Scoping for MTCA rulemaking: Recommended issues to be considered by Ecology from King County Science, Wastewater and Public Health

1) 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.
2) 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.
3) 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.
4) 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.
5) MTCA includes human health equations which may not reflect best available science, including potentially outdated values such as gastrointestinal absorption factors.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.
6) 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.