



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**September 17, 2002**

**Motion 11520**

**Proposed No.** 2002-0413.2

**Sponsors** Patterson

1           A MOTION approving the contaminated sites management  
2           work program in the solid waste division.  
3  
4

5           WHEREAS, Ordinance 14265 passed in November 2001 adopts King County's  
6           2002 annual budget and makes appropriations for the operation of county agencies, and

7           WHEREAS, Ordinance 14265, Section 92, provides that not more than one  
8           hundred fifty thousand dollars in total may be expended or encumbered by the solid  
9           waste division for selected brownfield remediation projects until the council adopts a  
10          motion that approves a work program to integrate brownfield projects and programs, and

11          WHEREAS, Ordinance 14265, Section 92, requires that the work program  
12          include: strategies for the integration of brownfield projects and programs; a staffing  
13          plan identifying the county staff to work on brownfields and the work program for each  
14          staff; identification of criteria for choosing brownfield sites; and performance measures  
15          to evaluate the success of the program;

16          NOW, THEREFORE, BE IT MOVED by the Council of King County:

**Motion 11520**

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17           The King County Contaminated Sites Management Program Business Plan dated  
18           May 8, 2002, Attachment A to this motion, is approved for the purposes of complying  
19           with the direction of Ordinance 14265, Section 92.

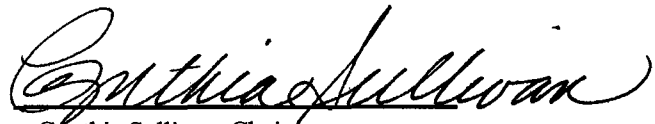
20           The contaminated sites management program staffing plan and brownfield  
21           projects prioritization criteria, contained in Attachment B to this motion, are approved for  
22           purposes of complying with the direction of Ordinance 14265, Section 92.

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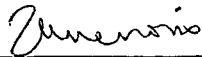
Motion 11520 was introduced on 9/9/2002 and passed by the Metropolitan King County Council on 9/16/2002, by the following vote:

Yes: 13 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Pullen, Mr. Gossett, Ms. Hague, Mr. Irons and Ms. Patterson  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Cynthia Sullivan, Chair

ATTEST:



\_\_\_\_\_  
Anne Noris, Clerk of the Council

**Attachments**       A. King County Contaminated Sites Management Program Business Plan, B. Contaminated Sites Management Program Staffing and Prioritization of Brownfields Project dated 9-10-02

**King County  
Contaminated Sites Management Program**

**Business Plan**

**May 8, 2002**

**Submitted to:  
King County Council  
Utilities Committee**

**Submitted by:  
King County Solid Waste Division**

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## **1.0 INTRODUCTION**

The Contaminated Sites Management Program will provide assistance in addressing assessment and cleanup issues at brownfields<sup>1</sup> and related sites. The services will be directed at controlling environmental hazards and returning the properties to productive uses. The objectives are to enhance the environment, provide for increased employment, reuse urban land, and add to County financial resources through increased sales of surplus property and increased revenues from property and sales taxes.

The Contaminated Sites Management Program will combine existing program elements that assist assessment and cleanup of contaminated sites with a new program element addressing County-owned and acquired properties. In summary, the program will consist of the following three elements:

- 1) Site Investigation and Remediation Services for County-owned and acquired property (proposed)
- 2) King County/City of Seattle Brownfields Showcase Community Program (existing)
- 3) Illegal Drug Lab Abatement Fund (existing)

The Contaminated Sites Management Program will not address highly contaminated sites that are regulated under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), also known as Superfund. Existing federal and state programs address these types of sites.

The Site Investigation and Remediation Services and the Brownfields Program elements share overlapping activities and objectives, while the Drug Lab Abatement Fund operates fairly independently. The following section provides general background information on program funding and operation. The specific types of services that are proposed under each element of the program are detailed in Section 3. Section 4 discusses program assumptions, strengths and challenges; and Section 5 details the program budget.

## **2.0 BACKGROUND**

The recent passage of the 'Small Business Liability Relief and Brownfields Revitalization Act' (Public Law 107-118) provides an exceptional opportunity for

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<sup>1</sup> The term Brownfields refers to abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

King County to increase County revenues and stimulate economic revitalization at contaminated properties. The Act, signed into law by President Bush on January 11, 2001, furthers the original U. S. Environmental Protection Agency (EPA) Brownfields Initiative through increased funding for environmental cleanups and reduced liabilities associated with contaminated properties.

Across the country, cleanup and redevelopment of contaminated properties under EPA's Brownfields Initiative has created thousands of jobs, particularly for residents of disadvantaged communities. Communities once impacted by brownfields now benefit through local workforce development and job training programs. Environmental assessments conducted through the Initiative have removed contamination and liability uncertainties from thousands of sites across the country, resulting in billions of dollars in cleanup and redevelopment funding leveraged from the private and public sectors. These redeveloped sites contribute to the local tax base.

King County currently manages the joint King County/City of Seattle Brownfields Showcase Community Program. The purpose of this program is to stimulate investment in the assessment, cleanup and redevelopment of contaminated sites. The program is funded with EPA grant funds and provides technical and financial assistance to private, public and nonprofit entities to assess, cleanup and redevelop contaminated brownfields.

The new brownfields legislation authorizes \$200 million in funding for fiscal years 2002 through 2006. Local government units, such as King County and the City of Seattle, are eligible to receive grants for up to \$200,000 per site for contamination characterization and assessment activities. In addition, the new legislation may grant local governments loans of up to \$1,000,000 per year for remediation of publicly owned property. A more detailed summary of the new legislation is included in Attachment A.

The proposed Contaminated Sites Management Program combines existing program elements, including the County/City Brownfields Program and the Illegal Drug Lab Abatement Fund, with activities directed toward the cleanup of County-owned or acquired properties. The Program will be managed and operated by the Solid Waste Division.

The Brownfields Program and Illegal Drug Lab Abatement Fund elements have already been established and operate under approved budgets. Site Investigation and Remediation Services is a new program element that requires County Council authorization.

Initial seed money for addressing contamination issues at surplus properties and tax-delinquent sites will be provided via Solid Waste Operating Funds. However, the long-term goal of the Program is to minimize county expenditures and maximize direct and indirect financial reimbursements.

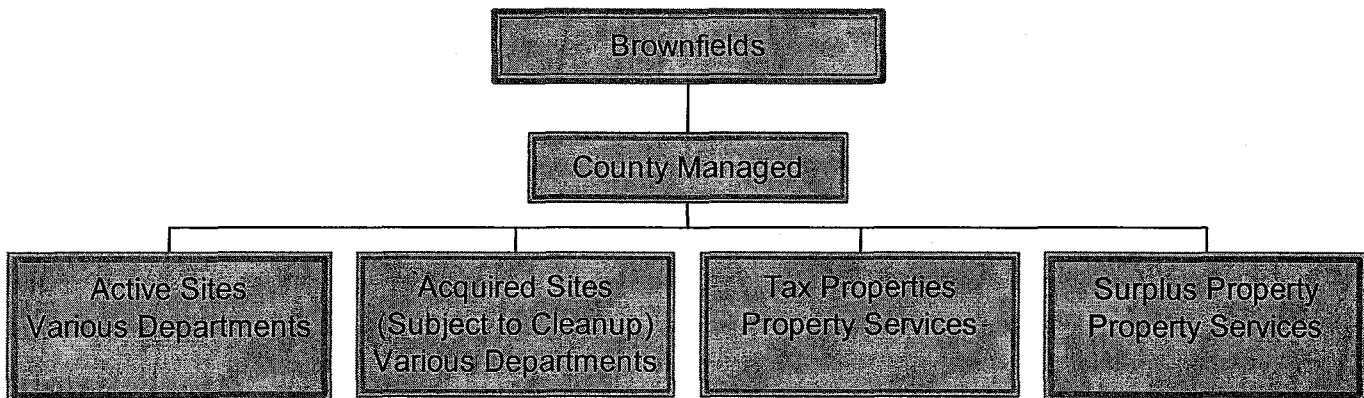
**3.0 PROGRAM DESCRIPTION**

**3.1 Site Investigation and Remediation Services**

**3.1.1 Narrative**

The County owns contaminated property that it wants to dispose of (e.g., Titus Gravel Pit), and has sovereign authority over contaminated tax delinquent properties (e.g., Advance Electroplating). In addition, County-owned properties under active use and not slated for sale may have contamination issues that are not currently being addressed. Finally, properties that the County may want to acquire could have contamination issues that need to be addressed before purchase is completed. The services described below will be available to these types of properties. Figure 2 provides a graphic relationship of these various types of properties.

**Figure 1  
Contaminated Sites Under County Management**



Program assistance would initially be directed toward assessing the extent of contamination impacting a given property (site investigation). This typically includes sampling of soils and other environmental media. A property that is slated for sale by the County may then be marketable "as-is" on an improved

value basis, once the degree of contamination is adequately defined and a cleanup plan is developed. In such cases, cleanup is normally performed as part of the property redevelopment. The recent brownfields legislation (Public Law 107-118) exempts certain prospective purchasers from Superfund liability, making these types of transactions more attractive.

In some cases, it may be desirable to perform remediation (cleanup) before marketing the property, provided that the selected remedy does not limit development options. Cleanup actions could also be implemented for County properties that are not slated for sale. These actions may be taken to increase the value of the property, to mitigate potential environmental contamination, or to address community concerns.

The Site Investigation and Remediation Services element would be financed through a combination of direct reimbursements (e.g., property sale proceeds, staff time reimbursement), EPA grant funding (see section on County/City Brownfields Program), state grants (Site Remediation Grants, Coordinated Prevention Grants), and the Contaminated Sites Management Program funds provided by Solid Waste Division revenues. In most cases, external funding sources and direct reimbursements will be relied upon to conduct these activities. The decision to expend Solid Waste Division funds will be made based on a careful review of factors such as: potential for timely reimbursement, financial leveraging, need to protect human health or the environment, and indirect economic return on investment (e.g., return of a tax-delinquent property to the tax rolls). The amount of potential funding is detailed in the budget subsection.

For sites being acquired by the County, this program will be able to assist the acquiring entity through various services. These include: pre-purchase site assessments; technical review of assessments performed by others; post-cleanup confirmation sampling; and/or technical review of cleanup documentation. The program could also assist the acquiring entity in developing remediation cost estimates and in managing cleanup activities. These acquisition services would be provided on a direct reimbursement basis.

Contaminated site technical assistance services will be available to the County/City Brownfields Program. These activities could include review of plans and specifications submitted by private developers for obtaining Brownfields Program loans and ongoing technical assistance on cleanup and development projects conducted under the Brownfields Program. County departments may also desire technical assistance for dealing with contaminated properties that they manage. These services could include document review, assistance in implementing fieldwork, and use of existing contracts with environmental consultants.



Milestone	Schedule
• Formalize program team	May 2002
• Strategize with Brownfields Program on grants	May 2002
• Provide initial technical consultation to County/City Brownfields Program and/or County Departments	June 2002
• Assist Brownfields Program with grant applications	June 2002
• Conduct initial briefings with key County staff	June-September 2002
• Obtain property lists and select target sites	June 2002
• Finalize site(s) for initial activities	July 2002
• Develop task order contract for site investigations	August 2002
• Begin initial remedial investigation(s)	September 2002
• Initiate marketing efforts to County Departments	July 2002
• Begin initial remedial action project (Mid-Fork Snoqualmie Project)	November 2002

### 3.1.2 Market Analysis

The initial target market for site investigation and remediation services under this program consists of County surplus properties and tax title properties. A preliminary review of the County surplus property inventory indicates that there are several properties that may have contamination issues. There are also tax-delinquent properties with contamination issues that the County may be mandated to repossess. The primary customer these services is the King County Property Services Division.

A second market for site investigation and remediation services consists of potentially contaminated properties that the County may want to acquire. For example, a contaminated property may exist in an area slated for acquisition as open space or roadways. Potential customers include the Water and Land Resources and Roads Divisions. A third market includes potentially contaminated property that the County owns but does not intend to sell. Potential customers would include divisions that manage significant quantities of land, such as the Airport, Facilities Maintenance, Roads, Parks, Open Space, and Wastewater. These divisions have very limited availability of staff for dealing with contaminated sites.

Target customers for contaminated site technical assistance services include the County/City Brownfields Program and County divisions faced with contamination issues on the properties that they manage.

The Prosecuting Attorney's Office (PAO) is often the first entity that is contacted when contamination issues arise at County-owned properties. They will be depended upon as a source of referral for contaminated site work.

### **3.1.3 Staffing**

The Site Investigation and Remediation Services element currently has a dedicated staffing level of 0.5 FTE, with all labor costs being paid directly by the Solid Waste Division. The current staffing level appears adequate for the near future. The use of interns may be explored for conducting property research and other program support elements. By the third year of project implementation, staffing is expected to increase by adding an additional FTE.

Further staff growth may occur depending on workload volume and reimbursement of expenditures. Another factor affecting staffing needs is the potential to use in-house staff versus contractors for conducting site investigations and cleanups. The decision to utilize in-house staffing will be dependent upon current workload assignments and staff availability and qualifications.

The Contaminated Sites Management Program will require significant assistance by the PAO. An attorney will be needed to draft and review legal documents, evaluate legal liabilities, consult on regulatory matters and assist with real estate functions. An estimated 5% to 10% of an FTE will be needed during initial program implementation. This requirement could increase to a 15% to 20% FTE effort should the program expand.

The Program will also require a project team that draws on representatives from various County Departments/Divisions involved with contaminated sites and property management. The team would meet on a regular basis to oversee program implementation and facilitate contacts within the Departments and Divisions. Initially, representatives from the Solid Waste Division, Open Space, Property Services, PAO, Property Maintenance, and Roads Divisions would be asked to participate on the management team.

The potential market size for the Site Investigation and Remediation Services program element should be sufficient to fully utilize the projected staffing level of 0.5 to 1.0 FTE during the next few years. For example, a single site investigation or cleanup project may span multiple years and require a significant level of project management and staff oversight.

### 3.1.4 Key Performance Indicators

Indicators:	Year			
	2002	2003	2004	2005
Contamination studies	1	1	2	2
Site cleanups initiated	1	1	1	1
Technical assistance consultations	1	2	3	3
Number of Clients (Departments/ Divisions/ Brownfields Prog.)	3	4	5	6
Presentations/Marketing Mtgs.	7	6	4	3
Number of staff FTE	0.5	0.5	1.0	1.0

## 3.2 King County/City of Seattle Brownfields Program

### 3.2.1 Narrative

King County manages the joint King County/City of Seattle Brownfields Showcase Community Program. The major purpose of the program is to stimulate investment in the assessment, cleanup and redevelopment of contaminated sites in the County's Manufacturing and Industrial Centers (MICs). The program is funded with EPA grant funds and provides technical and financial assistance to private, public and nonprofit entities to assess, cleanup and redevelop contaminated brownfields.

Technical assistance includes an Environmental Extension Service (EES), managed through a contract with the Environmental Coalition of South Seattle (ECOSS). The EES provides free, non-enforcement-based consultations and assistance on a wide range of environmental issues. EES assistance is tailored individually for each client, and can include conducting research on a site's contamination history, making referrals to environmental consultants, interpreting consultant reports, recommending cleanup strategies, finding tenants for newly cleaned sites and accessing public sector financial and technical assistance.

The Brownfields Program also has access to additional technical assistance from Federal Agencies such as EPA and the U.S. Army Corps of Engineers. In addition, the program has developed technical tools to assist property owners in making cleanup decisions, such as a study of groundwater flow in the Duwamish River basin.

Financial Assistance is offered through a variety of grant and loan programs, including an Assessment Loan Fund (\$40,000), a Brownfields Cleanup Revolving Loan Fund (\$425,000) and U.S. Department of Housing and Urban Development Brownfields Economic Development Initiative (BEDI) grants and Section-108 loans (amount varies by project).

Mechanisms for implementing the new Brownfields Revitalization Act have not been finalized. The Brownfields Program may be eligible to receive substantial increases in grant and loan money under the Act, particularly for cleanup and assessment activities at publicly owned property. The Act provides for up to \$200,000 for site investigation and an additional \$200,000 per site for cleanup at properties owned by a public entity or non-profit. These amounts may be increased to \$350,000 with authorization by EPA headquarters. Finally, the existing Brownfields Program may be eligible to receive supplemental funding of up to \$500,000 for the existing Brownfields Cleanup Revolving Loan Fund.

Site investigation funding for public property is normally provided as a grant, while remediation funding may be in the form of a grant or loan. Remediation grants are more restricted than are loans. The property must meet specific criteria, in addition to being owned by a government or a non-profit entity.

Pending appropriation by Congress, the new funding under the Act will be available for years 2002 through 2006. However, the funding mechanisms are likely not to be fully implemented until 2003.

Milestone	Schedule
<ul style="list-style-type: none"> <li>Continue to provide technical assistance through the Environmental Extension Service (EES) to brownfields projects throughout King County.</li> </ul>	January 2002 – December 2002 <sup>1</sup>
<ul style="list-style-type: none"> <li>Continue to facilitate the provision of technical assistance by Federal agencies to brownfields projects.</li> </ul>	January 2002 – September 2005
<ul style="list-style-type: none"> <li>Administer EPA grant to remove Underground Storage Tanks at Rainier Court, Seattle Art Museum and Museum of Flight projects.<sup>2</sup></li> </ul>	June 2002 – December 2004
<ul style="list-style-type: none"> <li>Fund further assessment at Mid-Fork Greenspace Project</li> </ul>	June – December 2002
<ul style="list-style-type: none"> <li>Conduct Pre-acquisition Assessment for Boulevard Park Greenspace project</li> </ul>	May – September 2002
<ul style="list-style-type: none"> <li>Continue to market and offer loans through the Brownfields Cleanup Revolving Loan Fund (BCRLF).</li> </ul>	January 2002 – September 2005
<ul style="list-style-type: none"> <li>Make initial BCRLF loan.</li> </ul>	January 2002 – December 2002
<ul style="list-style-type: none"> <li>Make subsequent BCRLF loans.</li> </ul>	January 2004 <sup>3</sup> – September 2005
<ul style="list-style-type: none"> <li>Continue to market and offer loans through the Assessment Loan Program.</li> </ul>	January 2002 – December 2005
<ul style="list-style-type: none"> <li>Make initial Assessment Loan.</li> </ul>	January 2002 – December 2002
<ul style="list-style-type: none"> <li>Make subsequent Assessment Loans.</li> </ul>	January 2004 – September 2005

### 3.2.2 Market Analysis

The primary target market for the Brownfields Program consists of commercial and industrial properties with known or suspected contamination that are located within the County's MICs. The program will also on occasion provide assistance to properties not located in the MICs. The customers for these services are the business or property owner or prospective purchaser of a brownfield site.

A secondary market for the Brownfields Program consists of brownfield properties owned by nonprofit organizations. Customers for this market include

<sup>1</sup> If additional EPA grant funding is secured, these services will continue into 2003.

<sup>2</sup> Grant approval pending, but likely.

<sup>3</sup> This date is dependent upon the payback schedule of the initial loan.

community development corporations and art and educational institutions. A third and developing market consists of publicly owned properties. Customers include municipalities, such as King County and the City of Seattle.

### 3.2.3 Staffing

The Brownfields Program currently has a dedicated staffing level of 0.90 FTE, with all labor costs being paid directly by the Solid Waste Division. The current staffing level of 0.90 will be reduced to 0.50 in 2003 unless additional funds are secured for the Environmental Extension Service contract. Staffing levels are adequate for the future, with an assumption that technical support will be provided to the program by other SWD staff.

### 3.2.4 Key Performance Indicators

Indicators: <sup>1</sup>	Year			
	2002	2003	2004	2005
Assessments initiated <sup>2</sup>	12	TBD	TBD	TBD
Assessments complete	5	TBD	TBD	TBD
Projects receiving Federal assistance	1	TBD	TBD	TBD
Underground storage tanks removed	2-8 <sup>3</sup>	10	TBD	TBD
BCRLF loans made	1	0	1	0
Assessment loans made	1	TBD	TBD	TBD
Number of staff FTE	0.9	0.5	0.5	0.5

## 3.3 Illegal Drug Lab Abatement Fund

### 3.3.1 Narrative

The Local Hazardous Waste Management Program (LHWMP) has approved a two-year Illegal Drug Lab Abatement Fund for addressing contamination at former drug lab properties. This initiative will allow the County to meet the increasing demand for responses to illegal drug laboratories. In cooperation with Public Health – Seattle and King County, this program will provide for emergency controls and decontamination of illegal drug labs.

The number of illegal drug labs producing methamphetamine has increased dramatically in recent years. The Washington State Department of Ecology

<sup>1</sup> Performance indicators for work done beyond 2002 are projections. Brownfields work beyond 2002, other than the BCRLF, is dependent upon securing additional EPA grants. Performance indicators listed as *TBD* will be quantified when grants are secured.

<sup>2</sup> Assessment work beyond 2003 dependent upon securing additional resources.

<sup>3</sup> Number of USTs at Seattle Art Museum site to be determined.

responses to drug labs and drug lab dumpsites increased from 60 in 1995 to 1449 in 2000. Their responses in King County for the same time period went from 10 to 231, with the number doubling for each of the last four years. Public Health also responded to an additional 20-30 mobile labs and dumpsites in 2000.

In order to provide a more effective capacity for abating the current epidemic of illegal drug labs, the LHWMP created a \$150,000 renewable Illegal Drug Lab Abatement Fund. The Abatement Fund is constructed as a sub-account of the Local Hazardous Waste Fund and is available to decontaminate abandoned illegal drug labs throughout King County, including properties within Suburban Cities and the City of Seattle.

Where possible, the Abatement Fund will be renewed through recovery of liens for abatement costs on decontaminated properties. Alternatively, the Abatement Fund will be renewed through annual allocations of additional funding to the Abatement Fund via LHWMP Management Coordinating Committee, King County Board of Health, and King County Council authorization. The fund has been approved through 2002 and 2003.

The Abatement Fund is managed by Public Health - Seattle and King County. When Public Health determines that there is a need for implementing cleanup measures at a given site, they contact the Solid Waste Division to implement cleanup actions using a Certified Drug Lab Contractor. If the cleanup occurs on private property a lien is placed against the owner to recover cleanup costs. The LHWMP funding is currently approved through 2003, but may be extended.

Milestone	Schedule
<ul style="list-style-type: none"> <li>Develop program implementation plan with Health Dept.</li> </ul>	May 2002
<ul style="list-style-type: none"> <li>Select initial target sites for action; Health provides notice to property owner of impending cleanup</li> </ul>	June 2002
<ul style="list-style-type: none"> <li>Develop task order contract for drug lab cleanups (shared with Site Remediation program element)</li> </ul>	July 2002
<ul style="list-style-type: none"> <li>Begin drug lab cleanup projects</li> </ul>	July 2002

### 3.3.2 Market Analysis

There are dozens of properties in King County that have drug lab contamination. However, most of these are undergoing voluntary cleanup actions by the property owner. A preliminary review of the list of impacted properties indicates that there are approximately 10 properties that have not initiated cleanup activities within one year after contamination was discovered.

The market consists primarily of rental housing and may also include undeveloped public land. The primary customer is Public Health. Under the LHWMP Illegal Drug Lab Program, Public Health must determine when cleanup actions are required and must authorize the Solid Waste Division to conduct cleanup activities. Secondary customers are public entities that discover drug lab contamination on public property. These may include DNRP (Open Space, Parks), Seattle and the Suburban Cities.

### 3.3.3 Staffing

LHWMP has approved a staffing level of 0.4 FTE for managing the cleanup activities under the Illegal Drug Lab Abatement Fund. (There are additional FTE allotments for Public Health for managing the fund and providing enforcement related activities). The current staffing level appears adequate and is not expected to grow.

### 3.3.4 Key Performance Indicators

Indicators:	Year	
	2002	2003
Minor projects- fencing, barriers, etc.	3	4
Major cleanups	1	2
Number of staff FTE	0.4	0.4

## 4.0 PROGRAM STRENGTHS, CHALLENGES AND ASSUMPTIONS

### 4.1 Program Strengths:

- King County has a severe budget deficit and is evaluating sales of excess property assets. A Council task force was established in 2001 to review sale of unused and underused County properties. Some of these properties are likely to have contamination issues.
- The County is protected against CERCLA (Superfund) Liability if they involuntarily acquire contaminated property through tax default. The new Brownfields Revitalization Act also protects prospective purchasers of contaminated property against Superfund liability.
- Most Departments lack expertise in dealing with contaminated property issues. The Solid Waste Division has significant experience in managing and cleaning up contaminated sites. Project management and staff have significant expertise in contaminated site investigation and cleanup.
- Drug labs are an increasing public health and environmental problem throughout King County. This program provides for cleanup of drug labs via



a dedicated funding source (LHWMP) and reimbursement through liens against recalcitrant property owners.

- Brownfield programs are reducing barriers to private development of contaminated property. Local governments play an integral role in promoting these services and programs at the local level to maximize their effectiveness.
- The new Brownfields Revitalization Act contains significantly higher levels of authorized funding to local governments for site investigations and cleanups.

#### **4.2 Program Challenges**

- Effective systems of communication and consensus building are needed to coordinate activities among the various departments and personnel who will be involved in the Contaminated Sites Program.
- The Contaminated Sites Management Program has limited project experience dealing specifically with County owned properties. A reputation for achieving results needs to be developed before departments seek out the services.
- There are potential liabilities associated with site cleanup activities. The County may take on the liability of generator status for any wastes that are shipped off-site for treatment and disposal.
- The program may become burdened with sites that have significant contamination issues that are costly to address and take several years to implement controls.

#### **4.3 Program Assumptions**

The following assumptions were used in developing this plan and formulating revenue projections:

- The real estate market for commercial properties will remain fairly strong in King County during the next several years.
- The new Brownfields Revitalization Act will be implemented in a timely manner, and grant funding will meet projections.
- There will be a continuing supply of properties either owned by the County or on tax-delinquent status that have contamination issues.
- Grant funding, direct reimbursements and indirect revenue will be sufficient to provide a positive cash flow within three to four years.

## **5.0 BUDGET**

The following tables contain the proposed budget for the Site Investigation and Remediation Services element and the existing budgets for the Brownfields Program and Illegal Drug Lab Abatement Fund elements.

As discussed in Section 3.2.1, funding mechanisms under the new Brownfields Revitalization Act have not been finalized. The Contaminated Sites Program is optimistic that substantial funding will be available, as \$200 million in nationwide funding has been designated under the Act for

each year from 2002 through 2006. The anticipated level of funding available to King County under the new Act is estimated under the Site Investigation and Remediation Services Budget. However, the anticipated financial impacts of the Act to the overall King County/City of Seattle Brownfields Program budget have not yet been fully quantified. The Brownfields budget figures will be updated as the funding mechanisms and eligibility criteria are further defined.

### 5.1 Site Investigation and Remediation Services

Expenditures	(Approved)	(Proposed)		
	2002	2003	2004	2005
Site Investigation Costs <sup>1</sup>	\$100,000	\$100,000	\$200,000	\$200,000
Site Cleanup Costs <sup>2</sup>	\$50,000	\$125,000	\$125,000	\$125,000
Staff Salary <sup>3</sup>	\$32,500	\$32,500	\$65,000	\$65,000
Overhead <sup>4</sup>	\$23,833	\$23,833	\$47,450	\$47,450
Training/Travel	\$2,000	\$2,000	\$4,000	\$4,000
Prosecuting Attorney <sup>5</sup>	\$5,500	\$5,500	\$11,000	\$11,000
<b>Total Budget</b>	<b>\$213,833</b>	<b>\$288,833</b>	<b>\$452,450</b>	<b>\$452,450</b>
<b>Direct Reimbursements</b>				
EPA Grants/Work by Others <sup>6</sup>	\$100,000	\$100,000	\$200,000	\$200,000
Property Sale Reimbursement <sup>7</sup>	\$0	\$50,000	\$125,000	\$125,000
Staff Reimbursement <sup>8</sup>	\$0	\$20,000	\$30,000	\$40,000
<b>Net funding from Solid Waste Division</b>	<b>\$113,833</b>	<b>\$118,833</b>	<b>\$97,450</b>	<b>\$87,450</b>
<b>Indirect Reimbursements</b>				
Property Tax <sup>9</sup>	\$0	\$0	\$30,000	\$60,000
Additional Sales Tax <sup>10</sup>	\$0	\$0	\$10,000	\$20,000
<b>Net Program Expenses</b>	<b>\$113,833</b>	<b>\$118,833</b>	<b>\$57,450</b>	<b>\$7,450</b>

<sup>1</sup> The average cost of a site investigation is approximately \$100,000. The range is approximately \$25,000 to \$500,000.

<sup>2</sup> Cleanup costs vary widely. It is assumed that cleanup actions under this program will occur mainly on lightly contaminated sites. An average cost of \$125,000 is assumed for years 2003 to 2005.

<sup>3</sup> Average staff salary for environmental scientist at \$65,000 per year. Staff level of 0.5 FTEs assumed for 2002-03 and 1.0 FTEs assumed for 2004-05.

<sup>4</sup> Overhead includes staff benefits and department and County overhead at approximately 73%.

<sup>5</sup> Prosecuting Attorney costs are assumed to be 5% of an FTE at \$110,000 (or \$5,500) for 2002-03 and 10% of an FTE (\$11,000) for 2004-05).

<sup>6</sup> The majority of grant money is assumed to be available via the EPA Brownfields Program. Also, EPA may pay directly for investigation or cleanup activities, without the need for initial County expenditure. Other sources of grant funding include state programs and HUD's BEDI program. Note- the estimated funding level is higher than existing funding levels, and is based on projected grant support under the new Brownfields legislation.

<sup>7</sup> Some costs expended on investigations and cleanups are expected to be recouped during property sale. For budgetary purposes, it is assumed that previous site investigation and cleanup expenses not covered by grants will be reimbursed via property sale proceeds.

<sup>8</sup> Reimbursement for staff time will be requested when a property is sold. Reimbursement will also be requested from other departments/divisions that call on program staff to assist in addressing contamination issues on active County property.

<sup>9</sup> County owned and tax delinquent property that is rehabilitated and sold will begin to generate property taxes. For budgetary purposes, the County is assumed to benefit from at least five years of taxes that the land would have stood vacant or underused. An average property value of \$1 million was used, with a County revenue tax rate of \$6,000 (6 mil levy rate). No present value discount was applied.

<sup>10</sup> The projected sales tax revenue assumes that an average of 2 new jobs will be created, along with sales tax paid by the new business that occupies the property. The 2 employees, business and multiplier effect are assumed to generate at least \$2,000 per year in County taxes, or \$10,000 over 5 years.

**5.2 Illegal Drug Lab Abatement Fund (Approved Budget)**

<b>Expenditures</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Drug Lab Cleanup Fund	\$150,000	\$150,000	TBD <sup>1</sup>	TBD <sup>1</sup>
Staff and overhead (0.4 FTE)	\$41,600	\$41,600		
<b>Total</b>	<b>\$191,600</b>	<b>\$191,600</b>		
<b>Reimbursements</b>				
Reimbursement (Local Hazardous Waste Management Program)	\$191,600	\$191,600		

<sup>1</sup> Funding has been authorized through 2003. Funding for 2004-2005 to be determined based on future funding availability.

### 5.3 King County/City of Seattle Brownfields Program (Funds In-Hand)

<b>Expenditures</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Environmental Extension Service	\$48,456 <sup>1</sup>	TBD <sup>2</sup>	TBD	TBD
Outreach/Marketing/Admin.	\$10,093 <sup>3</sup>	\$5,000 <sup>4</sup>	\$3,354 <sup>5</sup>	\$3,354 <sup>6</sup>
Travel <sup>7</sup>	\$5,000 <sup>8</sup>	\$3,000 <sup>9</sup>	\$3,000 <sup>10</sup>	\$3,000 <sup>11</sup>
Mid-Fork Greenspace Project	\$40,000 <sup>12</sup>	\$0	\$0	\$0
Boulevard Park Greenspace Project	\$10,000 <sup>13</sup>	\$0	\$0	\$0
In-depth Assessments/Advance	\$25,000 <sup>14</sup>	\$0	\$0	\$0
Staff Salary <sup>15</sup>	\$54,000	\$30,000	\$30,000	\$30,000
Overhead <sup>16</sup>	\$39,420	\$21,900	\$21,900	\$21,900
<b>Total</b>	<b>\$231,969</b>	<b>\$59,900</b>	<b>\$59,254</b>	<b>\$59,254</b>
<b>Reimbursements</b>				
EPA Brownfields Assessment Grant	\$133,549	\$0	\$0	\$0
EPA BCRLF Grant	\$0	\$8,000	\$6,354	\$6,354
King County Council Funds	\$5,000	\$0	\$0	\$0
Solid Waste Division Funds	\$93,420	\$51,900	\$51,900	\$51,900
<b>Total</b>	<b>\$231,969</b>	<b>\$59,900</b>	<b>\$58,254</b>	<b>\$58,254</b>

<sup>1</sup> Includes \$43,456 from EPA Assessment grant and \$5,000 from the King County Council to provide pollution prevention services in unincorporated King County.

<sup>2</sup> Environmental Extension Service expenses beyond 2002 dependent upon securing additional EPA grant funds.

<sup>3</sup> Source of funds is EPA Assessment grant.

<sup>4</sup> Source of funds is EPA Brownfields Cleanup Revolving Loan Fund (BCRLF) grant.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Includes travel costs for City of Seattle staff as well, as the grant was given jointly to King County and the City of Seattle. Travel is for conferences where attendance is expected by EPA and reimbursed fully by EPA grant funds.

<sup>8</sup> Source of funds is EPA Assessment grant.

<sup>9</sup> Source of funds is EPA BCRLF grant.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Source of funds is EPA Assessment grant.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Estimated staff salary for Planner 3 at \$60,000 per year. Staff level of 0.90 assumed for 2002 and 0.50 for 2003-2005. Funds provided by Solid Waste Division.

<sup>16</sup> Overhead includes staff benefits and overhead at approximately 73%. Funds provided by Solid Waste Division.

**5.4 King County/City of Seattle Brownfields Program (Funds Not Yet Granted)**

<b>Expenditures</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Underground Storage Tank (UST) Cleanups <sup>1</sup>	\$25,250 <sup>2</sup>	\$69,750 <sup>3</sup>	\$0	\$0
Environmental Extension Service <sup>4</sup>	\$2,500 <sup>5</sup>	\$2,500 <sup>6</sup>	\$0	\$0
Advance Electroplating Project Assessment and Cleanup	\$0	\$200,000 <sup>7</sup>	\$0	\$200,000 <sup>8</sup>
Other County-owned Projects Assessment and/or Cleanup <sup>9</sup>	\$0	\$0	\$200,000 <sup>10</sup>	\$200,000 <sup>11</sup>
Rainier Court Project Cleanup	\$0	\$200,000 <sup>12</sup>	\$0	\$0
Seattle Art Museum Project Cleanup	\$0	\$200,000 <sup>13</sup>	\$0	\$0
Mid-Fork Greenspace Project Cleanup	\$0	\$75,000 <sup>14</sup>	\$0	\$0
<i>Total</i>	<i>\$27,750</i>	<i>\$747,250</i>	<i>\$200,000</i>	<i>\$400,000</i>
<b>Reimbursements</b>				
EPA Brownfields Assessment and Cleanup Grants	\$0	\$675,000	\$200,000	\$400,000
EPA UST Fields Grant	\$27,750	\$72,250	\$0	\$0
<i>Total</i>	<i>\$27,750</i>	<i>\$747,250</i>	<i>\$200,000</i>	<i>\$400,000</i>

<sup>1</sup> Funds will be used for three projects: Rainier Court Mixed-Use Development, Museum of Flight Expansion and Seattle Art Museum Sculpture Garden. Includes \$500 for administration/overhead.

<sup>2</sup> EPA USTfields Initiative grant. Applied for, approval pending.

<sup>3</sup> Ibid.

<sup>4</sup> Funds will be used to support the Rainier Court UST project.

<sup>5</sup> EPA USTfields Initiative grant. Applied for, approval pending.

<sup>6</sup> Ibid.

<sup>7</sup> EPA Assessment grant. Not yet applied for.

<sup>8</sup> EPA Cleanup grant. Not yet applied for.

<sup>9</sup> Sites yet to be identified.

<sup>10</sup> EPA Assessment and/or Cleanup grants. Not yet applied for.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

## APPENDIX A

**Benefits of Brownfields Legislation (Public Law 107-118)**

## Small Business Liability Relief (Title I)

- Exempts certain small volume contributors from Superfund liability
- Exempts certain contributors of municipal solid waste from Superfund liability
- Shifts court costs and attorneys fees to a private party if a private party loses a Superfund contribution action against de micromis or municipal solid waste exempt party

## Brownfields Program (Title II - Subtitle A)

- Provides legislative authority for brownfields program including grants for assessment and cleanup
- Expands current brownfields program by increasing funding authority up to \$200 million per year from 2002 to 2006
- Expands eligibility for assessment and cleanup grants (\$200,000 per site)
- New provision for direct cleanup loans of up to \$1,000,000 per eligible entity
- Streamlines current requirements for the Brownfields Cleanup Revolving Loan Fund and makes funding available to nonprofits
- Applies Davis Bacon Act on same terms as authority for current program
- Makes funds available for technical assistance, training and research (up to 15% of total program funds)
- Local programs may utilize 10% of cleanup grant money for monitoring activities

## Brownfields [Superfund] Liability Clarifications (Title II - Subtitle B)

- Exempts certain contiguous property owners from Superfund liability
- Exempts certain prospective purchasers (including owners who purchase after 1/11/02) from Superfund liability.
- Clarifies the innocent landholders defense to Superfund liability

## State Response Programs (Title II - Subtitle C)

- Supports State and Tribal response programs Provides \$50 million per year for State and Tribal response programs
- Expands activities available for funding of State programs
- Provides Superfund liability relief for certain properties cleaned up under State response program

September 10, 2002

## Attachment B

Contaminated Sites Management Program Staffing and  
Prioritization of Brownfields Projects

- A. Staffing levels and primary duties for the major program elements of the Contaminated Sites Management Program, as described in the business plan dated May 6, 2002, will be as follows for 2002 and 2003:
- Brownfields Program (.90 FTE): administer the County/City Brownfields Showcase, seek grants/loans for public and private sites, oversee education and outreach activities, initiate appropriate regional studies and activities. The Brownfields Program element integrates with the Site Investigation and Remediation Services element by obtaining grants/loans for cleanup of properties that the County owns or has ownership interests, such as tax delinquent properties.
  - Site Investigation and Remediation Services (.50 FTE): provide technical assistance consultations, contamination studies, and oversight of site cleanups for properties that the County owns or has ownership interest in. Provide general coordination of the contaminated sites program. The Site Investigation and Remediation Services element integrates with the Brownfields Program element by providing technical assistance for projects funded/assisted under the Brownfields Program.
  - Illegal Drug Lab Intervention Program (0.40 FTE Solid Waste Division; 2.6 FTEs Health Department). Public Health - Seattle & King County's Illegal Drug Lab Intervention Program oversees decontamination of properties contaminated by illegal drug lab activity as mandated by RCW 64.44 and 246-205 WAC. Public Health's responsibilities include posting warnings to the public, assessing contamination, requiring decontamination of sites deemed unfit for use, approving site work plans, overseeing decontamination, and releasing properties for re-occupancy. While most owners assume responsibility for decontaminating their property, some do not – this then requires that Public Health take action to protect the public and the environment. These actions may include fencing property, boarding up structures and in some cases decontaminating the site.

Currently, funding for the Illegal Drug Lab Program comes from Washington State Department of Ecology and the Local Hazardous Waste Management Program in King County (LHWMP). Funding supports 2.6 FTE (1.6 FTE funded by LHWMP and 1.0 FTE funded by WADOE). LHWMP also funds 0.4 FTE at the Solid Waste Division to assist with contract management regarding use of the abatement fund (described below). LHWMP funding for the Illegal Drug Lab Intervention Program is approved through 2004.

The Local Hazardous Waste Management Program also established an Illegal Drug Lab Abatement Fund as a means of providing funding for the decontamination of illegal drug lab sites in those instances when the owner can not or will not do so. This fund, approved for \$150,000 per year through 2004, can be accessed by Public Health for the use(s) intended.



- Program support services are provided by the Prosecuting Attorney's Office and Property Services Division. This support work is already incorporated into existing staffing levels of these divisions.
- Staff from other Departments will be asked to assist in identifying properties for inclusion in the program and in facilitating site access. These efforts are not expected to require significant FTE expenditures.
- Most of the cleanup fieldwork is conducted by consultants and contractors, with technical oversight and coordination by county staff.
- Staffing levels beyond 2003 will depend on workload volume and reimbursement of expenditures as projected in the business plan. Additional factors affecting future staffing levels include: the potential to use county employees versus contractors for conducting site investigations and cleanups. The decision to utilize in-house staffing will be dependent upon staff qualifications and workload. Additional staffing may require approval in future budget requests.

B. The following criteria establish the priorities for the three major elements of the Contaminated Sites Management Program: Site Investigation and Remediation Services, Brownfields Grants and Drug Lab Cleanup.

Site Investigation and Remediation Services Element

1. Highest priority is to assist in the cleanup of County surplus property to improve market value and marketability.
2. Secondary target is investigation and cleanup of potentially contaminated properties that the County may want to acquire.
3. The third priority consists of investigation and cleanup at County-owned contaminated property that is not intended for sale.
4. The fourth priority is providing contaminated site technical assistance services to the County/City Brownfields Program and County divisions that are managing their own cleanups.

Brownfield Grants Element

1. Priority for projects in the private sector located in the County's Manufacturing and Industrial Centers for cleanup and redevelopment.
2. Priority in the public sector is for greenspace and redevelopment projects.
3. Secondary priority is for facilities that are removing underground petroleum tanks.
4. Projects are awarded mainly on a first come first served basis.

Drug Lab Cleanup Element

Prioritized, requested and directed by Seattle-King County Department of Public Health based on:

1. Risk to human health,
2. Risk to the environment; and,
3. Ability of property owner to implement controls