

Washington Department of Ecology
Legacy Pesticides Small Group Virtual Meeting Summary
Small Group #2B - Construction & Development
Wednesday, September 30, 2020 | 9:30 a.m. – 11:30 a.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Valerie Bound, Ecology (ECY), introduced the unpublished draft mapping tool for identifying potential historical legacy pesticide orchard lands.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: Development Process

Lisa Parks, MFA, asked the small group to provide insights on the development process and identify potential solution ideas within the process. The group responded and provided the following feedback:

1. Overview of the development process steps: participants discussed a development process based on the scenario of a developer purchasing old orchard land.
 - a. Early Research: Typically, developers will conduct preliminary research on the land. The developers would confirm, at this point, if the land was old orchard land.
 - i. Currently, because the LPWG/ECY process is still being developed, many developers are hesitating to purchase old orchard lands.
 - b. Environmental Due Diligence: Typically, soil sampling is not conducted until this point in the development process. Sampling is commonly tied to financial considerations with the remediation process. From the developer's perspective, they are looking to go through the process without a spending significant amount of money until they receive approval for the development.
 - i. Small Group members noted concern regarding how this process may become further complicated with a new ECY process for legacy pesticides cleanup.
 - ii. Small Group members discussed the balance for developers between public and private data when sampling. Typically, if a consultant samples, they would be responding to the client and there is recognition of financial risk if there is error in the sampling. Compared to, when ECY samples, there is not as high of a

financial risk. Additionally, unlike a consultant, ECY does not conduct sampling for a full site characterization.

- c. Public purchase of the land and permitting
 - d. Pre-Application process
2. General Discussion:
- a. Small Group members noted concern of complicating the process with too many additional steps that could potentially be added.
 - b. Subdivisions vs Short plats: Small group members voiced concerns around the differences in process between development with subdivisions versus short plats. Many members asked about how undeveloped plots would be addressed in the process.
 - i. MFA responded that they recognize this is a tricky conversation due to local governments having flexible thresholds for addressing the SEPA review. MFA is working to navigate these efforts so costs are not too high.
 - ii. ECY responded it is not their intention is to work primarily with developments that would go through the SEPA process. However, with the current leeway around affordable housing, ECY is working to navigate the best process moving forward.
 - c. Equity challenge: Small Group members discussed concerns around equity for a small contractor vs a large contractor. Smaller contractors would have less capacity regarding costs compared to larger contractors who could afford to remediate a large area.
 - d. Property value concerns: Small Group members discussed concerns regarding the differences of property values between properties that sample and are confirmed contaminated versus those who do not sample.
 - e. MFA follow-up request: MFA requested participants share contact information to gather follow-up and additional recommendations.
 - i. Jake Mayson, Central WA Home Builders Association, suggested connecting with homebuilder associates who will be able to provide insights across a variety of developments.
 - f. Enforcement concerns: Small Group members discussed concerns regarding the enforcement of the regulation. There have been instances where previous planning commission meetings had accusing statements and an increased attention from the public.
 - i. ECY responded that it is concerning to them when their regulations and enforcement discretion are misconstrued in a public forum.
 - g. Tacoma Smelter project comparison: Small Group members discussed the differences between the process and approach in the Tacoma Smelter projects compared to the LPWG effort.
 - i. ECY responded that there are some important differences between the two efforts. The Tacoma Smelter Plume area is far more developed, with significantly more single-family-homes compared to central Washington. That means their efforts have primarily focused on the outreach and education. Also, any new development in the Tacoma Smelter region would automatically trigger SEPA, with the cleanup required being much more stringent. Capping is not allowed, only excavation.

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 11:30.

Action Item: *Participants will provide contact information to MFA. MFA will reach out to the recommended contacts to gain insight on developer's process such as due diligence, financing, developing, and more. The contacts should be from Yakima and/or Wenatchee regions.*

Small Group Attendance (in alphabetical order by last name)

- Doug England, Commissioner of Chelan County
- Paul Jewell, Policy Director for WA State Association of Counties
- Hank Lewis, Consultant & Former Chelan County
- Ryan Mathews, Consultant for Fulcrum
- Jake Mayson, Government Affairs Director for Central WA Home Builders Association
- Don Mounter, Project Manager for Pipkin Construction
- Judy Warnick, Senator of the 13th Legislative District

Ecology Staff/Consultants/Facilitation Team:

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