Washington Department of Ecology Legacy Pesticides Small Group Virtual Meeting Summary Public Education & Outreach

Friday, June 25, 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. Jill Scheffer, Ecology, reminded the group of Ecology's blog posts and latest media updates. The facilitator then reviewed the agenda and meeting objectives.

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. All the small groups will have a meeting in June and receive the same MFA background report presentation.

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 the 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 questions and feedback:
 - a. Requested a comparative approach between solutions with consideration of a cost benefit analysis.
 - b. Commented that members of the public will likely be at first concerned learning about the new process and potential costs. As a result, it will be important to ensure a clear process and resources are available to the public.

- c. Noted the importance to have a clear communication strategy for a wide range of audiences including current orchard owners who are staying in orchard use, but who may still be impacted by legacy pesticides.
- 2. *Group member:* provided the following questions and comments:
 - a. Noted that it would be helpful to know what the funding sources were for remediation for the case studies.
 - b. Requested clarity on what is acceptable. They noted MFA and Ecology acknowledge the cleanup standards for lead and arsenic are not the same between state and federal levels.
 - c. Asked about the timeframe of exposure and risk of lead and arsenic. What is the breakdown rate of the elements? *Response: MFA responded that since lead and arsenic are elements, they do not break down and attaches to dirt and soil well.*
 - *d.* Asked about a triggering event. They questioned how the process would look across counties and jurisdictions. *Response: MFA responded that Small Group 2A Local Planning and Permitting were already concerned about the same topic and requested solutions and the process to be implemented across jurisdictions. However, it is important that while local level has decisions regarding county codes, MCTA and the State Environmental Policy Act (SEPA) are state level regulations.*
 - e. Suggested the ideas of including notification in the community development or building code for development. This process would allow properties impacted by lead and arsenic to be informed, but not cause alarm to those who are not impacted by the problem.

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 in 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 of the solutions of interest based on their initial research.

Following the round table activity, Joy Juelson reviewed the next steps and reminded the small group members the next meeting will likely occur in August but may have small group consultation meetings between now and the next working group meeting. The meeting was adjourned at 4:30.

Small Group Attendance (in alphabetical order by last name)

- Jon DeVaney, Washington State Tree Fruit Association
- Keith Goehner, Commissioner of Douglas County

Ecology Staff/Consultants/Facilitation Team:

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



Legacy Pesticide Working Group: Background Report Update

June 22-26, 2020

Today's Discussion





Purpose of the Background Report

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



Community Concerns





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 to12 inches of clean topsoil over geotextile fabric, and an environmental covenant





Case Studies: WA State

oLeRoi 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



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



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



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



New York City

- oClean 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





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 & methodsContent



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