

Focus on: Voluntary Cleanup Program



WHY IT MATTERS

Cleaning up and redeveloping contaminated properties is essential to the health and economic prosperity of our communities.

Increasing the availability of affordable housing is also vital to the welfare of our citizens.

Most cleanups are conducted voluntarily and independently by the owners of contaminated properties. These cleanups are usually driven and financed by the sale or redevelopment of the properties.

Under the Voluntary Cleanup Program (VCP), property owners can request technical assistance and written opinions on the sufficiency of their cleanups from Ecology. These “no further action” (NFA) opinions provide owners with regulatory closure. Buyers and lenders usually require NFA opinions when property owners sell or redevelop properties.

Proposed legislation

Ecology seeks authority to expedite reviews of contaminated property cleanups under the Voluntary Cleanup Program (VCP) and waive review costs when properties are redeveloped for affordable housing.

The problem

Under the VCP, Ecology is authorized to provide people who voluntarily clean up contaminated properties technical assistance and written opinions on the sufficiency of their cleanups. The VCP is authorized under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Over the last several years, Ecology’s capacity to review voluntary cleanups has not kept pace with demand. With today’s strong real estate market, demand is greater than ever before. And real estate developers often need faster reviews to meet compressed schedules.

To manage the excess demand, Ecology had to develop a wait list, which has delayed or discouraged many projects. While Ecology has taken steps to speed reviews, there are more than 800 contaminated sites enrolled in the VCP, and about 150 of those remain on waiting lists.

The need for affordable housing in our communities is critical. Using cleaned-up properties for building affordable housing can help relieve the pressures on public housing and preserve existing communities.

The solution

Establish a separate, expedited review process under the VCP that is self-sustaining and more responsive to the needs of real estate developers working under compressed schedules.

Encourage the development of affordable housing on cleaned-up properties by waiving review costs under the VCP.

Secure additional funding to support the VCP.

Voluntary cleanup and redevelopment



Figure 1: Location of contaminated sites in South Lake Union area of Seattle.



Figure 2: South Lake Union development. Seattle has the most cranes in the country.

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Special accommodations

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

Ecology's proposal

The proposed legislation would:

- Authorize Ecology to establish an expedited review process in the VCP, and conditions for requesting such reviews.
- Require Ecology to collect from VCP customers all costs of providing expedited reviews.
- Create a separate dedicated account in the state treasury to support the expedited review process. All expedited review fees would be deposited in the account. Moneys in the account could only be used to support the expedited process.
- Clarify Ecology's existing authority to collect all VCP costs, and to charge fees to collect those costs.
- Authorize Ecology to waive review costs when cleaned-up properties are used to build affordable housing.
- Allow Ecology to implement the expedited process and waiver using interpretive guidance until rules are adopted.

How it will work

By July 1, 2020, if funding is secured, Ecology would offer an expedited review process in the VCP and dedicate up to two staff to that process. Until permanent rules are adopted, Ecology would establish entry conditions and fee structures in interpretative guidance.

VCP customers would have the option of requesting either standard or expedited reviews. The standard review process would not change. Customers would continue to pay only some of Ecology's costs, and recovered costs would continue to be deposited in the MTCA accounts.

Those requesting expedited reviews would need to pay all of Ecology's costs and provide cleanup schedules. Expedited review fees would be deposited into the new Voluntary Cleanup Account. After the first biennium, expedited review staff would be entirely fee-supported.

Under either process, Ecology would waive its VCP review costs when affordable housing is built on the cleaned-up property. Ecology may require property use to be restricted when costs are waived.

How it will benefit Washington

Our proposal would facilitate the cleanup and redevelopment of more contaminated properties, which is essential to the health of our citizens and the economic prosperity of our communities. Our proposal would also encourage the development of more affordable housing in communities that have been impacted by contamination.

More information

For more information about our Voluntary Cleanup Program, visit: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>.