

**Stakeholder & Tribal Advisory Group (STAG)
Meeting Agenda
Cleanup Rule Update AO#18-09, Chapter 173-340 WAC**

**Thursday, November 21, 2019
9:00AM-3:00PM**

**Embassy Suites Hotel
[3225 158th Ave SE, Bellevue, WA](https://www.embassysuites.com/locations/wa-bellevue)**

Revised 11/20/2019: Added Ecology staff names, document links, Environmental Justice video links.

Objectives:

- TCP understands STAG comments on Topic A (HSL listing, delisting, and SHARP tool)
- STAG understands Ecology’s environmental justice plans and is ready to address EJ concerns in its deliberations
- STAG is ready to review draft rule changes for Topic B (leaking underground storage tank process)

| TIME | TOPIC | SPEAKER | LINKS Check agenda on STAG’s website for latest links |
|--|---|--|---|
| 9:00–9:15AM (15 min) | Welcome and get settled <ul style="list-style-type: none"> • Meeting purpose • Agenda review • Quick introductions (review) | Facilitator | |
| 9:15–10:00AM (45 min) | Environmental Justice, Diversity, and Equity <ul style="list-style-type: none"> • Ecology’s EJ and DEI work • Considering these topics in the context of the MTCA Cleanup rulemaking • Discussion | Millie Piazza | |
| 10AM-12:00PM (2 hours) <i>We will take a 15 minute break during this time</i> | Topic A: Initial Investigation, Site Hazard Assessment, Listing and Delisting <i>Initial Investigation (10-11AM)</i> <ul style="list-style-type: none"> • Input in response to Ecology’s questions (see attached and link) • Other observations and questions <i>Site Hazard Assessment (11AM-12PM)</i> <ul style="list-style-type: none"> • Input in response to Ecology’s questions (see attached and link) • Other observations and questions | Facilitator Clint Stanovsky Michael Feldcamp | RCW 70.105D.030(2)(b) , “establish a hazard ranking system.” WAC 173-340-310 WAC 173-340-320 II/SHA Listing: Preliminary draft: Sections 310 thru 330 (distributed for STAG review 11-08-2019) |
| 12:00-12:30PM (30 min) | Lunch | | |

| TIME | TOPIC | SPEAKER | LINKS Check agenda on STAG's website for latest links |
|---------------------------------|---|--|---|
| 12:30-1:15PM (45 min) | Topic A: Initial Investigation, Site Hazard Assessment, Listing and Delisting, cont. <i>Listing and Delisting</i> <ul style="list-style-type: none"> • Input in response to Ecology's questions (see attached and link) • Other observations and questions | Facilitator Clint Stanovsky Michael Feldcamp | WAC 173-340-330 Public Participation & Involvement from IAP2 |
| 1:15–1:30PM (15 min) | Break | | |
| 1:30-2:30PM (1 hour) | TOPIC B: Briefing on potential Rule Changes for the Leaking Underground Storage Tank (LUST) process | Kris Grinnell | WAC 173-340-450 LUST Overview of proposed changes to WAC 173-340-450 |
| 2:30–2:45PM (15 min) | Public comments <ul style="list-style-type: none"> • Please limit your comments to 3 minutes. • Meeting times will be adjusted as needed to ensure all commenters have an opportunity to speak | Facilitator | |
| 2:45–3:00PM (15 min) | Wrap up, assignments, feedback <ul style="list-style-type: none"> • Documents to expect before the January 30 STAG meeting • Preparing for Jan 30 discussion: <ul style="list-style-type: none"> ○ STAG feedback on leaking underground storage tank process ○ Briefing on DCA/Remedy Selection | Facilitator | |

Logistics

- Directions: [3225 158TH Ave SE Bellevue, WA 98008](#)
- Working lunch will be provided for STAG members, with light refreshments during the day.
- The STAG member list will be available on [STAG's website](#)
- If you need reasonable accommodation, please contact [Clint Stanovsky](#) or [Elaine Heim](#).

Members of the public...

...are welcome to attend as observers either in-person or online.

...are welcome to bring a lunch or visit [nearby restaurants](#) during the STAG's working lunch.

...**may provide comments in-person** during the public comment period near the end of the meeting; please limit your comments to three minutes.

...**may provide brief written comments** to Facilitator [Elizabeth McManus](#) before the meeting to be read out loud during the public comment period. Comments received after the meeting will be appended to meeting notes. We will not be able to accept comments received by “chat” during the online webinar. All comments will become public record.

...**can observe the meeting through a Zoom webinar.** Online observers will be muted. We will not be able to accept public comments submitted by chat through the webinar.

Join the webinar: <https://rossstrategic.zoom.us/j/842725166>

Join by iPhone one-tap:

US: +17207072699,842725166# or +16465588656,842725166#

Join by telephone: For higher quality, dial a number based on your current location

US: +1 720 707 2699 or +1 646 558 8656 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Webinar ID: 842 725 166

References

| Site | Link |
|--|---|
| STAG’s website on EZView | https://www.ezview.wa.gov/site/alias_1988/37514/default.aspx |
| Ecology’s rulemaking webpage, Chapter 173-340 WAC | https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-340 |
| Ecology’s Exploratory Rulemaking webpage | https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act/Exploratory-rulemaking |
| Model Toxics Control Act Cleanup Regulations, Chapter 173-340 WAC (Cleanup Rule) | https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340 |
| Model Toxics Control Act, Chapter 70.105D RCW (Cleanup Statute) | https://app.leg.wa.gov/rcw/default.aspx?cite=70.105D&full=true |
| Toxics Cleanup Program’s policies and procedures | https://ecology.wa.gov/Regulations-Permits/Plans-policies/Toxics-cleanup-policies |
| MTCA Biennial Report of Expenditures: 2015–2017 Biennium (2017–19 report publishes Dec 2019) | https://fortress.wa.gov/ecy/publications/SummaryPages/1709055.html |
| Public involvement spectrum & core values from IAP2 | https://www.ezview.wa.gov/Portals/_1988/Documents/Documents/PublicInvolvementSpectrumCoreValues_IAP2_2019.pdf |
| Environmental Justice video by the Khan Academy | https://www.khanacademy.org/test-prep/mcat/social-inequality/social-class/v/environmental-justice |
| Environmental Justice video, “Greening the Ghetto” | https://www.bing.com/videos/search?q=youtube+greening+the+ghetto&view=detail&mid=8FF40BE5BDD06C000BDA8FF40BE5BDD06C000BDA&FORM=VIRE |

Ross Strategic & Ecology Contacts

| Name | Role | Organization | Email | Phone |
|--------------------------|--|---------------------------------|--|-------------------------------------|
| Elizabeth McManus | STAG Facilitation Team | Ross Strategic | emcmanus@rossstrategic.com | 206-890-9286 |
| Melissa Banales | STAG Facilitation Team | Ross Strategic | mbanales@rossstrategic.com | 951-552-5397 |
| Clint Stanovsky | Cleanup Rulemaking Lead | Toxics Cleanup Program, Ecology | clinton.stanovsky@ecy.wa.gov | 360-407-7193 360-742-9703 (cell) |
| Jeff Johnston | Information & Policy Section Manager | Toxics Cleanup Program, Ecology | jeff.johnston@ecy.wa.gov | 360-407-6907 |
| Elaine Heim | STAG Project Manager | Toxics Cleanup Program, Ecology | elaine.heim@ecy.wa.gov | 360-407-7648 |
| Tami Justice | Travel reimbursement | Toxics Cleanup Program, Ecology | tami.justice@ecy.wa.gov | 360-407-7173 |
| Scott O'Dowd | Environmental Justice & Affordable Housing Policy Lead | Toxics Cleanup Program, Ecology | sodo461@ecy.wa.gov | 360-407-7195 |

Acronyms

APA = Administrative Procedures Act
 MTCA = Model Toxics Control Act
 RCW = Revised Code of Washington
 SHARP = Site Hazard Assessment and Ranking Process

STAG = Stakeholder & Tribal Advisory Group
 TCP = Toxics Cleanup Program
 WAC = Washington Administrative Code
 WARM = Washington Ranking Method

Questions for STAG Discussion

These questions refer to the preliminary draft rule language document distributed with the STAG agenda and are repeated on page 12 of that document.

For the November 21, 2019, meeting of the Stakeholder and Tribal Advisory Group (STAG), we would like you to review the preliminary draft of Sections 310 through 330 of the Cleanup Rule and come prepared to discuss the following questions. You may also submit written comments before or after the meeting. Ecology also welcomes any other comments and questions about the proposed changes.

Questions about Section 310: Initial investigation and assessment

1. Ecology is proposing to incorporate an existing policy that allows Ecology to extend the deadline for completing an initial investigation to encourage quick cleanups. Do you have any concerns with the policy, including the circumstances under which Ecology may provide an extension or how long Ecology may extend the deadline? *See Section 310(3) in the preliminary draft.*
2. Should Ecology always notify owners and operators of the result of an initial investigation even if no further action is necessary under MTCA? And should such notice be in the form a letter sent by mail, or are other methods adequate? *See Section 310(6) in the preliminary draft.*

Questions about Section 320: Site hazard assessment and ranking process (SHARP)

When answering the following questions, please also consider the SHARP Tool Memorandum and prototype SHARP Tool spreadsheet, provided separately.

3. Do you agree that the current site hazard assessment and ranking process should be replaced? *See Sections 320 and 330(2) through (4) in the current rule.*
4. Do you have any concerns with Ecology developing a new process outside of the rule guided by performance standards in the rule? Do the performance standards in the draft rule provide sufficient direction? Does the draft rule strike the right balance between specificity and flexibility? *See Sections 320(2), (3), and (5) in the preliminary draft.*
5. Does the draft rule provide the right level of public involvement for developing a new site hazard assessment and ranking process? *See Section 320(2) in the preliminary draft.*
6. Does the new process properly account for environmental justice concerns? *See Section 320(3)(c) in the preliminary draft. Also see page 5 of the SHARP Tool Memorandum and the “flagged factors” worksheet of the SHARP Tool.*
7. Should Ecology always assess and rank the hazard of sites before listing or de-listing sites? *See Section 330(4) in the preliminary draft.*
8. Should Ecology re-rank sites when new information becomes available or site conditions change? Do you think any other situations should trigger re-ranking? *See Section 330(4) in the preliminary draft.*

Questions about Section 330: Contaminated sites list

9. Does the draft rule provide the right level of public involvement for removing a site from the contaminated sites list? *See Section 330(4)(c) in the preliminary draft.*
10. How should Ecology inform the public when it:
 - a. Adds or removes a site from the contaminated sites list? *See Section 330(7)(b) in the preliminary draft.*
 - b. Ranks or re-ranks the hazard of a site on the contaminated sites list? *See Section 320(7)(b) in the preliminary draft.*
 - c. Specifies or updates the cleanup status of a site on the contaminated sites list? *See Section 330(7)(b) in the preliminary draft.*

Questions about economic impacts

11. What, if any, economic effects might the draft rule changes have on you or your constituents?
12. Can you identify a less burdensome regulatory approach to fulfilling the statutory requirements for assessing, ranking, and listing contaminated sites?
13. Would the draft rule changes have a disproportionate impact on small businesses or local governments?
14. Would the draft rule changes provide an advantage or disadvantage to Washington businesses compared to businesses in other states?