

# Brownfield Redevelopment



## Background

### Definition

The U.S. Environmental Protection Agency defines brownfields as sites that are either contaminated or perceived as contaminated. Brownfield redevelopment addresses environmental problems, reduces health and safety hazards, and supports urban infill, along with community and economic development. Typical brownfields in Washington include: abandoned lumber mills, gas stations and bulk-fuel facilities, rail and transportation, landfills, port facilities, light industrial, and dry cleaners.

In the past, a property owner may have found it more advantageous to leave a contaminated property abandoned because development or sale would require a costly cleanup or potentially spur a lawsuit. Over the past decade, state and federal environmental laws and policies have addressed some of these issues and focused on how to turn brownfields into opportunities for investment and redevelopment.

Local jurisdictions can take a leadership role in redeveloping brownfield sites. Staff and officials can coordinate funding, assume financial responsibility for the site remediation costs, offer incentives, and facilitate permit processes and communication among private developers and state and federal environmental agencies.

### Health, equity and sustainability considerations

Brownfield redevelopment can turn a perceived problem into a community asset. A redeveloped site has the potential to help meet a community's needs, be it business development or creating a public park or wildlife habitat. Restoring properties to active use can stimulate a community's economy, including creating more jobs and expanding the local tax base.

**Brownfield redevelopment can create new housing options and provide jobs for residents.**

Abandoned brownfield sites can negatively affect a community. Left untreated, contaminated soils and groundwater can harm health and the environment. The sites are often considered eyesores and can reduce surrounding property values, limit economic growth and development, and contribute to neighborhood crime.

Often, low-income neighborhoods and communities of color have been disproportionately burdened by brownfields and environmental pollution. Redeveloping brownfields can help to improve environmental health and provide access to new developments and services to underserved communities.

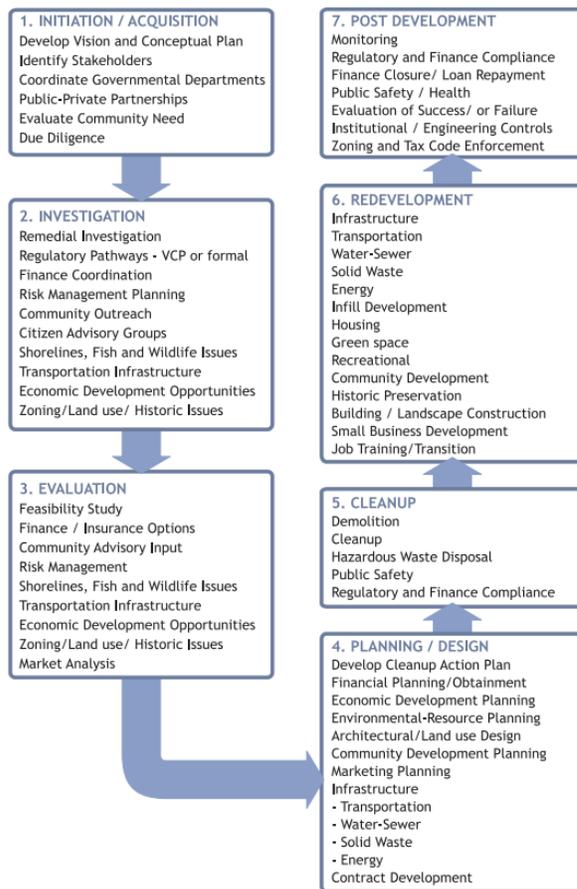
## Program and Policy Examples

The U.S. Environmental Protection Agency breaks the redevelopment process into three phases. Each subsequent phase builds on the previous phase. A site may not require completion of all three phases depending on contamination levels and findings.

*Phase I.* Site Assessment determines the likelihood that some form of environmental contamination is present at the site. A site investigation includes a visual site assessment, search for any environmental liens, and review of historical documents. Findings in a Phase I report will determine if a site investigation is warranted.

*Phase II.* Site Investigations include a more comprehensive review of the site. This typically includes collecting soil and groundwater samples, and analyzing these samples for contaminants. Analysis that finds contaminant levels above legal levels will contain a recommendation for Phase III.

*Phase III.* Site Investigation and Remedial Action Plan is often the final stage of assessment. Phase III investigations can include additional collection of soil and groundwater samples. The Remedial Action Plan consists of a Soils and Material Management plan for off-site disposal or on-site reuse of impacted soil, suggestions for ongoing groundwater monitoring, a list of required permits, and suggestions for the use of controls such as activity use restrictions.



The chart to the left provides more information on the redevelopment process, including actions to be taken and stakeholders to involve.

Brownfield sites can be converted for numerous uses. It is important for local jurisdictions to fully evaluate a site's contamination levels and needed cleanup to develop a redevelopment plan that best fits the site and community needs. Some redevelopment options include:

- Renewable energy (solar and wind installations)
- Community gardens and urban agriculture
- Parks and open space
- Mixed-use development providing diverse commercial, retail, and residential options

### **Development regulations and model ordinances**

Brownfield revitalization, including cleanup, reuse, liability, and financing, is governed by federal and state policies.

At the federal level, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides funds to assess and clean up brownfields and outlines liability protections. The U.S. Environmental Protection Agency (EPA) provides information on CERCLA and other laws and regulations that affect brownfield cleanup and reuse on its [Laws and Statutes page](#).

Washington State provides oversight on brownfield redevelopment through the Toxics Cleanup Program. In 2013, the state legislature made significant changes to the [Model Toxic Control Act](#) (MTCA) to facilitate clean up and redevelopment of brownfields. Changes include providing for model remedies to facilitate development of low risk sites and granting local governments the authority to establish redevelopment opportunity zones. The Toxics Cleanup Program is currently developing additional rules including grants and loans, sediment standards, and underground storage tank regulations. The Washington State Department of Ecology outlines these regulations on its [Laws and Rules page](#).

### **How is it used locally?**

In 2009, [the City of Bothell](#) underwent cleanup of a former dry cleaner that had polluted groundwater past MTCA legal maximums. The site is located in downtown Bothell and was part of a larger downtown revitalization project. Working with the King County Solid Waste Division, the city conducted environmental assessment and hired consultants to perform additional tests and develop a cleanup plan. The site and surrounding area are now being converted into a mixed-use development called the [City Hall + City Center Project](#) that includes a new city hall and underground parking.

In 2008, [SouthEast Effective Development](#) (SEED), a nonprofit community development corporation, purchased the Chubby and Tubby, a former gas station and store in the Rainier Valley of South Seattle. King County conducted a Phase II environmental assessment and SEED used this information to meet the Department of Ecology's requirements for cleanup. In 2009, the site was redeveloped into a mixed-use building with 75 units of affordable housing and almost 6,000 square feet of new commercial and retail space.

The [Thea Foss Waterway cleanup](#) was led by the City of Tacoma in partnership with agencies, organizations, property owners, and other responsible parties. In 1983, the EPA identified the Thea Foss waterway as part of a larger 12-acre Commencement Bay Superfund site. The City of Tacoma investigated the sources and extent of contamination and developed cleanup options based on this data. The cleanup removed or capped in place sediments contaminated by more than a century of environmentally insensitive practices. The restored waterway provides habitats around the Foss and other areas of Commencement Bay, and now includes [a mixed-use waterfront community](#).

Local jurisdictions can also help facilitate privately funded redevelopment. Private companies, including Vulcan, Inc., redeveloped a 20-acre site in the City of Renton to be the Seahawks training facility. The Department of Ecology's [Linking Toxics Cleanup and Redevelopment Across the States: Lessons for](#)

[Washington State](#) (2009) describes the redevelopment process and the role the City of Renton played (page 158).

## Implementation

### Model policy language

Liability and enforcement are common concerns for local jurisdictions considering brownfield redevelopment. The U.S. Environmental Protection Agency provides [model policy and agreements](#) to ensure local jurisdictions address liability issues, and can effectively enforce cleanup and other institutional controls.

The [Uniform Environmental Covenants Act](#) (UECA) allows for long-term enforcement of cleanup controls to be contained in a voluntary agreement, or environmental covenant, which will be binding on subsequent purchasers and tenants of the property. Environmental covenants help to ensure that the land use controls involved in a cleanup will be reliable and enforceable. In 2008, the Sunnyside Valley Irrigation District and the State of Washington Department of Ecology entered into an [environmental covenant](#). It provides model language for covenants between local jurisdictions and other entities.

### Opportunities for funding

Funding, including grants, loans, tax incentives, and technical assistance, is available at the federal, state, and county level. The Washington State Department of Ecology's [Resource Guide: Assistance for Redevelopment in Washington State](#) provides a comprehensive matrix of funding sources (pages 30-32). This includes funding from the Washington State Department of Ecology, Public Works Board, Department of Commerce, and Department of Transportation.

The Washington State Department of Commerce's [Brownfields Revolving Loan Fund](#) offers funding to help local and regional governments, non-profit agencies and private businesses clean up and redevelop brownfield sites.

King County also provides funding and technical assistance, including:

- [Technical assistance](#) for site assessment and cleanup
- [Grants](#) for assessment and cleanup
- [Low-interest loans](#) for cleanup

### Considerations for local implementation

Western Pennsylvania's Brownfields Center developed a [Site Selection Tool](#) to help local jurisdictions prioritize site selection based on weighing numerous criteria including environmental and health, ease of development, and social and economic considerations.

The American Planning Association's [Creating Community-Based Brownfields Redevelopment Strategies](#) (2010) outlines 10 factors that make a brownfield redevelopment successful. These include:

- Assemble a strong brownfields team with leadership from the top
- Connect brownfields with community revitalization priorities
- Begin with the end in mind

- Involve citizens from the start
- Engage the private sector and reduce risk
- Make cleanups work for you
- Leverage the funding
- Join forces with the state and local brownfield program
- Partner with key federal agencies

## Resources

Washington State Department of Ecology’s [Linking Toxics Cleanup and Redevelopment Across the States: Lessons for Washington State](#) (2009)

Washington State Department of Commerce’s [Brownfields Revolving Loan Fund Success Stories](#) (2014)

The Environmental Coalition of South Seattle’s (ECOSS) [Brownfields Program](#) (2014)

The Northwest Environmental Business Council (NEBC) [Environmental Protection & Cleanup Services Providers](#)

Northeast-Midwest Institute’s [Getting Started with Brownfields—Key Issues and Opportunities: What Communities Need to Know](#) (2006)

Northeast-Midwest Institute’s [Brownfields Resources](#)

U.S. Environmental Protection Agency’s [Brownfields Federal Programs Guide](#) (2013)

U.S. Environmental Protection Agency’s [Building Vibrant Communities: Community Benefits of Land Revitalization](#) (2009)

The United States Conference of Mayors’ [Reclaiming the Land, Revitalizing Communities- Brownfields Redevelopment: A Compendium of Best Practices, Vol. 4](#) (2011)

Municipal Research and Services Center’s (MRSC) [Brownfields and Brownfield Redevelopment Resource Page](#) (2014)