

# Cleanup Standards Update

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## Ecology's Toxics Cleanup Program

The Toxics Cleanup Program (TCP) implements the Model Toxics Control Act (MTCA) statute and regulation which govern the cleanup of contaminated sites in Washington. The MTCA regulation describes the requirements of the cleanup process which includes adequate investigation of the site, consideration of the protectiveness and feasibility of different cleanup options, and selection of an appropriate plan to address the contamination. While the MTCA cleanup process is similar to that of the federal Superfund program (the Comprehensive Environmental Response, Compensation and Liability Act, or CERCLA), it is often simpler and more rigorous.

To date, TCP has tracked and managed more than 12,000 hazardous waste sites in Washington, and over 50% of these have been cleaned up.

## Hazardous Substances and Cleanup Levels

To address a chemical at a hazardous waste site, two requirements must be met:

1. The chemical must meet the definition of "hazardous substance" in the MTCA statute or regulation. At this time, it is unclear whether any PFAS (per- and polyfluorinated alkyl substance) meets the MTCA definition of hazardous substance. We have asked the Office of the Attorney General for guidance.
2. A cleanup level must be established to determine what parts of a site must be addressed and what parts do not require cleanup. To develop cleanup levels, the MTCA regulation points to relevant state and federal regulatory requirements and to specific EPA sources for toxicity values. Since there are currently no applicable regulatory requirements nor toxicity values, we have asked the Office of the Attorney General how we might proceed to develop cleanup levels without that information.

Establishing a cleanup level is important for both state and federal (CERCLA) cleanups; under the CERCLA process, consideration of state requirements must be considered when developing cleanup plans.

## Current Funding Constraints for Cleanups

TCP has a Remedial Action Grant (RAG) program as a mechanism to provide funds to local governments to cover some of the costs of cleanup, but the current Washington State budget has limited our ability to provide those funds. In part, this is because:

- The state is currently operating without a capital budget.
- Relative to the demand, there is very limited funding available for cleanup in the MTCA account, and spending must be prioritized.
- In the past Ecology has had grants with local health departments to do a variety of things related to the investigation and assessment of hazardous waste sites. Unfortunately the current budget did not fund those programs and so that mechanism is no longer available.