



Washington Department of Ecology

2024 Supplemental Capital

Budget

September 13, 2023

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

September 13, 2023

TO: David Schumacher, Director
Office of Financial Management (OFM)

FROM: Laura Watson, Director 

SUBJECT: Ecology's 2024 Supplemental Capital Budget Request

As the state's lead environmental agency, Ecology's mission is to protect and preserve the environment for current and future generations, while valuing and supporting Washington's economic success. We're tackling challenges that are unique to our times and require us to take a broad and holistic approach to our work that focuses on not only *what* we do, but also *how* we do it.

Ecology's strategic goals are to:

- Support and engage our communities, customers, and employees.
- Reduce and prepare for climate change impacts.
- Prevent and reduce toxic threats and pollution.
- Protect and manage our state's waters.

Our agency's deep commitment to environmental justice is tied to each of our strategic goals and guides the way we work to accomplish those goals.

Attached is Ecology's 2024 supplemental capital budget request. It totals \$2.2 million, and is supported entirely by dedicated funds in the Cleanup Settlement Account for four projects that:

- Promote local economic development through cleaning up contaminated sites for redevelopment.
- Improve water quality and habitat restoration.
- Address local environmental and public health priorities.
- Create jobs.

David Schumacher, Director

September 13, 2023

Page 2

Thank you for considering Ecology's 2024 supplemental capital budget request. We will work with our assigned OFM capital budget analysts as they review this request in detail. Please let us know if you have questions.

Attachment

Distribution to:

Myra Baldini, Budget Assistant to the Governor, OFM
Lisa Borkowski, Budget Assistant to the Governor, OFM
Wendy Brown, Senior Fiscal Analyst, Senate Ways & Means Committee
Jim Cahill, Senior Budget Assistant to the Governor, OFM
K.D. Chapman-See, Legislative Liaison, Legal and Legislative Affairs, OFM
Debbie Driver, Senior Policy Advisor, Transportation, Office of the Governor
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Dawn Eychaner, Fiscal Analyst, House Capital Budget Committee
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Erik Fairchild, Chief Financial Officer, Department of Ecology
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Garret Ward, Budget Policy Manager, Department of Ecology



Washington Department of Ecology

2024 Supplemental

Capital Budget

Table of Contents

Letter from the Director, Capital.....	3
Table of Contents	5
Ten-Year Capital Program Summary (CBS001 Report).....	7
Puget Sound Action Agenda List, Capital.....	9
Capital Project Requests	
1. 40000613 Cleanup Settlement Account Projects.....	11

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**461 - Department of Ecology
Ten Year Capital Plan by Project Priority**
2023-25 Biennium *

Version: S1 2024 Supplemental

Report Number: CBS001
Date Run: 9/11/2023 9:55AM

Project by Agency Priority

Priority	Project by Account-EA Type	Estimated Total Expenditures	Prior Expenditures	Current Expenditures	Reapprop 2023-25	New Approp 2023-25	Estimated 2025-27	Estimated 2027-29	Estimated 2029-31	Estimated 2031-33
1	40000613 Cleanup Settlement Account Projects 15H-1 Cleanup Set Acct-State	2,200,000				2,200,000				

Total Account Summary

Account-Expenditure Authority Type	Estimated Total Expenditures	Prior Expenditures	Current Expenditures	Reapprop 2023-25	New Approp 2023-25	Estimated 2025-27	Estimated 2027-29	Estimated 2029-31	Estimated 2031-33
15H-1 Cleanup Set Acct-State	2,200,000				2,200,000				

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Department of Ecology

2024 Supplemental Capital Budget Requests Supporting the Puget Sound Action Agenda

September 7, 2023

Project Requests	Vital Signs	Strategies	Desired Outcomes	Actions	Ongoing Program	Orca Task Force Recommendation	Federal Leveraging	Local Leveraging	Puget Sound Dollars	Total Request Dollars
1. 40000613 Cleanup Settlement Account Projects	Marine Water, Estuaries, Outdoor Activity	1. Smart Growth 5. Floodplains and estuaries 10. Stormwater Runoff and Legacy Contamination 26. Human Health	1.4 2.1.1 2.1.4	33, 41	OGP_ECY21: Toxic Cleanup Program - Everett Smelter Plume	31			\$ 1,100,000	\$ 2,200,000
Total Capital Request in Support of the Puget Sound Action Agenda									\$ 1,100,000	

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461 - Department of Ecology Capital Project Request

2023-25 Biennium

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Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

Description

Starting Fiscal Year: 2024

Project Class: Grant

Agency Priority: 1

Project Summary

This request will provide the appropriation authority needed to utilize accrued interest from previous settlements deposited into the Cleanup Settlement Account so Ecology can continue to make progress on four toxic site cleanup and habitat restoration projects already in progress. Ecology will use the funding to conduct yard cleanups, habitat restoration, and continue site specific remediation. This funding will protect environmental and public health by reducing toxic threats in the areas around these sites. This request directly implements recommended priorities and actions in the 2021 Governor's salmon strategy update, and is related to Puget Sound Action Agenda Implementation. (Cleanup Settlement Account)

Project Description

What is the proposed project?

Ecology is requesting a total of \$2.2 million from the Cleanup Settlement Account (CSA) to support ongoing cleanup and habitat restoration work associated with four toxic site cleanup projects across the state. The CSA was created by the Legislature in 2008 as an interest-bearing account in the state treasury. Its purpose is to manage money from settlements or court orders in cases of bankruptcy, limited ability to pay, or natural resource damages. The account ensures settlement funds are linked to specific site cleanup activities or to address injuries to natural resources.

The CSA is important to cleanup work across the state. Settlement funds held in the account enable Ecology to clean up contamination, support sustainable communities, and create a better environment for present and future generations. For additional information on the CSA and work conducted to date, please see:

<https://apps.ecology.wa.gov/publications/SummaryPages/2209081.html>.

The CSA allows the state to retain earned interest on the funds in the account, which provides additional money over time to complete the work required by each settlement. The state uses both the deposited funds, and the interest earned, for cleanup activities associated with each specific site. For each of the projects supported by this request, the original settlements deposited into the CSA, plus past earned interest, have already been appropriated by the Legislature in previous capital budgets. These appropriated funds have either been spent, or are being actively put to work, to continue cleanup and/or restoration activities at each site this biennium.

However, until all the funds are spent, even after appropriation, they continue to earn interest each month. This request seeks the spending authority needed to use the final amounts of earned, and projected, interest for each of the four projects.

Attached is a project list that provides additional details on the planned cleanup and habitat restoration work supported by this request, which is required by the terms of each settlement.

What opportunity or problem is driving this request?

Additional interest has been earned on the settlement funds deposited into the CSA for the four projects supported by this request. Requesting the appropriation authority now will allow Ecology to use these funds, starting in fiscal year 2025, to further the cleanup and/or restoration activities underway at each site.

The contracting process for each of these projects is iterative, with different contracts supporting different phases of work. For example, yard cleanups require a contract to support sampling, another for design, and a final contract to clean up the actual yards. By making the additional funds available, Ecology will be able to support the next phase of work for each project, which could include yard cleanups, additional habitat restoration, or investigating an old mine.

461 - Department of Ecology
Capital Project Request

2023-25 Biennium

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Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

Description

What are the specific benefits of this project?

This work will benefit Washingtonians by continuing cleanup work at sites where the Potential Liable Party (PLP) has settled their liability. Specifically, benefits of this request include:

- Cleaned up contaminated sites.
- Reduced exposure of hazardous substances to the environment and public as work progresses on these sites.
- Continued cleanup and restoration.

This request will also provide economic benefits to the state by creating up to 21 jobs during fiscal year 2025, based on Office of Financial Management estimates.

What are the effects of non-funding?

If this request is not funded, the available funding in the CSA would not be able to be used to support the cleanup and habitat restoration efforts at these four sites. As a result, progress on completing these cleanups may be delayed or stopped entirely depending on the project.

Why is this the best option or alternative?

Proceeds from the various settlements, including earned interest, were deposited into the CSA, and can only be used to pay for cleanup costs associated with the specific site. Funding this request is the only mechanism for accessing funds in the CSA for these sites.

How will clients be affected and services change if this project is funded?

This request will support ongoing work to protect or improve human health and the environment by providing additional funding for:

- Yard and Right-Away Cleanup: Cleaning up properties near residents of legacy contamination, including yards and rights-of-ways, reduces exposure to toxics.
- Restore Habitat: By restoring habitats impacted by historic contamination, we provide recreational opportunities through improved public access and a more intact environment.
- Mine Cleanup: Cleaning up old mines improves human health and the environment by removing contamination and preventing further failure of unmaintained structures that could spread contamination into nearby sensitive habitats.

Focus on Equity

Target Populations and Communities:

CSA funds are required to be used for the sites and scopes of work for which the liability was settled. Ecology does not have discretion to target CSA funds to specific populations or communities.

Community Outreach and Engagement:

To comply with Title VI nondiscrimination obligations, and to promote environmental justice best practices for meaningful

461 - Department of Ecology Capital Project Request

2023-25 Biennium

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Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

Description

community engagement, Ecology will ensure effective communication and outreach that addresses linguistic, cultural, literacy, technology, and accessibility barriers and welcomes meaningful participation when discretion permits. Ecology maintains a contract for 24/7 interpretation services, and if there is an identified need, Ecology will translate written information or interpretation services into the appropriate languages for residents and community affected by this cleanup.

Disproportional Impact Considerations:

None of the four projects for which funding is requested are located in overburdened communities.

HEAL Act Agencies Supplemental Questions

See attached.

What is the agency's proposed funding strategy for the project?

Settlement funds are deposited into the CSA then accrue interest over time. The requested funding must be used exclusively at the sites for which the settlement was made, and interest was earned.

This request will ensure all CSA funds attributable to these four sites have been appropriated, and are able to be used to continue cleanup and habitat restoration efforts currently underway. However, in the future, these sites will need to rely on other fund sources to pay for any remaining cleanup needed. As we have done in the past, once CSA funds have been fully appropriated, Ecology will request additional funding needed for these projects from the Model Toxics Control Act (MTCA) Capital Account in future biennia. Future funding needed for these sites will be requested as part of Ecology's Clean Up Toxics Sites – Puget Sound and Eastern Washington Clean Site Initiatives.

Are FTEs required to support this project?

No.

How does the project support the agency and statewide results?

This request is essential to achieving Ecology's Goal 3: Prevent and Reduce Toxic Threats and Pollution because it will ensure pollution and contaminated sites, including legacy environmental contamination, are managed and cleaned up while taking into consideration environmental justice, environmental and human health, community needs, and economic vitality.

It also contributes resources to continue activity A005, Clean Up the Most Contaminated Sites First (Upland and Aquatic).

The request is essential to achieving the Governor's Results Washington Goal 3: Sustainable Energy and a Clean Environment because it will invest in the protection of public health and natural resources by cleaning up and managing contaminated upland sites and sediments in the aquatic environment.

This request also directly implements the following recommended priorities and action areas in the 2021 Governor's salmon strategy update:

- Strategic Priority: 1. Protect and restore vital salmon habitat
- Action Area: 2a. Toxics reduction

Puget Sound recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY21: Toxic Cleanup Program - Everett Smelter Plume and the following Vital Signs, Strategies, Desired Outcomes, and Actions included in the 2022-2026 Puget Sound Action Agenda:

461 - Department of Ecology
 Capital Project Request

2023-25 Biennium

*

Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

Description

Vital Signs

- Freshwater
- Marine Water
- Toxics in Aquatic Life

Strategies

- 1. Smart Growth
- 5. Floodplains and Estuaries
- 10. Stormwater Runoff and Legacy Contamination
- 26. Human Health

Desired Outcomes

- 1.4 Restore habitat and habitat-forming processes to support biological communities.
- 2.1.1. Toxic hotspots where stormwater runoff or wastewater contain significant concentrations of numerous toxic chemicals reduced through improved source control and/or treatment.
- 2.1.4 Toxics in infrastructure and building materials removed through source control and/or management/remediation.

Actions

- 33. Incentivize redevelopment in areas associated with high loads of toxic chemicals.
- 41. Find and fix toxic hotspots.

This request also supports efforts under the Governors' Executive Order 1802, Southern Resident Orca Recovery and Task Force through the following recommendation: #31 Reduce stormwater threats and accelerate clean-up of toxics harmful to orcas.

How will the other state programs or units of government be affected if this project is funded?

Ecology continues to engage and update the public and stakeholders (e.g., local governments, neighborhood groups and legislative delegations) through public meetings, mailing fliers and focus sheets and public comment periods on various documents.

Location

City: Statewide

County: Statewide

Legislative District: 098

Project Type

Grants

Grant Recipient Organization: N/A

RCW that establishes grant: N/A

Application process used

N/A

Growth Management impacts

N/A

Funding

Acct Code	Account Title	Estimated Total	Expenditures		2023-25 Fiscal Period	
			Prior Biennium	Current Biennium	Reapprops	New Approps

461 - Department of Ecology
 Capital Project Request

2023-25 Biennium

*

Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

Funding

Acct Code	Account Title	Estimated Total	Expenditures		2023-25 Fiscal Period	
			Prior Biennium	Current Biennium	Reapprops	New Approps
15H-1	Cleanup Set Acct-State	2,200,000				2,200,000
	Total	2,200,000	0	0	0	2,200,000

	Account Title	Future Fiscal Periods			
		2025-27	2027-29	2029-31	2031-33
15H-1	Cleanup Set Acct-State				
	Total	0	0	0	0

Operating Impacts

No Operating Impact

SubProjects

SubProject Number: 40000614

SubProject Title: Pacific Wood Treating

Starting Fiscal Year: 2024

Project Class: Grant

Agency Priority: 1

Project Summary

This request will provide the appropriation authority needed to utilize accrued interest from previous settlements deposited into the Cleanup Settlement Account so Ecology can continue to make progress on four toxic site cleanup and habitat restoration projects already in progress. Ecology will use the funding to conduct yard cleanups, habitat restoration, and continue site specific remediation. This funding will protect environmental and public health by reducing toxic threats in the areas around these sites. This request directly implements recommended priorities and actions in the 2021 Governor’s salmon strategy update, and is related to Puget Sound Action Agenda Implementation. (Cleanup Settlement Account)

Project Description

The off-property portion of the Pacific Wood Treating site was impacted by the Pacific Wood Treating facility that operated from 1964-1993. Contamination spread from trucks transporting freshly treated lumber and soil particles spread by the wind. These two sources contaminated shallow soil in residential yards and rights of way in the off-property portion of the site adjacent to the wood treating operations. The Pacific Wood Treating facility and most of the off-property portion of the site have already been cleaned up by the Port of Ridgefield with prior Remedial Action Grant funding from Ecology. The Port of Ridgefield owns the facility property and is a potentially liable person (PLP) under the Model Toxics Control Act (MTCA). The only remaining areas of the site requiring cleanup are 15 residential properties and 36 rights-of-way in the Off-property portion of the site. Another PLP, Union Pacific Railroad, settled their MTCA liability with the state, and that settlement was deposited into the CSA. This request is for appropriation authority to spend the interest earned by the settlement since the original appropriation. This is expected to be the final appropriation from the CSA for this project.

Location

City: Ridgefield

County: Clark

Legislative District: 020

461 - Department of Ecology
Capital Project Request

2023-25 Biennium

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Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

SubProjects

Project Type

SubProject Number: 40000614

SubProject Title: Pacific Wood Treating

Project Type

Grants

Grant Recipient Organization: N/A

RCW that establishes grant: N/A

Application process used

N/A

Growth Management impacts

N/A

Funding

Acct Code	Account Title	Estimated Total	Expenditures		2023-25 Fiscal Period	
			Prior Biennium	Current Biennium	Reappropriations	New Appropriations
15H-1	Cleanup Set Acct-State	400,000				400,000
	Total	400,000	0	0	0	400,000

Future Fiscal Periods

	2025-27	2027-29	2029-31	2031-33
15H-1 Cleanup Set Acct-State				
Total	0	0	0	0

Operating Impacts

No Operating Impact

SubProject Number: 40000615

SubProject Title: Everett Smelter Plume

461 - Department of Ecology
 Capital Project Request

2023-25 Biennium

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Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

SubProjects

SubProject Number: 40000615

SubProject Title: Everett Smelter Plume

Starting Fiscal Year: 2024

Project Class: Grant

Agency Priority: 1

Project Summary

This request will provide the appropriation authority needed to utilize accrued interest from previous settlements deposited into the Cleanup Settlement Account so Ecology can continue to make progress on four toxic site cleanup and habitat restoration projects already in progress. Ecology will use the funding to conduct yard cleanups, habitat restoration, and continue site specific remediation. This funding will protect environmental and public health by reducing toxic threats in the areas around these sites. This request directly implements recommended priorities and actions in the 2021 Governor’s salmon strategy update, and is related to Puget Sound Action Agenda Implementation. (Cleanup Settlement Account)

Project Description

The smelter operated from 1894 to 1912 in northeast Everett. Smelter operations created widespread arsenic and lead contamination of soil and groundwater. Particles from smokestacks settled on surface soils over a 1.1 square mile area. This request is the final appropriation for interest earned for the Everett Smelter Site by CSA funds, as there were delays to contracting and subsequent cleanup work during the COVID-19 pandemic.

Location

City: Everett

County: Snohomish

Legislative District: 038

Project Type

Grants

Grant Recipient Organization: N/A

RCW that establishes grant: N/A

Application process used

N/A

Growth Management impacts

N/A

Funding

Acct Code	Account Title	Expenditures			2023-25 Fiscal Period	
		Estimated Total	Prior Biennium	Current Biennium	Reapprops	New Approps
15H-1	Cleanup Set Acct-State	600,000				600,000
	Total	600,000	0	0	0	600,000
Future Fiscal Periods						
		<u>2025-27</u>	<u>2027-29</u>	<u>2029-31</u>	<u>2031-33</u>	
15H-1	Cleanup Set Acct-State	0	0	0	0	
	Total	0	0	0	0	

Operating Impacts

461 - Department of Ecology
 Capital Project Request

2023-25 Biennium

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Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

SubProjects

SubProject Number: 40000615

SubProject Title: Everett Smelter Plume

No Operating Impact

SubProject Number: 40000616

SubProject Title: Tacoma Smelter Plume - Natural Resource Damages

Starting Fiscal Year: 2024

Project Class: Grant

Agency Priority: 1

Project Summary

This request will provide the appropriation authority needed to utilize accrued interest from previous settlements deposited into the Cleanup Settlement Account so Ecology can continue to make progress on four toxic site cleanup and habitat restoration projects already in progress. Ecology will use the funding to conduct yard cleanups, habitat restoration, and continue site specific remediation. This funding will protect environmental and public health by reducing toxic threats in the areas around these sites. This request directly implements recommended priorities and actions in the 2021 Governor’s salmon strategy update, and is related to Puget Sound Action Agenda Implementation. (Cleanup Settlement Account)

Project Description

Ecology received \$8.2M from ASARCO for Natural Resource Damages (NRD). The settlement funds are meant to fund restoration of certain habitats and recreational opportunities. Previous NRD settlement funds supported restoration work in Pierce and Kitsap Counties including Harper Estuary, McNeil Island, and Ross Point. This request is for the final installment of interest earned from the ASARCO settlement for Tacoma Smelter Plume related NRD.

Location

City: Tacoma

County: Pierce

Legislative District: 028

Project Type

Grants

Grant Recipient Organization: N/A

RCW that establishes grant: N/A

Application process used

N/A

Growth Management impacts

N/A

Funding

Acct Code	Account Title	Estimated Total	Expenditures		2023-25 Fiscal Period	
			Prior Biennium	Current Biennium	Reappropr	New Appropr
15H-1	Cleanup Set Acct-State	500,000				500,000
Total		500,000	0	0	0	500,000

461 - Department of Ecology
Capital Project Request

2023-25 Biennium

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Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

SubProjects

SubProject Number: 40000616

SubProject Title: Tacoma Smelter Plume - Natural Resource Damages

	Future Fiscal Periods			
	2025-27	2027-29	2029-31	2031-33
15H-1 Cleanup Set Acct-State				
Total	0	0	0	0

Operating Impacts

No Operating Impact

SubProject Number: 40000617

SubProject Title: Van Stone Mine

Starting Fiscal Year: 2024

Project Class: Grant

Agency Priority: 1

Project Summary

This request will provide the appropriation authority needed to utilize accrued interest from previous settlements deposited into the Cleanup Settlement Account so Ecology can continue to make progress on four toxic site cleanup and habitat restoration projects already in progress. Ecology will use the funding to conduct yard cleanups, habitat restoration, and continue site specific remediation. This funding will protect environmental and public health by reducing toxic threats in the areas around these sites. This request directly implements recommended priorities and actions in the 2021 Governor’s salmon strategy update, and is related to Puget Sound Action Agenda Implementation. (Cleanup Settlement Account)

Project Description

The Van Stone Mine was the State’s largest open pit mine. The mine is located about 28 miles northeast of Colville. The mine operated from 1951 to 1994 under several owners, including Asarco. Approximately 270,000 tons of ore were extracted from 1.3 million tons of rock. This request is for the final installment of interest earned from the ASARCO settlement for Van Stone Mine.

Location

City: Unincorporated

County: Stevens

Legislative District: 007

Project Type

Grants

461 - Department of Ecology
 Capital Project Request

2023-25 Biennium

*

Version: S1 2024 Supplemental

Report Number: CBS002

Date Run: 9/5/2023 3:13PM

Project Number: 40000613

Project Title: Cleanup Settlement Account Projects

SubProjects

SubProject Number: 40000617

SubProject Title: Van Stone Mine

Grant Recipient Organization: N/A

RCW that establishes grant: N/A

Application process used
 N/A

Growth Management impacts

N/A

Funding

Acct Code	Account Title	Estimated Total	Expenditures		2023-25 Fiscal Period	
			Prior Biennium	Current Biennium	Reappropriations	New Appropriations
15H-1	Cleanup Set Acct-State	700,000				700,000
	Total	700,000	0	0	0	700,000

Future Fiscal Periods

Acct Code	Account Title	2025-27	2027-29	2029-31	2031-33
		15H-1	Cleanup Set Acct-State	0	0
	Total	0	0	0	0

Operating Impacts

No Operating Impact

Ecology 2024 Supplemental Capital Budget Project List
Toxics Cleanup Program
Cleanup Settlement Account



July 2023

Purpose: During the 2008 legislative session, the Legislature passed Senate Bill 6722 that created the Cleanup Settlement Account. Ecology requested this legislation to create an interest-bearing account in the state treasury to manage money from settlements or court orders in cases of bankruptcy, limited ability to pay, or natural resource damages. This account ensures that settlement funds are linked to specific site cleanup activities or damages to natural resources. The statutory provision was codified in RCW 70A.305.130. This request is to appropriate the remaining earned, and projected earned interest, for the following projects within the Cleanup Settlement Account.

Rank	CSID	Project Title	Project Description	Amount	Phase of Cleanup	Site Address	City	County	Leg. District	WRIA	Lat.	Long.
1	3020	Pacific Wood Treating	The off-property portion of the Pacific Wood Treating site was impacted by the Pacific Wood Treating facility that operated from 1964-1993. Contamination spread from trucks transporting freshly treated lumber and soil particles spread by the wind. These two sources contaminated shallow soil in residential yards and rights of way in the off-property portion of the site adjacent to the wood treating operations. The Pacific Wood Treating facility and most of the off-property portion of the site have already been cleaned up by the Port of Ridgefield with prior Remedial Action Grant funding from Ecology. The Port of Ridgefield owns the facility property and is a potentially liable person (PLP) under the Model Toxics Control Act (MTCOA). The only remaining areas of the site requiring cleanup are 15 residential properties and 36 rights-of-way in the Off-property portion of the site. Another PLP, Union Pacific Railroad, settled their MTCOA liability with the state, and that settlement was deposited into the CSA. This request is for appropriation authority to spend the interest earned by the settlement since the original appropriation. This is expected to be the final appropriation from the CSA for this project.	400,000	Cleanup Construction	111 W Division St	Ridgefield	Clark	20	27 - Lewis	45.82	-122.75
2	4298	Everett Smelter Plume	The smelter operated from 1894 to 1912 in northeast Everett. Smelter operations created widespread arsenic and lead contamination of soil and groundwater. Particles from smokestacks settled on surface soils over a 1.1 square mile area. This request is the final appropriation for interest earned for the Everett Smelter Site by CSA funds, as there were delays to contracting and subsequent cleanup work during the COVID-19 pandemic.	600,000	Cleanup Construction	Sr 529 & E Marine View Dr	Everett	Snohomish	38	7 - Snohomish	48.01	-122.19
3	N/A	Tacoma Smelter Plume - Natural Resource Damages	Ecology received \$8.2M from ASARCO for Natural Resource Damages (NRD). The settlement funds are meant to fund restoration of certain habitats and recreational opportunities. Previous NRD settlement funds supported restoration work in Pierce and Kitsap Counties including Harper Estuary, McNeil Island, and Ross Point. This request is for the final installment of interest earned from the ASARCO settlement for Tacoma Smelter Plume related NRD.	500,000	N/A (Restoration)	N/A	Tacoma	Pierce	28	12 - Chambers - Clover	48.76	-117.76
4	461	Van Stone Mine	The Van Stone Mine was the State's largest open pit mine. The mine is located about 28 miles northeast of Colville. The mine operated from 1951 to 1994 under several owners, including Asarco. Approximately 270,000 tons of ore were extracted from 1.3 million tons of rock. This request is for the final installment of interest earned from the ASARCO settlement for Van Stone Mine.	700,000	Cleanup Construction	20 Miles N Of Colville	Unincorporated	Stevens	7	61 - Upper Lake Roosevelt	48.76	-117.76
TOTAL				2,200,000								

Cleanup Settlement Account Projects 2024 Supplemental Budget HEAL Act Template

Background

HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the act. This includes the:

- Departments of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW 70A.02.010(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW 34.05.328.
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW 70A.02.080, beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

**Cleanup Settlement Account Projects
2024 Supplemental Budget HEAL Act Template**

Supplemental HEAL Act Questions

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

Funds deposited into or generated by in the form of interest in the Cleanup Settlement Account are restricted to the site and scope of work for which liability was settled. None of the four sites for which funds are requested are located in overburdened communities.

2. Please describe any potential significant impacts to Indian tribes' rights and interest in their tribal lands.

No significant impacts to Indian tribes' rights and interest in their tribal lands were identified.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

Tribes were not consulted during the development of this capital budget request. However, consultation will occur for each project prior to ground disturbing activity.

4. Has an [Environmental Justice Assessment](#) been completed? If so, please submit the assessment as an attachment in ABS.

No. This request is not related to a significant agency action.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A