

# Voluntary Cleanup Program — Expedited VCP process



If you're ready, we're ready.

For qualifying independent cleanups, the Expedited VCP process will:

- Provide a dedicated VCP cleanup project manager to advise and assist customers on MTCA's administrative and technical requirements.
- Provide prompt written opinions on whether proposed or completed remedial actions meet MTCA requirements, or if further steps are necessary.
- Continue to encourage the use of model remedies, where appropriate.

The Expedited VCP process is self-sustaining. Customers must pay all costs incurred by Ecology in providing requested advice and assistance. Ecology may waive some costs for cleanups that provide affordable housing.

## New Expedited VCP process available

In April 2019, the state legislature passed SHB 1290 authorizing a new Expedited Voluntary Cleanup process for qualifying cleanups under the Voluntary Cleanup Program (VCP). Ecology rolled out the new process in July 2020.

### The problem

In the VCP, Ecology provides technical assistance on how to clean up sites and written opinions on the sufficiency of cleanups to people who voluntarily clean up contaminated properties (as authorized under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW).

Over the last several years, our capacity to review voluntary cleanups has not kept pace with demand. In strong real estate markets, demand can exceed our capacity to provide prompt assistance and review. Even during periods of slower economic growth, we have had steady demand for our services. In addition, real estate developers often need quick turnaround to meet compressed schedules.

To manage excess demand, we developed a wait list. This reportedly delayed or discouraged many independent cleanup and development projects. While we have taken steps to speed reviews, as of June 2020, there were more than 500 contaminated sites enrolled in the VCP, and more than 50 of those were on waiting lists.

### The solution

Establish a new, expedited review process — within the VCP. This process is self-sustaining and more responsive to the needs of developers working under compressed schedules. This will encourage and expedite more cleanup and redevelopment projects.

## How the Expedited VCP process works

The Expedited VCP process contributes to faster cleanup and redevelopment of contaminated properties. These cleanups are essential to the health and the economic prosperity of communities across the state.

- The new process will not divert funding or staff from other VCP projects. Ecology designed a self-sustaining process. Expedited VCP revenue will fund cleanup project managers dedicated to the Expedited VCP process.
- Cleanups under the Expedited VCP process have the same cleanup requirements as all cleanups in Washington.
- The Expedited VCP process does not guarantee a No Further Action determination for independent cleanups. It provides more efficiency and predictability of when Ecology will provide opinions.
- The Expedited VCP process has higher expectations, fees, and cost recovery rates to allow Ecology to deliver on expected timelines.

## The Expedited VCP process versus the Standard VCP process

VCP applicants now have the option of enrolling in either the Standard or Expedited VCP process.

- **Standard VCP process:** Ecology has not changed the Standard VCP process. Customers continue to pay only a portion of Ecology's costs and the recovered costs are still deposited into the MTCA accounts.
- **Expedited VCP process:** Customers must pay *all* of Ecology's costs, including a nonrefundable application fee. Revenue is deposited into a separate Voluntary Cleanup Account. Starting in July 2021, the Expedited VCP process will fund itself. Customers must also make several commitments to improve program efficiency and help Ecology provide opinions in a predictable timeframe. For example, customers must provide a cleanup schedule and a complete remedial investigation report with the application.

Under *either* process, Ecology can waive VCP review costs when affordable housing is the end use of the cleanup project. To ensure such housing is developed, Ecology may file a lien against the real property or use other means.

## What's next?

- As authorized under MTCA, the Expedited VCP process will operate under "interpretive guidance" until we complete a formal rulemaking process. We anticipate starting that process in 2021.
- We will monitor revenue, seek feedback from customers, and track how long it takes Ecology to provide opinions in the Expedited VCP process. We may adjust guidance, cost recovery rates, or fees to ensure that the Expedited VCP process funds itself and provides predictable timeframes for customers.

## More information

For more information about our Voluntary Cleanup Program and the Expedited VCP process:

- Visit the [Voluntary Cleanup Program webpage](#)<sup>1</sup>
- Sign up for the [Expedited VCP email list](#)<sup>2</sup>

## Special accommodations

To request ADA accommodation including materials in a format for the visually impaired, visit <https://ecology.wa.gov/accessibility> or call Ecology at 360-407-6872. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

<sup>1</sup> <https://ecology.wa.gov/Spills-Cleanup/VCP>

<sup>2</sup> <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=EXPEDITED-VCP&A=1>