

TO:

Washington State Department of Ecology
Toxics Cleanup Program
Olympia, Washington

DATE:

December 12, 2025

Response to 2027-2029 Cleanup Grant Updates for Public Comment
Publication No. 25-09043

Black River Environmental, LLC (Black River) appreciates the opportunity to comment on the 2027–2029 Cleanup Grant Program updates. Black River is a recently founded, women-owned environmental consulting firm based in Seattle, Washington. Collectively, our team has led or supported site investigation, cleanup design, and cleanup implementation for numerous projects funded through Ecology's Affordable Housing Cleanup Grant Program (AHCGP) since its inception in the 2023-2025 biennium. These include Mt. Baker Housing Association's The Maddux and Grand Street Commons projects in Seattle; GardnerGlobal's Skyway Towncenter project in Renton/Skyway; Mercy Housing Northwest's 35P project in Tacoma; and Estelita's Library's Solidarity House / Beacon Hill project in Seattle, among others.

Through this work, we have gained firsthand insight into the policy and administrative challenges faced by AHCGP recipients. Based on this experience, we offer the following comments for Ecology's consideration:

1) Biennial Lump-Sum Budgeting and Project Feasibility

Establishing a fixed lump-sum allocation for the AHCGP within the biennial budget prior to project selection limits Ecology's ability to assess whether available funds are sufficient to meet the demands of the selected projects' development schedules. This creates significant uncertainty for grant recipients when evaluating project feasibility. Development delays can result in substantial cost increases and/or the loss of other funding sources, particularly where housing projects depend on separate grants for property acquisition or building construction that have strict timeline requirements. Clarification on how Ecology will ensure that cleanup funding remains available within a biennium and aligned with project development schedules would be helpful, especially in the scenario of changes in

understanding of nature/extent of contamination, changes to development scope/design, and other grant awards.

2) Grant Eligibility Determinations and Administrative Impacts on Recipients

Certain AHCGP policies and administrative practices have resulted in investigation and cleanup-related costs being deemed ineligible after execution of the grant agreement, leaving recipients responsible for securing alternative funding—often with little or no advance notice. These outcomes can disproportionately affect the organizations the program is intended to support. Examples include:

- *Inconsistent Cost Eligibility Determinations*
Determinations of eligible versus ineligible costs (such as, related to environmental investigation activities) vary among Ecology grant managers. Ecology has indicated that individual grant managers have discretion in making these decisions; however, greater internal alignment and clearer, more detailed guidance would allow recipients to better anticipate and plan for costs that may ultimately be deemed ineligible.
- *Recipient Staff Cost Cap*
Capping recipient staff costs at 10 percent of consultant fees for a given submittal does not reflect how recipients typically manage consultants and grant requirements. Recipient staff time is often required in advance of consultant work (e.g., scope development and coordination) and after consultant deliverables are completed (e.g., review and compliance activities). Tying recipient staff cost eligibility to consultant fees for a PRPR period does not align with these realities. Removing or revising this cap would better reflect actual project management needs.
- *Ecology Fees as Ineligible Costs*
Requiring recipients to directly pay Ecology's fees for work that is integral to cleanup oversight imposes a significant financial burden. Waiving these fees, or allowing all or a portion of them to be grant eligible, would meaningfully reduce cost impacts to grant recipients.
- *Retroactive Cost Recovery for Due Diligence*
Environmental due diligence is often necessary to determine whether a property is suitable for affordable housing and eligible for AHCGP funding. These activities frequently must occur on their own timeline that could not be tied to the start of a biennium and Ecology's newly introduced Phase 1 competitive solicitation process timeframe. Allowing retroactive cost recovery for due diligence work, once a project

is selected, would expand access to the program and reduce financial barriers for prospective applicants.

We understand that the currently published updates represent an early preview and that additional detail will be provided closer to Fall 2026. We look forward to continued engagement as the 2027–2029 program updates are further developed and encourage Ecology to consider the challenges we’ve highlighted above as part of that process. We appreciate Ecology’s contribution to advancing environmental justice by prioritizing cleanup and redevelopment in communities that have historically borne disproportionate environmental and housing burdens, and by supporting affordable housing as a pathway to healthier, more equitable outcomes across Washington.

Thank you for the opportunity to comment,

Black River Environmental, LLC



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