

Washington Department of Ecology
Legacy Pesticides Small Group Virtual Meeting Summary
Small Group #2A - Local Level Planning & Permitting
Monday, September 28, 2020 | 3:00 p.m. – 5:00 p.m.

Welcome

Facilitator, Joy Juelson with Triangle Associates, welcomed the group (see list of attendees) and requested brief introductions. The facilitator reviewed the previous meeting's highlights and summary and provided a brief overview of the Legacy Pesticides Working Group (LPWG) timeline.

Demonstration: Draft Mapping Tool for Legacy Pesticide Orchards

Valerie Bound, Ecology (ECY), introduced the unpublished draft mapping tool for identifying potential historical legacy pesticide orchard lands. The mapping tool was developed by ECY utilizing USGS map layers in response to calls received by the general public with requests to identify if their property was a previous orchard. The intention of the mapping tool is to create awareness, provide a resource to the public, and share information. Valerie clarified that the mapping tool is an initial screening method and property owners would need to have the property sampled to confirm if the soil is contaminated. She also noted the mapping tool will not be released until spring 2021 and Ecology staff will be making improvements to the tool over time. Jeff Newschwander, ECY, led the small group through a demonstration of the mapping tool.

Group Discussion: Permit Development Review

Lisa Parks, MFA, introduced the permit development review discussion questions to the small group. The group responded and provided the following feedback:

1. *Discussion regarding Pre-Application meetings (i.e. guidance, what does ECY's participation look like, etc.). Should/can ECY participate in pre-application meetings?*
 - o Small Group members commented that it would be helpful to have an ECY representative attend large project pre-application meetings. However, for day to day or small projects, an ECY representative would not be needed.
 - o A small group member commented on the importance of making the information available to the public. For Yakima County, the pre-application meetings are all voluntary and they default to the standard language of SEPA.
 - o ECY and small group members discussed the interest of updating the language into city and county codes. Small group members had mixed perspectives noting that some cities and counties may be interested but for some local governments, there is no need to add additional regulations.
2. *Projects subjected to the State Environmental Policy Act (SEPA) Review (i.e. how to implement policies for clean up across jurisdictions, how sampling results should be connected to SEPA process, etc.) Where is SEPA triggered and where is it not?*
 - o Small Group members discussed an interest in a SEPA comment letter. The previous revised SEPA comment did not reflect what expectations are of local governments.

Group members suggested ECY could comment during a pre-application meeting, which would allow developers to obtain information early in the process. Additionally, members recommended ECY provide hard copy materials and information that could assist in voluntary compliance early.

- Small Group members asked if ECY would be interested in a certificate process since many projects would not trigger a SEPA review. Additionally, many members did not approve of the idea of adding additional regulation for local governments and planners. ECY responded that ECY was open to all ideas and would be supportive of options where people are sampling and implementing reasonable solutions on the properties before selling.
- Small Group members discussed the language of the previous SEPA comment, which said “ECY recommends...” and noted concern around what are the enforced requirements. ECY responded that since ECY is not the lead agency, and as a result, they can only recommend and not require. However, typically it is viewed as the recommendations that ECY develops are requirements. ECY will work to make the SEPA comment about the requirements under MTCA.
- Small Group members clarified that if voluntary actions were not done, then the project would trigger a requirement under the Model Toxic Control Act (MTCA). The members commented on the importance to be clear about enforcement. Small Group member recommended ECY contact developers before a pre-application meeting and for local government to provide information to assist developers from triggering MTCA. Small Group members recommended ECY utilize all outreach avenues to communicate this information and process early.
- A Small Group member asked about who would have the responsibility of tracking contaminated soil and what are the expectations and process for dust generated during construction or bad air quality. ECY responded that the property owner is still responsible, however, coordination is important. Air quality issues are handled by another part of ECY, and all work together to ensure regulations are met.

3. *Guidance document – What should be included?*

- Small Group members recommended the following items to be included:
 - A “frequently asked questions” on disposal information of soil and coordinated responses between entities.
 - Options and process for how to address remediation. Ensure the process is predictable, transparent, and cost-effective.
 - Two different processes should be identified for a developer vs existing homeowner.
 - A document regarding the minimum legal requirements

4. *Small Group members asked if the demo mapping layer would be available to local governments.*

- ECY responded they could share the demo mapping layer. However, sample locations are updated frequently, therefore, ECY recommends utilizing the potentially contaminated base layer (the orange layer) which would be less likely to be updated and easier to send out to local governments.

- Small Group members commented this information would be helpful for the public and could potentially serve as a first screening resource. However, messaging around the mapping resource would be important.
- ECY noted they anticipate releasing the maps to the public in Spring 2021 after working with the LPWG Outreach Group to gain input on how best to do a community roll out. As stated in the demonstration, the maps were a product developed at the request of the public.

Joy Juelson provided next steps that included MFA working on the Final Report and a large Legacy Pesticides Working Group meeting in late October or early November. Valerie Bound, thanked the small group for their work and insights. The meeting was adjourned at 5:00.

Action Item: Ecology will revise the SEPA Comment Letter for the small group to review.

Action Item: Small Group members will send any packet or flyer examples that planning staff provide to the public at the pre-application meeting and at the start of developing a new project to Lisa Parks, MFA (lparks@maulfoster.com).

Small Group Attendance (in alphabetical order by last name)

- Joseph Calhoun, City of Yakima
- Joan Davenport, City of Yakima
- Glen DeVries, City of Wenatchee
- Phil Hoge, Yakima County
- Rob Jammerman, City of Wenatchee

Ecology Staff/Consultants/Facilitation Team:

- Joy Juelson, Triangle Associates
- Katrina Radach, Triangle Associates
- Valerie Bound, Ecology
- Jill Scheffer, Ecology
- Kate Elliot, MFA
- Lisa Parks, MFA
- Phil Wiescher, MFA