

## **CLARIFICATION PAPER**

### **USE OF ALTERNATE TECHNOLOGIES UNDER THE SEDIMENT MANAGEMENT STANDARDS, CHAPTER 173-204 WAC**

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#### **INTRODUCTION**

The PSDDA agencies acknowledged the sensitivity of the *Rhepoxynius* amphipod test to sediments with high silt content and have used an alternate bioassay, *Ampelisca abdita*, for dredged material evaluations in such situations. This paper clarifies procedures for approval of alternate technologies, e.g., alternate bioassay tests, under the Sediment Management Standards (SMS), Chapter 173-204 WAC.

#### **PROBLEM IDENTIFICATION**

Ecology adopted the SMS in March 1991. The SMS rule identifies narrative procedures and chemical and biological criteria for sediment compliance evaluations. In some cases, the PSDDA agencies or project proponents may seek to additionally comply with the SMS rule requirements when conducting PSDDA dredged material evaluations. Due to the extended timeframes necessary to complete rule adoption/amendment procedures consistent with the SMS triennial rule revisions, the rule may not reflect current state-of-the-art knowledge. This clarification paper documents Ecology requirements for approval and use of alternate technologies under authority of the SMS rule.

#### **PROPOSED ACTION/MODIFICATION**

To provide flexibility for use of "best available science", the SMS rule allows for the use of "alternate technologies". Ecology has determined that generic approval of any alternate technology for widespread implementation is not allowed under the requirements of the SMS. Instead the SMS rule instructs Ecology to provide advance review and approval of any alternate technical method proposed prior to its application. Ecology must also maintain files on each approved alternate technology and make them available to the public upon request. Ecology must maintain a public record of:

- Each approval for use of alternate technology;
- Follow-up data reports/results; and
- SMS designation determinations based on the use of the alternate technology.

Ecology approval of any alternate technology will routinely cite use of "best professional judgment" authority to meet the goal of the SMS, i.e., to reduce and ultimately eliminate adverse effects on biological resources and significant health threats to humans. Ecology's approval will also be conditioned on the intent to "replace or enhance the

application of a specific technical method in order to accurately reflect the latest scientific knowledge". Dependent on the specific technology approved by Ecology, specific performance conditions, e.g., bioassay protocols, and interpretation requirements for SMS designation may be required by Ecology.

On a case-by case basis, interested parties seeking approval of "alternate technologies" under the SMS must:

- Provide Ecology a written request and justification documentation for advance review and approval prior to implementation of the alternate technology and
- Provide Ecology with follow-up test results, data reports or conclusionary studies as required by Ecology to document the use and interpretation of the approved alternate technology(s).