

Resource Guide

Assistance for Redevelopment in Washington State



United States
Environmental Protection
Agency



Department of Commerce
Innovation is in our nature.

Publication and Contact Information

This report is available on the Department of Ecology's website at www.ecy.wa.gov/biblio/97608.html

For more information contact:

Ann McNeely
Toxics Cleanup Program
P.O. Box 47600
Olympia, WA 98504-7600

E-mail: amcn461@ecy.wa.gov
Phone: (360) 407-7205

Washington State Department of Ecology - www.ecy.wa.gov/

- ◆ Headquarters, Olympia
(360) 407-6000
- ◆ Northwest Regional Office, Bellevue
(425) 649-7000
- ◆ Southwest Regional Office, Olympia
(360) 407-6300
- ◆ Central Regional Office, Yakima
(509) 575-2490
- ◆ Eastern Regional Office, Spokane
(509) 329-3400

If you need this publication in an alternate format, call Ann McNeely at (360) 407-7205. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

*Cover Photo:
Main Street in Palouse, WA
(Photo by John Means, Department of Ecology)*

Brownfields Resource Guide

Assistance for Redevelopment in Washington State

Toxics Cleanup Program
Washington State Department of Ecology
Olympia, Washington 98504-7710

A joint effort of:

- ◆ *Washington Department of Ecology*
- ◆ *Washington Department of Commerce*
- ◆ *Region 10 of the U.S. Environmental Protection Agency*

Table of Contents

Introduction	page [P#]
Purpose of This Publication	page 1
What is a brownfield?	page 1
The Impacts of Brownfields on a Community	page 2
The Benefits of Brownfield Redevelopment.	page 2
How Do Brownfields Fit into “Sustainable Development”?	page 2
You Have a Brownfield Site – Now What? Helpful Hints.	page 3
Find a Project Champion	page 3
Establish and Maintain a Well-Rounded Revitalization Team	page 3
Spend the Time Up Front to Establish Clear Goals.	page 3
Create Partnerships and Involve Stakeholders	page 4
Identify and Leverage Resources	page 4
Getting Started: The Five Steps of Revitalization.	page 5
Step 1: Site Identification and Reuse Visioning	page 5
Activities and Available Tools	page 6
Determining the Intended Use for the Property	page 7
Step 2: Determining Whether Contamination Exists on Your Site	page 8
Activities and Available Tools	page 8
Step 3: Get Help from Ecology	page 10
Working with Ecology to Achieve Cleanup.	page 10
Step 4: Clean Up Your Site	page 11
Model Toxics Control Act (MTCA)	page 11
Who is Responsible for Cleanup?.	page 11
Activities and Available Tools	page 12
Step 5: Make the Vision a Reality	page 13
Technical Assistance Resources for Cleanup	
Site Information	page 14
Find Known Sites in Your Community	page 14
Assessment and Cleanup	page 14
Site Specific Cleanup Information	page 14
Pre-payment Agreements	page 15
Clarifying Liability	page 15
Prospective Purchaser Agreements: State Program	page 15
State Liability Covenants Not To Sue	page 15
Groundwater Plume	page 16
Lender Liability Exemption	page 16
Municipal Immunity from CERCLA and MTCA Liability for Involuntary Acquisitions	page 16
Private Right of Action.	page 16
Permitting Assistance	page 16
Technical Assistance for Planning and Economic Development	page 16
The Department of Commerce.	page 16
Key Programs Related to Brownfields:	page 17
Non-Profits and Federal Agency Resources	page 18
Appendices	
Appendix A: <i>Brownfields Funding Overview.</i>	page 26
Appendix B: <i>State Funding Resources</i>	page 30
Appendix C: <i>Model Redevelopment Process in Washington</i>	page 33

Introduction

Purpose of This Publication

This document is intended for local governments, developers, property owners, and service professionals with a desire to learn more about the brownfields redevelopment process, funding opportunities, and available technical assistance resources in Washington State.

What is a brownfield?

Brownfields are real property where environmental, economic, and social reuse goals are hindered by real or perceived environmental contamination. Nationwide there are estimated to be anywhere from 400,000 to 1 million brownfield sites.

When land available for new development is expensive and scarce, brownfields properties can offer significant benefits



The Department of Ecology cleaned up large sections of the Thea Foss Waterway in Tacoma, WA. The area is now a bustling waterfront with restaurants, museums, condominiums, and public access to the waterway.



The Impacts of Brownfields on a Community

Brownfields can:

- ◆ Harm human health and the environment
- ◆ Limit economic growth and development
- ◆ Reduce employment opportunities and tax revenue
- ◆ Reduce surrounding property values
- ◆ Contribute to neighborhood crime



This former gas station in Rosalia is now an interpretive and informational visitor's center. The center promotes the resources and historical assets of Rosalia and surrounding towns in Whitman County.

The Benefits of Brownfield Redevelopment

Redeveloping a brownfield can turn a perceived problem into a community asset. Cleanup and redevelopment can stimulate the community's economy, save green space from development, provide an opportunity for habitat restoration or create public space such as a park. It can set the stage for business development and addressing community needs.

A city or town can restore properties to active use, increase the job and local tax base, address public health and safety concerns, and improve community image.

When land available for new development is expensive and scarce, brownfields properties can offer significant benefits:

- ◆ They often are in or near desirable locations such as city centers, waterfront areas, transportation services, utilities and a ready pool of workers or patrons.
- ◆ Existing facilities – such as buildings, docks and utilities infrastructure – can be reused, which can save money by avoiding costs of building new facilities.
- ◆ They often cost less to buy than similar properties that are clean.
- ◆ They may be eligible for benefits or incentives such as state or federal tax relief programs and financial assistance.

How Do Brownfields Fit into "Sustainable Development"?

Brownfield redevelopment is inherently "sustainable":

- ◆ Land is reused instead of abandoned.
- ◆ Urban sprawl is limited, thus preserving open space and reducing polluted stormwater runoff.
- ◆ Existing infrastructure is used, so taxpayers don't have to pay to build new infrastructure elsewhere.
- ◆ Brownfields properties often are in high-density locations with access to transit, amenities, and the heart of the community.

You Have a Brownfield Site – Now What?

Helpful Hints

Find a Project Champion

Successful revitalization projects have project coordinators – versatile people who manage a project’s daily activities by working with all stakeholders. Project coordinators can be chosen from within an existing local government department, from employees of the developer, or hired as a project consultant. The project champion:

- ◆ Serves as the clearly designated project leader.
- ◆ Opens communication lines by providing a single point of contact for stakeholders.
- ◆ Helps ensure that project tasks move forward on time.

Establish and Maintain a Well-Rounded Revitalization Team

Multi-disciplinary project teams are critical to advancing revitalization efforts. The project team’s knowledge base should include:

- ◆ economic development
- ◆ environmental science and engineering
- ◆ planning and zoning
- ◆ financing and capital investment
- ◆ insurance and risk management
- ◆ design and construction, and
- ◆ community involvement skills.

Yakima once had an extensive trolley system. Current efforts are under way to assess the environmental condition of this historic trolley barn.

Spend the Time Up Front to Establish Clear Goals

Integrating remedial action with the larger community vision of restoration, recreation, or economic benefit can solve multiple problems, leverage multiple funding sources, and keep stakeholder focus on the end goal.

This is best accomplished when planning and coordination with the community takes place before cleanup design and actions begin.

Work with your team to develop appropriate locally supported redevelopment goals for your site.

Multi-disciplinary project teams are critical to advancing revitalization efforts.



Be creative! There is money available beyond “brownfield funding.” If you have an end use in mind, there is likely a funding source that will help you reach your goals.

Former drycleaning sites often contain chemicals that contaminate groundwater and soil. Sauro’s Cleanerama in downtown Tacoma, pictured here, will be a cornerstone to redevelopment efforts in the city’s financial district.

Create Partnerships and Involve Stakeholders

Many stakeholders should be involved in the redevelopment process. During your initial planning include:

- ◆ Department of Ecology
- ◆ Department of Commerce
- ◆ Local economic development department/Chamber of Commerce
- ◆ Local planning department
- ◆ Local health department
- ◆ Local public works department
- ◆ City Council members
- ◆ Local community groups
- ◆ Current owner
- ◆ Prospective owners
- ◆ Developers
- ◆ Lenders
- ◆ Insurers
- ◆ Neighbors and interested residents

Identify and Leverage Resources

Leveraging funding sources is key to successful redevelopment. It links the reuse goals of your project with funding sources. Leveraging can begin with one source of funding, which can be used to meet grant-matching requirements for another source of funding. For example, restoration of a historic train depot cleanup and building in Morton, WA started with a \$230,000 Heritage Grant. Over a year and a half, the project leveraged \$1.3 million total using transportation, economic development, and historic preservation grants. By linking historic preservation to transportation enhancement and tourism, the result was a 66% increase in project funding.

Be creative! There is money available beyond “brownfield funding.” If you have an end use in mind, there is likely a funding source that will help you reach your goals. Use a variety of sources to leverage your dollars and meet grant-matching requirements.

Appendix B lists a variety of funding sources. The list is not comprehensive and contains mostly public sources of funding. Private brownfields lenders, foundations, or your local bank also can be sources of financing for your project, along with public/private partnerships.

Grant mapping is a visual tool to examine multiple sites in an area and determine where funding sources can be applied. For example, transportation funding could be used on Main Street in the middle of your project, and cleanup funding can be used on the gas station site around the corner. By mapping out where funding can be used, you begin to see all the components of your project and how all the funding can fit together.



Getting Started

The Five Steps of Revitalization

1. Site Identification and Reuse Visioning
2. Determine whether Contamination Exists on Your Site
3. Assistance from Ecology if Contamination is Found
4. Clean Up Your Site
5. Redevelop Your Site

Step 1: Site Identification and Reuse Visioning

How do you identify contaminated properties with redevelopment potential in your community? How do you develop a revitalization plan to address those properties, and how do you initiate project planning?

Experience shows that successful redevelopment of contaminated sites can come in many forms and that each community has its own unique opportunities and revitalization goals. Regardless of a community's size, history, and number of contaminated properties, plan ahead for immediate and future benefits.

Whether your community's goal is to develop a comprehensive revitalization plan for multiple properties, or you plan to redevelop just one contaminated property, consider the available resources. Successful project planning includes investigation and cleanup of the property or properties. Of equal importance is determining how the property or properties will be redeveloped.

Considering these issues early on can make a big difference in successfully meeting your community's revitalization goals. Here is some information to help you understand the process and guide your community through the site identification and project planning phase.

The ongoing train depot restoration in Morton is serving as an impetus for economic revitalization, tourism, downtown revitalization, transportation enhancement, historic preservation and toxics cleanup.
(photo by Clark McAtee)



Form a Revitalization Team!

- ✓ Department of Ecology
- ✓ Dept. of Commerce
- ✓ Local Economic Development Department
- ✓ Local Planning Department
- ✓ Local Health Department
- ✓ Local Public Works Department
- ✓ City Council Members
- ✓ Local Community Groups
- ✓ Current Owner
- ✓ Prospective Owners
- ✓ Developers
- ✓ Lenders
- ✓ Insurers
- ✓ Neighbors and Interested Residents

What types of properties are we talking about?

The Guide addresses sites where environmental, economic, and social reuse goals are hindered by real or perceived environmental contamination. Examples include abandoned gas stations, old factories and mills, foundries, junkyards, mine-scarred lands, old solid waste landfills, bulk fuel storage facilities, and other under-utilized or abandoned properties.

Why is it important to redevelop these properties?

These properties are often abandoned, with owners no longer maintaining the property or paying taxes. Abandoned properties can quickly become eyesores. They may attract vandalism and illegal dumping, which degrade the environment, depress our communities, and potentially put our health at risk. Productively reusing such properties reduces urban sprawl, increases the tax base, improves the environment, encourages nearby revitalization and creates jobs for the community and surrounding communities. Redeveloping these properties links economic vitality with environmental protection. Also, community members have a direct role in determining how their impacted properties can be cleaned up and redeveloped to best advance the community's future development plans.

Activities and Available Tools

If you have identified contaminated properties, or properties that are perceived to be contaminated and would like to do something, you've taken the first step. What are the next steps? This depends on what your community's plans or desires for future development. Here are some questions you should consider:

- ◆ Has your community been approached by potential buyers or developers who have been subsequently "turned off" because the property is contaminated or perceived as contaminated?
- ◆ Does your community have (or want to develop) a comprehensive plan for revitalizing its abandoned or underutilized properties that are contaminated or perceived to be contaminated?
- ◆ Does your community want to clean up these properties and market them to potential commercial, industrial, or residential buyers or developers?

◆ Does your community want to retain some of these properties for its own use, perhaps for municipal or open-space purposes, or for affordable housing?

Forming a Revitalization Team

If the answer to any or all of the above questions is yes, your community may want to consider forming a revitalization team. This team is typically a mix of public and private parties from your community who have an interest in fostering well-planned, successful cleanup and redevelopment. The team can be large or small, formal or informal. It can be tailored to the size and complexity of one specific project, or it can guide an entire revitalization vision. It can be made up of elected officials, planners, attorneys, environmental professionals, economic development officials, members of environmental interest groups, home owners and the like. The team can bring valuable perspectives from each member's area of ex-



Pacific Wholesale in Raymond, WA with once dilapidated buildings, pictured here, was redeveloped into Riverfront Park. This park promotes tourism and provides public access to the Willapa River while creating economic development and job growth.

expertise to help develop a mission and to determine long-term and short-term goals based on the community's revitalization needs and desires.

In addition to forming a team, it can be enormously helpful to contact other local communities or persons with experience addressing redevelopments.

Washington State Department of Ecology's Toxics Cleanup Program staff are here to help you.

Meet the Cleanup Enhancement and Revitalization (CLEAR) Team:

◆ *Jessica Brandt*, Brownfields Program Planner, can assist you with outreach, educational materials, funding resource information, and brownfields inventorying.
(360) 407-7336, jebr461@ecy.wa.gov

◆ *Dan Koroma*, Brownfields Program Coordinator, can provide information on the Brownfields Revolving Loan Fund. He provides coordination between the Department of Ecology, EPA Region 10, and the Department of Commerce.
(360) 407-7187, dkor461@ecy.wa.gov

◆ *John Means*, Brownfields Program Planner and Grant Manager, can advise you on grant resources, sustainable reuse planning, public participation, leveraging financial resources, project planning, and a variety of project implementation issues.
(360) 407-7188, jmea461@ecy.wa.gov

◆ *Charles San Juan*, Senior Hydrogeologist, can offer technical advice on hazard assessments, sampling plans, contamination cleanup methods, ways to find the appropriate methods and sequence, cleanup plans, and other technical questions you may have about your site.
(360) 407-7191, csan461@ecy.wa.gov

Determining the Intended Use for the Property

The intended use of a property plays an important role in the revitalization process. If contamination is identified, the nature and extent of the contamination will have to be assessed. How that contamination is cleaned up, however, may be affected by the property's intended future use. Therefore, you must consider potential redevelopment plans at the beginning of any project.

If you do not know the intended use, the community representatives or property revitalization team should attempt to identify the general type of desired development. The team should decide on a general use such as "industrial," "commercial," "residential," or a mixed-use development. In the absence of that information, the most stringent (residential/recreational) cleanup assumptions would be made at every stage of the project to protect public health.

In addition to forming a team, it can be enormously helpful to contact other local communities or persons with experience addressing redevelopments.

Washington shorelines are home to many derelict docks. The wood used to build earlier docks was treated with creosote, a substance that poisons the food chain, injures fish and shellfish, and creates a risk to human health.



ownership. The local government and its property revitalization team also will know which of these properties would provide the greatest redevelopment benefit to your community. This is a crucial initial step in prioritizing cleanup and redevelopment. Organizations that have local historical expertise have helped communities successfully conduct such inventories after receiving training from the local property revitalization team or other state or local experts. You may want to enlist the help of a local volunteer service organization to maximize your inventory efforts.

Reuse Planning

Depending on your plans for redeveloping the property, a variety of federal and regional resources may be available to you. Ask your Revitalization Team:

- ◆ Do you plan to (a) redevelop the site, or to (b) sell/market the site once cleanup has been completed, and allow the buyer to redevelop?
- ◆ Will a public, commercial, or private entity redevelop the site?
- ◆ Did you start this entire process with a planned, known reuse for the site, or are you still developing your reuse plans?
- ◆ Is your site in the heart of a bustling town center or in a rural setting?
- ◆ What infrastructure exists at the site?
- ◆ Will the reuse be residential, commercial, industrial or open space?

Work with your local and state economic development specialists to move from planning and cleanup into redevelopment.

By leveraging a variety of funding opportunities, Palouse has created a vibrant downtown Main Street.

Why should I do an environmental site assessment?

As with any large investment, you want to know what kind of additional costs you will incur before you complete the purchase. In the case of a site with redevelopment potential, you want to find out if the site is contaminated and, if so, how much it is likely to cost to clean it up before you buy it. An environmental site assessment can accomplish that task. Lenders also may require an environmental assessment as part of conducting due diligence. EPA cleanup grants and loans will require an ASTM Phase I prior to the acquisition of the property.

Who performs the environmental site assessment?

Environmental site assessments are typically conducted by environmental consultants trained and experienced in the areas of environmental investigation and cleanup.

For more information on hiring an environmental consultant, visit: <http://www.smart.org/smart/resource/sn-select-consultant.xml>

Who pays for the assessment?

Assessment costs are typically paid for by the property owner or the prospective purchaser. A local government may receive grants to conduct environmental assessments in its community.

Can I do an environmental site assessment before I own the property?

Yes, if you have permission and access rights from the property owner. Municipalities and developers often include access rights and permission to conduct an environmental assessment as part of their pre-purchase agreement with a property owner. When using EPA funding, you must also pay attention to EPA's All Appropriate Inquiry (AAI) rules. The AAI rules require certain topics are covered in the assessment as well as how long the assessment is valid before certain sections of the assessment report need to be updated. For more information on AAI visit: <http://epa.gov/brownfields/regneg.htm>



Step 3: Get Help from Ecology

How do you know when a property needs to be cleaned up?

If, after conducting an remedial investigation as described in Step 2, your sampling results exceed chemical concentrations allowed by MTCA's cleanup levels, or if the risk assessment indicates that a potential risk to human health or the environment exists, then it is likely some form of cleanup is necessary.

Who do I need to consult to get help with cleaning up the site?

If you haven't done so already, hire an environmental consultant to work with you to develop and carry out a plan to address the contamination at your site. Additionally, you may need to hire an environmental attorney who is familiar with state and federal laws to assist you in dealing with the legal issues relative to the cleanup process. Finally, you should also contact Ecology before you begin your cleanup work to ensure that any cleanup work you are planning to do will fulfill state requirements.

Portions of this cleanup site in Olympia were used for timber-related industries from the late 1880s until 1968. The Port is actively coordinating the master planning and redevelopment of the 14-acre East Bay property to transform it into a vibrant, pedestrian-friendly district.

Working with Ecology to Achieve Cleanup

Ecology and potentially liable persons (deemed likely to have caused contamination) often work cooperatively to reach cleanup solutions. Options for working with Ecology include discussions about mechanisms that settle liability and seeking technical review through the Voluntary Cleanup Program. These mechanisms allow Ecology to take an active role in cleanup, providing help to potentially liable persons and minimizing costs by ensuring the job meets state standards the first time.

Once you understand that your property is contaminated, working with Ecology early in the process will lead to a successful, collaborative relationship. Whether you enter into the Voluntary Cleanup Program or choose one of the other administrative options under the state cleanup laws, Ecology will work with you every step of the way.

A survey compiled by the Interstate Regulatory and Technology Council lists the top 10 items that regulators look for in revitalization projects. In no particular order:

- ◆ Assistance in identifying liable parties.
- ◆ Assistance with publicity.
- ◆ Assistance in outreach efforts to local communities and organizations.
- ◆ Partnerships with municipalities and other stakeholders.
- ◆ Marketing of available properties for revitalization efforts to ensure that properties are considered valuable resources by developers and other stakeholders.
- ◆ Understanding real estate obstacles and how to resolve them.
- ◆ Ability to provide clear direction and regulatory assistance during cleanup and revitalization process.
- ◆ Effective monitoring and enforcement programs for institutional controls of contamination not removed from the site.
- ◆ Project funding to ensure that planning and cleanup timelines are met.
- ◆ Assistance in facilitating acceptance of the project plan among various state and federal regulatory agencies.

Ecology has no formal requirements that a revitalization project needs to fulfill the above items, but it certainly helps when you are applying for funding anywhere!



Step 4: Clean Up Your Site

The results of a more detailed assessment may indicate that contamination on the property exceeds concentrations allowed by our state cleanup standards. Cleanup may be necessary to either prevent exposure by future users of the site to the contamination or to stop a release of contamination into the environment. This step is intended to provide general information on cleanup and its role in the contaminated property redevelopment process.

The majority of contaminated sites in Washington are regulated by the state's cleanup laws, overseen by the Department of Ecology.

Model Toxics Control Act (MTCA)

Washington's hazardous waste cleanup law, the Model Toxics Control Act (chapter 70.105D RCW), mandates that site cleanups protect the state's citizens and environment. To implement this law, Ecology has established cleanup standards and requirements for the cleanup of hazardous waste sites.

Who is Responsible for Cleanup?

Any past or present relationship with a contaminated site may result in liability. Under MTCA a potentially liable person can be:

- ◆ A current or past facility owner or operator
- ◆ Anyone who arranged for disposal or treatment of hazardous substances at the site
- ◆ Anyone who transported hazardous substances for disposal or treatment at a contaminated site, unless the facility could legally receive the hazardous materials at the time of transport
- ◆ Anyone who sells a hazardous substance with written instructions for its use were abiding by the instructions results in contamination.

How much will the cleanup cost?

The more information you have about the types and amount of contamination on your property, the easier it will be to estimate the cost to clean it up. In addition, determining future intended use for the property may allow you to tailor the cleanup and reduce the costs.

Incorporating cleanup activities into the general construction process or using innovative architectural designs can help reduce costs. For example, it may be possible to reduce the amount of contaminated soil needing to be excavated and disposed of, by constructing buildings over less-contaminated areas, and/or paving areas of higher contamination to reduce the risks of exposure.

In addition, cost-effective remediation techniques designed to address contamination under buildings and in groundwater have been developed, and may be appropriate for your project. The process of creating a Feasibility Study under MTCA leads you to clearer answers on site cleanup options and costs.

What types of cleanup might be necessary at contaminated sites?

Soil, sediment, groundwater, and vapor may need to be cleaned up at a contaminated site. Techniques have been developed to address contamination in each of these media. The type of cleanup selected is based on situation-specific considerations such as type of exposure, amount of contamination, depth (in soil) to groundwater, and extent of risk to human health or the environment. Additional cleanup might be necessary during the demolition phase to address issues such as asbestos or lead-based paint in old structures.

What are Environmental Covenants?

In cases where the cleanup does not remove or address all of the contamination at the property to the most stringent of standards (e.g., for residential or unrestricted use), Environmental Covenants (ECs) may be required as part of the cleanup. ECs are legally enforceable restrictions, conditions, or controls that limit or prevent the use of the property, ground water, or surface water so that future exposure to contamination can be prevented or minimized.



The Toxics Cleanup Program designed a “bay-wide” or geographic approach to cleanup Puget Sound Initiative Sites. This is allowing faster cleanups than the traditional site-by-site cleanup method.

Figure 1: Steps in the MTCA Cleanup Process. Consult the rules for specific requirements for each step in the cleanup process found in chapter 173-340 WAC.



Activities and Available Tools

Types of Cleanups for Contaminated Sites

The type of cleanup required at a site depends on a number of factors. These factors include location, type and amount of contaminant(s) present, how widespread and deep the contamination is and the intended future use.

The most common types of cleanups include removal or treatment of contaminated soil, capping and/or covering the contaminated area, and cleaning up groundwater. However, additional methods for mitigating risks at contaminated sites include the use of ICs (see FAQ above) and engineering controls. U.S. EPA has published a compendium on cleanup options that can be found at <http://www.epa.gov/tio/download/misc/roadmap3edition.pdf>.

Engineering controls are constructed parts of a cleanup that act to cover (i.e., “cap”) or limit exposure to residual contamination at the property. Engineering controls include soil, asphalt or concrete cover systems over residual contamination, and the use of fences. In some cases, contamination at depth can be “capped” by a newly constructed building or roadway.

Because the amount of cleanup needed can be highly dependent on future use, it is very important to thoroughly assess the property in the early planning stages of your project. The assessment information may allow you to design appropriate but cost effective cleanup options that can be incorporated into the redevelopment process.

The Kendall Yards redevelopment along the Spokane River in Spokane will connect to the downtown and provide residential and retail space.



Step 5: Make the Vision a Reality

By working through Steps 1 through 4, you have quantified the environmental concerns at your site. You have either addressed those environmental concerns through cleanup or institutional controls, or you have documented them for a future developer to address as part of later development. Assessment is complete; actions were taken, or plans were developed for resolving unacceptable environmental risks. The property is ready for redevelopment.

Now that you have resolved the initial challenges associated with the environmental aspects of the site, you can turn your attention to the final steps. You may be marketing your now-clean property, trying to ensure a good return on your investment, and doing your best to attract the right developer. You will face the challenges inherent in any development project, such as providing appropriate infrastructure, but you also need to convince future buyers and occupants that the site is safe for their use.

You may be redeveloping the property yourself instead of seeking to sell it to a developer. In this case, return on investment is not necessarily a primary driver, but you will still need to address infrastructure. You will also need to convince future occupants or users that the site is safe for their reuse.

On the other hand, you may have decided not to clean up the property yourself, but instead to market it for simultaneous cleanup and redevelopment. This is most likely to be successful when contamination at the property has been quantified and final cleanup costs can be determined with certainty.



Rainier Court in Seattle is reclaiming seven acres of contaminated land for affordable housing, commercial space and pedestrian activity.

If my property has a deed restriction, institutional control, or environmental covenant incorporated into the environmental risk management plan, how will this impact the marketing and redevelopment of the site?

If your site is safe for reuse but has a deed restriction, developers and occupants will need to be made aware that in certain areas some uses are either prohibited (i.e., growing vegetables is not permitted) or require special consideration (i.e. excavation below 6 feet requires a soil management plan). Developers will need this information to formulate the best plan for reuse of the property. Potential owners or occupants need this information so that they can safely use the property and so they can fulfill any ongoing obligations associated with the deed restriction.

What information generated during assessment and cleanup work will developers, lenders, and potential occupants request during the development stage, and how should the information be presented?

At a minimum, most developers, lenders and potential occupants will want to be assured that the site has been appropriately cleaned up and closed out of the state and/or federal cleanup programs. They also may be interested in reviewing the closeout report and having a copy of the site closure letter received from the state. Other documents of interest may include the AAI (*All Appropriate Inquiries*) report, assessment reports, and documentation of remediation activities. Ecology retains copies of these documents in files for public to review. You also may want to set up an information repository in a local library to facilitate review.

What role, if any, will local, state or federal environmental staff have during the redevelopment phase?

You should ask this question as you access specific resources to assist you with redevelopment. The answer is highly dependent on site specifics and local resources that have been accessed to assist in redevelopment. You also should check with Ecology to determine whether redevelopment of the property may trigger any further state involvement.

Technical Assistance Resources for Cleanup

Site Information

Find Known Sites in Your Community

Ecology uses the Integrated Site Information System (ISIS) to prioritize its work and track progress in cleaning up contaminated sites. The ISIS Web reporting portal provides a selection of standard reports and the ability to quickly and easily retrieve a subset of data for a particular area of interest.

Search for contaminated sites at <https://fortress.wa.gov/ecy/tcpwebreporting/>.

View the Site Register at http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html.

The Harris Avenue Shipyard site is located in Bellingham. The Port plans to integrate sediment cleanup, control of pollution sources, habitat restoration and aquatic/shoreline land use on a bay-wide scale.



Contact:

Linda Thompson
WA State Dept. of Ecology
PO Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-6069
E-mail: ltho461@ecy.wa.gov

Assessment and Cleanup

Department of Ecology Toxics Cleanup Program

The Toxics Cleanup Program website includes a current list of cleanup policies and guidance documents:

<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

Assessing risk and determining MTCA cleanup levels:

<http://www.ecy.wa.gov/programs/tcp/tools/toolmain.html>

Current MTCA rule and focus sheets:

http://www.ecy.wa.gov/programs/tcp/regs/reg_main.html

Contact:

Charles San Juan
WA State Dept. of Ecology
Headquarters PO Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-7191
E-mail: csan461@ecy.wa.gov

Site Specific Cleanup Information

Contact the Ecology Regional Offices

Northwest Regional Office

◆ Counties: Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom
Phone: (425) 649-7000 or (800)833-6388 (TTY)

Southwest Regional Office

◆ Counties: Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Skamania, Thurston
Phone: (360) 407-6300 or (800) 833-6388 (TTY)

Central Regional Office

◆ Counties: Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima
Phone: (509) 575-2490 or (800) 833-6388 (TTY)

Eastern Regional Office

◆ Counties: Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman
Phone: (509) 329-3400 or (800) 833-6388 (TTY)

Pre-payment Agreements

These agreements are voluntarily requested by persons who want Ecology's assistance in cleaning up their site. The remedial actions are conducted under an agreed order or consent decree that is negotiated between the potentially liable person and Ecology. Persons requesting a prepayment agreement will pay some or all of the costs of Ecology's oversight up front, rather than having Ecology recover costs later.

Contact:

Michael Feldcamp or appropriate Ecology Regional Office
(360) 407-7531; mfel461@ecy.wa.gov

Clarifying Liability

Prospective Purchaser Agreements: State Program

The Office of the Attorney General and the Department of Ecology may enter into a settlement with a person who proposes to purchase, redevelop, or reuse a contaminated property. Criteria for these agreements include:

- ◆ Agreement will expedite remedial action consistent with MTCA rules
- ◆ Redevelopment or reuse of the property is unlikely to contribute to the existing contamination, to interfere with remedial actions that may be needed at the site, or to increase health risks to persons at or in the vicinity of the site
- ◆ The primary purpose of the agreement is to promote the cleanup and reuse of vacant or abandoned commercial or industrial contaminated property
- ◆ The Office of the Attorney General and The Department of Ecology may give priority to settlements that will provide a substantial public benefit

Contact:

Michael Feldcamp or appropriate Ecology Regional Office
Phone: (360) 407-7531
E-Mail: mfel461@ecy.wa.gov

State Liability Covenants Not To Sue

Under state law, when ownership or operation of property is transferred, any covenant not to sue and contribution protection given to the prior owner or operator will automatically apply to successor owners and operators within certain constraints.

Contact:

Pete Kmet or appropriate Ecology Regional Office
(360) 407-7199; pkem461@ecy.wa.gov

Groundwater Plume

State law provides an exemption from liability for owners of property that overlies a contaminated groundwater plume if (a) the property is not a source of the contamination *and* (b) the owners do not contribute to the release of contamination. Certain conditions concerning access and institutional controls must also be met.

Contact:

Pete Kmet or appropriate Ecology Regional Office
(360) 407-7199; pkem461@ecy.wa.gov

Lender Liability Exemption

Federal and state laws grant lenders an exemption from liability for remedial actions while those lenders hold an ownership interest in a facility, primarily to protect a security interest. Note, however that there are some different criteria to meet for the federal vs. the state lender liability exemption. Check online at <http://www.epa.gov/swerosps/bf/gdc.htm>.

Contact:

Pete Kmet or appropriate Ecology Regional Office
(360) 407-7199; pkem461@ecy.wa.gov

Municipal Immunity from CERCLA and MTCA Liability for Involuntary Acquisitions

The federal and state cleanup laws provide exemptions for municipal governments that acquire property through involuntary acquisitions, such as bankruptcy or foreclosures.

Contact:

Pete Kmet or appropriate Ecology Regional Office
(360) 407-7199; pkem461@ecy.wa.gov

Private Right of Action

State law gives a person cleaning up contaminated property the authority

to file a lawsuit to seek recovery of the cleanup costs from other potentially liable persons. To recover costs, the person must show that the cleanup is the substantial equivalent of a department-conducted or department-supervised remedial action.

Contact:

Michael Feldcamp or appropriate Ecology Regional Office
(360) 407-7531; mfel461@ecy.wa.gov

Permitting Assistance

The Governor's Office of Regulatory Assistance can help you navigate through any permitting requirements needed for your project. See <http://www.ora.wa.gov/resources/default.asp>.

Contact:

(800) 917-0043; help@ora.wa.gov

Technical Assistance for Planning and Economic Development

The Department of Commerce

The Department of Commerce's mission is to invest in Washington's communities, businesses and families to build a healthy and prosperous future. The agency administers a variety of programs and services with federal, state, local and private funding. These programs support state and local efforts to:

- ◆ Attract, retain and expand business activities.
- ◆ Provide services for managing growth and energy resources.
- ◆ Increase international trade and tourism.
- ◆ Develop affordable housing, community facilities and infrastructure.

◆ Provide support services for vulnerable populations to assist them in times of crisis.

◆ Help them achieve self-sufficiency.

In addition to its business services, Commerce is organized into six program divisions:

Community Services builds and supports partnerships that strengthen the health, safety, self-reliance and economic vitality of individuals and families.

International Trade and Economic Development works with local, regional and statewide leaders to attract and expand business activity to keep Washington's economy vital and diverse in a global marketplace.

Energy provides leadership and analysis to further wise policy decisions for a safe, affordable and environmentally sound energy future.

Housing invests in creating and preserving sustainable, affordable housing for low income households and people with special needs. Programs also assist vulnerable families and individuals with services to meet their basic housing needs.

Public Works Board oversees investment of state and federal funds in local infrastructure improvements to ensure the health, safety and economic vitality of our communities. Projects include roads, bridges, drinking water supply; and storm water, solid waste and sewer management systems.

Local Government helps local communities make their long-range plans a reality by providing growth planning expertise and funding for infrastructure improvements and protecting the environment.

Key Programs Related to Brownfields:

Downtown Revitalization Program

Contact:

*Susan Kempf, Program Manager
(360) 725-4056; susank@cted.wa.gov*

Bond Cap Allocation Program

Contact:

*Liz Green-Taylor, Program Manager
(360) 725-5021; ElizabethT@cted.wa.gov*

Community Development Block Grant

Contact:

*Kaaren Roe, Program Manager
(360) 725-3018; KaarenR@cted.wa.gov*

Small Communities Initiative

Contact:

*Cathi Read, Program Manager
(360) 725-3016; CathiR@cted.wa.gov*

Commerce has a variety people, information and resources. For more information, view Commerce's

Agency Resource Guide

<http://cted.wa.gov/UPLOADS/agencyresource/CTED2009ResourceBook.pdf>

Albers Mill along the Thea Foss waterway in Tacoma was adapted for reuse as condominium lofts, art galleries, and office space.



Non-Profits and Federal Agency Resources

The Environmental Coalition of South Seattle (ECOSS)

(a local organization)

ECOSS is a non-profit organization that works with Puget Sound neighborhoods toward building an environmentally responsible community. They serve as a voice for the community on issues that encourage a clean environment and urban redevelopment. Through education and outreach, ECOSS helps businesses and individuals — many of whom are not native English speakers — prevent pollution, conserve energy, manage hazardous materials and clean up contaminated properties.

Contact:

Emery Bayley
(206) 767-0432; emery@ecoss.org

The Northwest Environmental Business Council (NEBC)

(a local organization)

The NEBC is a non-profit organization for the voice of industry - advocating for science-based regulation, supportive policies and tax structures, the dissemination of knowledge, and the adoption of best practices. They host a Brownfields Forum, where professionals in the brownfields arena come together locally for events, networking, and information sharing.

Going beyond its roots in environmental protection and remediation, NEBC product and service members also work in waste and recycling, water supply, wastewater treatment, energy, land use and construction, “green” chemistry and manufacturing, greenhouse gas management, and related fields. This collection of sectors is now coming under the umbrella of “sustainability” or “clean technologies.”

Contact:

Lauren Stolzman, Regional Manager
(206) 232-0467; lauren@nebc.org

U. S. Environmental Protection Agency Brownfields Program

(<http://www.epa.gov/brownfields/>)

U.S. EPA provides grants to fund assessments and cleanups of Brownfield sites. Grants are also made to capitalize revolving loan funds to clean up Brownfield sites or fund job-training programs.

Think About...

using assessment grants to identify and prioritize Brownfield sites for redevelopment or quantifying the degree of cleanup needed to get the site “business ready.” Cleanup grants often need to be pooled with other cleanup funds unless the cleanup is minor. Non-profits such as urban renewal authorities are eligible recipients of cleanup grants.

EPA’s SMARTe

Sustainable Management Approaches and Revitalization Tools – electronic (SMARTe). SMARTe is an open-source, web-based, decision support system for developing and evaluating future reuse scenarios for potentially contaminated land. SMARTe contains resources and analysis tools for all aspects of the revitalization process including planning, environmental, economic, and social concerns.

www.smarte.org

ITRC Guidance Documents

Established in 1995, the Interstate Technology & Regulatory Council (ITRC) is a state-led, national coalition of personnel from the environmental regulatory agencies of all 50 states and the District of Columbia, three federal agencies, tribes, and public and industry stakeholders. The organization is devoted to reducing barriers to, and speeding interstate deployment of, better, more cost-effective, innovative environmental techniques. www.itrcweb.org

LEED for Neighborhood Development

The LEED for Neighborhood Development Rating System integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. Using the framework of other LEED rating systems, LEED for Neighborhood Development recognizes development projects that successfully protect and enhance the overall health, natural environment, and quality of life of our communities. The rating system encourages smart growth and new urbanist best practices, promoting the location and design of neighborhoods that reduce vehicle miles traveled and communities where jobs and services are accessible by foot or public transit. It promotes more efficient energy and water use — especially important in urban areas where infrastructure is often overtaxed. www.usgbc.org

PRISM Grant Management System

PRISM is an automated, grant management system that can be used over the Internet by applicants, sponsors, agencies, legislators, and the public. It provides: easy access to information, summary or detailed reports, online application submission and modifications, application

status information, quick viewing of contracts and billings, information is saved and backed up.

PRISM has two modules available to the public through the Internet: The Project Management Module and Monitoring Module. The project management module has automated the grant process. A person can apply for a grant online and view evaluations, contract documents, management reports, maps, and billing information. PRISM allows you to print maps of projects based on streams, counties, Water Resource Inventory Areas (WRIA), etc. www.rco.wa.gov/rco/prism/prism.htm

Center for Creative Land Recycling

The Center for Creative Land Recycling (CCLR or “see clear”) is a non-profit organization focused on creating sustainable communities by identifying and implementing responsible patterns of land use and development. Their mission is to encourage and facilitate land recycling in ways that revitalize urban areas, discourage urban sprawl, and conserve greenspace.

CCLR offers pro bono technical assistance in support of land recycling and brownfield redevelopment efforts for a range of diverse groups. Clients typically include municipalities, redevelopment agencies, nonprofit organizations, community groups, CDCs, and affordable housing developers.

This organization was awarded an EPA TAB Grant to provide free technical assistance and workshops to communities in EPA Regions 8, 9, and 10.

Contact:

Stephanie Shakofsky,
Executive Director
(415) 398-1080; stephanie.shakofsky@cclr.org

The National Brownfield Associations (NBA)

The NBA is a non-profit organization dedicated to promoting sustainable development and encouraging green building on brownfield sites. It is a trade association for government, businesses and individuals involved in the redevelopment of brownfields and the only group that represents the wide range of public and private sector brownfield stakeholders, among them, property owners, developers, investors, service professionals and elected officials. Its mission is carried out through three primary conduits: information, education and events.

Contact:

Jill Burgos, Chapters Coordinator
(773) 714-0407;
jill@brownfieldassociation.org

International City/County Management Association (ICMA)

(<http://www.icma.org/main/topic.asp?tpid=19&hsid=10>)

Since 1914, ICMA has offered a wide range of services to its members and the local government community. The organization is a recognized publisher of information resources ranging from textbooks and survey data to topical newsletters and e-publications. ICMA provides publications, data, information, technical assistance, and training and professional development to thousands of city, town, and county experts and other individuals on a variety of issues including redevelopment of contaminated properties.

THINK ABOUT...

using ICMA resource documents to gain additional knowledge on addressing and redeveloping contaminated properties.

National Association of Local Government Environmental Professionals (NALGEP)

(<http://www.nalgep.org/issues/brownfields/>)

NALGEP represents local government personnel responsible for ensuring environmental compliance and developing and implementing environmental policies and programs. Their Brownfields Community Network frequently sponsors webcasts aimed at empowering localities to revitalize their communities through the exchange of strategies, tools, and best practices for brownfields cleanup and reuse.

THINK ABOUT...

using NALGEP resources as a forum for exchanging lessons learned and expanding a community's knowledge base on a variety of redevelopment issues.

National Association of Development Organizations (NADO)

(<http://www.nado.org/rf/innocenters/brown.php>)

Since 2001, NADO has been dedicated to assisting regional development organizations across the country. Through their Research Foundation they have sought to raise awareness and examine issues related to contaminated property revitalization and redevelopment in small metropolitan areas and rural America. They have released a series of documents, all of which are available on their website, that specifically address reclaiming such properties in rural America. Their resource guide is highly recommended reading for brownfields stakeholders and can be found at <http://www.nado.org/pubs/rguide04.pdf>.

THINK ABOUT...

using NADO to identify potential resources specifically targeted to smaller municipalities and rural communities.

U.S. Department of Housing and Urban Development (HUD)

<http://www.hud.gov/offices/cpd/economicdevelopment/programs/rc/resource/brwnflds.cfm>

HUD provides block grants and competitive awards (targeted to state and local governments) for revitalizing entitlement communities, offers federally-guaranteed loans for large economic development and revitalization projects, typically in entitlement communities, provides priority status for certain federal programs and grants for HUD-designated Empowerment Zone or Enterprise Communities (targeted to 80 local governments with low-income or distressed areas), and provides options for meeting safe and affordable housing needs in developed areas.

The six applicable HUD programs listed below provide resources for the renewal of economically distressed areas sites:

- ◆ Community Development Block Grant Program
- ◆ Section 108 Loan Guarantee Program
- ◆ Brownfield Economic Development Initiative
- ◆ HOME Investment Partnership Program
- ◆ Empowerment Zones and Enterprise Communities Initiative
- ◆ Lead-Based Paint Hazard Control Grant Program

U.S. Department of Agriculture (USDA) Forest Service

<http://www.fs.fed.us>

The Forest Service provides technical assistance for projects in selected areas (targeted to EPA grantee, local governments, federal Empowerment Communities and Enterprise Zones) and offers technical and financial assistance for sustainable redevelopment and reuse projects (targeted to

state and local governments and community-based groups in Atlanta, Seattle, New York, Chicago, San Francisco, Los Angeles, Denver, Las Vegas, East St. Louis, South Florida (four county area), Philadelphia, Boston, and Buffalo).

Rural Development Agency (RDA)

<http://www.rurdev.usda.gov>

USDA provides grant, loan, and loan guarantee assistance for a variety of business, commercial, and industrial projects in small towns and rural areas, supports the installation and improvement of critical infrastructure needed to support economic development, and helps finance the construction of key public facilities, e.g., sewer systems, firehouses, etc., that can support property revitalization efforts.

THINK ABOUT...

using USDA/RDA resources to meet various project needs within the context of small town or rural needs—real estate acquisition, cleanup, demolition, working capital, water and sewer system improvements, supportive community facilities.

U.S. Department of Commerce Economic Development Administration (EDA)

<http://www.eda.gov/Research/Brownfields.xml>

EDA funds infrastructure enhancements in designated redevelopment areas or economic development centers that serve industry and commerce, provides planning grants, offers revolving loan funds and loan guarantees to stimulate private investments.

THINK ABOUT...

using EDA to address cleanup and site preparation needs at reviving industrial areas; street, utility, port, and other infrastructure needs at project sites; site revitalization planning and site marketing.

Small Business Administration (SBA)

(<http://www.sba.gov>)

SBA provides information and other non-financial technical assistance for redevelopment efforts, offers loan guarantees to support small businesses, and assists in developing management and marketing skills.

THINK ABOUT...

using loan guarantees to attract capital to small businesses once sites are clean; using CDCs to help underwrite and finance building expansions or renovations; using informational resources available to help with loan documentation and packaging.

U.S. Department of the Interior National Park Service (DOI)

(http://www.nps.gov/rtca/whatwedo/recent_innovations/wvd_ri_groundwork.html)

DOI provides technical assistance for planning, assessment, and conservation in urban areas, assists in acquisition of surplus federal lands, and offers technical assistance for community revitalization.

THINK ABOUT...

enhancing redevelopment projects with parks and open space amenities.

U.S. Department of Justice (DOJ) Weed and Seed Program

(<http://www.ojp.gov/ccdo/ws/welcome.html>)

DOJ's Brownfields Special Emphasis Initiative gives communities unsuccessful in seeking EPA funding a "second chance" to carry out initiatives aimed at site preparation and development, and community outreach and participation (targeted to Weed and Seed program grantees), advises and assists with the use of EPA Brownfields funds to clean up meth labs, and assists in crime prevention and improving the community climate through neighborhood restoration and crime prevention.

THINK ABOUT...

plugging key community involvement, reuse planning, cleanup, and project development financing gaps when other funding sources fall through; using community outreach services to address site and neighborhood safety issues that can stigmatize contaminated sites.

U.S. Department of Labor (DOL)

(<http://www.doleta.gov>)

DOL offers technical assistance linked to job training and workforce development in Brownfields Showcase Communities.

THINK ABOUT...

using training and workforce development services as a cash flow offset incentive to companies locating at brownfields sites.

U.S. Department of Transportation Federal Transit Administration (DOT)

(http://www.fta.dot.gov/funding/grants_financing_263.html)

DOT provides grants for transit capital and maintenance projects, offers discretionary capital grants for new fixed guideway transit lines, bus-related facilities, and new buses and rail vehicles, funds transportation and land-use planning, and promotes delivery of safe and effective public and private transportation in non-urban areas.

THINK ABOUT...

enhancing site marketability with transit access; planning for and cleaning up sites used for transportation purpose; identifying contaminated sites for stations, lots, and other transit purposes.

U.S. Department of Transportation Federal Highway Administration (FHWA)

(http://www.fhwa.dot.gov/environment/bf_disc.htm)

FHWA provides funds that can be used to support eligible roadway and transit enhancement projects related to property redevelopment, targeted to state and local governments and metropolitan planning organizations.

THINK ABOUT...

using FHWA resources to cover some cleanup, planning and/or development costs, freeing up resources for other purposes; reconfiguring or modernizing roads or other transportation infrastructure to make them more complementary to site reuse opportunities, or to provide transportation related access or amenities that enhance site value.

U.S. Department of Treasury Oversight of various tax incentives

(<http://www.treas.gov/press/releases/po3060.htm>)

The Department of Treasury offers tax incentives to leverage private investment in contaminated property cleanup and redevelopment targeted to private sector entities.

THINK ABOUT...

promoting the cash flow advantages of tax incentives; promoting the financial and public relations advantages of participating in contaminated property redevelopment to lenders; tapping into programs to expand capital access for small businesses that could locate at a redevelopment site.

The former Lucky Brewery site, now apartments in downtown Vancouver, has helped revitalize the city center along with Esther Short Park. Photos courtesy of City of Vancouver.



Federal Housing Finance Board (FHFB)

(<http://www.fhfb.gov/Default.aspx?Page=44&Top=3>)

FHFB funds community-oriented mortgage lending for targeted economic development funding. Funds are targeted toward a variety of site users and can be accessed through banks. FHFB subsidizes interest rates and loans to increase the supply of affordable housing and funds the purchase of taxable and tax-exempt bonds to support redevelopment.

THINK ABOUT...

using FHFB to attract more lenders to specific cleanup and redevelopment projects.

General Services Administration (GSA)

(http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_OVERVIEW&contentId=10033&noc=T)

GSA works with communities to determine how underused or surplus federal properties can support revitalization.

THINK ABOUT...

incorporating former federal facilities into larger projects, to take advantage of site assessment resources.

National Oceanic and Atmospheric Administration (NOAA)

(<http://brownfields.noaa.gov/htmls/about/siteindex.html>)

NOAA provides technical and financial assistance for coastal resource protection and management, funds workshops in Showcase Communities on contaminated property redevelopment-related coastal management issues, and coordinates a new "Portfields" initiative (initially targeted to port areas in New Bedford, MA, Tampa, FL, and Bellingham, WA).

THINK ABOUT...

planning for a revitalized waterfront and restoring coastal resource; linking port revitalization needs with broader economic development purposes; linking site design needs at contaminated waterfront properties to end use planning.

U.S. Department of Defense Army Corps of Engineers (USACE)

(<http://hq.environmental.usace.army.mil/programs/brownfields/brownfields.html>)

USACE executes projects emphasizing ecosystem restoration, inland and coastal navigation, and flood and storm damage reduction that may be contaminated property-related, and provides technical support on a cost-reimbursable basis to federal agencies for assessment and cleanup activities.

THINK ABOUT...

requesting assistance from the Corps for project planning in waterfront situations; defining Corps-eligible projects like riverbank restoration can enhance property revitalization efforts.

U. S. Department of Defense (DOD) Office of Economic Adjustment

(<http://www.oea.gov/>)

DOD provides extensive information on redevelopment of closed military base properties. Models developed may be useful to other types of contaminated property and community stakeholders.

Office of Energy Efficiency and Renewable Energy/Center of Excellence for Sustainable Development

(<http://www.smartcommunities.ncat.org/>)

This DOE office serves as a resource center on sustainable development, including land use planning, transportation, municipal energy, green building, and sustainable businesses.

Office of Building Technology, State and Community Programs (BTS)

(www.eren.doe.gov)

BTS works with government, industry, and communities to integrate energy technologies and practices to make buildings more efficient and communities more livable. The resources available through BTS can help ensure that contaminated property cleanups are connected to energy efficiency and sustainable redevelopment.

Tax Increment Financing (TIF): A Brief Overview

One approach to financing the cleanup and redevelopment of contaminated properties is the creation of a tax increment financing (TIF) district. TIF is a financing technique wherein bonds are issued to fund redevelopment and the bondholders are repaid through the new or incremental tax revenues generated by new construction/development. Usually, urban renewal authorities and downtown development authorities have the ability to create a TIF district.

For example, suppose a municipality creates a TIF district to facilitate redevelopment of several adjacent properties, including aging and vacant industrial buildings and former rail yards. Once the properties within the TIF district are redeveloped, property values will increase, which re-

sults in increased tax revenues. Property tax revenues from the TIF district are split into two revenue streams:

1. The first stream (base) is equal to the “As-Is” property tax revenues without redevelopment and goes to the same city, county, school district, and other taxing entities (the base is allowed to increase with the market over time).
2. The second stream (increment) is the net increase in property taxes resulting solely from new development. The increment can be used to fund the redevelopment through Tax Increment Financing, which diverts the increment revenues to pay for annual debt service on construction bonds.

For more information about TIF in Washington visit:

<http://www.mrsc.org/subjects/econ/ed-revitalization.aspx>



An oil sheen on the Thea Foss Waterway before cleanup.

Appendices

Appendix A: Brownfields Funding Overview

Source	Name	Eligibility
Department of Ecology	Oversight Remedial Action Grant	<p>Local government that is a PLP or PRP at a hazardous waste site or the owner of a site but not a PLP or PRP. One of the following standards must also be met:</p> <ul style="list-style-type: none"> • Ecology requires conduct remedial action under a decree or order; 2) EPA requires the applicant to conduct remedial action under an order or decree; or 3) the applicant has signed an order or decree requiring a PLP other than the applicant to conduct a remedial action at a landfill site. The applicant must have also entered into an agreement with the PLP to reimburse the PLP for a portion of the remedial action costs incurred.
	Independent Remedial Action Grant	<ul style="list-style-type: none"> • Local governments that own contaminated property. • Local governments can also receive a grant if they are potentially liable for contamination at a site they do not own • Applicant must have received a written determination of no further action issued by Ecology
	Integrated Planning Grant	<ul style="list-style-type: none"> • Local governments looking to gather more information about a property or area in the community.

Eligible Costs	Match Requirements and Funding Caps	How to Apply
<ul style="list-style-type: none"> • Remedial Investigations • Feasibility Studies • Remedial Designs • Pilot Studies • Interim Actions • Cleanup Actions • Cleanup Action Plans • Landfill Closures • Operating costs and maintenance during first year of cleanup • Certain retroactive costs 	<p>50 %</p> <p>A local government in a county that is defined as economically disadvantaged may receive a 25% additional funding.</p> <p>Funding award is negotiable.</p> <p>Grant match may be altered if funding would:</p> <ul style="list-style-type: none"> • Prevent unfair economic hardships imposed by cleanup liability • Create new substantial economic development, public recreation, or habitat restoration • Create an opportunity for acquiring and redeveloping vacant, orphaned, or abandoned property. 	<p>Once an order or decree has been issued to a local government, it has 60 days to apply for a grant.</p> <p><i>Diane Singer, 360-407-6067</i> <i>Lydia Lindwall, 360-407-6067</i> Solid Waste and Financial Assistance Program Remedial Action Grants Department of Ecology P.O. Box 47600 Olympia, WA 98504-7600</p>
<ul style="list-style-type: none"> • Remedial Investigations • Feasibility Studies • Remedial Designs • Pilot Studies • Interim Actions • Cleanup Actions • Capital costs of long-term monitoring • Operating costs and maintenance during first year of cleanup 	<p>50%</p> <p>Eligible project costs for these grants cannot exceed \$400,000.</p> <p>This grant has a funding cap of \$200,000</p> <p>If the local government qualifies as an economically disadvantaged community the grant match is 25% with a funding cap of \$300,000, and eligible costs of \$400,000.</p> <p>Grant match alterations listed above also apply to Independent Remedial Action Grants.</p>	<p>A local government must have entered into the VCP and received an NFA. Application to VCP must be submitted within 60 days of receipt of NFA.</p> <p><i>Diane Singer, 360-407-6067</i> <i>Lydia Lindwall, 360-407-6067</i> Solid Waste and Financial Assistance Program Remedial Action Grants Department of Ecology P.O. Box 47600 Olympia, WA 98504-7600</p>
<ul style="list-style-type: none"> • Administrative Project Management fees • Scope Development • Budget and Financial Planning • Conceptual Site Design • Initial Stakeholder Agreements • Boundary Survey • Title Reports • Cultural Review • ASTM Phase I • ASTM Phase II • Contractor Fees • Habitat Assessment and Survey • Sampling and Analysis 	<p>No Match</p> <p>May pay eligible costs of up to \$200,000</p>	<p>There is no set application period. You may apply at any time.</p> <p><i>John Means, (360) 407-7188</i> Toxics Cleanup Program Department of Ecology P.O. Box 47600 Olympia, WA 98504-7600</p>

Source	Name	Eligibility
Dept. of Commerce	Revolving Loan Fund Loan (RLF Loan)	<p>Borrower Eligibility:</p> <ul style="list-style-type: none"> • The borrower is authorized to incur debt and enter into legally binding agreements. • The borrower has access to and control of the site or has a written agreement that the property owner will cooperate with the cleanup activities. • The borrower can demonstrate the financial ability to repay the loan in a timely fashion. • The borrower has not caused or contributed to the contamination at the site. • The borrower is not or has not been subject to any penalties for lack of compliance with environmental laws and regulations at the site subject to the loan. <p>Site Eligibility:</p> <ul style="list-style-type: none"> • The property is idled, underutilized or abandoned. • The property is identified on or under consideration to be added to the Washington State Department of Ecology Hazardous Sites List. • Sufficient planning time exists to complete non-time critical removal activities as defined in the National Contingency Plan (a cleanup response is not required within six months). • The cleanup response activities will take no longer than twelve months to complete. (The twelve-month period is initiated upon signing of the Action memorandum, which selects the cleanup action to be performed.) • The applicant did not cause or contribute to the contamination. • The applicant is not or has not been subject to any penalties for lack of compliance with environmental laws and regulations. • The property is located in the State of Washington.
EPA	Assessment Grants <ul style="list-style-type: none"> • Hazardous • Petroleum-Only • Community-Wide • Site-Specific • Coalition 	<ul style="list-style-type: none"> • Local Government • Land Clearance Authority • Government entity created by the State Legislature • Regional Council or group of General Purpose Units of Local Government • Redevelopment Agency sanctioned by a state • State
	Cleanup Grants <ul style="list-style-type: none"> • Hazardous • Petroleum 	<ul style="list-style-type: none"> • Local Government • Land Clearance Authority • Government entity created by the State Legislature • Regional Council or group of General Purpose Units of Local Government • Redevelopment Agency sanctioned by a state • States

Eligible Costs	Match Requirements and Funding Caps	How to Apply
<p>An example of cleanup activities covered by BRLF loan funds may include:</p> <ul style="list-style-type: none"> • security or site control precautions • drainage controls • capping of contaminated soils; • Site Containment • excavation, consolidation, or removal • removal of drums, barrels, tanks, or other bulk containers • containment, treatment, disposal, or incineration of hazardous materials; • alternative water supply where immediately necessary • site monitoring activities • public participation, worker health and safety, and interagency coordination requirements; • environmental insurance 	<p>Loan Terms</p> <ul style="list-style-type: none"> • Interest rates are fixed at or below the prevailing prime interest rate charged by the money center banks as quoted in the Wall Street Journal at time of loan commitment. • A loan fee of not more than two-percent of the loan may be charged. • Loans can range from \$10,000 up to \$425,000. Loans exceeding \$425,000 may be available, but must be considered and approved by the U.S. EPA. • The maximum loan term is five years. * Full repayment is required when the site has: been cleaned up, • the project is refinanced, or the project is sold. • All loans require collateral, which may include reasonable business and personal assets. <p>* Scheduled repayment is required during the term of the loan, and may be fully amortized, including principal and interest, or interest only.</p>	<p>The Brownfields Revolving Loan Fund requires that all cleanup actions be enrolled in the VCP program or other agreed upon Ecology program.</p> <p>You may apply to the RLF at any time.</p> <p><i>Dan Koroma, 360-407-7187,</i> Brownfields Program Coordinator Departments of Ecology and Commerce PO Box 47600 Olympia, WA 98506-7600</p>
<p>Inventory</p> <p>Characterize</p> <p>Assess</p> <p>Conduct planning and community involvement related to brownfield sites</p>	<p>No Match</p> <p>Apply for up to \$200,000 for hazardous substance sites. Waiver request available for up to \$350,000 in funding</p> <p>Up to \$200,000 for petroleum only site. Waiver request for up to \$350,000 in funding for petroleum only site</p> <p>Total grant fund requests should not exceed a total of \$400,000 unless such a waiver is requested.</p>	<p>EPA Brownfields grant competition opens annually in late summer to early fall. Announcements are made the following spring.</p> <p><i>Deborah D. Burgess, (360)753-9079</i> Project Officer Region 10 Brownfields Program 300 Desmond Drive, SE, Suite 102 Lacey, Washington 98503</p>
<p>Site Cleanup</p> <p>These funds may be used to address sites contaminated by petroleum and hazardous substances, pollutants, or contaminants (including hazardous substances comingled with petroleum)</p>	<p>Cleanup Grants require a 20 percent cost share, which may be in the form of a contribution of money, labor, material, or services, and must be for eligible and allowable costs.</p> <p>Up to \$200,000 per site – no entity may apply for funding cleanup activities at more than five sites.</p>	<p><i>Deborah D. Burgess, (360)753-9079</i> Project Officer Region 10 Brownfields Program 300 Desmond Drive, SE, Suite 102 Lacey, Washington 98503</p>

Appendix B: State Funding Resources

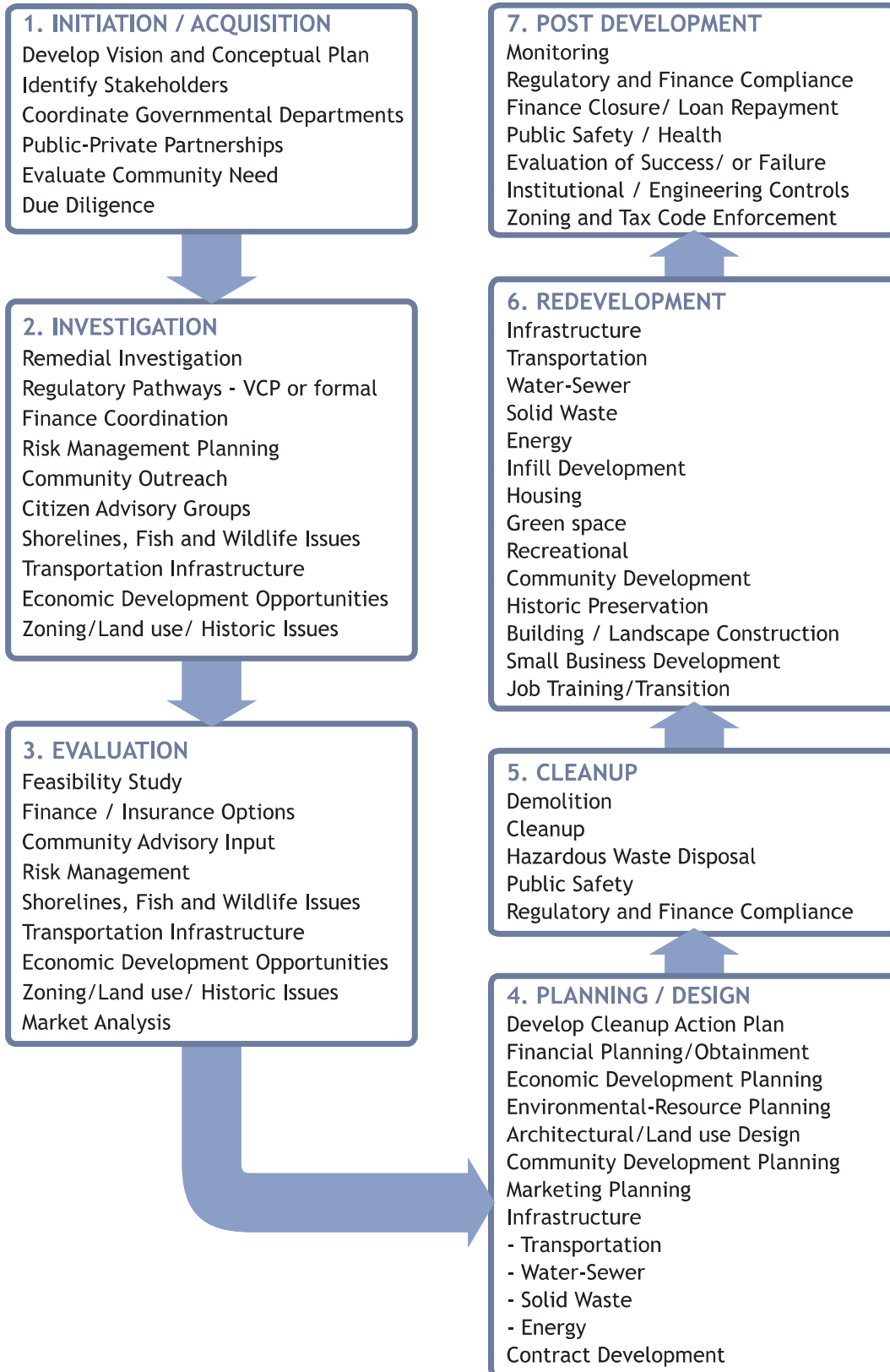
Assisting Agency/ Program	Grant	Loan	Tax Incentives	Technical Assistance	Rural	Urban	Phase I - Initiation	Phase II - Investigation	Phase III - Evaluation	Phase IV - Planning & Design	Acquisition	Phase V - Clean up	Phase VI - Redevelopment	Phase VII - Post Development	Monitoring
Department of Ecology															
Voluntary Cleanup Program				TA	X	X	X	X	X		X	X	X	X	
- Ecology Consultations				TA											
- Prepayment Agreement															
- Prospective Purchaser Agreement															
Centennial Clean Water Fund	G											X	X	X	
Water Pollution Control Revolving Loan Fund		L										X	X	X	
Clean Water Act Section 319 Nonpoint Source Pgrm.	G											X	X	X	
Remedial Action Grants	G				X	X		X	X			X			
- Oversight and Independent Remedial Action Grants	G				X	X			X			X		X	X
- Integrated Planning Grants	G				X	X	X	X	X	X	X				
- Safe Drinking Water Actions	G								X	X		X	X	X	X
- Meth Lab Site Assess and Cleanup Grants	G				X			X	X		X	X			
- Area-Wide Ground Water Remedial Action Grants	G				X	X		X	X	X		X	X	X	X
- Site Hazard Assessment grants	G						X	X							
Safe Soils Program	G														
Public Participation Grants	G				X	X	X			X					
Coastal Zone Management Master Planning Grants	G									X					
Washington State Public Works Board															
Public Works Trust Fund (PWTF) Infrastructure Loan Pgrm.															
- (PWTF) Planning Loan Program		L			X	X	X	X	X	X	X				
- (PWTF)-Pre Construction Program		L			X	X			X	X	X				
- (PWTF)- Construction Program		L			X	X							X		
- (PWTF) Capital Facilities Planning Program		L			X	X				X					
- (PWTF) Emergency Loan		L			X	X						X			
Drinking Water State Revolving Fund		L			X	X				X	X		X		
Washington State Recreation and Conservation Office															
Boating Facilities Program		G			X	X				X	X		X		
Firearms and Archery Range Recreation Program		G			X	X					X	X	X		
National Recreational Trails Program		G			X	X							X	X	
Non-highway & Off-road Vehicle Activities Program		G			X	X				X				X	X
Washington Wildlife and Recreation Program											X				
- Aquatic Lands Enhancement Account (ALEA) Grant		G			X	X					X		X		
- Land and Water Conservation Fund		G											X		
- Farmland Preservation Program		G			X						X				

Assisting Agency/ Program	Grant	Loan	Tax Incentives	Technical Assistance	Rural	Urban	Phase I - Initiation	Phase II - Investigation	Phase III - Evaluation	Phase IV - Planning & Design	Acquisition	Phase V - Clean up	Phase VI - Redevelopment	Phase VII - Post Development	Monitoring
Salmon Recovery Grant Programs		G			X								X		
Family Forest Fish Passage Program		G											X		
Washington State Transportation Improvement Board															
Urban Arterial Program (UAP)		G				X				X			X		
Urban Corridor Program (UCP)		G				X				X			X		
Sidewalk Program (SP)		G				X				X			X		
Small City Arterial Program (SCAP)		G			X					X			X		
Small City Preservation Program (SCPP)		G			X					X			X		
Small City Sidewalk Program (SCSP)		G			X					X			X		
Department of Commerce															
Community Development Block Grant	G														
- General Purpose Grant	G				X						X	X	X	X	
- Planning Only Grant	G				X		X	X	X	X					
- Float Loan	G	L			X								X		
- Float Funded Activity Grant (Flexible)	G				X		X	X	X	X	X	X	X	X	
- Imminent Threat Grant	G				X							X			
- Community Investment Fund Grant	G			TA	X							X	X		
- Housing Trust Fund	G			TA	X						X		X		
- Housing Enhancement Grant	G				X		X	X	X	X		X			
- Housing Rehabilitation Grant	G				X					X			X		
- Public Services Grant	G				X								X		
- HUD Section 108		L			X						X	X	X		
- Loan Portfolio		L			X								X		
- Rural Washington Loan Fund (Flexible)		L			X		X	X	X	X	X	X	X	X	
Child Care Facility Fund	G	L			X	X			X		X	X	X	X	
Child Care Micro Loan Fund		L			X	X			X	X		X	X	X	
Minority and Women-Owned Business Loans		L			X	X	X	X	X	X	X	X	X	X	
Coastal Loan Fund and Tech Assist Loan		L		X	X	X	X	X	X	X		X	X		
Forest Products Revolving Loan Fund		L			X						X		X		
Brownfields Revolving Loan Fund		L		X	X	X	X	X	X	X	X	X	X		
Small Business Administration Loans and Loan Guarantees		L			X	X							X	X	
Community Economic Revitalization Board (CERB)															
- CERB Traditional Program		L			X					X			X		
- CERB Rural Program		L			X					X			X		
- Local Infrastructure Financing Tool (LIFT)		L	T												
Downtown Revitalization, Main Street, Shopping District				TA			X			X	X		X	X	
Short Course on Local Planning- Variety of Topics				TA			X			X				X	

Assisting Agency/
Program

	Grant	Loan	Tax Incentives	Technical Assistance	Rural	Urban	Phase I -Initiation	Phase II - Investigation	Phase III - Evaluation	Phase IV - Planning & Design	Acquisition	Phase V - Clean up	Phase VI - Redevelopment	Phase VII - Post Development	Monitoring
Capital Facilities Grants- the Arts, Communities, Youth Recreation, Jobs	G				X	X							X		
Energy- Renewables and Conservation Tax Incentives			T	TA											
Business Tax Incentives- VARIETY			T												
Community Empowerment Zone (tax credits)			T										X		
Small Business Development Centers				TA										X	
Washington State Housing Finance Commission															
Low Income Housing Tax Credit Program			T												
Washington State Department of Transportation															
WSDOT Local Programs Division															
TEA-21 Surface Transportation Program Enhancements	G				X	X		X	X	X	X			X	
Public Lands Highway Program	G				X	X							X		
Scenic Byway Program	G			TA	X	X				X			X		
Forest Highway Designation Program	G				X		X						X		
Congestion Mitigation Air Quality Improvement	G				X	X							X		
Safe Routes to School Grants	G				X	X								X	
Regional Mobility Grant					X	X				X	X		X		
Pedestrian and Bicycle Safety Program	G				X	X								X	
Transportation Design Charettes				TA	X	X				X					
Department of Archaeology and Historic Preservation															
Historic Preservation Fund	G				X	X	X			X	X		X		
Inventory of State Infrastructure Programs- Assoc of Wash. Cities															
Infrastructure Funding Opportunities	G	L	T	TA	X	X	X	X	X	X	X	X	X	X	X
Land Trusts															
Trust for Public Land- Washington Initiatives															
Puget Sound Shorelines															
Living Landscapes of Northcentral Washington															
Neighborhood Parks															
Land Trust Alliance- Washington Association of Land Trusts															
Washington Conservation Commission															
Habitat Restoration, Land Acquisition grants - Clearinghouse															

Appendix C: Model Redevelopment Process in Washington



The Cleanup Process Under MTCA

Site Discovery

Those who discover contaminated sites must report them to Ecology's Toxics Cleanup Program within 90 days. At this point, potentially liable persons may choose to conduct an independent cleanup without Ecology's help. They must, however, report cleanup results to Ecology. Potentially liable persons do independent cleanups at their own risk. Ecology may require additional cleanup actions at any time to bring these sites into compliance with state standards.

Initial Investigation

Ecology or a jurisdictional health department conducts an initial investigation of the site within 90 days of receiving a site discovery report. Based on information obtained about this site, a decision must be made within 30 days to determine if the site requires additional investigation, emergency cleanup, or no further action. If further action is needed, a local health department might conduct a more in-depth site hazard assessment (SHA) at the site.

Site Hazard Assessment

If a site needs additional investigation after the initial investigation, Ecology or a jurisdictional health department conducts a SHA. The SHA will confirm the presence of hazardous substances and determine the relative risk the site poses to human health and the environment. Only local health departments or districts may do this work for Ecology and receive SHA grants. The purpose of the SHA is to rank the site's risk relative to other sites Ecology has investigated.

Hazard Ranking

The Model Toxics Control Act requires that Ecology rank the sites according to the relative health and environmental risk each site poses. Ecology worked with the Science Advisory Board to create the Washington Ranking Method, which categorizes sites using data from the site hazard assessments. Sites are ranked on a scale of one to five. A score of one represents the highest level of risk relative to the other sites on the list; a score of five represents the lowest relative risk. Ranked sites are placed on the state Hazardous Sites List.

Remedial Investigation/Feasibility

A remedial investigation and feasibility study is needed to define the extent and magnitude of contamination at a site. The study also evaluates all potential impacts on human health and the environment and considers alternative cleanup technologies. The reports completed in this phase are subject to a public review and comment period.

Selection of Cleanup Action Site Cleanup

Using information gathered during the remedial investigation and feasibility study, the responsible party selects a preferred cleanup plan from the alternatives developed. The plan identifies the selected cleanup methods and specifies cleanup standards and other requirements the site must meet. Before the parties involved can carry out the selected remedy, it is subject to a public review and comment period.

Site Cleanup

Putting the cleanup action plan into play begins with design of the action. Following that come construction, operation, and monitoring. After cleanup is complete and Ecology determines cleanup standards have been met, it may take a site off the Hazardous Sites List. Some sites require long-term monitoring to determine the effectiveness of the cleanup. It may take as little as six months or any number of years to establish that a site is “clean.”

Ecology's Pathways to Achieving Site Closure

