

**Washington Department of Ecology**  
**Legacy Pesticides Small Group Virtual Meeting Summary**  
**Buyer Notification, Soil Sampling, & Mapping**  
Thursday, May 14, 2020 | 2:30 p.m. – 4:00 p.m.

**Action Items:**

- Small Group members to select a representative for the group. Joy asked members to send any additional nominees via email.
- Joy Juelson and Lisa Parks will follow up with any interested individuals with a separate call, due to technical issues, to ensure comments, questions and research ideas are recorded in the meeting summary. Please provide written comments or considerations to Katrina Radach.

**Welcome**

Facilitator Joy Juelson, Triangle Associates, welcomed the group (see list of attendees) and requested introductions. Joy Juelson reviewed the agenda and meeting objects regarding the small group's purpose.

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**Small Group Functions & Support**

**Logistics & Timeline:** Joy Juelson then reviewed the following small group's logistics and timeline. Please note that this is a tentative timeline and may change again.

- May: Small Group Meetings
- June: Small Group Meetings
- July: Full Legacy Pesticides Working Group Meeting (in-person if possible)
- August: Full Legacy Pesticides Working Group Meeting
- September/October: Final Full Legacy Pesticides Working Group Meeting.

**Small Group Representative:** In an effort to communicate efficiently between the small groups and the full Legacy Pesticides Working Group (LPWG), Joy Juelson and the Ecology Staff requested the small group to delegate or identify a representative for the group. This representative would be leading the communications for the group to Ecology staff and the consultant team and would share out any ideas the small group supports when the full LPWG convenes.

**Small Group Support:** To technically support the LPWG and the small groups, Ecology has worked with Chelan County to contract with [Maul Foster Alongi](#) (MFA). Valerie Bound, Washington Department of Ecology, introduced Lisa Park with MFA who will be the lead MFA team member for the small groups. Lisa Parks lived in Douglas/Chelan County for over 30 years and has extensive experience with planning and working closely with community members. Prior to joining MFA, she was the executive director of Port of Douglas County. She is excited to be leading the MFA team on this project. In addition to Lisa, the following MFA consultants are available to support the LPWG as needed:

- Phil Wiescher: Environmental scientist who has experience with remedy feasibility and containment source control. He will be supporting the MFA team and LPWG to identify potential technical solutions.
- Kate Elliot: Is an expert specialist regarding communication and outreach. She will be supporting the MFA team and LPWG regarding the messaging and outreach solutions.

- Jim Maul: Is one of the founders of MFA and has over 25 years of technical consulting services. In particular, he enjoys working with communities around complex challenges and identifying solutions to benefit the community and the environment.

**Action Item:** Small Group members to select a representative for the group. Joy asked members to send any additional nominees via email.

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## Discussion of Subject Matter Questions, Solutions, and Research Needs

Joy Juelson introduced the following Local Level Planning and Permitting Small Group's topic questions:

- Create transparent awareness for buyers about old orchard lands and the potential for lead and arsenic contamination
  - o Increase knowledge of publicly available maps showing old orchard locations (including appropriate caveats about their use)
  - o Increase knowledge about how to locate property-specific sampling results
  - o Increase knowledge about how to find out which properties have been cleaned up
  - o Find a straightforward way to inform without negatively impacting financing and/or home prices
  - o Work with realtors to ensure buyers have awareness of the potential or real contamination
  - o Include education on existing required disclosure forms
- Strategize the best way to roll out Ecology's online mapping feature
  - o Ecology is in the process of finalizing the online interface for our searchable maps. This will allow all audiences to easily find information about their own properties and identify the potential for legacy pesticide contamination.
  - o Encourage community members (including developers, bankers, homebuilders, realtors, and potential homebuyers) to take advantage of the free soil sampling offered by Ecology
  - o Sampling results and cleanup (if completed) will also be available.
- What other options can we use to inform without impacting the title, lending availability, or property value?
- How do we communicate options to potential landowners for cleanup or other?
- What are the implications of publicly releasing property-specific contamination maps?

Following the introduction of the topic questions, Joy Juelson requested the small group engage in a round robin discussion to provide feedback on the questions and identify any research needs, questions, or comments for MFA . The following feedback was captured:

1. *Group Member:* is considering the perspective from the end user and the people to utilize the information. They additionally noted the following comments and concerns:
  - Brainstorming the usage of online mapping and hosting the information in a centralized resource and location
  - Consideration of adding a notice or information on Titles. This may include asking Ecology to respond to pre-application meetings and informing the developer at the beginning of an application process
  - Questioned where the clean topsoil would come from?
  - Questioned what are the dust impacts and considerations?

- Requested legal counsel to help identify solutions regarding notification
  - Currently, public comment process early in the SEPA process is good but can be confusing to the public.
2. *Group Member*: noted they were representing their experience working with titles, and their concern is property rights and who has the ownership. They noted adding notification for title companies can make the title process complicated and confusing, and recommends having the notification a part of a different process like the federal “lead paint notification”.
  3. *Group Member*: also requested to have legal counsel regarding the notification with titles and deeds. They noted the following concerns and comments:
    - Brainstorming a notification process for the public to offer a statement in the development process.
    - Brainstorming the idea of utilizing the federal lead paint notification to help support secondary purchases.
    - Supports the process that would allow buyers and sellers to negotiate and conduct soil sampling. If a buyer chooses to conduct soil testing, they would be the party who would be accountable for the costs.
    - Commented the soil bank idea appears logistically difficult considering the amount of clean soil needed.
    - Noted concern over the legal notice regarding the mapping done by Ecology. The mapping needs significant time and disclosure to limit any potential lawsuits and liability issues. They recommended getting legal council regarding these concerns, review of the process, and identification of any implications.
    - Requests to identify the impacts to affordable housing.
  4. *Group Member*: commented on their work regarding as a consumer of the title reports. From their perspective, the title reports must be fact based and is not appropriate to place a notification. Additionally, they had the following comments and feedback:
    - Recommended the notification process includes realtors
    - Recommended to tailor the notification process to the specific counties impacted by legacy pesticides from old orchard lands
    - Requested a robust GIS mapping tool for local gov. and interested parties to utilize
    - Consideration of the ideas of a clean soil bank and soil capping efforts that may be multi-functional and beneficial to the community
    - Questioned if it is possible to remove lead and arsenic from the soil to produce clean soil
    - Suggested that if a robust mapping tool was created, tailor the notification/s to all the impacted parcels
    - Notified the group that based on internal discussions with work colleagues, the secondary market sees a contamination issue placed in the category of a “health and safety issue” ;therefore, it is required that it is “addressed” before moving forward

Following the round robin discussion, Joy Juelson open the discussions for a general dialog within the group:

1. *Group Member*: asked if there was quantifiable data that illustrates the connection between a child living on old orchard land to high blood lead level in the child. He noted Chelan and Douglas counties do have some samples and will share with MFA if there is interest.
2. *Group Member*: suggested potentially amending or adding to the federal lead paint notification and add the lead/arsenic notification to the counties that are impacted by lead/arsenic soil.
3. *Group Member*: also suggested a state disclosure form specific for lead/arsenic in specific counties in Washington State.

Following the round robin and open discussions, Lisa Parks provided a proposed timeline of MFA's support for the LPWG. The timeline includes the full LPWG and small group meetings and provides details on MFA's approach. Please see page 5 to see the timeline and more information. Joy Juelson reviewed next steps and the action items from the meeting. The meeting was adjourned at 5:00.

**Action Item:** Joy Juelson and Lisa Parks will follow up with any interested individuals with a separate call, due to technical issues, to ensure comments, questions and research ideas are recorded in the meeting summary. Please provide written comments or considerations to Katrina Radach.

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**Small Group Attendance (in alphabetical order by last name)**

- Steve Bishop, Premier One Properties
- Jim Blair, Norther Meridian Title & Escrow
- Dean Emanuels, Washington Trust Bank
- Craig Gildroy, City of Chelan

**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
- Jim Maul, MFA
- Lisa Parks, MFA
- Phil Wiescher, MFA

# Legacy Pesticide Working Group WORK PLAN DIAGRAM

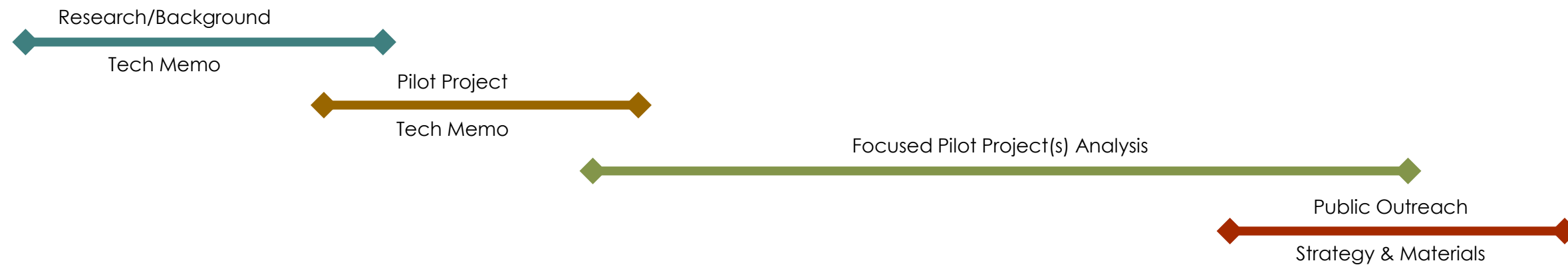
	May	June	July	August	September	October	November	December
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## LPWG Meetings

Group 1 Meetings	●	●	●		●	●		
Group 2a Meetings	◆	◆	◆		◆	◆		
Group 2b Meeting	▲	▲	▲		▲	▲		
Group 3 Meetings	★	★	★		★	★		

This work plan assumes continued use of small groups and remote meetings. However, any of these could be conducted as large group meetings that are conducted either remotely or in person, if the opportunity arises and the LPWG prefers.

## MFA Tasks



## Task Descriptions

**Research/Background Tech Memo:** Research and review prior studies as well as current practices in Washington State and across the US addressing lead and arsenic soil contamination, cleanup options and regulatory processes, particularly as it relates to development permit review processes. This technical memorandum will be a high-level review of the issues and solutions, as well as identifying cost impacts, where that information is available. It is intended to provide the LPWG members information about how other communities are handling this/similar situations.

**Pilot Project Tech Memo:** Based on input from the LPWG, conduct research into options for utilizing a clean soil bank, as well as researching other ideas that are raised during the small group meetings. This technical memorandum will be targeted at identifying basic facility components, operations methodologies, and the advantages and disadvantages of different types of soil banks and other solutions. The intent of this memo is to provide an initial, conceptual overview of these solutions, and will include recommendations for a more detailed analysis of one or more strategies that are reflective of input from the LPWG and Ecology.

**Focused Pilot Project(s) Analysis:** Based on the Pilot Project Tech Memo and the LPWG and Ecology, conduct a detailed “deep dive” analysis of select strategies, including clear documentation of specific considerations and evaluative criteria that can be replicated in different areas of the State affected by legacy contamination. For example, if so directed, this analysis would explore site selection methodologies, storage and/or reuse options for contaminated soil, potential operating alternatives (public, private) and significant cost/benefit and business considerations for implementing a clean soil bank.

**Public Outreach Strategy & Materials:** Develop an education and outreach strategy to inform communities in Central Washington about the manageable risk of legacy contamination. The strategy will identify key audiences and tailor messages for stakeholder groups such as construction firms, developers, realtors, lenders, local government staff and homeowners. The strategy will likely include the use of more traditional outreach efforts such as open house meetings, presentations to local government and organizational groups, Ecology attendance at local events, as well as the use of web based/online options including blog posts, social media communications and other methods to effectively communicate with target audiences.