

Washington Department of Ecology
Legacy Pesticides Small Group Virtual Meeting Summary
Local Level Planning & Permitting
Monday June 22, 2020 | 3:30 p.m. – 5:30 p.m.

Welcome

Facilitator Joy Juelson, Triangle Associates, welcomed the group (see list of attendees) and requested brief introductions. The facilitator reviewed the previous meeting's highlights and working group timeline. Valerie Bound, Ecology, reminded the group of Ecology's blog posts and latest media updates. The facilitator then reviewed the agenda and meeting objectives.

Presentation: Research Update & Initial Solutions Discussion

Lisa Parks, MFA, presented a background report update based on the first three Legacy Pesticides Working Group (LPWG) and small group meetings. The presentation covered the following topics and can be found on page 3:

- Purpose of the background report
- Overview of the background report
 - o Reflection of community concerns
 - o Risks
 - o Regulations
 - o Local and national case studies
 - o Recap of solutions suggested from LPWG
- MFA's next step
- Discussion and feedback (covered in the next section of the summary)

Group Discussion and Q & A

Following MFA's background report update presentation, Joy Juelson requested the small group engage in a round table discussion to provide comments, questions, and feedback regarding the presentation and identifying additional potential solution ideas. The following feedback was captured:

1. *Group Member* provided the following feedback:
 - a. Appreciated the presentation and suggested future presentations to include page numbers. Requested a summary of objectives as to why the LPWG is working on legacy pesticides and regulations. From this member perspective, they noted they are concerned with three items in order of priority 1) improving public health, 2) ensuring timely efforts with notification, and 3) minimizing costs.
 - b. While this topic is not ready to present to the public yet, they encouraged building a campaign to discuss this topic and process with the public.
 - c. Requested that the end process for planning and permitting will be predictable.
2. *Group Member*: agreed with the previous group member's thoughts and provided the following additional feedback:
 - a. Requested maps and resources to be easily and readily accessible.
 - b. Hopes the maps and resources can support any projects in the pre-application phase.

- c. Noted some difficulty in finding Ecology's blog posts and resources and requested a more centralized and accessible resource location.¹
3. *Group Member*: appreciated the presentation and to the consultant team for listening to the groups. They noted it appears the research and potential solutions appear to be on track.
4. *Group Member*: was in consensus with other group members ideas and feedback. They noted additional interest in the potential solution of soil banking and requested additional information on this idea when it becomes available.
5. *Group Member*: requested the final process be consistent across jurisdictions, low cost, and limiting of additional need for oversight.

Lisa Parks and Joy Juelson thanked the small group for their feedback. Lisa Parks noted MFA intends to release discreet reports to Ecology for their review during July. After Ecology's review, the small groups will also have a review period. MFA will then begin their next phase where they will conduct a deep dive to identify solutions based on their initial research.

Joy Juelson updated the group regarding the other small group's progress. Similar to this group, all the small groups had their first small group meeting in May to brainstorm potential solutions and concerns with MFA and also a meeting in June to receive the same MFA background report presentation.

After the group update, Lisa Parks conducted the small group through an interactive activity to brainstorm permitting solutions and identify their top three solutions. The interactive activity produced a word cloud where the more times an answer was responded, the larger the answer would appear in the word cloud. Please see page 19 for the results of the interactive activity.

Following the round table and interactive brainstorming activity, the facilitator reviewed the next steps and reminded the small group members the next meeting will likely occur in August but there may be small group consultation meetings on specific topics between now and the next working group meeting. The meeting was adjourned at 5:00.

Small Group Attendance (in alphabetical order by last name)

- 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
- Jill Scheffer, Ecology
- Kate Elliot, MFA
- Lisa Parks, MFA
- Phil Wiescher, MFA

¹ Ecology followed up with this response and noted that the blogs can be found at [this link](#) and the additional resources can be found at the [EZView link](#).



MAUL FOSTER ALONG!



Legacy Pesticide Working Group: Background Report Update

June 22-26, 2020

Today's Discussion

Purpose of the
Background Report

Overview of the
Background Report

MFA's Next Steps

Discussion & Feedback



Purpose of the Background Report

- Set the stage, lay the foundation
- Document what we know
- Build consensus around what we know



Community Concerns



Costs



Liability



Notification/
Awareness



Clear
Guidance



Affordable
Housing Impacts



Education



Mapping



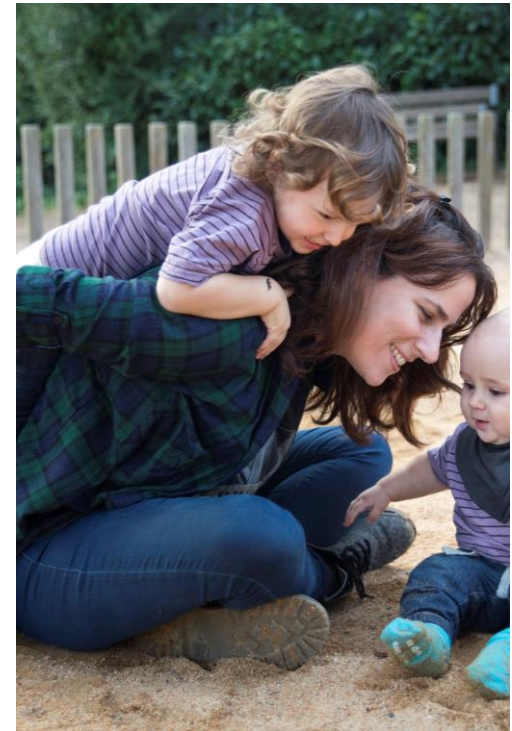
Reasonable
Remedies



Consistency

What is the Risk?

- Lead and arsenic:
 - Persistent and toxic chemicals.
 - Used in pesticides applied to orchards in the 1900s and 1950s
- Frequent, regular exposure to these chemicals in soil increases the likelihood of the following health risks:
 - Neurological damage and reduced physical growth, especially in children (lead).
 - Various cancers, heart disease, and diabetes (arsenic).
- These are manageable risks.



What are the Regulations?

Model Toxics Control Act (MTCA)

- Protects human health and the environment
- Investigation, cleanup, and prevention
- Implemented by the WA Department of Ecology

State Environmental Policy Act (SEPA)

- Considers/mitigates impacts on the built and natural environments
- Applies to larger development projects
- Requests/addresses input from agencies and the public
- Implemented by all WA government agencies

Local Land Use Regulations

- Regulates development (building permits, land divisions, site development, change in use proposals, etc.)
- Developed/adopted/implemented by cities and counties

Soil Sampling...

- Soil Sampling is necessary to determine if lead and arsenic are present, and, if so, to what degree.
- Two primary soil sampling methods:
 - Discrete: individual soil sample from a specific location
 - Composite: sample of soil collected from many locations
- Factors to determine appropriate sampling method:
 - Historic use: identify loading/mixing areas, potential areas of higher probability
 - Existing use: how much soil disturbance has occurred since historic use
 - Future use: where will buildings and pavement occur (less potential) and where will surface soil be exposed, i.e. yards, landscaped areas, etc (higher potential)

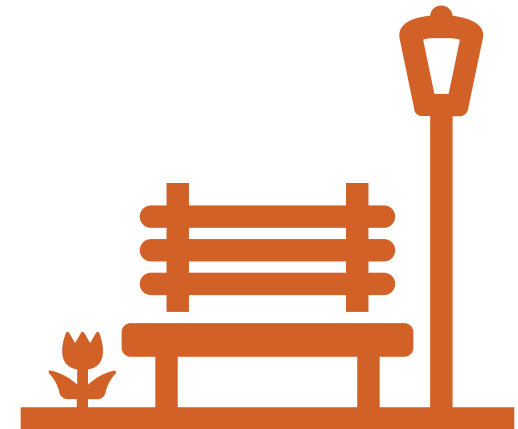
CASE STUDIES: WA STATE

Tacoma Smelter Plume

- Heavy metal contamination from Asarco Copper Smelter—1,000 square miles
- Mapping and information/education tools
- Public service announcements
- Cleanup actions in existing residential neighborhoods— excavate/replace contaminated soil in areas with exposed ground cover (e.g., yards and playgrounds)
- New residential developments require permanent remedies, complete removal of contamination (MTCA preference)

Schools & Parks on Former Orchards

- 26 schools, 2 parks in Chelan, Douglas, Okanogan, Yakima, and Spokane Counties
- Mitigate school grounds where kids interact with exposed ground surface (e.g., playgrounds and ballfields)
- Removal/deep mixing of contaminated soil, or combination of the two
- Capping with 8 to 12 inches of clean topsoil over geotextile fabric, and an environmental covenant



Case Studies: WA State

○ LeRoi Co Smelter Site (Northport)

- Copper/gold smelting 1896-1921, Lumber mill 1953-2001, resulted in area-wide lead and arsenic contamination on site and throughout community
- USEPA-lead effort to excavate contaminated soils, stockpile, cover with containment barrier; institutional controls (environmental covenant) for the site
- Implement exposure reduction measures

○ Pacific Wood Treating Co (Ridgefield)

- Wood-treating facility 1964 to 1993, resulted in release of dioxins with area-wide impacts, which are persistent in soil, like lead and arsenic
- Full excavation and replacement of soil on existing residential properties to avoid deed restrictions on individual properties

Case Studies: National

New Jersey

- Proactive process to address transition of contaminated orchard areas to residential use by Historic Pesticide Contamination Task Force (HPCTF)
- Estimate is 5% of state's acreage may have been contaminated
- Technical, economically viable strategies and guidance developed by HPCTF
- State-wide historical aerial mapping resource provided
- Remedies include capping with clean fill and deed notice, soil mixing to reduce concentrations, excavation, and off-site disposal
- Several recommendations related to soil sampling and best management practices: maintain grass cover, wash produce from gardens, wash hands and face, clean indoor surfaces where kids play

Case Studies: National

Wisconsin

- 50,000 acres of potentially contaminated orchards
- State developed guidance documents: FAQ information sheet and soil sampling guide for homeowners
- No mapping is available to the public, must request historical aerial photos from state agency
- Common BMPs include keeping lawns vegetated, using raised garden beds, keeping kids out of exposed soil
- Seller discloses, if known; buyer responsibility is the emphasis

Case Studies: National

North Idaho – Bunker Hill Superfund Site

- Area-wide impacts from early milling, mining, and mining waste
- Basin Property Remediation Program:
 - Over 7,000 individual properties remediated (site specific)
 - Typically, 6 to 12 inches contaminated soil excavated, demarcation layer installed, property is capped
- Residential clean fill/soil disposal program:
 - 1 cubic yard of gravel/topsoil per property allocated for cap maintenance
 - Free contaminated disposal containers available for regular home improvement or landscaping projects

Case Studies: National

New York City

- Clean Soil Bank: No-cost, virtual soil exchange operated by the city
- Matches projects generating surplus clean soils with new construction projects needing soil; government projects are prioritized to lower costs to taxpayers
- Uses clean soil only, from depths of 10' or greater; contaminated soil from surface excavations is sent to licensed disposal facility
- Purpose is clean soil recycling with the following benefits:
 - Retains clean soil resource
 - Minimizes soil transport and related fuel consumption
 - Reduced greenhouse gas emissions

Solutions We've Heard



Notification

- Notice to buyers (Federal Lead Paint Disclosure example), renters
- Notice to existing homeowners/renters



Public Education

- Widespread, reach variety of audiences
- Clear, transparent, don't create panic



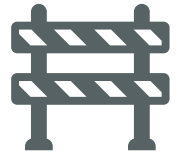
Mapping

- Online, central hosting
- Accurate data
- Include mapping in local government planning documents



Permitting

- Early information, guidance for development
- Clarity of comments during review
- SEPA checklist or application question



Construction & Development

- BMP's, guidance
- Soil bank/exchange
- Remove and replace
- Sod & demarcation layer
- Deed restriction, environmental covenant

MFA's Next Steps

Overview of Solutions

- Conceptual description of potential solutions
- Recommendation for “deep dive” analysis

Deep Dive Analysis

- Detailed analysis/feasibility study into selected solutions/remedies/approaches

Public Outreach & Education

- Target audiences & methods
- Content

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M A U L F O S T E R A L O N G I

Brainstorm Permitting Solutions...



Top Three Ideas - Any Solutions

free testing

soil bank

education

soil banking

capping

capping strategies

