

*Bari Schreiner:*

So I'm Bari Schreiner, hearing officer for this hearing. This morning we're to conduct a hearing on the rule proposal for Chapters 173-322 and 173-332A, Remedial Action Grants and Loans. Let the record show that it is 10:40 AM on May 29, 2014. Participants are attending either through the webinar or at the Department of Ecology headquarters building, 300 Desmond Drive, Lacey, Washington 98503.

A notice of this hearing was published in the *Washington State Register* May 7, 2014, *Washington State Register* No. 14-09-052. In addition, notices of the hearing were emailed to about 1,400 people who subscribe to the agency's WAC Track Listserv, which updates subscribers of all agency rulemaking activities. It was also emailed to about 700 people specifically interested in the Model Toxics Control Act or Remedial Action Grants, including subscribers to the Remedial Action Grants Listserv, subscribers to the MTCA-SMS Listserv, workgroup members or invitees, and grant recipients. Notice of the hearing was also published in the Toxics Cleanup Program's Site Register, which was emailed to about 650 subscribers on May 1, 2014, and a news release was issued on April 23, 2014.

We're now going to be calling people up to provide testimony. This will be based on the order I have your cards or that you raised your hand on the webinar. Again, if you're on the webinar please click on the Raise Hand icon if you want to provide testimony today.

So the first person I have on the list is Michael Stringer. If you'll come up and sit in the chair here, that's so that we can make sure we get the recording and the people on the phone are able to hear.

*Michael Stringer:*

Hello. This is Michael Stringer with the consulting firm Maul Foster & Alongi. And for background on us, we have worked with the Department of Ecology to prepare their brownfield policy recommendations report in 2011 that provided the basis for some of these reforms that were put into the Senate Bill 5296. And we just wanted to state that we are very supportive and appreciative of the work of the Department of Ecology to improve the performance and effectiveness of the Remedial Action Grant Program. We especially are supportive of the expanded prioritization factors that have been put in to balance the economic and community benefits of these projects, in addition to the health and ecological risks associated with contamination.

We're also very supportive of the changes to make the Independent Remedial Action Grants funded on the continuing basis instead of just at the end of the project, and supportive of making the Integrated Planning Grant, which has been a highly successful pilot program, to make it a fully permanent program.

We have two general comments that we'd like to make of things that we think could be improved in the draft rule. One is that the Senate Bill 5296 talks about prioritizing grants for redevelopment opportunity zones, and we don't see that mentioned in the rule, and it might be something that needs to be clarified, that if projects in those redevelopment opportunity zones are prioritized that it should echo through the grant rule as well.

And on the theme that was mentioned about balancing certainty and flexibility, we have some concerns about the annual grant cycle and the requirement that for oversight Remedial Action Grants that our project be listed on a ten-year financing plan. We understand how important that will be for managing cash flow and budgets in the program and appreciate that, but think that just the stacking of the criteria of requirements of the annual application and the requirement to be on the ten-year financing plan may overly limit the Department's discretion to be able to fund opportunistic projects that come up with the real estate cycle.

So for example, we recently completed a project with the Port of Sunnyside, where that project needed to meet a timeframe for transaction as well as the budgeting and annual cycles of the Port, and if that project would have had to wait an annual cycle to be able to get funding it likely would not have occurred. So we recommend that being listed on the ten-year financing plan eligibility requirement either be removed or modified to clearly, explicitly state that if funds are available the Department has discretion to be able to fund projects off-cycle.

Thank you.

*Bari Schreiner:*

Thank you. Is there anybody on the webinar? I want to add for the people on the webinar, you can submit comments today using the chat feature. Please, if you do decide to submit them, include your name and contact information, either an email or an address, so that we can make sure that we have a way to send you the Concise Explanatory Statement and any updated information. Is there anyone here in the room who has changed their mind that would like to provide comments at this time?

No? Anyone on the webinar? All right.

It is also important if you are participating on the webinar and you haven't already provided Adrienne with an email or contact information, we request that you do that so that we can make sure that you're added to our interested party list for the rule.

Okay. If you'd like to send Ecology written comments after this hearing please remember they must be received no later than June 6, 2014. Please send them to Adrienne Dorrah, Department of Ecology, Toxics Cleanup Program, PO Box 47600, Olympia, Washington 98504-7600. The email you can use is RAGrule@ecy.wa.gov, or they can be faxed to 360-407-7154.

All testimony received at this hearing along with all written comments received no later than June 6, 2014 will be part of the official record for this proposal. Ecology will send notice about the Concise Explanatory Statement, or CES publication, to everyone that provided written comments or verbal testimony on this rule proposal and submitted contact information, everyone that signed in for today's hearing that provided an email address, and other interested parties on the agency's mailing list for this rule.

The CES, among other things, contains the agency's response to questions and issues of concern that were raised during the public comment period. If you would like to receive a copy but didn't fill out a sign-in card or provide your information through the chat feature in the webinar, please let us know or you could contact Adrienne after the hearing too, to provide that information. Staff will be available after the meeting to answer any questions, or again, you could contact Adrienne or Michael using the contact information provided for submitting comments or that were provided on the slide.

The next step is to review the comments and make a determination whether to adopt the rule proposal. Ecology Director Maia Bellon will consider the rule documentation and staff recommendations and will make a decision about adopting. Adoption is currently scheduled for no earlier than July 30, 2014. If the proposed rule should be adopted that day and filed with the Code Reviser it will go into effect 31 days later.

Please let us know if we can be of any further help to you today. On behalf of Department of Ecology, thank you for coming. I appreciate your cooperation and courtesy. Let the record show this hearing is adjourned at 10:49 AM. Thank you.

*[End of Audio]*