

PT AirWatchers

PT AirWatchers supports the revised Public Participation Grants rulemaking, Chapter 173-321 WAC, with the following comments and questions.

General comment: Public Participation Grants are valuable, a cost-effective way for supporting work to solve problems that may be particular and local, but yet can yield results with wider application. Grassroots advocates often have local expertise and willingness, and PPGs can be the boost that willing local people need to become effective in working for the public good.

We feel like these proposed changes are generally beneficial in that they will make that process clearer; we very much appreciate that they recognize that having funding for "basics" is essential to carrying out the larger task; and that effective groups can come in different packages.

Specific comments and questions:

1. WAC 173-321-020 Definitions, Item (8)

proposed wording: "Hazardous substance" means [any hazardous substance as defined in Chapter 70.105 RCW.]

deletes reference to Federal law (citation in the original to "960" may be a typo and seems to refer to 42 U.S.C. Sec. 9601 (14) "(14) The term "hazardous substance" means...")

(c) Any substance that, on March 1, 1989, is a hazardous substance under 101 (14) of the Federal Cleanup Law, 42 U.S.C. Sec. 960 (14)

Q: The "as proposed" is a lot shorter and cleaner. Though, in eliminating reference to U.S. Code, there's a potential for losing out on being able to address hazardous substances that might be defined in Federal law but not called out in WA law? Would there be merit, demerit or unintended consequences in adding a reference to federal definitions of hazardous substances, e.g., "...or U.S.C. Sec 9601(14)"?

2. comparing WAC 173-321-020 Definitions, items (9) and new (22)

(9) "Hazardous waste management priorities" as defined in ((RCW 70.105.150 are the priorities in the management of hazardous waste which should be followed)) chapter 70.105 RCW are in descending order ((as applicable)):

- (a) Waste reduction;
- (b) Waste recycling;
- (c) Physical, chemical, and biological treatment;
- (d) Incineration;
- (e) Solidification/stabilization treatment;
- (f) Landfill.

vs.

(22) "Solid waste management priorities" as defined in chapter 70.95 RCW are ((the priorities in the management of solid waste which should be followed)) in order of descending priority ((as applicable)):

- (a) Waste reduction;
- (b) Recycling with source separation of recyclable materials as the preferred method;
- (c) Energy recovery, incineration, or landfill of separated waste;
- (d) Energy recovery, incineration, or landfill of mixed waste.

Q. I like that (9) includes "(c) Physical, chemical, and biological treatment;" yet it's omitted in (22). We would like to also see it included in (22) as the second choice after waste reduction.

After source reduction and recycling, we believe that treatments that break the wastes down into harmless substances is the responsible next choice. Myco-remediation and various organisms that "eat" plastics, for instance are under active research and development, and if/as successful, may be more cost effective, much more ecological and less disruptive than other alternatives down the list. Comment: Under the rubrics of "waste recycling" and "landfill" we have concerns about increasing use of industrial and sewer sludges as "compost", being spread on farms and forests with little responsible characterization of chemical hazards. We have similar concerns over sources and fates of materials that are in the "incineration" and "energy recovery" groups. We hope that somewhere in this or other rulemakings, sludge begins to be honestly characterized, and the true, full ecological costs of burning biomass come to account.

3. WAC 173-321-030 - guideline updates. Yes. Seems like a good way to deal with guideline updates for everyone involved.

4. WAC 173-321-040 Applicant eligibility. Yes. Makes it clear that worthy groups may apply even if they do not fit the 501(c)3 model. Many factors can affect what structure works best for a given group or project. Even if 501(c)3 is a good fit for the group, issues that environmental advocates address can be complex, arcane or politically "hot" enough that a certain amount of research and public education must be done before they can attract a board and build 501(c)3 type structure; adequate funding is key to making that happen.

5. WAC 173-321-050 (4) & (6) - streamlines/simplifies specific application and evaluation criteria. We feel like this proposal is easier and more broadly inclusive.

6. WAC 173-321-060 - Eligible costs (1)(g) Supplies and Tools.

- Thank you. It's nice to see acknowledgment that having basic yet necessary Supplies and Tools is part of being able to accomplish a grant project.
- Question: I am confused as to what is meant by "an acquisition cost of less than one thousand dollars" - does that mean acquisition cost in total for all items or something like "per line item"? I imagine that most items in this would cost much less than \$1k, but it might be easy to reach \$1k in the aggregate, so welcome clarification.

7. WAC 173-321-060 Eligible costs (2)(a) excludes "independently collecting or analyzing samples at a facility".

- does it exclude ALL collecting or analyzing samples?
- if any, what sampling and in what context is or would be allowed? e.g.,
- fence-line monitoring or samples from off-site?
- conducted by a professional who is employed neither by an agency nor the facility in question?
- citizen science under the supervision or guidance of such a professional?
- sampling, even off-site or fence-line, can make a highly direct route from questions and fears to knowledge, especially for fence-line communities.

8. Throughout - "person" used to denote non-human and/or fiat entities such as companies or organizations.

I like that the committee has deleted "(13) 'Person' means [list of all sorts of non-human entities]".

One less place enshrining a misguided notion.

By using "person" in "(18) Potentially Liable Person", is the intent to have a means to hold actual individual human decision-makers responsible for their choices? I can support that!

Otherwise, I seriously would prefer to see the word "party" used, e.g., "Potentially Liable Party" and " 'Owner/operator' means any party..." rather than further entrenching this misguided proposition that corporations and non-human entities are "persons."

Then, e.g., add a definition of "party" to mean all of the entities listed under the deleted item (13).

In closing, access to funding allows grassroots groups to do work that can yield rich results to the benefit of science, the environment and communities at a very favorable cost. As one such group that has been grappling with highly technical, complex and politically "hot" issues for a decade, we appreciate that the state values the work that our peer groups of citizen advocates and citizen researchers can bring to solving collective issues.

We thank the committee for their good work to simplify and to enhance the process, which we believe will bring stronger results from and for our communities.