

EXPEDITED VOLUNTARY CLEANUP PROGRAM

INTRODUCTION

On July 1, 2020, the Washington Department of Ecology (“**Ecology**”) unveiled the details regarding its new Expedited Voluntary Cleanup Program (“**EVCP**”) that is now open for applications as of July 6, 2020. Under the existing version of the Voluntary Cleanup Program (now referred to as the Standard VCP or “**SVCP**”), Ecology provides technical assistance and regulatory opinions to parties performing independent cleanups regarding compliance with cleanup standards specified by the Model Toxics Control Act. The challenge with the SVCP is that Ecology has not kept pace with demand and the program has been afflicted with long wait times and inconsistent service, which has discouraged many independent cleanups and development projects.

The intent of the EVCP is to provide an alternative path to the SVCP that addresses these challenges by providing an accelerated schedule and a dedicated cleanup site manager. This additional level of service does not come without a cost, because the applicant (which Ecology refers to as the “**Customer**”) must pay for the full cost of Ecology’s time and any other associated costs incurred in the EVCP process.

I. EVCP OVERVIEW

- Application cost of \$3,000. Potential Customer is informed whether they are accepted within ten days.
- Upon acceptance, Customer has 30 days to submit initial prepayment fee of **\$20,000**.
- Ecology expects to provide an opinion on the Remedial Investigation or equivalent report **within 90 calendar days** of acceptance into the EVCP.
- Customer must submit quarterly progress reports regarding the status of the independent cleanup.
- Customer must pay all costs Ecology incurs related to the customer’s EVCP work.
 - The Technical Cost Recovery Rate for Ecology is \$180/hr while the Non-Technical Cost Recovery Rate is \$120/hr.
 - Ecology provides monthly financial statements showing the current prepayment balance and a summary of the previous month’s activity.
- Ecology costs are deducted from the Initial Prepayment, however, if this balance falls below \$5,000, the Customer must make Subsequent Prepayments of **\$10,000**.
- At the end of the EVCP, the Customer must pay a Close Out Fee.
 - The Agreement Close Out Fee, where Ecology is not required to conduct periodic reviews, is **\$1,500**.
 - The Agreement and Maintenance Close Out Fee, where Ecology is required to conduct periodic reviews, is **\$9,000**.
- Upon a successful cleanup that satisfies applicable cleanup standards, Ecology will provide a No Further Action determination.

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II. ELIGIBILITY

Parties who have an ownership interest in or operate a facility, or have a contractual right to purchase, redevelop, or reuse a facility, are eligible to apply for the EVCP. Projects that are eligible for technical assistance from the Pollution Liability Insurance Agency are ineligible. Additionally, any parties whose projects require Ecology supervision, have a history of not meeting expectations, supply an incomplete investigation report or application, or have a poor payment history are ineligible.

III. CONCLUSION

The accelerated schedule and dedicated site manager under the EVCP is ideally suited for those parties who need quick turnaround times to meet commercial transaction schedules and obligations imposed by lenders. The program has the potential to be a big win for both the real estate sector and for Ecology by making contaminated properties that were previously avoided more viable for development deals, which will, in turn, lead to more expeditious cleanups.

More information on the EVCP can be found in Ecology's [Expedited VCP Guidance](#) or you can contact us.



ANDY RIGEL | Attorney

andy.rigel@hcmp.com

206.470.7643

[Click here to learn more about Andy.](#)



THADDAEUS GREGORY | Attorney

thaddaeus.gregory@hcmp.com

206.470.7665

[Click here to learn more about Thaddaeus.](#)

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