to more explicitly describe the simplified TEE process and options for setting concentration protective of terrestrial ecological receptors. The primary change is to clarify that bioassays can be used in two ways. That is, for: (1) Determining toxicity of a contaminated soil; and, (2) For making limited modifications to the wildlife exposure model. These changes reflect current practice.				2010 MTCA Rulemaking	30	159
2nd	F: Cleanup Standards	Change in Effect	7494	Site-specific terrestrial ecological evaluation procedures: Added summary of methods for developing concentrations protective of TEE pathway at site-specific TEE sites. The actual methods have not been changed.				2010 MTCA Rulemaking	30	160
2nd	F: Cleanup Standards	Change in Effect	750	General changes: Major reorganization—former Section 750 broken into multiple Sections to facilitate readability and use.				2010 MTCA Rulemaking	30	166
2nd	F: Cleanup Standards	Change in Effect	750	General changes: "Standard" and "Modified" Method B & C terminology eliminated (changes are still allowed to the default assumptions).				2010 MTCA Rulemaking	30	167
2nd	F: Cleanup Standards	Change in Effect	750	Method B & C: Method B & C equations changed to conform to latest EPA guidance on calculation of air cleanup levels.				2010 MTCA Rulemaking	30	168
2nd	F: Cleanup Standards	Change in Effect	750	Method B & C: Petroleum mixture cleanup level equation added to enable calculation of site-specific TPH air cleanup levels.				2010 MTCA Rulemaking	30	169
2nd	F: Cleanup Standards	Change in Effect	750	Demonstration compliance: Point of compliance provisions changed to address compliance in both indoor and outdoor situations, use of groundwater and soil gas screening levels, and discharges from remedial actions.				2010 MTCA Rulemaking	30	170
2nd	F: Cleanup Standards	Change in Effect	750	Demonstration compliance: Several provisions added addressing compliance monitoring and evaluation of data. Includes how to factor in urban background and use of multiple lines of evidence to demonstrate compliance.				2010 MTCA Rulemaking	30	171
2nd	F: Cleanup Standards	Change in Effect	750-1 (equation)	Modify equation to account for additive effects of petroleum fractions and VOCs present in the petroleum mixture. Equation should be similar to 740-7.	Gordon	Mark		Blueprint	23	

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2nd	F: Cleanup Standards	Change in Effect	830-1, 920	Revise footnotes 6 and 7 in table 830-1: Sample heating oil sites like diesel sites	Mullin	Tim		Blueprint	1	
2nd	F: Cleanup Standards	Change in Effect	173-201A	F - Using WAC 173-201A as a groundwater CUL is inappropriate for site-wide use as 201A is clearly an "end of pipe" standard (i.e. does not regulate concentrations within the process). 201A standards should ONLY apply to point of discharge to groundwater.	LV		4/11/18	Public Scoping Event	225	
2nd	F: Cleanup Standards	Change in Effect	pending	Regional background levels to provide flexibility to address low-level urban anthropogenic contamination.	Kallus	Andy		Workshop Table Talk	2	1
2nd	F: Cleanup Standards	Change in Effect	pending	Reconsider 10 (-5) vs 10 (-6)	Kallus	Andy		Workshop Table Talk	2	3
2nd	F: Cleanup Standards	Change in Effect	pending	Modernize exposure factors in the MTCA Cleanup Level equations.	White	Jim		Memo or e-mail	19	2
2nd	F: Cleanup Standards	Change in Effect	pending	Update process for determining lead cleanup levels	White	Jim		Memo or e-mail	19	5
2nd	F: Cleanup Standards	Change in Effect	pending	Allow the use of a hazard quotient < 1 when there are significant non-site-related background exposures for certain hazardous substances.	White	Jim		Memo or e-mail	19	6
2nd	F: Cleanup Standards	Change in Effect	pending	Soils -- Should we base soil cleanup levels on concurrent oral/dermal exposure as a standard practice (current rule only does this for petroleum and modified Methods B and C.	White	Jim		Memo or e-mail	19	9
2nd	F: Cleanup Standards	Change in Effect	pending	Soil -- Should cleanup level determination consider exposure from ingestion of produce and animal products?	White	Jim		Memo or e-mail	19	11
2nd	F: Cleanup Standards	Change in Effect	pending	Update Method A tables	White	Jim		Memo or e-mail	19	15
2nd	F: Cleanup Standards	Change in Effect	pending	Formalize early life-stage adjustment for toxicity of mutagens (or carcinogens in general).	White	Jim		Memo or e-mail	19	16
2nd	F: Cleanup Standards	Change in Effect	pending	Groundwater: standardize approaches to nonpotable groundwater?	White	Jim		Memo or e-mail	19	17
2nd	F: Cleanup Standards	Change in Effect	pending	Add vapor intrusion to the regulation?	White	Jim		Memo or e-mail	19	18
2nd	F: Cleanup Standards	Change in Effect	pending	Standardize the methods for determining cleanup levels involving medium-to-medium transfer. (Currently this is approached on a site-specific basis).	White	Jim		Memo or e-mail	19	19
2nd	F: Cleanup Standards	Change in Effect	pending	When calculated risk-based soil cleanup levels for metals exceed natural background, the regulation currently requires soil CULs to be adjusted up to background. However, this leaves the potential for leaching impacts to groundwater in excess of CULs for surface water. We should either establish statewide natural background levels of metals in groundwater, or consider providing a path in the regulation to allow adjustment of groundwater CULs upward to the value predicted to occur due to leaching from natural soil background.	Tomlinson	Priscilla		Memo or e-mail	36	
2nd	F: Cleanup Standards	Change in Effect	pending	The obvious change that is needed in MTCA is to trash the current cleanup standards and adopt a risk-based approach similar to the one used in Oregon. The current approach is unrealistic and unduly burdensome on PRPs.	Coles	David	2/14/18	Public eComment	200	

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2nd	F: Cleanup Standards	Change in Effect	pending	Addressing the groundwater to surface water pathway is currently problematic particularly in terms of point of compliance, cleanup and remediation levels, and compliance monitoring. Current application of existing rule and guidance is inconsistent and often overly conservative particularly at sites involving groundwater discharge to marine surface water. I think stakeholder meetings to discuss this topic would be very helpful to clarify and/or revise existing rule and guidance. Thanks.	Ehlebracht	Mike	3/6/18	Public eComment	201	
2nd	F: Cleanup Standards	Change in Effect	pending	F - Incorporate LNAPL Transmissivity as an end point to product recovery. This is adopted in other states. Can draw on ASTM LNAPL Transmissivity docs and IRTC literature for technical basis for site-specific evaluation.	LV		4/11/18	Public Scoping Event	223	
2nd	F: Cleanup Standards	Change in Effect	pending	F - Will arsenic in groundwater cleanup standards be adjusted to consider background levels found in Washington St.	LV		4/11/18	Public Scoping Event	226	
2nd	F: Cleanup Standards	Change in Effect	pending	F - Treated shallow contaminated groundwater the same as shallow contaminated soil (to 15 feet deep) as a direct contact risk rather than an ingestion risk. Shallow groundwater is not a potable drinking water source.	LV		4/11/18	Public Scoping Event	227	
2nd	F: Cleanup Standards	Change in Effect	pending	F - CWA makes very clear distinctions between groundwater and surface water. Using surface water standards as groundwater CULs site-wide is inappropriate and over-reaches Ecology's authority based on the distinctions made by the CWA.	LV		4/11/18	Public Scoping Event	228	
2nd	F: Cleanup Standards	Change in Effect	pending	F - Adoption of "operable units" should be included to allow for different cleanup standards at clearly different areas of a site based on use, receptors, pathways, etc.	LV		4/11/18	Public Scoping Event	229	
2nd	F: Cleanup Standards	Change in Effect	pending	F - 1) Addressing concerns about more and more stringent cleanup levels and the frequent problem of: a) science not being able to quantify to those extremely low levels; and b) providing cleanup criteria that are nearly impossible to meet. 2) Regarding vapor intrusion screening criteria and addressing/incorporating, or at least providing for consideration of , WISHA/OSHA worker exposure criteria as guiding ARARs.	LV		4/11/18	Public Scoping Event	232	
2nd	F: Cleanup Standards	Change in Effect	pending	F - Will Vapor Intrusion Policy/Guidance be coded into MTCA Cleanup Standards?	LV		4/11/18	Public Scoping Event	233	
2nd	F: Cleanup Standards	Change in Effect	pending	F - Option to develop Risk-based cleanup levels based on actual receptors and site specific use. (Method B is only used to get the lowest possible cleanup level based on non realistic scenarios).	LV		4/11/18	Public Scoping Event	235	
2nd	F: Cleanup Standards	Change in Effect	pending	G - Enforcement should be part of the rule, with more engagement by regulatory agency once a release/contamination is reported.	LV		4/11/18	Public Scoping Event	238	
2nd	F: Cleanup Standards	Change in Effect	pending	G - Cleanups conducted under order/decree Public Outreach/Participation (this is the best place I can think of). Needs to be a requirement that ALL PLPs be notified, prior to implementation of remedial action. No going back after the fact because they did not do their due diligence.	LV		4/11/18	Public Scoping Event	239	
2nd	F: Cleanup Standards	Change in Effect	pending	G - Need to resolve the EPH silica gel cleanup controversy with Ecology so the risk-based TPH provisions in MTCA can be properly applied to groundwater cleanups.	LV		4/11/18	Public Scoping Event	242	
2nd	F: Cleanup Standards	Change in Effect	pending	F - Consider removing specific statistical methodology from rule. Too specific and limited.	LV		4/11/18	Public Scoping Event	252	

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2nd	F: Cleanup Standards	Change in Effect	pending	Why is Ecology looking to create a new SHA WARM tool? The purpose of the WARM is to prioritize Ecology's resources towards sites with the greatest potential to impact human health and the environment in an effort to affect change. Until MTCA is prepared to forego its current method of "cleanup when you are ready" in favor of a true priority-driven cleanup with potential true enforcement action for sites where documented impacts are happening, there is no purpose to having a ranking system. The resources we are looking to allocate should not be strictly people and time, but effort and remediation. Why rank something when we are not going to enforce a cleanup? MTCA has the potential written into it - and others have made a point to bringing this forward - for true enforcement capabilities; but at present the mindset is to not push the envelope, to allow people to cleanup a site when they are ready at a pace they are comfortable with, and if they don't want to then they don't have to. Ecology is not a corporation, it is a state agency; Ecology is not here to make people comfortable or to accommodate only those who are willing. Ecology's purpose, its client, is the State of Washington and Ecology is fighting for Washington's health. Change the mindset, change the rule, and then refine the process. Until we change the mindset we will continue to be stuck in the ever-growing backlog of more and more terrifyingly contaminated sites causing a greater and greater impact to human health and the environment in Washington State. Is this the legacy we will all leave behind or are we ready for a new tomorrow?	New-MTCA	Ivanna	4/12/18	Public eComment	257	
2nd	F: Cleanup Standards	Change in Effect	pending	As noted in the Interim PFAS Chemical Action Plan, cleanup standards should be developed for PFAS contamination.	McCorkle	John	4/13/18	Public eComment	258	5
2nd	F: Cleanup Standards	Change in Effect	pending	Racial Equity and Social Justice components should be considered in the prioritization and ranking of sites (risk and equity-based ranking). Because many voluntary cleanups are initiated by developers, these cleanups tend to occur first, MTCA needs to ensure that vulnerable populations in impacted areas which are not necessarily economically desirable for redevelopment are protected against harmful health effects of contaminants.	King County DNRP		4/15/18	Public eComment	264	1
2nd	F: Cleanup Standards	Change in Effect	pending	Update MTCA so that requirements for analytical testing and reporting match current EPA criteria plus provide allowances for future updates. For example, EPA has adopted the Lower Limit of Quantitation (LLOQ) as a replacement for the Method Detection Limit for analytical methods in the RCRA program. Therefore, the sections in MTCA that discuss the use of a method detection limit need to be revised, as appropriate.	King County DNRP		4/15/18	Public eComment	264	4
2nd	F: Cleanup Standards	Change in Effect	pending	MTCA includes human health equations which may not reflect best available science, including potentially outdated values such as gastrointestinal absorption factors. Revising MTCA rules to address the best available risk assessment science today while providing opportunities to incorporate additional information developed in the future would be welcome.	King County DNRP		4/15/18	Public eComment	264	5

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2nd	F: Cleanup Standards	Change in Effect	pending	Adoption of Operable Units: MTCA does not provide for the establishment of operable units to define cleanup levels, remedial actions, and multiple points of compliance within a site. Ecology PMs often accept the functional equivalent of operable units for shoreline sites, drawing the line between upland media and aquatic media. This probably is considered acceptable under the current rule because the affected media change from soil and groundwater (upland) to sediment (aquatic). Formally adopting an operable unit approach would allow greater flexibility for larger, more complex sites where the receptors and/or exposure pathways can vary for a given media, and the establishment of differing cleanup levels and point of compliance, and implementation of differing cleanup actions, are appropriate. Ecology should consider amending the regulation to allow for the use of an operable unit approach when warranted. a. Example: A site has a potable groundwater source that discharges to a fresh water river. The development of groundwater cleanup levels would need to consider potable water criteria and surface water quality criteria (protection of aquatic organisms, human consumption of water and fish). Under the current regulation, Ecology may require that the most conservative groundwater cleanup level be applied throughout the site. For a number of COCs the cleanup level protective of surface water would be the more conservative criteria, and as such, would become the groundwater cleanup level for the entire site even though the exposure that the criteria is based on only occurs where groundwater discharges to surface water. What would be more appropriate would be to establish a cleanup level based on drinking water criteria throughout the upland portion of the site and establish a groundwater cleanup level at the shoreline based on surface water quality criteria. This variation in cleanup levels could be easily addressed by establishing an operable unit for protection of surface water at the shoreline and establishing a groundwater operable unit based on drinking water criteria throughout the	Landau Associates		4/7/18	Public eComment	265	3
2nd	F: Cleanup Standards	Change in Effect	pending	Restoration Timeframe: The current structure of evaluating the restoration timeframe for cleanup alternatives separate from the disproportionate cost analysis results in redundancies in the feasibility study since most of the restoration timeframe criteria are addressed in one manner or another within the DCA, or are essentially the outcome of the DCA (i.e., practicability of a shorter restoration timeframe). The FS process should be streamlined by adopting a restoration timeframe as one of the DCA criteria rather than having it as an additional evaluation step in the FS process.	Landau Associates		4/7/18	Public eComment	265	5

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2nd	F: Cleanup Standards	Change in Effect	pending	Dispute resolution: Ecology should implement an independent dispute resolution process to formally resolve disagreements between PLPs and the agency regarding implementation of the MTCA regulation. While the dispute resolution process does not necessarily belong in the regulation itself, Ecology should formally adopt an administrative policy or program procedure for independent dispute resolution. The process should allow PLPs to formally appeal decisions made by the Department with respect to requirements at all stages of the MTCA process. Independent dispute resolution should be administered by a third party not affiliated with the Department of Ecology and should provide for fair and impartial written decisions based on the facts and law.	Landau Associates		4/7/18	Public eComment	265	6
2nd	F: Cleanup Standards	Change in Effect	pending	Our first concern is regarding the length of this update process, which is currently slated for completion in 2027. Reform of MTCA is long overdue, with the last update occurring in 2001. Citizens for a Healthy Bay is particularly concerned about the timeliness in addressing cleanup standards. As Ecology's proposal stands, "This will allow a second rulemaking focused on the cleanup standards to begin in 2021 (or earlier) with adoption anticipated before the end of 2022." [1] Due to the significant changes needed in the Cleanup Rules, this phase should occur earlier in the process. Citizens for a Healthy Bay recommends the following changes be incorporated in the rulemaking process: • Include defined timeline for activities taking place during the proposed update; • Expedite the update process; and • Address cleanup standards earlier in the update process.	Citizens for a Healthy Bay		4/13/18	Public eComment	266	1
2nd	F: Cleanup Standards	Change in Effect	pending	The current system leads to prioritizing economic development drivers at the expense of communities impacted by toxic pollution. Developers can "jump the line" by paying for cleanup of sites prioritized as a lower hazard. While this has the benefit of incorporating private funding into cleanups, an unintended consequence may be that this leaves tribes, communities of color, and low-income communities further behind if those developers tend to favor more affluent white communities. For example, as part of the hazard ranking that leads to the final Washington Ranking Method (WARM) score, Ecology should incorporate an "equity score" that reflects the potential exposure risk from toxic sites for communities of color and low-income communities. Rulemaking needs to explore establishing institutional backstops to ensure that as private funding accelerates some cleanups that the disparity in community impacts not only disappears but drives regional cleanup priorities. We would also like to see moderate and major cleanups work more closely with Department of Health on human health evaluations.	Washington Environmental Council and partners		4/13/18	Public eComment	267	2

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	pending	Programs that receive pollution prevention funding from MTCA must be required to report on how their programs serve communities that are overburdened by toxic pollution and face barriers of social and economic disadvantages. The results should be published publicly on the Ecology website and shared digitally with past and present grant recipients.	Washington Environmental Council and partners		4/13/18	Public eComment	267	3
2nd	F: Cleanup Standards	Change in Effect	pending	The annual Sediment Management Annual Review Meeting (SMARM) is an example of the federal/state nexus on cleanup issues, and Ecology currently uses this meeting to roll out changes. We would like to see the rules clarify steps needed to coordinate among state and federal topics such as sediment cleanup and water quality standards, including engaging the public in meetings such as SMARM.	Washington Environmental Council and partners		4/13/18	Public eComment	267	6
2nd	F: Cleanup Standards	Change in Effect	pending	We would like to see the role of consent decrees reevaluated.	Washington Environmental Council and partners		4/13/18	Public eComment	267	8
2nd	F: Cleanup Standards	Change in Effect	pending	Currently consultants can introduce new evaluations of regional background levels during site-level processes to justify more lenient targets than the natural background. We would like to see improved processes to ensure that regional background levels are developed fairly and transparently. In addition, the geographic extent of initial characterization may miss contamination that has migrated offsite. We would like to see provisions for addressing the need to evaluate offsite migration of contamination.	Washington Environmental Council and partners		4/13/18	Public eComment	267	9
2nd	F: Cleanup Standards	Change in Effect	pending	Area background, allow area background concentrations for soil to be used to set soil cleanup levels, as is allowed for groundwater, surface water, and air cleanup levels. a) Outside of MTCA rule making, we also recommend that Ecology undertake comprehensive sampling of soils in major urban centers to establish area background soil concentrations, like the work Ecology did for dioxins/furans and PAHs in Seattle but expanded to include heavy metals. A great deal of time and money is wasted arguing about and/or addressing low-level soil contamination on cleanup sites that is attributable to area background conditions.	Aspect Consulting		4/15/18	Public eComment	268	12
2nd	F: Cleanup Standards	Change in Effect	pending	Indoor air cleanup levels, allow for use, consideration and application of WISHA/OSHA exposure limits at operating commercial and industrial facilities, where it can be demonstrated to be applicable and protective.	Aspect Consulting		4/15/18	Public eComment	268	13
2nd	F: Cleanup Standards	Change in Effect	pending	Allow more flexibility for setting conditional points of compliance provided there is exposure or risk-based justification. For example, allowing off-property or area-wide conditional points of compliance for hazardous substances released from individual sources that may or may not be considered practicable to address, but do not present an exposure risk for human health or the environment in any case given current use. These situations would need to be paired with more innovative institutional controls as part of a final remedy and require periodic review.	Aspect Consulting		4/15/18	Public eComment	268	15

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Change in Effect	pending	Racial equity and social justice should be incorporated in the priority assessment (risk and equity based ranking) of contaminated sites in areas with greater health inequities including lower life expectancy, poorer air quality, and higher toxics/contaminants exposures. These a result of long-standing racial and social inequities in land-use, economic, environmental, and education policies and decisions. Suggestions for implementing a prioritization process include working with Washington DOH to use the Washington Tracking Network (WTN) as a way to use health data to identify and assess the type of environmental justice impacts experienced in communities state-wide. Equity impact tools, e.g. King County's Equity Impact Review (EIR) tool, can facilitate a process to identify, evaluate, and communicate the potential positive and negative impacts of a policy or program on equity.	Public Health - Seattle & King County		5/11/18	Public eComment	269	1
2nd	F: Cleanup Standards	Change in Effect	pending	PHSKC believes sites in areas with existing health disparities and impacts need to be given preference for remediation and cleanup of contaminants. Because these areas are less often voluntarily remediated, they need to be allocated staff and cleanup resources to achieve cleanup criteria in a timely manner. SKCPH believes resources should be prioritized based on risk for orphaned and other sites in marginalized communities to start cleanup action plans to protect human health and the environment.	Public Health - Seattle & King County		5/11/18	Public eComment	269	2
2nd	F: Cleanup Standards	Change in Effect	pending	PHSKC recommends a new section address contamination from emerging chemicals with recently established toxicity criteria. Examples include perfluorinated contaminants and pyrethroid pesticides which are not EPA priority pollutants or otherwise cited in current MTCA rules. SKCPH recommends that adequate resources be allocated for site and contamination characterization, risk assessment, migration and exposure pathways, prevention of adverse human health impacts, and protection of the environment from emerging pollutants such as these.	Public Health - Seattle & King County		5/11/18	Public eComment	269	3
2nd	F: Cleanup Standards	Change in Effect	pending	PHSKC recommends that new site prioritization methods incorporating the disproportionate impacts on racially or economically disadvantaged communities be transparently linked with a revised, transparent funding formula to ensure they receive their fair share of the available cleanup resources.	Public Health - Seattle & King County		5/11/18	Public eComment	269	4
2nd	F: Cleanup Standards	Change in Effect	pending	For easier location of cleanup methods based on specific site and contaminant criteria in the MTCA document, we suggest that all methods be incorporated under one section "Clean-Up Methods and Criteria" such as Method A, Method B, Method C, etc.	Public Health - Seattle & King County		5/11/18	Public eComment	269	5
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	clarify requirements for adding or changing values for physical parameters of various hazardous substances. Consider a VOC list?	White	Jim		Memo or e-mail	19	23
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	Define exposure and decision units with respect to the scale or size of the site of the level of protectiveness.	White	Jim		Memo or e-mail	19	24
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	Soil -- Acute exposure considerations? Pica?	White	Jim		Memo or e-mail	19	25
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	update TEE tables based on EPA soil screening levels and other information.	White	Jim		Memo or e-mail	19	27

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	G - Consistency between Ecology site manages is lacking, not only state-wide but within individual regions somehow fix this.	LV		4/11/18	Public Scoping Event	240	
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	F - Background: Rule making/flexibility. National background. Area background (regional).	LV		4/11/18	Public Scoping Event	253	
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	Ecology should explore developing model remedies for dry cleaner cleanups; this may be more suited for a guidance document than rulemaking.	McCorkle	John	4/13/18	Public eComment	258	1
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	While not part of this comment period, we would like to reiterate that strengthening cleanup standards will protect public health and the environment. We would like to see specific attention to emerging contaminants of concern, including perfluorinated compounds and phthalates.	Washington Environmental Council and partners		4/13/18	Public eComment	267	10
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	Respectfully, we ask the Department to not drop the rulemaking process for MTCA. We do not want to see a delay in reviewing and updating the rule like in 2010, following Executive Order 10-06, which suspended most rulemaking by state regulatory agencies through the end of 2011. Additionally, we hope the Department will expeditiously complete the rulemaking as we are long overdue. Cleanup sites around the state will be started before the new rule is implemented.	Washington Environmental Council and partners		4/13/18	Public eComment	267	11
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	The Hazardous Substance Tax (HST) rate for generating revenue to pay for MTCA programs is volatile and unpredictable. Although this is a matter for the legislature, we would like to underscore our concern and highlight the need for stabilization and reform.	Washington Environmental Council and partners		4/13/18	Public eComment	267	12
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	Streamline the non-potability evaluation process and designation for urban areas within municipal water service areas.	Aspect Consulting		4/15/18	Public eComment	268	16
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	From a public policy perspective, think very carefully before making changes that make cleanup levels more stringent than they are now. Do not assume that more stringent cleanup levels will lead to “better” cleanups. On the contrary, trying to achieve cleanup levels that are increasingly unattainable makes “cleanup success” increasingly unattainable, which will lead to greater resistance for undertaking cleanup. The 2016 human-health surface water standards are a prime example of unattainable standards.	Aspect Consulting		4/15/18	Public eComment	268	17
2nd	F: Cleanup Standards	Non-Rulemaking?	pending	Pertaining to remediation waste disposal and RCRA requirements, RCRA was not intended for cleanup sites but it is well known to create a strong disincentive to permanent cleanups involving soil removal/landfilling. While it is outside of the MTCA rule, we request that the Toxics Cleanup program work together with the Dangerous Waste program to revise, clarify and simplify the contained-in policy so that it does not interfere with completing cleanups. It has nothing to do with environmental protection and is an unnecessary policy because the dangerous waste characteristics (that are based on environmental risk) still apply to waste generated in a cleanup.	Aspect Consulting		4/15/18	Public eComment	268	18
2nd	H: Rulemaking Process	Change in Effect	pending	H - Need guidance for characterization, management, and disposal of investigation-derived waste, this is a nexus with the dangerous waste regulation.	LV		4/11/18	Public Scoping Event	243	

Which rulemaking?	Code & Topic	Probable type of change	WAC Reference: 173-340-	Description	Contributor (last)	Contributor (first)	Comment date	Event / Format	Source ID#	Source Sub-ID#
2nd	H: Rulemaking Process	Clarification	pending	H - If PLIA is now allowed/authorized to provide opinions under MTCA, are they participating in this rulemaking process other than providing comment?	LV		4/11/18	Public Scoping Event	246	
2nd	H: Rulemaking Process	Non-Rulemaking?	pending	H - Ecology's Formal Dispute Resolution process is ineffective and clearly biased toward Ecology's position. Needs to include on independent administrator to provide an impartial final decision based on facts and law.	LV		4/11/18	Public Scoping Event	245	
2nd	H: Rulemaking Process	Non-Rulemaking?	pending	H - As this process moves forward, please convene technical working group (s) to work with Ecology on actual text revisions. Thank you!	LV		4/11/18	Public Scoping Event	254	