

# Cleanup Rule Exploratory Rulemaking

## Chapter 173-340 WAC

### Statewide Public Scoping Event

Hosted by the Toxics Cleanup Program, in regional offices, and on WebEx

Washington State Department of Ecology

Tuesday, April 3, 2018

**The webinar will begin at 1:30PM.  
Please mute your phones after logging into WebEx.**

# Welcome! Thanks for joining us.

**The Cleanup Rule contains regulations that implement the Model Toxics Control Act (MTCA) of 1989.**

**Today, we're asking for your suggestions on:**

- General rulemaking topics
- Specific changes to update any part of the Cleanup Rule

**Your hosts:**

- **Clint Stanovsky**, Regulatory Analyst and Rulemaking Lead
- **Cleanup Rule Team members** in Lacey, Spokane, Union Gap
- **Elaine Heim**, Policy Unit Planner

# Participating in our regional offices?

1. Comment cards in the room
2. Website comment app through Sunday, April 15:  
<http://cs.ecology.commentinput.com/?id=AUbx2>

# Ground rules for participating online

- 1. Only Ecology moderators will be audible during this event.**
- 2. WebEx participants: please mute your phone and use Chat to comment.**  
We'll remotely mute any phones that go "live" to this event to avoid disruptions.
- 3. WebEx participants: your name is not required, but you need to enter your unique Attendee ID** (found on your WebEx log-in screen) so we can officially log your comments.
- 4. Please keep written and chat comments brief.**  
Have more extensive comments? Use our e-Comment application at <http://cs.ecology.commentinput.com/?id=AUbx2> through 11:59 pm, April 15, 2018.
- 5. This WebEx event is being recorded.** All written, spoken, chat, and other electronic comments will become public records.

# Three ways to chat with us online today

1. **Cleanup Rule comments:** chat with Lacy Kooiman
2. **WebEx and technical problems:** chat with Tami Justice
3. **Substantial comments or to upload documents:**  
eComment at <http://cs.ecology.commentinput.com/?id=AUbx2>

# Today's agenda

Time	Location	Activity
1:00pm– 1:30pm	Embassy Suites Ecology offices	Welcome & discussion with staff. Comment writing.
1:30pm– 3:30pm	Embassy Suites Ecology offices Online	<ul style="list-style-type: none"><li>• Webinar begins. Presentation by Ecology (20 min)</li><li>• Comment submittal using comment cards or WebEx's Chat feature (15 min)</li><li>• 1<sup>st</sup> round-robin with moderators in each region (50 min)</li><li>• 2<sup>nd</sup> round robin to hear additional comments (35 min)</li></ul>
3:30pm		Adjourn. Ecology staff available onsite after the webinar.

# Webpage has latest updates

The screenshot shows the homepage of the Washington Department of Ecology. At the top left is the logo with the text "DEPARTMENT OF ECOLOGY State of Washington". To the right are navigation links: "Regulations & Permits", "Research & Data", "Site Map", and "Contact Us". A search bar in the top right contains the text "cleanup rule" and is circled in red. Below the navigation is a horizontal menu with "Home", "Air & Climate", "Water & Shorelines", "Waste & Toxics", and "Spills & Cleanup". The main content area features a large landscape image of a lake and mountains. A white box on the left contains the heading "I want to..." followed by six green arrow icons pointing to links: "Report a spill", "Apply for a permit", "Get information on wells", "Search for recycling services", "Find a grant or loan", and "Explore this new website". On the right, a "Welcome to the Department of Ecology" section includes a sub-heading and a paragraph: "We're proud to protect, preserve, and enhance Washington's environment for current and future generations."

# Webpage has latest updates

Home

Air & Climate

Water & Shorelines

Waste & Toxics

Spills & Cleanup

## Search results

Note: For most PDF documents and forms, go to our [Publications & Forms database](#)

cleanup rule



35 results

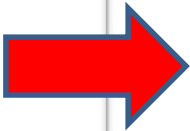
### Cleanup Rule exploratory rulemaking

We're exploring several updates to Washington's Cleanup Rule and we want to know what you think.

<https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act/Exploratory-rulemaking>

### Empirical demonstrations under MTCA

Empirical demonstrations can show that applicable groundwater cleanup levels aren't being exceeded.





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DEPARTMENT OF  
**ECOLOGY**  
State of Washington

REGULATIONS & PERMITS    RESEARCH & DATA    SITE MAP    CONTACT US

Home    Air & Climate    Water & Shorelines    Waste & Toxics    Spills & Cleanup

Spills & Cleanup > Contamination cleanup > Rules directing our cleanup work > Model Toxics Control Act > Exploratory rulemaking

Contamination cleanup ▾ **Cleanup Rule exploratory rulemaking**

Model Toxics Control Act

**Exploratory rulemaking**

We've launched an exploratory process to update Washington's Cleanup Rule and we want to know what you think. The Cleanup Rule is based on the state's environmental cleanup law, the Model Toxics Control Act (MTCA). The rule hasn't been fully updated since 2001. Both the law and rule help us remove contamination that can pose risks to your health and the environment.

- Cleanup Rule: [Chapter 173-340 WAC](#)
- Model Toxics Control Act: [Chapter 70.105D RCW](#)

**I want to...**

- Open Notice No. 2: Invitation to scoping webinar on April 3, 2018
- Comment on the process or specific parts of the Cleanup Rule
- Subscribe to emails about the Cleanup Rulemaking

# Model Toxics Control Act – Guiding Principles

## Chapter 70.105D.010 RCW

“Declaration of policy”	Cleanup Rule
(1) Each person has a fundamental and inalienable right to a healthful environment...	<ul style="list-style-type: none"><li>✓ protecting the most susceptible</li><li>✓ environmental justice</li></ul>
(1) ... beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.	<ul style="list-style-type: none"><li>✓ preference for permanent solutions</li></ul>
(4) It is in the public’s interest to efficiently use our finite land base... and to make clean land available for future social use.	<ul style="list-style-type: none"><li>✓ technical and administrative innovation</li></ul>
(5) ... each responsible person should be liable jointly and severally.	<ul style="list-style-type: none"><li>✓ bias toward action</li></ul>
(6) ... it is in the public interest that affected communities be notified of where releases of hazardous substances have occurred and what is being done to clean them up.	<ul style="list-style-type: none"><li>✓ informed public participation</li><li>✓ stakeholder involvement</li></ul>

# Status of the Cleanup Rule

- **Initiative I-97 passed in 1988: The Model Toxics Control Act (MTCA)**

The first Cleanup Rule implementing MTCA was adopted in 1990 and 1991  
The rule was amended in 1993, 1996, 2001 and 2007.

- **The last comprehensive Cleanup Rule amendment was in 2001**

Only cleanup standards for dioxin & furan, cPAH and PCB mixtures changed in 2007

- **The current Cleanup Rule requires:**

The department shall review and, as appropriate, update WAC 173-340-700 through 173-340-760 at least once every five years. WAC 173-340-702(11)

- **The 2009-10 rulemaking was suspended by Executive Order 10-06**

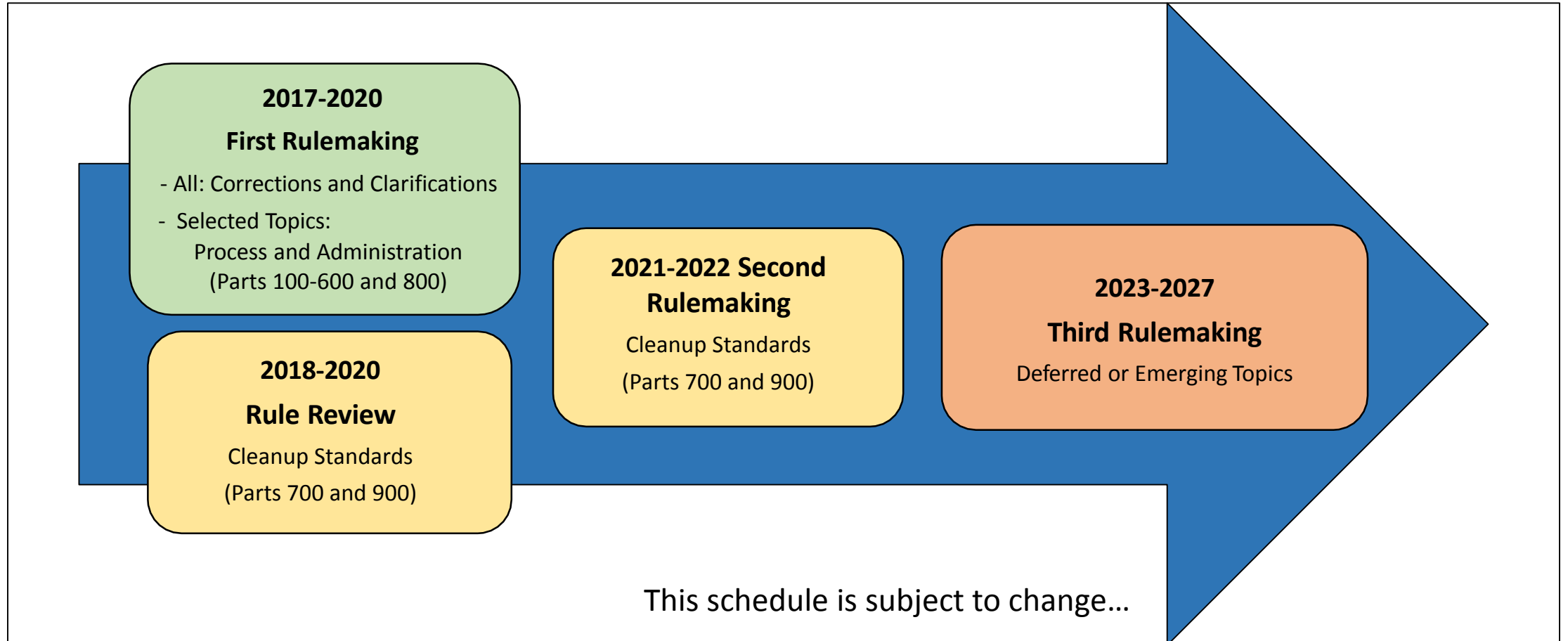
Though not finished, the last draft reflected extensive internal and external stakeholder review

# Structure of the Cleanup Rule

Chapter 173-340 WAC	Sections
<b>Cleanup Process and Administration</b>	
Part 1. Overall Cleanup Process	100-140
Part 2. Definitions and Usage	200-210
Part 3. Site reports and Cleanup Decisions	300-390
Part 4. Site Cleanup and Monitoring	400-450
Part 5. Administrative Procedures for Remedial Actions	500-560
Part 6. Public Participation	600-610
Part 8. General Provisions	800-890
<b>Cleanup Standards</b>	
Part 7. Cleanup Standards	700-760
Part 9. Tables	900

# Current plan for Cleanup Rule updates

## Chapter 173-340 WAC



# Rulemaking topic comment codes

Code	Topic
<b>A</b>	Initial Investigations / Site Hazard Assessments / Listing
<b>B</b>	Remedy Selection / Disproportionate Cost Analysis
<b>C</b>	Institutional Controls / Periodic Reviews / Financial Assurances
<b>D</b>	Leaking Underground Storage Tanks
<b>E</b>	Emerging Contaminants
<b>F</b>	Cleanup Standards (Parts 7 and 9)
<b>G</b>	Other parts of the rule
<b>H</b>	Questions or comments about this rulemaking process

# Intermission for comments

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We're back in

15

minutes

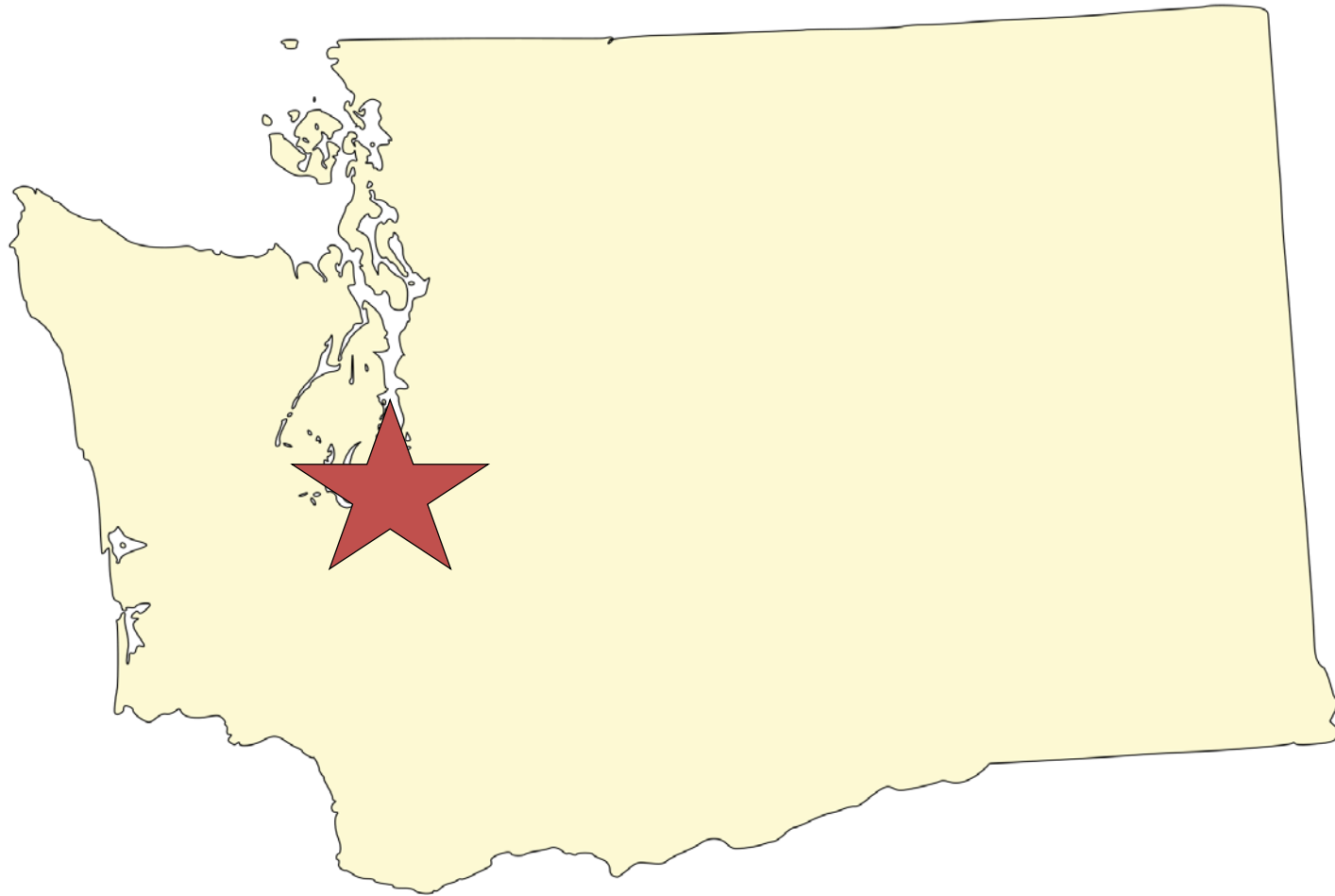
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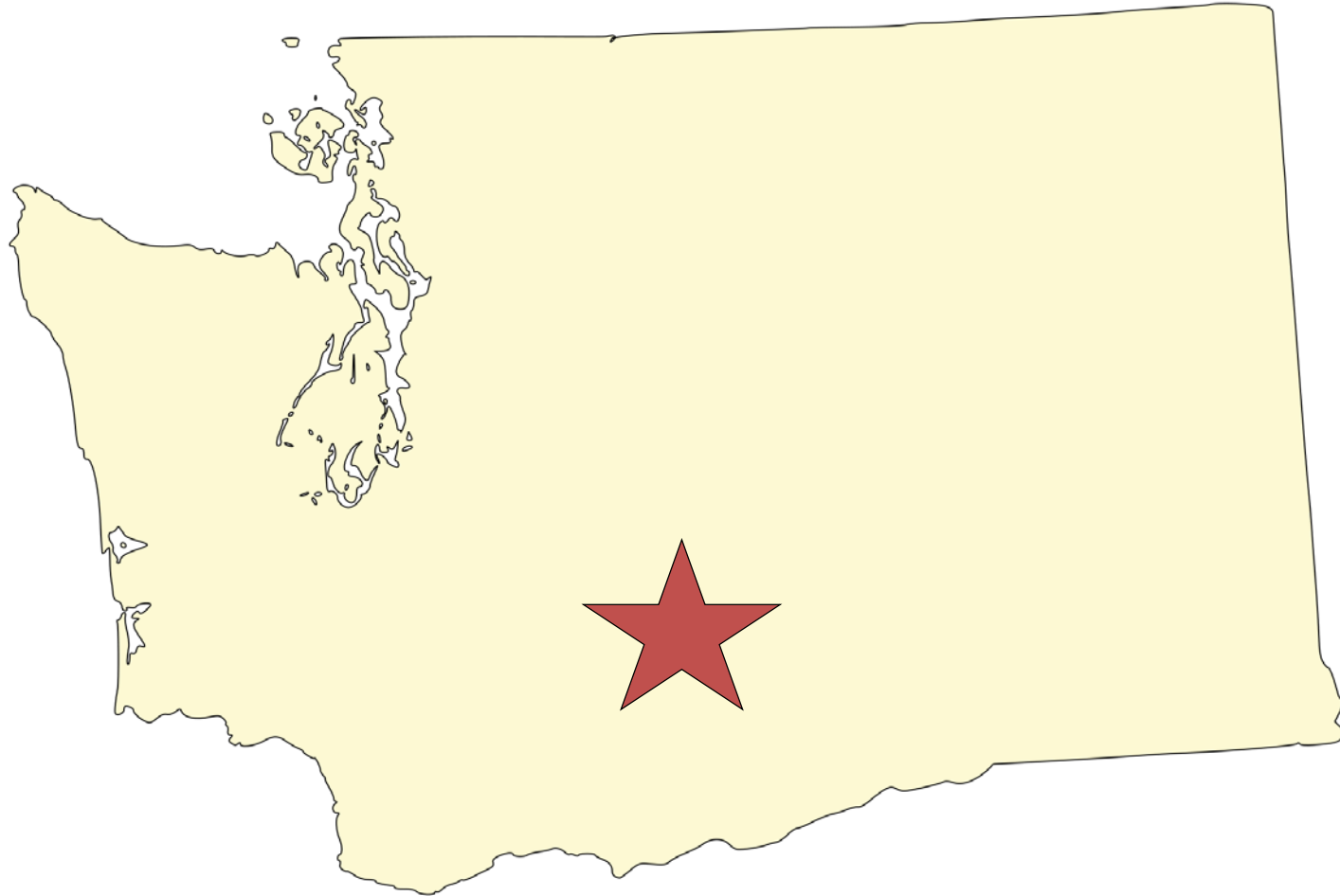
**Welcome  
back!**



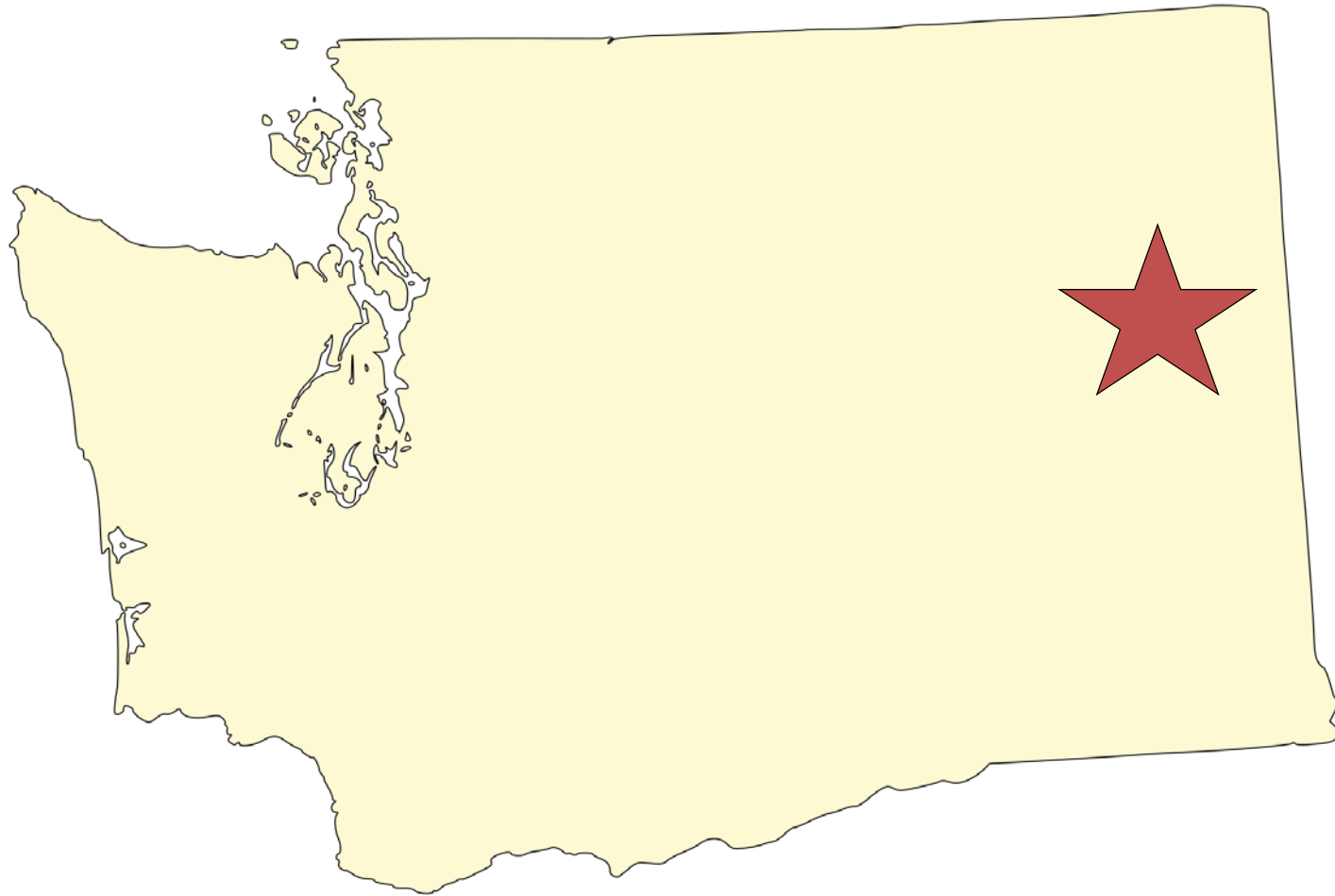
# Southwest Regional Office, Lacey



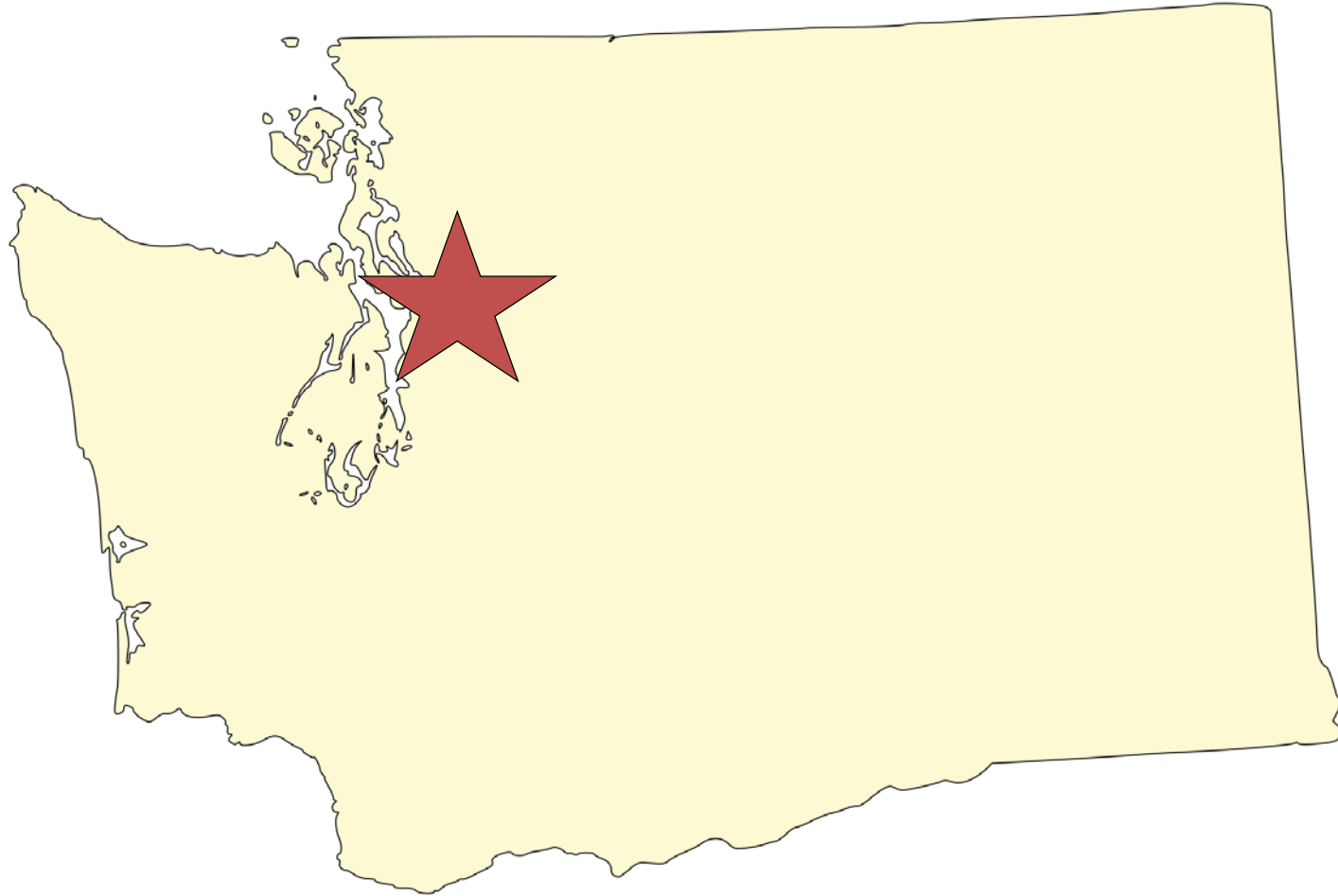
# Central Regional Office, Union Gap



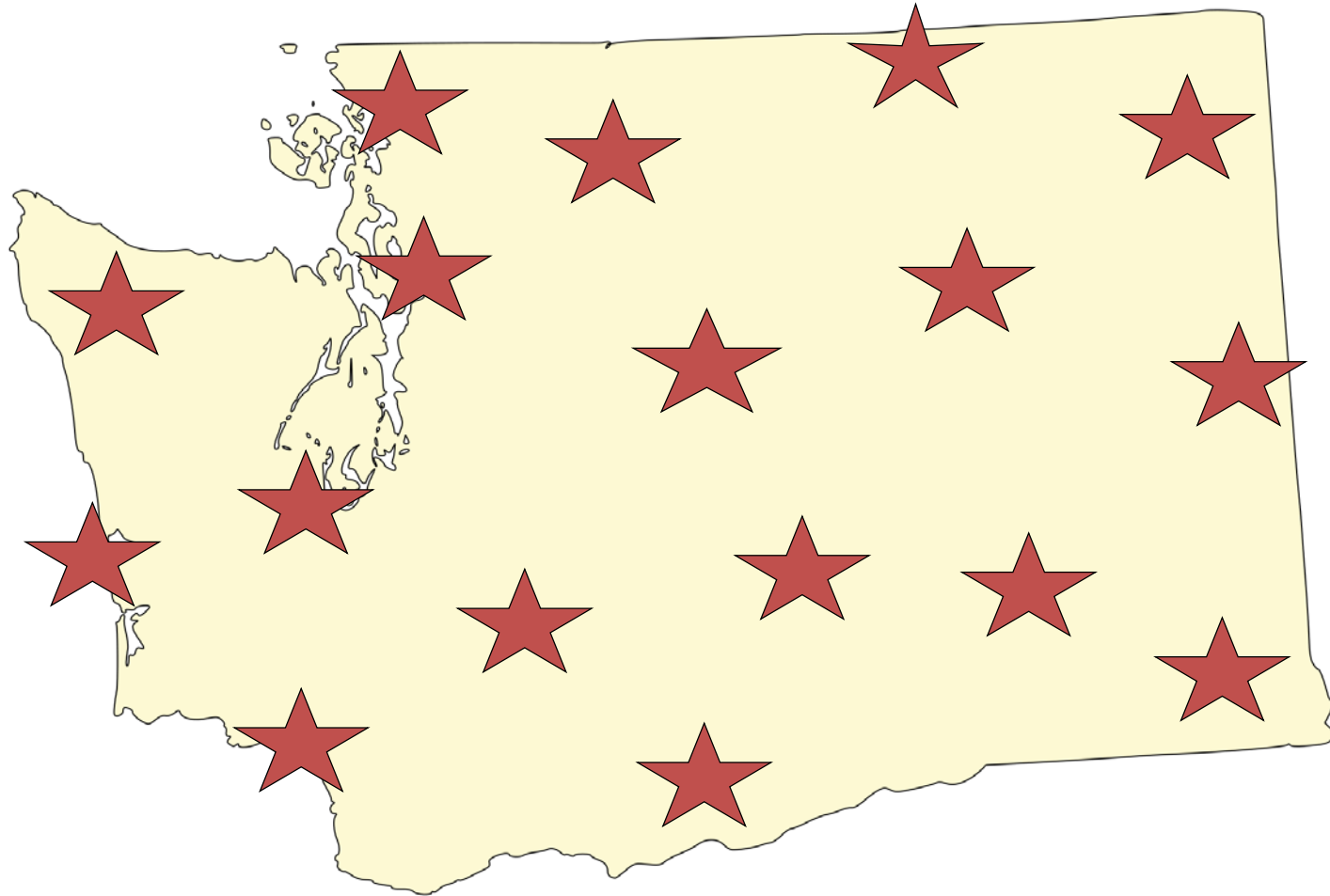
# Eastern Regional Office, Spokane



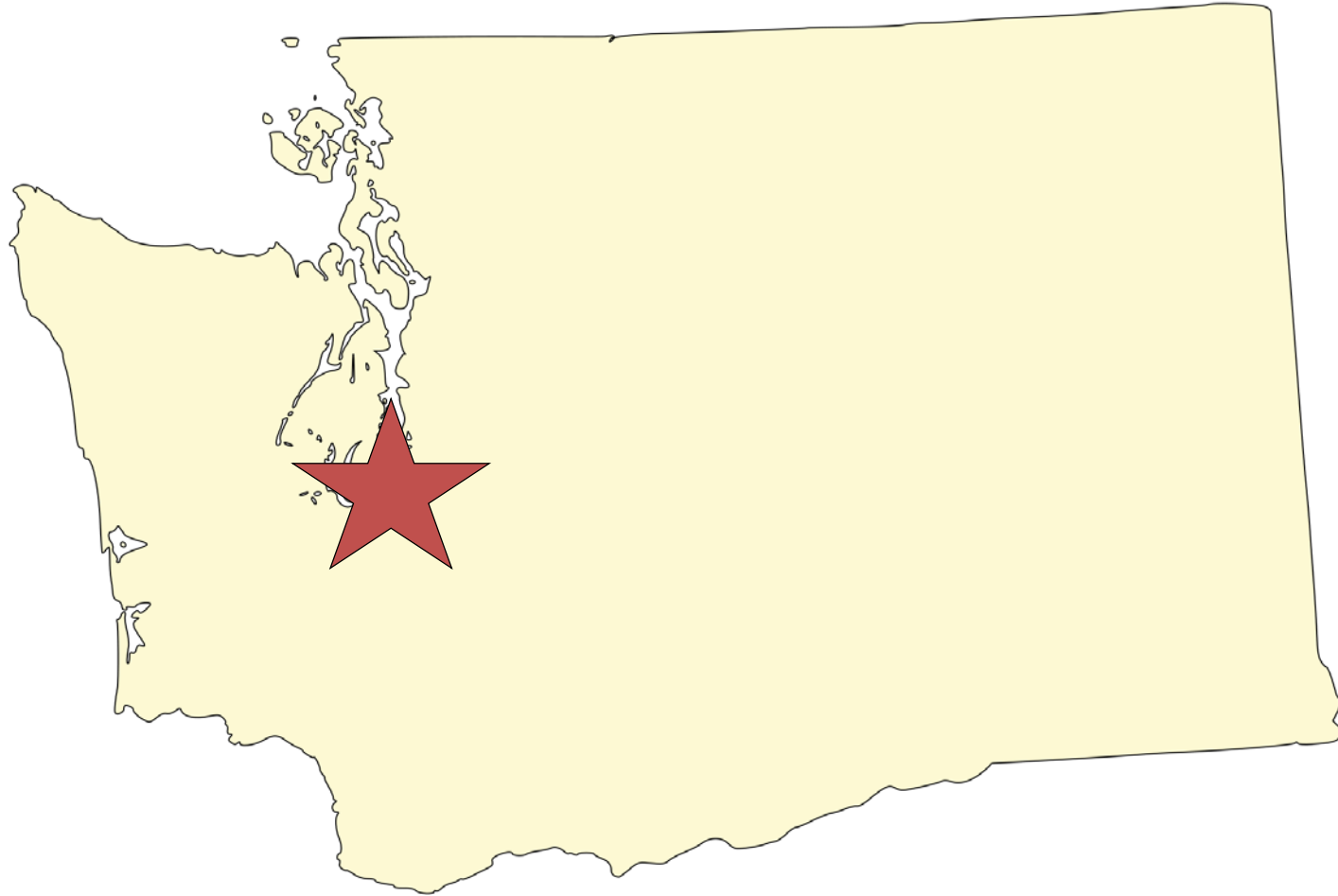
# Northwest Regional Office, Bellevue



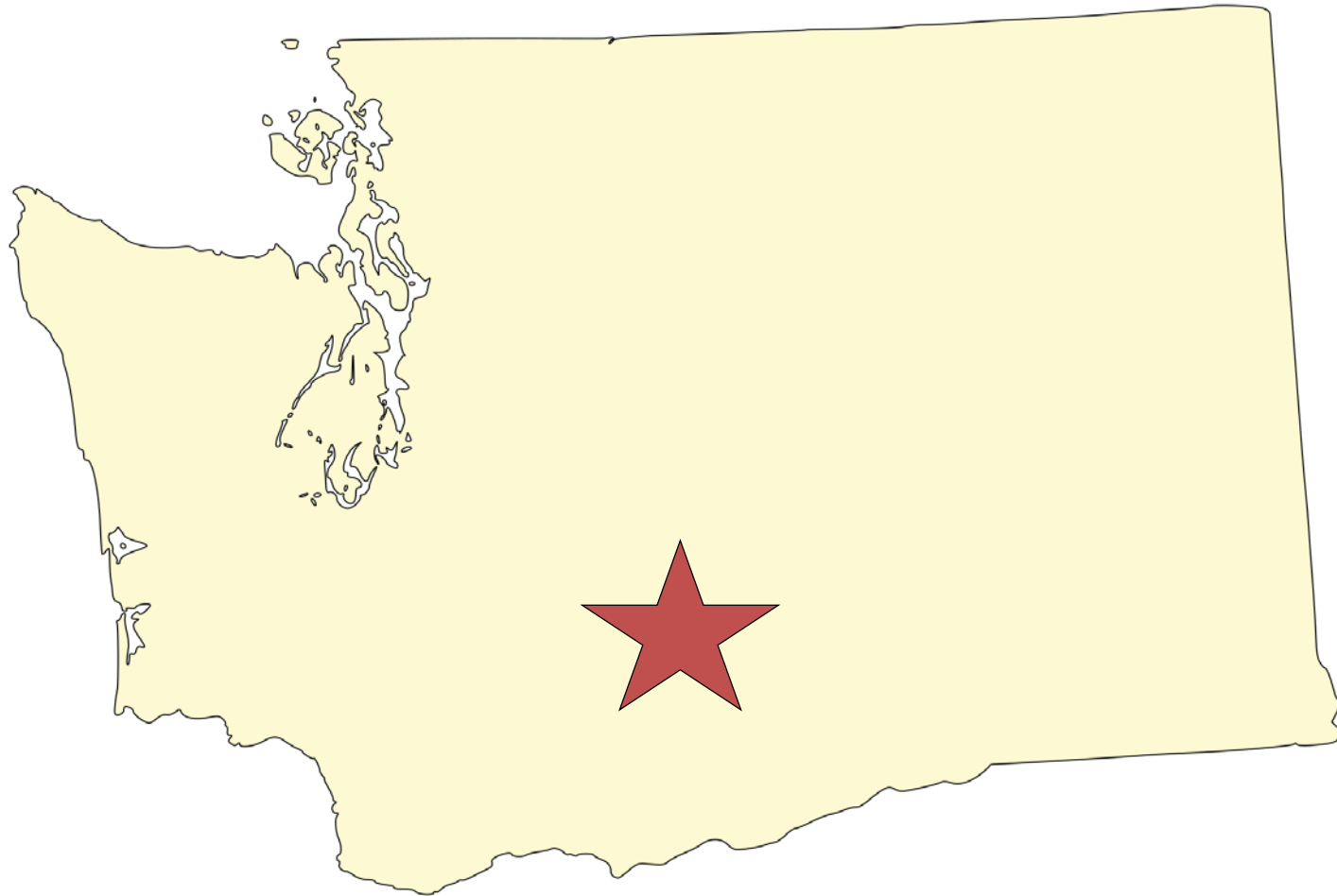
# Statewide online



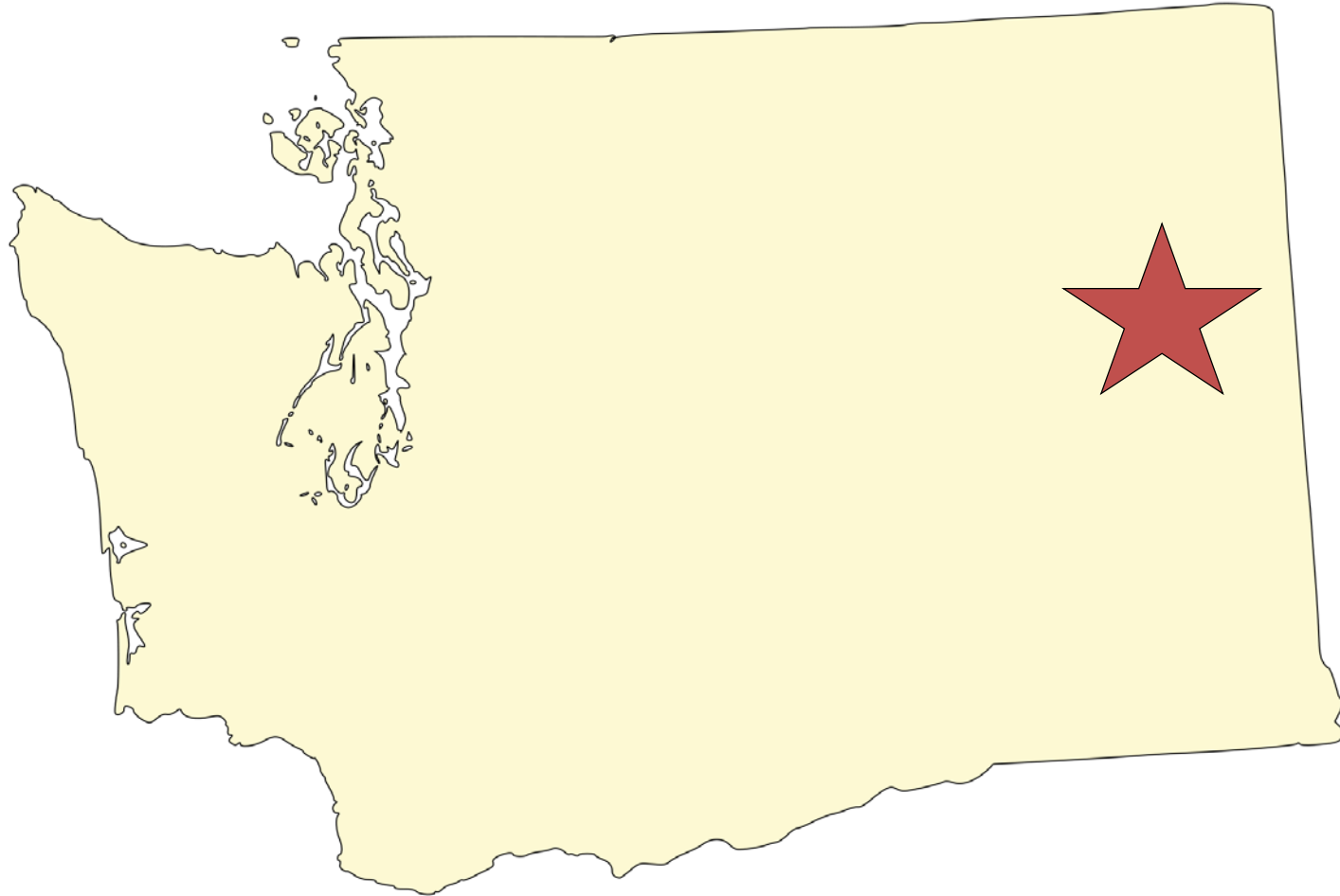
# Southwest Regional Office, Lacey Round 2



# Central Regional Office, Union Gap Round 2

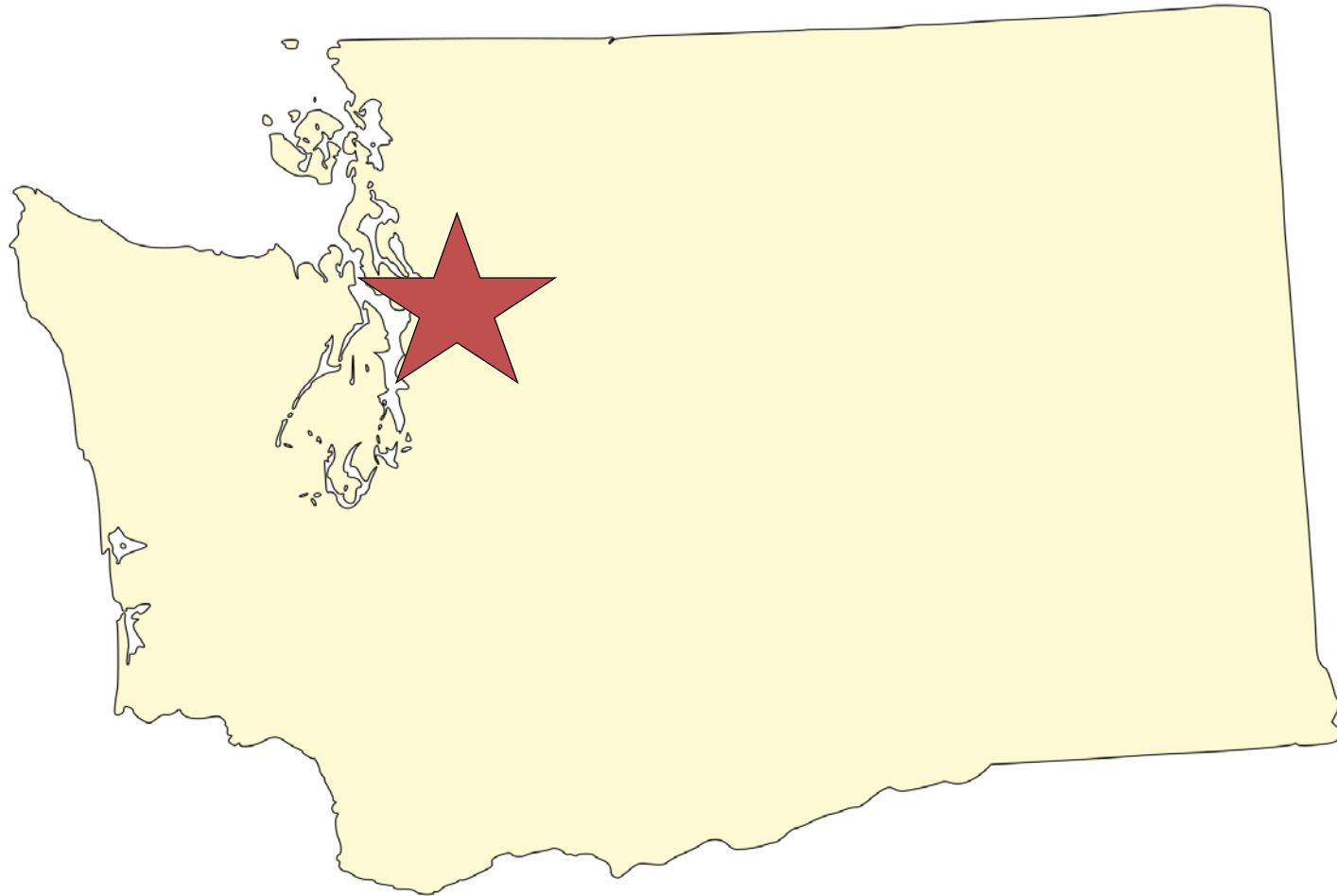


# Eastern Regional Office, Spokane Round 2

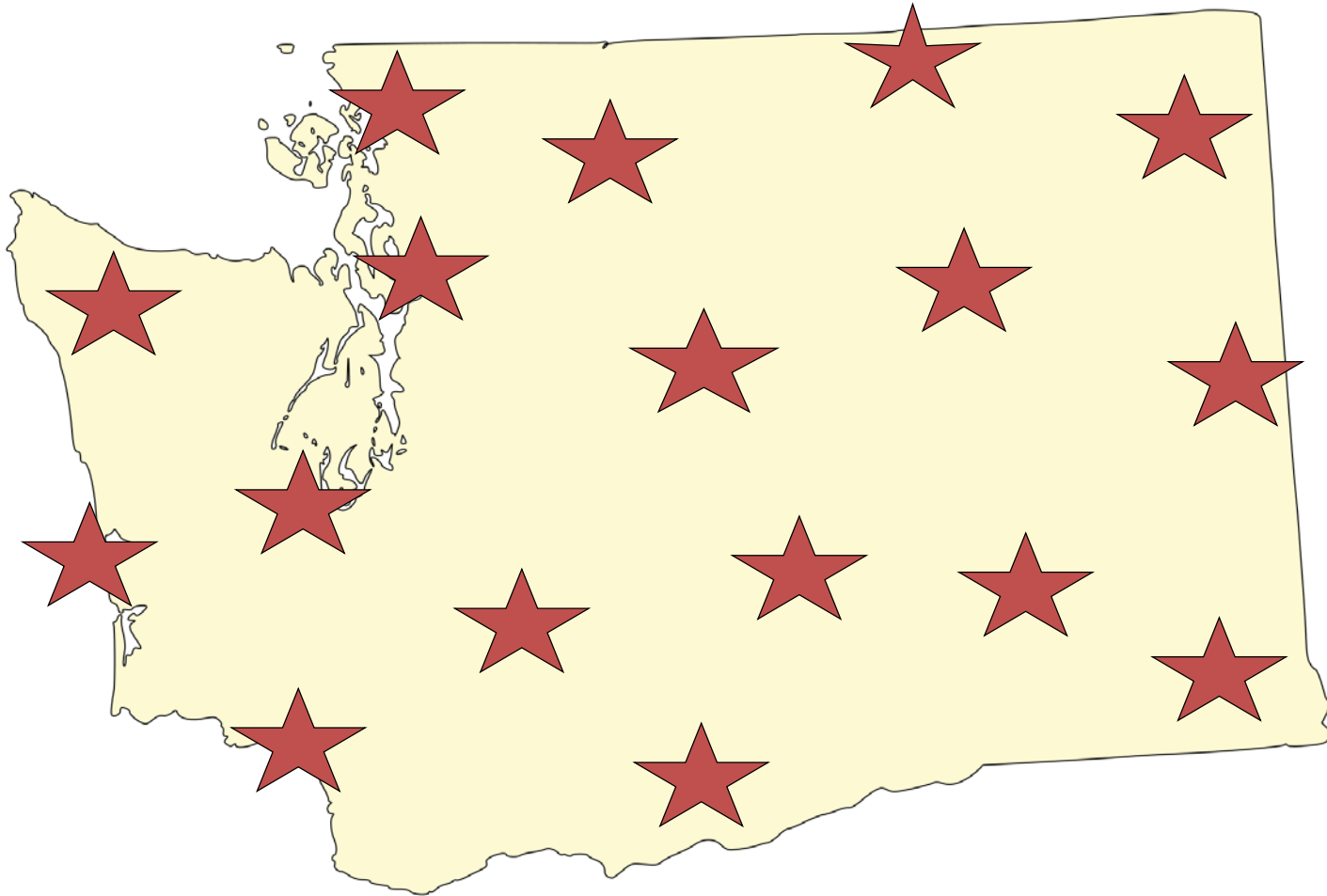




# Northwest Regional Office, Bellevue Round 2



# Statewide online Round 2



# What's Next?

We're planning to begin first formal rulemaking this Fall.

- Simple corrections and clarifications for whole rule
- Focus on one or two Process & Administration topics, selected based on public scoping and internal review
- Provide broad and inclusive opportunities for public and stakeholder review.
- Details of public involvement and stakeholder review will depend on the topics selected.

# Have more comments after today?

Visit our Cleanup Rule webpage to submit comments through Sunday, April 15:

<http://cs.ecology.commentinput.com/?id=AUbx2>



# Thank you for joining us!

## **Clint Stanovsky MS, MPA**

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