

# Port of Grays Harbor

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The following comments are submitted by the Port of Grays Harbor in support of the Department of Ecology Proposed Rulemaking – Chapter 173-350 WAC Solid Waste Handling Standards.

The Port generally supports Ecology's efforts to update the solid waste rules, many of which are decades old and are at least partially inconsistent with current practices and standards. We specifically support the following proposed changes related to the upland placement of dredged material.

- The reference to clean dredged material in WAC 173-350-020 (2) (g)
- The definition of "Clean dredged material" in WAC 173-350-100
- The definition of "Contaminated dredged material" in WAC 173-350-100
- The definition of "Solid waste" in WAC-173-350-100

The proposed changes will address a significant problem caused by the outdated definitions found in the current version of WAC 173-350-100. Those definitions classify any dredged material that is "not suitable" for open water disposal as being a solid waste. Over the years since the current WAC definitions were established, the Dredged Material Management Program (DMMP) has greatly expanded the conditions under which dredge material may be determined to be "not suitable" for open water disposal well beyond chemical contaminant levels or conditions that pose a threat to human health, terrestrial life, or upland environments. Actually, the DMMP no longer uses the term "not suitable" for open water disposal. They now classify dredge material as being suitable or unsuitable for open water disposal. Their determinations are not based purely on established clean-up standards, but also upon the results of bioassay tests on aquatic organisms. It is extremely difficult and expensive to handle dredged material in accordance with the solid waste rules. This added cost isn't reasonable considering material of the same composition and contamination levels would not be classified as a solid waste if it was removed from an upland site and then placed in the same location as the dredged materials.

We believe the proposed definition's use of the Model Toxic Control Act Cleanup levels as the criteria for determining whether a dredged material is clean or contaminated, and thus a solid waste is the appropriate standard. Adoption of the language as proposed related to dredge materials is reasonable, will provide clear standards and surety for those who conduct dredging operations, and will adequately protect the environment. For these reasons we strongly recommend the Director adopt the proposed rule changes to WAC 173-350 as related to the handling of dredged material as proposed.