

Washington Department of Ecology
Legacy Pesticides Small Group Virtual Meeting Summary
Local Level Planning & Permitting
 Wednesday, May 13, 2020 | 3:30 p.m. – 5:00 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.

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.

Discussion of Subject Matter Questions, Solutions, and Research Needs

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

- Provide ideas for a local level planning and/or permitting process that includes sampling and cleanup (if required).
 - o Ensure this process is transparent to the public.
 - o Ensure this process is flexible enough for use in different localities
 - o Because local regulations are different in each locality – what are the regulations we'd need to change or modify in order to implement recommendations?
- Provide recommendations on SEPA comment language that clearly articulate human health and environmental protections
- Discuss how to address projects that are outside the purview of SEPA (single homes or smaller developments)
- Identify specific groups that would be most impacted and the best ways to reach out to them (i.e. homebuilders, developers, etc.)
- Discuss ways local planners can incorporate Ecology's maps into their development approval process
- Assist in the development of a guidance document that identifies actions that meet Ecology's cleanup levels
- Provide comments and feedback on the cleanup options, including concerns about timing, costs, etc.

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:* noted it is important to identify the soils on the property. It would be beneficial to communicate to property owners and developers that Ecology can go to the site and conduct soil testing. Additionally, they noted concerns regarding:
 - Setting realistic expectations for site testing
 - Who will be paying for site testing (especially larger sites)?
 - Concerns regarding current SEPA language
2. *Group Member:* commented that they would like to focus on the process and made the following comments and feedback:
 - Currently the SEPA process has many gaps and gave a special emphasis regarding the policies around "9 lots or less" aspect
 - Would like to see a process that proceeds the SEPA process to help developers understand what is expected in this process
 - Develop best management practices

- Requested to find additional opportunities to remediate a site that does not require the topsoil method as it may not be appropriate for all scenarios
3. *Group Member*: requested the process to be transparent and predictable for the public and for the developers. They provided the following ideas and comments:
 - Potentially request Ecology to develop guidance versus amending the SEPA process
 - Address the SEPA comment language
 - Develop information for applicants to understand the process and requirements for soil testing
 - Prefers to avoid imposing regulations on the Districts
 - Noted that it appears soil banking and soil capping are good options for developers, but wants to ensure there is a clear path for the public to access clean soil
 4. *Group Member*: noted the following:
 - Would like additional information regarding how these soil banking and capping efforts could be implemented
 - Provide additional information and resources applicants early in their application process
 - Potentially develop a toolbox of information regarding considerations, efforts, and education
 - Ensure the applicants and the public are aware of the potential difference in land or home values based on the impacts of their soil quality
 5. *Group Member*: commented the current SEPA language provides challenges for all parties (developers, the public, and the Planning Commission). They requested to develop more understandable and clear language in SEPA for all parties

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

1. *Group Member*: commented the process is difficult due to the combination of state regulations and the implementation at the county/city level. They also noted this appears to be a similar policy as the critical area regulations. They suggested a map is developed to illustrate the properties that are impacted by the legacy pesticide soils and provide information during the application process.
2. *Group Member*: asked if Ecology has been provided the resources to provide support? They also commented there is a general lack of enforcement regarding dust control, and it will be important to ensure there is clear guidance and education to all applicants, even if they are considered exempt from SEPA.
3. *Group Member*: recommended MFA and Ecology to reach out to the Department of Commerce to discuss growth management objectives and guidelines and how to address previous orchard lands.
4. *Valerie Bound & Lisa Parks*: recognized they are hearing a theme of group members requesting clear guidance and best practices for management. The MFA team appreciates the feedback and has will begin looking into the requests and ideas heard.

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.

Small Group Attendance (in alphabetical order by last name)

- Lori Barnett, City of East Wenatchee
- Joseph Calhoun, City of Yakima
- Joan Davenport, City of Yakima
- Glen DeVries, City of Wenatchee
- Rob Jammerman, City of Wenatchee
- Curtis Lillquist, Douglas County

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

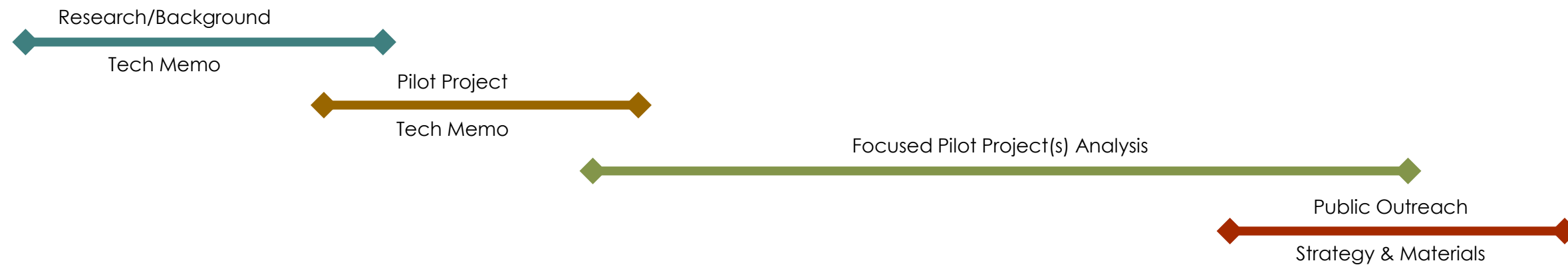
	May	June	July	August	September	October	November	December
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LPWG Meetings

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.