

Brownfields: Successful Strategies

Moderated/Presented by

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**The Market-Mandate Balance:
“Marketplace” Driver v.
“Permanence to the Maximum
Degree Practicable”**

Brownfields and Future Land Use

- Softening of “Command and Control”
- Evolution of the toolbox: technology, regulatory practice, marketplace sensitivity and insurance/risk transfer products
- Increasing attention to protection of future land use and “no further action”
- “What was Love Canal but a massive failure of institutional controls?”

**The “Tower of Babel” of Risk and
Delay Avoidance: Finding the
Practical and Protective Way to
Address Liability and Site
Constraints...**







To Facilitate a Transformation from Here....



Charles R. Wolfe, Attorney at Law



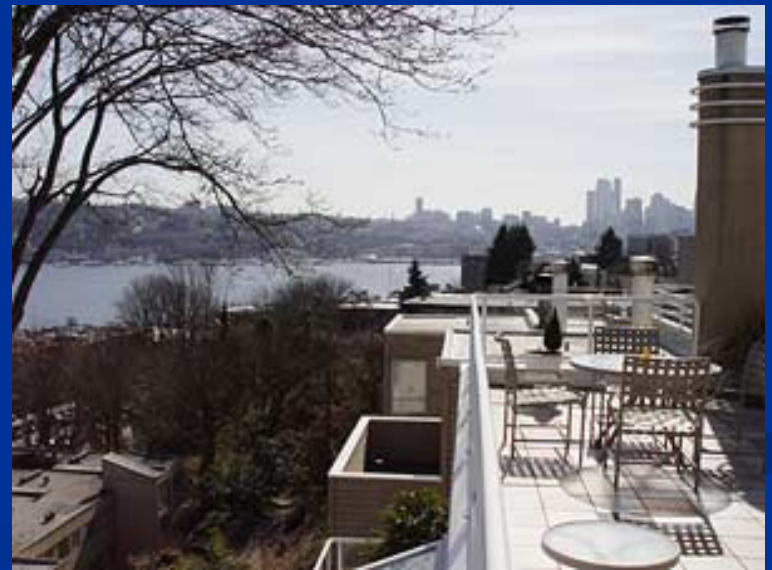
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To Here...



”In less than six months, Triad Development transformed the former American Tar Co. site -- just north of Gas Works Park on Lake Union -- from a brownfield to prime property suitable for an upscale condominium complex. Triad removed decades-worth of paint thinners, solvents and creosote from the 1.3-acre site, in what Ecology officials say was one of the most rapid cleanups in the agency's history. “ (DJC, June 2000)





And There...







REMEDIATION

9.

1.

3.

4.

5.

2.

6.

7.

MEMORIAL

REGENERATION

INTERPRETATION

8.

150 0 75 150 300 ft
D. I. R. T. studio

**“A major milestone was reached recently. After Asarco removed the most highly contaminated soils from the site, the Everett Housing Authority took over the former smelter property and the cleanup, with help from Ecology and the City. The housing authority sold the cleaned up property to Barclays North, Inc. New townhouses are planned on the site of the former smelter.”
(City of Everett Website, May 2006)**

Formal Program Examples and Why

- Manhole 34/Sunnyside (1990-2004)*
- Nortar/Regatta Condominiums (1999-2000)
- J.H. Baxter Properties (Seahawks) (2000-)
- Thea Foss Site 5 (2005-2006)
- Everett Housing Authority/ASARCO (2004-2006)
- City of Bainbridge Island/Pritchard Park (2005-)
- Seattle Goodwill/Dearborn Campus (2005-)

Voluntary Program Examples and Why

- Qwest Field (1998-2002)
- Ballard and the Drycleaner Across the Street (2004)
- Westlake, South Lake Union and the Inaccessible Contained Contaminant (2000, 2005)
- Eddon Boatyard, Gig Harbor (2005-)
- Various Technical Opinions in King, Kitsap and Pierce Counties for Site Resolution or in Support of Cost Recovery/Insurance

Choice of Tools: Practice Pointers

- **Market Perception of Nature and Extent**
 - Extent of liability
 - Complexity of negotiations
 - Likely land use restrictions
 - Marketplace knowledge and stigma
 - Investment of income stream
 - Third party funding/grants
- **Countervailing Concerns: Protectiveness, Staffing and Precedent**

Today's Players

- **The Developer and Risk**
- **The Insurance Broker and Tools**
- **The Consultant and Tools/Site 5**
- **The Program Manager and the Market-Mandate Balance**
- **The Renaissance Professional**
- **The Field Trip 3:15**