R10-26-C-012

Application Information Sheet

(1) Applicant Information	Port of Vancouver USA 3103 NW Lower River Road Vancouver, WA 98660
(2) Website URL	www.portvanusa.com
(3) Funding Requested	a. Single Site Cleanup b. $4,000,000
(4) Location	Port of Vancouver Terminal 5 (former Alcoa Smelter) Vancouver, Clark County, WA
(5) Property Information	Port of Vancouver Clark County, Vancouver, WA Percent of time/activity in county: 100%
(6) Contacts	**Project Director** Mary Mattix, Director of Environmental Services (360) 693-3611 mmattix@portvanusa.com 3103 NW Lower River Road, Vancouver, WA 98660 **Chief Executive Officer** Julianna Marler, CEO (360) 823-5280 jMarler@portvanusa.com 3103 NW Lower River Road, Vancouver, WA 98660
(7) Population	The Brownfield site is located at the Port of Vancouver Terminal 5. The site is located in the City of Vancouver, which has a population of 190,928 (per 2020 Decennial Census on data.census.gov).
(8) Other Factors	See table below

Other Factors	**Page #**
Community population is 15,000 or less	N/A
The applicant is, or will assist, a federally recognized Indian Tribe or United States Territory	N/A
The proposed site(s) is impacted by mind-scarred land.	N/A
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the remediation/reuse; secured resource is identified in the Narrative and substantiated in the attached documentation.	N/A

	The proposed site(s) is adjacent to a body of water (i.e., the border of the proposed site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them)	The proposed site is adjacent to a body of water, the Columbia River. See Project Narrative Section **b. Description of the Proposed Brownfield Site.**
	The proposed site(s) is in a federally designated flood plain	The proposed site is in a federally designed flood plain. See Project Narrative Section **b. Description of the Proposed Brownfield Site.**
	The reuse of the proposed site(s) will facilitate renewable energy from wind, solar, or geothermal energy	N/A
	The reuse of the proposed site(s) will incorporate energy efficiency measures	N/A
	The proposed project will improve local resilience to the impacts of extreme weather events and natural disasters.	N/A
	The target area(s) is impacted by a coal-fired power plant that has recently closed (2015 or later) or is closing	N/A
(9) Releasing Copies of Applications	Not applicable	

1: Project Area Description and Plans for Revitalization

Target Area and Brownfields

a. Overview of Brownfield Challenges and Description of Target Area

Located in Vancouver, Washington, in the southwest part of the state, the Port of Vancouver, (Port) is situated along the Columbia River, 100 river miles from the Pacific Ocean. The port was established in 1912 to support economic development in the region. In 100+ years, the port has been home to industries including shipbuilding during World War I and II, grain processing, and importing and exporting of automobiles, large equipment, minerals, and more. The port is a deep-water gateway with strategic connections to river, road, and rail networks.

The port's Terminal 5 site sits beside the Columbia River and offers multimodal transportation connections, but the site needs further in-water remediation before it can be fully utilized. In 2009, the port purchased this brownfield site, a former aluminum smelter, to expand operations, gaining berthing areas for cargo transported by water and expand rail through the West Vancouver Freight Access (WVFA) project. WVFA added 35,000 feet of new rail and a loop track at Terminal 5. The port redeveloped the site with added utilities, roads, and cargo laydown areas. Further developments were planned to attract maritime tenant/s but were postponed due to discovered contamination. While remediation was completed at the site by the previous owner, the port discovered sediment contamination of polychlorinated biphenyls (PCBs) and polycyclic aromatic hydrocarbons (PAHs) that exceed the required cleanup levels.

The target area (Census Tract 53011041005) is within the City of Vancouver (pop. 190,915). The target area's population is 2,732, with most residents living in the Fruit Valley neighborhood, located directly north of the port. The target area is mostly zoned for industry and has a history of groundwater and soil contamination and poor air quality[1]. The census tract has higher negative indicators including higher rates of poverty/low-income and negative health outcomes, and lower levels of educational attainment. The outcomes of this cleanup project include the removal of contaminated sediment, an improved environment, as well as a marine terminal site that can support job creation and economic development.

b. Description of the Proposed Brownfield Site

The cleanup site consists of six parcels at Terminal 5 within the Columbia River, which are owned by or managed by the port under a Port Management Agreement (PMA) with Washington State Department of Natural Resources (DNR). The clean-up boundary is approximately five acres. The site is in a federally designated flood plain and contains a 425-foot dock, Berth 17, constructed in 1967. The entire Terminal 5 site includes approximately 208 upland acres located at 5701 NW Old Lower River Rd., in Vancouver, WA. Terminal 5 is bounded on the north and east by port property and public agency facilities; and on the south by the Columbia River. The current zoning classification for the in-water parcels is "Water," while the adjacent upland parcels are zoned "Heavy Industrial." There is no public access to the site.

The Terminal 5 area was developed by Alcoa for aluminum smelter operations in 1940. The complex included a smelter and a series of fabrication plants, where aluminum was formed into wire, rod, and extruded channel. A variety of materials were handled at the property during operations that contributed to soil, groundwater, and sediment contamination. Aboveground

1 Should Vancouver fix the air quality issues in Fruit Valley before adding more housing? - The Columbian

tanks storing various fuel oils and two transformer/rectifier stations at the site were a source of polychlorinated biphenyls (PCBs) and polycyclic aromatic hydrocarbons (PAHs).
Alcoa performed cleanup actions on its 97 upland acres of the original 208-acre smelter property. Contamination was found in sediments starting in 1997, which were under lease by Alcoa from DNR. In January 2009, Alcoa entered into Consent Decree with Ecology, which required Alcoa to implement a 2008 Cleanup Action Plan (CAP) to address contamination documented in a September 2008 Remedial Investigation/Feasibility Study (RI/FS) as part of a cleanup action. Between October 2008 and April 2009, Alcoa conducted a sediment cleanup that involved dredging of PCB-contaminated sediment along the Columbia River shoreline and placement of enhanced natural recovery (ENR) sand in the sediment area. Because post-dredge sediment samples were not collected following the remedial dredging and prior to ENR sand placement (as is typical during remedial dredging projects), there was no confirmation that all targeted contaminated sediment was removed during Alcoa's sediment cleanup.
The port and Alcoa entered into the purchase and sale agreement for Terminal 5 in June 2007. Alcoa's final Consent Decree was entered in January 2009, and in March 2009, upland ownership of Terminal 5 was transferred from Alcoa to the port. The adjacent tidelands, formerly under lease by DNR to Alcoa, were incorporated into the port's PMA in April 2009. To bring Berth 17 into the port's Maintenance Dredging Program, sampling was done by the port in 2018 and 2019 and found PCB and PAH contamination above applicable cleanup standards within the Alcoa cleanup action footprint. Subsequent sediment sampling conducted by Alcoa in 2021 and 2022, to support Ecology's 2020 periodic review process, and further sampling by the port in 2022, identified additional remaining PCB contamination and PAH contamination.

Revitalization of the Target Area

c. Reuse Strategy and Alignment with Revitalization Plans

Terminal 5 is a key maritime asset for the port, providing deepwater and upland infrastructure that has excellent connectivity to river, road, and rail. Terminal 5 is included in the port's Transportation Rehabilitation and Improvements Plan (TRIP), and infrastructure improvements were made since acquiring the site, including adding rail loop and tracks, utilities, and roads. Before discovering the in-water contamination, the port marketed the site as a future large bulk export facility and received permits for its construction. The port has received inquiries from potential maritime tenants; however, the existing contamination prevents the port from developing the in-water area so as not to preclude a future cleanup remedy. After cleanup, the port can move forward with the reuse strategy to develop the site to be fully maritime operational, supporting the port's mission to provide economic benefit to our community.
This sediment cleanup project will occur in the floodplain of the Columbia River, which is a federal marine Highway (M-84) and connects the Port of Vancouver to the Pacific Ocean to facilitate maritime transportation. Permits for a new dock at Terminal 5 have been obtained from state and federal agencies (Corps, NMFS, USFWS, Ecology), pending remedial activities, which will also require federal and state permitting to ensure appropriate measures are taken considering these activities are occurring in the floodplain of the Columbia River. The port has engaged with Ecology and the Yakima Nation since purchasing the property to cooperatively work together to advance the cleanup in a manner that limits the environmental and human exposure to the contamination in a timely fashion.

d. Outcomes and Benefits of Reuse Strategy

The Port of Vancouver mission is to provide economic benefit to our community, which includes increasing job opportunities across the port district, including expanding access to living wage jobs to the near-port Fruit Valley residents. While it's difficult to quantify the number of jobs that will be created without a tenant/commodity secured, a prospective bulk mineral exporting tenant estimated 40 living wage jobs could be created for such a facility, with more jobs possible if manual loading and loading of cargo was required.

Beyond economic benefits, the project will enhance the Columbia River and the environment. Protecting and preserving the river is of local, state and national interest. The Columbia River is a source of recreation, transportation, and livelihood of people, animals, and other life. Its watershed is far-reaching, with eight million people residing in the river basin. The EPA has a "Columbia River Basin Toxics Reduction Action Plan" to reduce toxics reaching the river. The port has worked with the Corps, Ecology, USFWS and NMFS to permit the dock to minimize impacts to the aquatic environment to the maximum extent possible. The dock construction will feature such elements as grating to minimize over water shading and the use of bubble curtains and turbidity monitoring during construction to limit impacts to fish.

Strategy for Leveraging Resources

e. Resources Needed for Site Characterization

The port has utilized its resources for site characterization, including assessments in 2018, 2019, 2021, and 2022 and additional sampling in 2025, which sampled eight feet into sediment and still found contamination. The port has scheduled an additional sediment characterization event for spring of 2026, to finalize the extent of contamination for remedial design. We affirm there will be sufficient level of site characterization performed by June 15, 2026. All characterization expenses are funded by port general funds (no documentation).

f. Resources Needed for Site Remediation

Approximately $23.9M is needed for remediation at the site. The port has created a funding strategy to help secure funds from a variety of sources and methods, including federal and state grants/loans, cost recovery from other liable parties, general obligation bonds and other funding mechanisms available to the port. More information can be found in the table below.

g. Resources Needed for Site Reuse

After site remediation is complete, the port anticipates investing in infrastructure to help attract maritime tenants. Infrastructure may include a new dock and overpass. For these projects, the port may apply for federal grants, including the Maritime Administration (MARAD)'s Port Infrastructure Development Program and Marine Highway grant program. Both grant programs require a cost share of 20%. Other improvements may be needed depending on the tenant and their needs; these would be funded by the tenant.

Name of Resource	Resource for (1.e) Assessment, (1.f.) Remediation, or (1.g) Reuse Activities	Resource Secured or Unsecured	Additional Details or Information About the Resource
Port funds	Assessment (1.e)	Secured	Site characterization funded by port
EPA Brownfield	Remediation (1.f)	Unsecured	$4M requested in this grant application

Department of Ecology (WA)	Remediation (1.f)	Unsecured	Port will apply for a grant through Ecology's Model Toxic Control Act
Other liable parties	Remediation (1.f)	Unsecured	Cost-sharing agreement, dispute resolution, and/or litigation
Port general obligation bonds	Remediation (1.f)	Unsecured	General obligation bonds provide public agencies funding with low interest rates, which could be used for needed funds
Port funds	Reuse Activities (1.g)	Unsecured	The port will invest necessary funds to improve site infrastructure.
Federal grants (Marine Hwy and/or PIDP)	Reuse Activities (1.g)	Unsecured	The port will apply for federal grant/s if infrastructure project aligns with grant priorities.
Future tenant/s	Reuse Activities (1.g)	Unsecured	Future tenants may invest funds for infrastructure specific to their industry

h. Use of Existing Infrastructure

The site has existing infrastructure that could be used by tenants after cleanup. Infrastructure includes rail loop and rail lines to the BNSF/UP mainline and roads with speedy connection to state route WA-501 and Interstate-5. A stormwater treatment pond is located near the site, but additional stormwater infrastructure may be required for full buildout of the site. A substation is being planned for installation near the site and will provide power for future activities. Grant may be sought for these projects through state grants from Ecology and Commerce.

2: Community Need and Community Engagement

Community Need

a. The Community's Need for Funding

The grant will help the port take a crucial step toward redevelopment and full upland and in-water/shoreline use of Terminal 5. Contamination of the site is a key factor preventing a marine-dependent tenant being secured. Once cleanup is complete, permitting and redevelopment can proceed, allowing for a tenant to come to the port and utilize the terminal as intended. Project outcomes in the target area include reduced contamination, an improved environment, and enhanced job opportunities in our community, including Fruit Valley neighborhood. The target area has is economically disadvantaged (see table below), which makes funding the project through other sources challenging.

b. Health or Welfare of Sensitive Populations

Fruit Valley neighborhood residents have several negative health and welfare indicators of sensitive populations, including higher percentage of young children (ages 9 and under), disease burdens (asthma and COPD), and low-income/poverty. Indicators include:

Data Type *Source*[2]	Census Tract	Vancouver, WA	Clark County, WA	WA State	United States
Median Household Income	$53,750	$82,928	$99,683	$99,389	$81,604
Poverty	15.8%	9.8%	7.3%	9.9%	12.1%

2 https://data.census.gov

Employment Rate	64.7%	60.7%	61.1%	60.9%	60.6%
Without Healthcare Coverage	14.6%	7%	6.1%	6.5%	8.2%
Young Children (9 and under)	12.8%	9.6%	11%	11.2%	11.2%

Beyond the target area, Vancouver is on Ecology's Overburdened Communities List[3]. Vancouver is one of 16 communities identified as being historically overburdened with health, social, and environmental issues and highly impacted by criteria air pollution. Vancouver is on the list, in part, due to high levels of $PM_{2.5}$.

The brownfield cleanup will enhance economic impacts with the revitalization of the site and subsequent economic development and living-wage job creation. The project will also reduce health threats with the removal of containments from the site, improving the water quality in the Columbia River, which reduces human exposure through fish consumption, and enhancing the environment overall.

c. Greater Than Normal Incidence of Disease and Adverse Health Conditions

The target area has higher incidence of disease, including respiratory diseases like asthma and chronic obstructive pulmonary disease (COPD). The target area also has higher rates of diabetes and obesity, which when combined with the lower income and limited access to healthcare, can result in more negative health outcomes for the target area. Removing the contaminants associated with this cleanup project will reduce potential sources contributing to the higher rates of diseases in the target population.

Data Type *Source*[4]	Census Tract	Vancouver, WA	Clark County, WA	WA State	United States
Asthma	13.2%	11.9%	11.6%	11%	9.8%
COPD	8.9%	5.4%	4.9%	5.4%	5.3%
Diabetes	12.5%	9.1%	8.4%	9.7%	10.3%
Obesity	44.1%	36.4%	35%	31.2%	32.9%

d. Economically Impoverished/Disproportionately Impacted Populations

The target area has a significantly lower median household income than the city, county, state and nation, and higher percentage of households living in poverty and with young children. Interestingly, the rate of employment in the target area is higher than that of the city, county, state and nation, while healthcare coverage is lower than all. This may indicate the employment in the census tract is one of under-employment or employment that is not living wage. The purpose of the cleanup project, in part, is to stimulate economic development and the number of jobs in our community by securing a maritime tenant post-cleanup. We estimate 40 living wage jobs could be created with a new tenant, providing an opportunity for Fruit Valley residents to improve their employment with a higher wage, benefit-eligible position.

Community Engagement

e and f. Project Involvement and Project Roles

The Washington State Department of Ecology (Ecology) and The Confederated Tribes and Bands

3 Washington State Department of Ecology's Overburdened Communities List

4 PLACES: Local Data for Better Health | PLACES | CDC

of the Yakama Nation (Yakama Nation) are directly involved with this cleanup project. In 2025, the port entered into an Agreed Order (No. DE 23653) with Ecology, where the port will implement an interim remedial action, with Ecology as the overseeing agency. The port also has a Funding and Participation Agreement (FPA) with the Confederated Tribes and Bands of the Yakama Nation. Through the Funding and Participation Agreement, the port will fund oversight costs associated with cleanup of the site, including activities in connection with the response action process, personnel costs and contractual costs (none of these costs will be funded through the EPA Brownfield Cleanup grant).

Name of organization	Entity's mission	Point of contact (name & email)	Specific involvement in the project or assistance provided
Department of Ecology	To protect, preserve, and enhance Washington's environment for current and future generations.	Dave Johnson johd461@ecy.wa.gov	Ecology Project Coordinator, working under the Industrial Section
Confederated Tribes and Bands of the Yakama Nation	Protecting the Yakama Nation's Ancestral, Cultural, and Treaty Natural Resources on Reservation, in the Ceded Area and at Usual and Accustomed Sites, to meet the tribal culture, protecting tribal sensitive areas and sites and restoring diminished damaged resources.	Elena Ramirez Groszowski rame@yakamafish-nsn.gov	Port has a Funding and Participation Agreement with the Yakama Nation, funding oversite provided by the tribe

g. Incorporating Community Input

The port takes an active role in communicating and engaging with the community. Outreach efforts were essential in the creation of the port Climate Action Plan in 2021, reaching residents in the port districts through a variety of channels to help shape the plan. The port continues enhancing its outreach to increase effectiveness and reach. This includes providing information in multiple languages, mailers with QR codes directing to webpages, and social media posts. The port Community Relations Specialist is the public's liaison to the port, providing project updates to the public, addressing questions and concerns at neighborhood meetings and community events.

Before applying for the grant, the port held a public meeting on January 22, 2026 to gather community input. The project narrative and Alternatives of Brownfield Cleanup Alternatives was posted on the port website on January 8, 2026 (see Threshold Criteria Responses section for more information).

During the grant period, the port will continue seeking community input on the project using our outreach strategy, with a focus on the Fruit Valley neighborhood (target area). This will include providing information on the project through publications (digital and/or print), sharing project updates at community events/meetings and considering and documenting feedback received. The port will continue collaboration with partner Yakama Nation on the project. Updates will also be shared with the local Cowlitz Tribe at an annual meeting with the tribe.

3: Task Descriptions, Cost Estimates, and Measuring Progress

a. Proposed Cleanup Plan

The port has proposed a phased Interim Action to address the site sediment contamination, which includes a first construction season to clean up contaminated sediments upriver of the existing Berth 17 dock in late 2027/early 2028 (Phase 1) and a second construction season to cleanup the remaining downriver sediment contamination in and around the Berth 17 dock in late 2028/early 2029 (Phase 2). Components of the cleanup include pre-construction preparation and mobilization, in-water construction (including dredging and dredge return water treatment), transport and disposal of contaminated sediment to a permitted upland disposal facility, and potential beneficial re-use of sediments in upland portions of Terminal 5. In advance of Phase 1, grant funding will be used to hire a qualified construction contractor to perform the remediation activities. The cost for the entire cleanup (Phases 1 and 2) is estimated at $23.9M. This does not include costs for project management, community outreach, or oversight and monitoring by Qualified Environmental Professionals (QEPs); these will be funded by the port.

Following a public bidding process, the port will contract with a qualified contractor and will work with their QEP to complete the required plans, construction, monitoring, and oversight. Plans will be submitted to the Ecology for review and certification of cleanup activities.

Description of Tasks/Activities and Outputs
Task 1: Project Management
b. Project Implementation: The Director of Environmental Services will be responsible for the project execution and management. She will track project tasks, schedule, and budget; procure and oversee QEP and qualified construction contractor, communicate to stakeholders, and submit grant reports, with support from port Grant Specialist. ▪ **EPA-funded tasks/activities:** N/A ▪ **Non-EPA grant resources needed to carry out tasks/activities, if applicable**: The port will fund staff salary dollars to carry out programmatic oversight activities and grant administration. This task will not be funded by the EPA grant.
c. Anticipated Project Schedule: Project management work is currently taking place, and will continue through June 2026 to January 2029
d. Task/Activity Lead: Port Director of Environmental Services
e. Outputs: Progress and Financial Reports as required, routine tracking in Assessment, Cleanup and Redevelopment Exchange System (ACRES), etc.
Task 2: Community Outreach and Engagement
b. Project Implementation: The port Community Relations Specialist, with support from the External Affairs department and QEP, will be responsible for communicating with the public on this project. This includes attending and speaking at community events and meetings, and sharing information through digital and print materials, in addition to pre-application public meeting. ▪ **EPA-funded tasks/activities:** N/A ▪ **Non-EPA grant resources needed to carry out tasks/activities, if applicable:** The port will fund staff salary dollars to carry out community outreach. This task will not be funded by the grant.

c. Anticipated Project Schedule: Jan 2026 (pre-award) and through duration of grant period
d. Task/Activity Lead: Port Community Relations Specialist
e. Outputs: Attend neighborhood meetings and community events, including Fruit Valley meetings. Provide project updates and address questions and concerns. Share information through other channels including port tours, port website, social media, publications, mailers, etc.
Task 3: Remediation Activities
b. Project Implementation: The port will use all EPA grant funds for cleanup construction activities. The port will competitively procure a qualified remedial contractor per federal contracting regulations. A port Engineering Project Manager will oversee with the contract with assistance from QEP. Based on the Pre-Design Investigation, contractor cleanup activities are estimated to include dredging and disposal of approximately 40,000 to 50,000 cubic yards of contaminated sediment. ▪ **EPA-funded tasks/activities:** All grant funds will be applied to Phase 1 of remedial activities, including preconstruction activities and mobilization, in-water construction, and transport and disposal of contaminated sediment. ▪ **Non-EPA grant resources needed to carry out tasks/activities, if applicable:** The port will contribute the remainder of funding necessary to complete Phase 1 and 2 of remedial construction activities.
c. Anticipated Project Schedule: Procurement will begin in spring 2027. Phase 1 of construction will be completed by January 2028. Phase 2 construction will be completed by January 2029.
d. Task/Activity Lead: Remedial contractor
e. Outputs: Successful cleanup of the project site to be documented in the Construction Completion Reports that will be completed for each phase, minimized exposure to hazardous substances throughout the in-water berthing area to support use of the full underutilized site.
Task 4: Planning and Oversight
b. Project Implementation: The port has contracted with a QEP to support design and planning of the remedial action, conduct oversight of the remedial contractor, and ensure all cleanup activities are done in accordance with the approved remedial designs. The Director of Environmental Services will oversee the QEP. ▪ **EPA-funded tasks/activities:** N/A ▪ **Non-EPA grant resources needed to carry out tasks/activities, if applicable:** The port will fund staff salary dollars and costs of QEP contract for planning and oversight activities. The task will not be funded by the grant.
c. Anticipated Project Schedule: The port is currently working with a QEP to develop remedial design documents and will continue to work with a QEP to support bidding, selection, and oversight of a remedial contractor through the end of Phase 2 construction in January 2029.
d. Task/Activity Lead: Port and QEP
e. Outputs: Finalized ABCA, 100% Remedial Design and bid package, review of all pre-construction documents, onsite oversight conducted during construction and documented in a Construction Completion Report.

f. Cost Estimates

Cost for the project were developed by the port's QEP as part of remedial design. The total cost of remediation activities for Phase 1 is estimated to be ~$10M, and Phase 2 is estimated to be

~$14M (see table below). Grant funding will be applied to remediation activities (construction costs) for Phase 1 of the project. The estimated construction cost of Phase 1 exceeds the $4 million grant maximum; the port will use these funds to help pay for the first phase of in-water cleanup. Estimated costs for preconstruction activities and mobilization, in-water construction, and material transport and disposal for Phase 1 and 2 are presented below.

Budget Categories		Project Tasks (Brownfield Grant Costs Only)				
		Task 1 - Project Management	Task 2 - Community Outreach	Task 3 - Remediation Activities	Task 4 - Oversight and Monitoring	Total
Direct Costs	Personnel					
	Fringe Benefits					
	Travel					
	Equipment					
	Supplies					
	Contractual					
	Construction			$ 4,000,000		$ 4,000,000
	Other					
Total Direct Costs				$ 4,000,000		
Indirect Costs						
Total Budget				$ 4,000,000		$ 4,000,000

Estimated Construction Budget - Total Costs	Phase 1 - Upriver (2027/2028)	Phase 2 - Downriver (2028/2029)
Preconstruction Activities and Mobilization	$ 1,133,000	$ 1,186,000
In-water Construction	$ 3,529,000	$ 5,810,000
Material Transport and Disposal	$ 5,543,000	$ 6,719,000
Estimated Total Construction Costs	$ 10,205,000	$ 13,715,000

g. Plan to Measure and Evaluation Environmental Progress and Results

The port brownfield cleanup project team will meet regularly to track the progress in fulfilling the scope of work, goals, and objectives. The port will update the EPA through project progress and final reports. Specific performance metrics detailed in the Work Plan will be used to summarize project accomplishments, and the project team will review and ensure that all reporting requirements are met on schedule, and the project continues to comply with all terms and conditions of the grant. Additionally, site-specific information will be routinely entered and tracked in the online ACRES database. Outputs to be tracked include the number of outreach activities, cleanup report, final ABCA, 100% Remedial Design and bid package, and Construction Completion Report. The outcomes to be tracked include community outreach efforts, acres ready for reuse, and possible jobs created. Anticipated environmental results of the project include removal of approximately 40,000 to 50,000 cubic yards of contaminated sediments above cleanup standards, supporting a cleaner, healthier Columbia River.

4: Programmatic Capability and Past Performance

Programmatic Capability

a. Organizational Structure and b. Description of Key Staff

The Port of Vancouver has a history of the successful delivery of large, complex projects and will utilize a cross-departmental team to manage this grant. Staff from engineering, finance,

environmental, contracting, and grants work together to ensure projects are advancing, outputs and outcomes are achieved, and grant compliance and financial requirements are met. The EPA Brownfield Cleanup grant team includes: Mary Mattix, Director of Environmental Services, has 30 years in the environmental field and 18 years at the port and will oversee the project, manage contractor/s and communicate with project partners; Engineering Project Manager Ahmed Mohammed will oversee construction and has over 18 years of experience in infrastructure design, project management, and construction; Nick McEntire, CPA, CFE, Accounting Manager, has over 20 years of accounting experience and will oversee accounting operations, including financial aspects of the grant. Dawn Egbert, Director of Procurement and Admin Services, with 16 years of experience in procurement and 17 years at the port will manage procurement and contracting efforts; Nicole Lutton, Grants Specialist, has 15 years of grant experience and will manage grant administration, compliance, and reporting.

c. Acquiring Additional Resources

The port follows established procurement and contracting procedures to ensure consistency, transparency, and compliance with 2 CFR 200 for federal funding requirements. A contractor has not yet been selected for cleanup project construction. A qualified environmental professional was selected through a competitive procurement process in 2020, but no EPA Brownfield grant funds will be utilized for QEP services. No subrecipient is anticipated.

Past Performances and Accomplishments

d. Currently Has or Previously Received an EPA Brownfield Grant

Not applicable. The port has never received an EPA Brownfield Grant.

e. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Financial Assistance Agreements

(1) Purpose and Accomplishments

The port has not received any EPA Brownfields grants but has received other federal and state grants. This includes a 2024 $22.5M EPA Clean Ports grant to fund the zero-emission technology deployment of cranes and powering infrastructure. While still active, grant accomplishments include creating a QAPP that was approved by EPA, community outreach activities, and timely submission of progress and financial reports. The port has also received FEMA Port Security Grant Program grants in 2021 ($90K), 2024 ($45K) and 2025 ($350K) for security projects, and grants from state agencies, including the Department of Ecology for stormwater design ($605K).

(2) Compliance with Grant Requirements

Active grants listed above, including the EPA Clean Ports grant, are on schedule and budget as the port continues work toward accomplishing outputs and outcomes in Work Plans. The port communicates frequently with agency grant staff, submits required program and financial reporting by established deadlines, and maintains documentation and record keeping for grant-related files. Closed grants were completed on budget and schedule with expected project accomplishments. No corrected actions or measures were taken.

f. Never Received Any Type of Federal or Non-Federal Financial Assistance Agreements

Not applicable. See above Section 4.e.

Port of Vancouver 2026 EPA Brownfield Threshold Criteria Responses

1) A statement of applicant eligibility if a city, county, State, or Tribe
N/A

2) **Documentation of applicant eligibility if other than a city, county, State, or Tribe; e.g., resolutions, statutes, Intertribal Consortium documentation, or documentation of 501(c)(3) tax-exempt status or qualified community development entity**
Document of port status attached.

3) **A statement of the applicant's 501(c)(4) tax-exempt status and, if applicable, legal opinion regarding lobbying activities**
N/A

4) Information on previously awarded Cleanup Grants
N/A. The port has not been previously awarded an EPA Cleanup grant.

5) **Documentation of the available balance on an open Multipurpose Grant; or an affirmative statement that the applicant does not have an open Multipurpose Grant.**
N/A. The port does not have an open Multipurpose Grant.

6) **Site ownership information**
"For purposes of grant eligibility and the Guidelines only, ownership is fee simple title as evidenced by a recorded deed; unless EPA approves a different ownership arrangement (for example, a nominee agreement or 99-year irrevocable lease. See L.14.). EPA will find applicants ineligible if they do not meet the ownership requirement by the application submission deadline." Fiscal Year 2026 Frequently Asked Questions for Brownfield Multipurpose, Assessment, RLF, and Cleanup (MARC) Grants (as of 11/20/25) ("FAQs"), § L.2. (emphasis added).

"If an eligible applicant does not hold absolute fee simple title, the applicant may still be eligible to receive a Cleanup or Multipurpose Grant if the applicant can demonstrate that it has rights that are functionally equivalent to ownership and sufficient control of the property during the pendency of the grant and cleanup activity. . . EPA may [ ] approve a 99-year irrevocable lease as [a] 'functional equivalent' of ownership arrangement. The length of the lease is a factor that EPA considers, but the most important factors are that the lease cannot be revoked by the lessor and the lessee has possession, access, and the right to make improvements to the site for an extended period. The applicant must be able to demonstrate that it has rights that are functionally equivalent to ownership and sufficient control of the property during the pendency of the grant and cleanup activity." FAQs, § L.14.

EPA's FAQs include examples of lease provisions that it has determined do not establish the functional equivalence of ownership, with explanations why. Cases construing "owner" under CERCLA are also illustrative. Many of the district courts that have considered this question have held that site control is a sufficient indicator of ownership to impose liability on lessees or sublessors.

The Port is the fee owner of 1.32 acres of tidelands within the Site. That fee ownership clearly satisfies the definition of "owner" under CERCLA. The remaining 20.7 acres of tidelands within the Site are managed and controlled by the Port under RCW 79.105.420 and the terms of the October 1, 1984 Port of Vancouver Management Agreement No. 20-080008, as amended (the "PMA"). The nature and extent of the Port's control and management authority over the tidelands is the functional equivalent of ownership under CERCLA.

The statute provides:

> Upon request of a port district, the department and port district may enter into an agreement authorizing the port district to manage state-owned aquatic lands abutting or used in conjunction with and contiguous to uplands owned, leased, or otherwise managed by a port district, for port purposes as provided in Title 53 RCW. The agreement shall include, but not be limited to, provisions defining the specific area to be managed, the term, conditions of occupancy, reservations, periodic review, and other conditions to ensure consistency with the state Constitution and the policies of this chapter. . .

The PMA commenced on October 1, 1984 "and shall continue in full force and effect so long as the laws of the State of Washington allow management of aquatic lands by port districts." The Port was granted exclusive authority to enter into leases or other use authorization, including leases or use authorizations to itself, for the Property or portions thereof. The Port was authorized "to adopt written policies and regulations to implement this Management Agreement and to direct the management of the Property."

The Port owes no rent to the Department of Natural Resources ("DNR") for water dependent uses, but if the Port decides to use the property for a non-water dependent use that produces substantial income, the Port must pay DNR 85% of the rent attributable to the rent of the state-owned land. If the Port subleases to third parties for non-water dependent uses, the Port establishes the fair market rental and remits to DNR that amount required by law. The Port is solely responsible for the maintenance and repair of state-owned improvements on the leased tidelands, and for all taxes, fees, licenses, and other governmental charges. Any parcel that meets the criteria established by law for inclusion in the PMA may be added to the PMA upon mutual agreement of the Port and the State.

The Port may grant non-permanent easements without DNR approval so long as the term does not exceed the maximum permitted by statute. DNR may grant permanent easements across any portion of the Property only with the advance written approval of the Port.

When the Port acquired the uplands at the Site, Alcoa held two long-term leases on the tidelands, leases No. 20-A12696 and No. 20-072873, which Alcoa assigned to the Port with the approval of DNR. The intent of the parties was that the Port would add the area covered by Alcoa's leases to its PMA management area and the assignment would be superseded. However, if DNR did not approve the addition of the tidelands to the Port's PMA, or for some other reason that could not be accomplished, then the Port would be the lessor of the leases under the assignment from Alcoa:

> …If the Port is successful in subjecting the Managed Aquatic Lands to the Port Management Agreement on or before Closing, Alcoa shall terminate its Aquatic Lands leases effective as of the Closing. If, despite its commercially reasonable efforts, the Port is unable to obtain the necessary agreements to effectuate such an arrangement by the Closing Date, the Aquatic Lands Lease No. 20-A12696 dated August 3, 2001 and the Aquatic Lands Lease No. 20-072873 dated October 6, 2003 between Alcoa and DNR (collectively, the "Leases") will be deemed Contracts to be assigned to and assumed by the Port in accordance with Section 3(d) of the Agreement. …

By amendment executed April 2, 2009 the Port and DNR added the Alcoa tidelands to the Port's PMA. The amendment acknowledged that there was contamination on the tidelands that will be subject to a Consent Decree between Alcoa and the Washington Department of Ecology, which went out for public comment in September, 2008 and was attached to the amendment as an exhibit, and which Alcoa would be required to perform; and that "[t]he Port accepts the Added Property with full knowledge of sediment contamination on the site caused by the activities of Alcoa under the Leases."

A 99-year lease acts as the functional equivalent of ownership because it offers near-perpetual control, security, and the ability to transfer or mortgage the property for a period exceeding any human lifetime. While technically a rental agreement, this long-term structure provides almost all the economic benefits of fee ownership. The PMA gives the Port rights that are functionally equivalent to ownership.

The PMA has already been in effect for more than 40 years, and will continue for as long as the law allows ports to manage state-owned tidelands. The Port has exclusive authority over the use of the tidelands. It is solely responsible for maintenance, repair, taxes, fees, licenses, and other governmental charges. It enters into subleases, and sets and collects rents from third parties. Like the tenant in United States v. A & N Cleaners & Launderers, with the exception of the power of alienation, the Port enjoys all other rights and bears all other obligations of an 'owner' as the term is commonly understood. There are no hallmarks like those identified in the FAQs that would lead EPA to conclude that the Port's interests were not the functional equivalent of ownership interests. And, finally, given its authorizations and delegations under the PMA, the Port will have sufficient control of the property during the pendency of the grant and cleanup activity.

None of the factors identified by the EPA in its grant guidelines or Q&A as disqualifying an agreement from being the functional equivalent of "ownership" are present here. To the contrary, the PMA provides to the Port all of the hallmarks of ownership over the state-owned tidelands it is statutorily authorized to manage.

"Ownership" is defined as "[t]he bundle of rights allowing one to use, manage, and enjoy property, including the right to convey it to others." BLACK'S LAW DICTIONARY 1138 (8th ed. 2004). And "interest" is defined as "[a] legal share in something; all or part of a legal or equitable claim to or right in property." BLACK'S LAW DICTIONARY 828 (8th ed. 2004).

Property ownership in Washington has been determined by evaluating the "bundle of sticks" associated with property ownership and use, such as the right to use, possess, exclude, alienate, and control. The legislature delegated statutory authority to DNR to act as the proprietary manager of state-owned tidelands. Under the terms of the PMA and the legislation that authorized its creation, the Port has stepped into DNR's shoes and acts as the proprietary manager of state-owned tidelands within its PMA by leasing the aquatic lands, excluding others from the aquatic lands, and controlling the allowed uses on the aquatic lands.

The port had a call with EPA Region 10 Brownfields staff Meredith Lightbody and Sarah Frederick on Dec. 12, 2025 to discuss site ownership and CERCLA liability protection requirements. Subsequently, the port provided the PMA and additional information to the EPA. A follow-up call with the EPA including Meredith, Sarah, Terri Griffith and Attorney-Advisor Lindsay Murl was held on January 26, 2026. The EPA recommended we provide additional documentation and information on these criteria, including addressing four provisions of the PMA that raised concerns over the nature and extent of the Port's interests in the Site, and made those interests distinct from those of a fee owner or 99-year lessee. The Port addresses these provisions below, and explains why they do not make the Port's interest in the tidelands something other than the functional equivalence of ownership.

> *9. Planning for Aquatic Land Use. The parties recognize that long-range planning for aquatic land use involving the Property, developed through consultation between the parties in cooperation with the planning authorities of appropriate local jurisdictions, is a desirable management objective. In the event the parties develop and agree upon a long range plan for aquatic land use for the Property, the Port may enter into leases for nonwater-dependent uses consistent with that plan without DNR approval. In the absence of a long-range plan for aquatic use of a portion of the Property, if the Port contemplates the possible lease or use of that portion of the Property for nonwater-dependent uses, it shall give DNR notice of its intentions at the earliest practicable time. DNR shall promptly meet with the Port to review the proposal for its consistency with the aquatic land policies of Chapters 79.90 through 79.96 RCW, as amended, and the implementing regulations adopted by DNR.*

Washington's DNR is directed by **statute**[1] to manage state-owned aquatic lands through the following goals:

- Encourage direct public use and access.
- Foster water-dependent uses.
- Ensure environmental protection.
- Utilize renewable resources.
- Generate income from use of aquatic lands, when consistent with the previous goals.

These limitations are mirrored in the PMA because DNR lacked statutory authority to provide management authority to the Port that it did not, itself, possess. Thus, the Port's interest is limited by statute. These limitations do not mean that the Port's interest is not analogous to a 99-year leaseholder, nor that it is not the functional equivalent of ownership. They simply reflect the implementation of "a management philosophy to guide the exercise of the state's ownership interest and the exercise of the department's management authority, and to establish standards for determining equitable and predictable lease rates for users of state-owned aquatic lands."[2]

> *12. Removal of Natural Resources. Other as than provided by RCW 79.90.150[3] no natural resources shall be removed from any parcel subject to this Management Agreement without the prior written approval of DNR. If any approved removal requires payment to DNR for the value of the natural resources removed, such payment shall be made within 90 days of the removal.*

By statute, DNR is authorized to enter into management agreements with port districts "authorizing the port district to manage state-owned aquatic lands abutting or used in conjunction with and contiguous to uplands owned, leased, or otherwise managed by a port district, for port purposes as provided in Title 53 RCW. The agreement shall include, but not be limited to, provisions defining the specific area to be managed, the term, conditions of occupancy, reservations, periodic review, and other conditions to ensure consistency with the state Constitution and the policies of this chapter."[4]

By separate statute, DNR is authorized to lease tidelands for extractive purposes (Oysters, geoducks, shellfish, other aquacultural uses, marine aquatic plants, and other valuable materials).[5] "Valuable materials situated upon state lands and state forestlands may be sold separate from the land, when in the judgment of the department, it is for the best interest of the state so to sell the same."[6] This severance of the leasing of tidelands for port purposes from the right to remove natural resources from the tidelands without additional DNR approval does not negatively impact the Port's control over the tidelands – it simply reflects

[1] RCW 79.105.030.
[2] RCW 79.105.020.
[3] Recodified as RCW 79.90.150.
[4] RCW 79.105.420(1).
[5] RCW 79.135 and .140.
[6] RCW 79.15.010(1).

Washington's tidelands management scheme and the interests DNR has statutory authority to convey.

> *14. Easements. DNR may grant permanent easements across any portion of the Property. DNR shall obtain the Port's written approval prior to making such grants, which approval shall not be unreasonably withheld. Any request to DNR by the Port and its Lessee for a permanent easement across any portion of the Property shall be promptly considered and approval shall not be unreasonably withheld. The Port may grant non-permanent easements without DNR approval so long as the term of such grant does not exceed the maximum term allowed by statute for leases of the burdened portion of the Property.*

The ability of DNR to grant a permanent easement *only with the Port's permission* does not reduce the Port's interest in the tidelands to something other than the functional equivalent of an owner. Nor does the Port's inability to grant a permanent easement: the Port cannot convey to another more rights than it possesses itself. Because it does not have a *permanent* interest in managing the tidelands, it could not grant a *permanent* easement without DNR approval.

> *24. Termination for Default. DNR may cancel this Management Agreement or remove any portion of the Property therefrom for any failure by the Port to perform its obligations under this Management Agreement on six months written notice to the Port, unless, within that time, the Port cures such default. DNR's decision whether to cancel the Management Agreement or to remove any portion of the Property shall be reasonably exercised. If the default is of a character which cannot be remedied within six months, the Port shall so notify DNR and the parties shall agree on a reasonable period to remedy the default. In the event the parties cannot agree on a period, that shall be referred to arbitration as provided in Paragraph 23. Failure to cure the default within such period may result in cancellation or removal of any portion of the Property upon notice. The decision by DNR to give notice of its intention to cancel this Management Agreement, or to remove a portion of the Property for default after expiration of the period for cure, shall constitute a dispute and shall be appropriate for resolution under Paragraph 23 herein.*

The right of DNR to terminate for default does not make the PMA any different from the standard terms of a 99-year lease.

> In very brief summary, a ground lease is a 99-year, perpetually renewable lease, by which an owner rents land to a lessee, who is allowed to use and improve the land much as a typical landowner would. Ground leases are quite common in residential real estate in Baltimore City and have been employed in other areas of the State as well. Under a ground lease, the lessee agrees to pay a specified amount of yearly rent, as well as taxes and other assessments. **If the lessee defaults, the ground-lease owner may become entitled to reenter the property and eject the tenant, terminate the lease, and take**

> **possession of the land and any improvements.** When the ground-lease owner successfully enforces the right of reentry, the lessees lose any equity that they had accrued. *State v. Braverman*, 228 Md. App. 239, 246-247 (Maryland Court of Appeals 2016) (emphasis added).

Practical guidance from leasing experts, in describing advantages and disadvantages of a 99-year ground lease, identify the retained control of the landlord and the implications of a default as potential disadvantages:

> A ground lease structure can also have certain disadvantages to a tenant. Generally, ground leases are more difficult to finance than are ownership interests. Also, **the landowner will retain some control over the underlying land, usually through use restrictions and operating covenants** (as opposed to outright ownership of the fee interest in the name of the tenant). Moreover**, the potential for forfeiture resulting from a default under the ground lease will adversely affect the value of the tenant's interest in the leasehold and the improvements**. Similarly, the tenant may have to share in revenue from the improvements through percentage or contingent rent payments to the landowner. Finally, the investment in the improvements may not provide long-term value to the tenant, as the ownership to the improvements typically reverts to the landowner upon expiration of the term of the ground lease.[7]

Our full analysis of the Port's compliance with the site ownership and control criterion, with additional citations, is included as an attachment.

7) **Basic site information**
Port of Vancouver Terminal 5
5701 NW Lower River Road
Vancouver, WA 98660

8) **Status of history of contamination at the site**
a. whether this site is contaminated by hazardous substances or petroleum
The site is contaminated with polychlorinated biphenyls (PCBs) and polycyclic aromatic hydrocarbons (PAHs).
b. operational history and current use(s) of the site
The Terminal 5 site was an aluminum smelter and fabrication operation from 1940 – 1985. The site was purchased by the port in 2009, which includes the in-water project site for this Brownfield grant application. Currently the site is not being used for commercial activity, due to contamination that prevents site development.
c. environmental concerns, if known, at the site
Sediment in the Columbia River is contaminated with polychlorinated biphenyls (PCBs) and polycyclic aromatic hydrocarbons (PAHs).

[7] Bradley V. Ritter, Paul Hastings LLP; and Joseph M. Hammon and Erin Riddiford, *Practice Note: Ground Leasing* (09/11/2025) (emphasis added).

d. how the site became contaminated, and to the extent possible, describe the nature and extent of the contamination

The site became contaminated by former aluminum smelting operations, which consisted of a smelter and a series of fabrication plants where aluminum metal was formed into wire, rod, and extruded channel. A variety of materials were handled at the property during past operations that contributed to soil, groundwater, and sediment contamination. Aboveground storage tanks storing various fuel oils and two transformer/rectifier stations at the site were a source of polychlorinated biphenyls (PCBs) and polycyclic aromatic hydrocarbons (PAHs).

in 1997, contamination was found in sediments when the site was under lease by Alcoa from Department of Natural Resources. In June 2008, the Washington State Department of Ecology (Ecology) issued an Enforcement Order to Alcoa for a series of upland and shoreline remedial actions. In January 2009, Alcoa entered into Consent Decree with Ecology, which required Alcoa to implement a 2008 Cleanup Action Plan (CAP) to address contamination documented in a September 2008 Remedial Investigation/Feasibility Study (RI/FS) as part of a cleanup action. Between October 2008 and April 2009, a sediment cleanup was performed by Alcoa that involved dredging of PCB-contaminated sediment along the shoreline in the Columbia River and placement of enhanced natural recovery (ENR) sand in the sediment area.

Because post-dredge sediment samples were not collected following conclusion of the remedial dredging and prior to ENR sand placement (as is typical during remedial dredging projects), there was no confirmation that all targeted contaminated sediment was removed during Alcoa's sediment cleanup.

In 2009, the port acquired the site from Alcoa. In 2018, the port conducted sampling and discovered PCB and PAH contamination above applicable cleanup standards. In order to expediate cleanup and future site development, the port entered into an Agreed Order in 2025 with the Washington Department of Ecology, where the port will implement an interim remedial action, with Ecology as the overseeing agency.

9) An affirmative statement that the site meets the definition of a brownfield site

The Port of Vancouver affirms that the site is not listed or proposed for listing on the National Priorities List, not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into the parties under CERLA; and not subject to the jurisdiction, custody or control of the U.S. government

10) Description of the environmental assessment conducted at the site

The goal of AAI is to identify recognized environmental conditions: "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the

ground, ground water, or surface water of the property . . . [including] hazardous substances or petroleum products even under conditions in compliance with laws."[8]

The process for determining if a property is subject to recognized environmental conditions is an environmental site assessment ("ESA").[9] A Phase I ESA is the process described in ASTM E1527-05.[10] "At the option of the user, an environmental site assessment may include more inquiry than that constituting all appropriate inquiry or, if the user is not concerned about qualifying for the LLPs, less inquiry than that constituting all appropriate inquiry."[11]

All appropriate inquiries may include the results of and information contained in an inquiry previously conducted by, or on the behalf of, someone else, provided: (1) the information was collected during the conduct of all appropriate inquiries in compliance with the requirements of CERCLA sections 101(35)(B), 101(40)(B) and 107(q)(A)(viii); (2) the information was collected or updated within one year prior to the date of acquisition of the subject property; and (3) the information required under AAI (interviews, lien searches, review of governmental records, visual inspections, and declaration of an environmental professional) was gathered or updated within 180 days of and prior to the date of acquisition of the property.[12] All appropriate inquiries can also include the results of reports that have been prepared by or for other persons, provided that: (1) The report(s) meets the objectives and performance factors of this regulation; and (2) The person seeking to use the previously collected information reviews the information and conducts the additional inquiries pursuant to §§312.28, 312.29 and 312.30 and the all appropriate inquiries are updated as necessary.[13]

EPA's own Guidance acknowledges that site investigations or remedial action plans developed for cleanups under state law will satisfy the AAI standard for grant funding purposes:

> **Description of the environmental assessment conducted at the site**
> A written ASTM E1903-19 or equivalent Phase II environmental site assessment report (a draft report is sufficient) must be completed prior to application submission.
> **Equivalent reports include site investigations or remedial action plans developed for a State cleanup program** or Office of Surface Mining surveys for mine-scarred lands.
> **Describe** the type of environmental assessments conducted at your proposed site (do not attach assessment reports).
> **Provide** the date of the Phase II or equivalent report. Contact your Regional Brownfields Contact listed in Section 1.E. if you have questions.[14]

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8 ASTM E1527-05 § 1.1.1.
9 ASTM E1527-05 § 3.2.30.
10 ASTM E1527-05 § 3.20.62.
11 ASTM E1527-05 § 3.2.33.
12 40 CFR §312.20(c).
13 40 CFR §312.20(d); see, also, ASTM E1527-05 § 4.7.1.
14 EPA Office of Brownfields and Land Revitalization FY26 Guidelines for Brownfield Cleanup Grants, Threshold Criterion (8), page 8 (emphasis added).

The Port acquired the Alcoa uplands, a fee interest in 1.32 acres of tidelands, and the leasehold interest in state-owned tidelands, under the terms of an Agreement to Purchase and Sell Real Estate dated June 26, 2007 (the "PSA"). The closing of the purchase and the deed was recorded on March 31, 2009. The date of acquisition or purchase date means the date on which a person acquires title to the property.[15] Under Washington law, title is conveyed upon recording, so the date of the Port's acquisition of the property is March 31, 2009.[16]

When the Port acquired the Alcoa property, it did not conduct a Phase I ESA. It did, however, perform environmental due diligence that include **more** inquiry than that constituting all appropriate inquiry, because Alcoa - the property owner/seller and responsible party – was engaged in the MTCA cleanup process and was working under the supervision of the Department of Ecology to prepare significant technical documents including but not limited to a September 25, 2008 Remedial Investigation / Feasibility Study Report, a December 1, 2008 Cleanup Action Plan, and a December 20, 2009 Final Cleanup Report under CD 09-2-00247-2. These site investigation and remedial action plan documents developed for the Alcoa Site cleanup under MTCA satisfy the AAI standard under EPA's Guidelines.

Washington law requires that a remedial investigation report include specific components.[17] Of relevance to the AAI standards are the following:

(i) General information about the site, including:

(A) Project title;
(B) Name, address, and phone number of project coordinator;
(C) Legal description and dimensions of the site;
(D) Current owners and operators; and
(E) Chronological listing of past owners and operators and operational history;

(ii) Maps, figures, or diagrams illustrating relevant existing and historic site features, including:

(A) Sources of releases;
(B) Property boundaries;
(C) Proposed site boundaries, as defined by where hazardous substances exceed the proposed cleanup levels identified in (d)(iv) of this subsection;
(D) Surface topography;
(E) Surface and subsurface structures;
(F) Surface water, wetlands, and undeveloped areas; and
(G) Utility lines and well locations;

[15] 40 C.F.R. § 312.10.
[16] RCW § 65.08.070(1).
[17] WAC 173-340-350(5)(g).

The environmental documents the Port reviewed and relied on meet the letter and the intent of AAI. More than just identifying "conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the subject property,"[18] they identified actual releases of specific hazardous substances, along with the nature and extent of contaminated soil, sediment, and groundwater. Each of the ten AAI criteria established by Congress by statute and regulation are satisfied in the technical reports prepared by Alcoa's Environmental Professionals at Anchor Environmental LLC and the Department of Ecology, and provided to and reviewed by the Port during its due diligence review.[19]

The September 25, 2008 RI/FS Report ("RI/FS") "describes the results of the historical data review, field investigations to fill data gaps, the Site conceptual model, identification of the contaminants of concern, groundwater flow modeling, fate and transport modeling, development of the Site cleanup levels for use in developing the cleanup strategy in the FS, presentation of site-wide remedial alternatives developed from an initial screening of technologies, and evaluation of each alternative to the applicable criteria."[20] The RI/FS included a review of the historical Site operations, environmental investigations, and remedial actions;[21] identified data gaps and described associated field investigations;[22] and described the results of the remedial investigative sampling work performed by Anchor in May, September, and December, 2007.[23] The Port also conducted its own sampling activities at the site.[24]

The December 1, 2008 Cleanup Action Plan ("CAP") was developed by the Department of Ecology and included a site description, site history, and recitation of historical site uses;[25] as well as a detailed review of the nature and extent of contamination at the Site, the exposure pathways and receptors, and the fate and transport processes of various Site contaminants in the environment.[26] Site maps and an aerial photograph were included in the appendix. Section 3 of the FCR provides an overview of the cleanup action, including PCB-impacted sediment.[27] Section 4 of the FCR describes the PCB-impacted sediment and shoreline remedial activities.[28] There are 13 figures and 65 photographs depicting the site and the remediation as it was taking place.[29]

The January 30, 2009 Consent Decree ("CD") also contains information required by AAI, including the identification of liable parties, the history of operations and property ownership, a

18 40 C.F.R. § 312.20.
19 PSA §§4(d)(iii) and 5(c)(i)
20 RI/FS §1.4 at 3-4.
21 Section 2 at pages 5 – 52.
22 Section 3 at pages 56 – 69.
23 Section 4 at pages 70 – 92.
24 RI/FS § 4.3.7 at 91.
25 CAP §§ 2.1 – 2.3.
26 CAP § 3.
27 FCR § 3.2.1.
28 FCR at 17 – 56.
29 FCR at 188 – 201.

description of the identification and location of known releases of hazardous substances, the nature and extent of Site contamination, and the relevance and significance of recognized environmental conditions with respect to the protectiveness of the remedial work required under the CD.

The environmental due diligence materials disclosed the specialized knowledge of contamination as well as commonly known and reasonably ascertainable information.[30] Port environmental staff had personal knowledge of the property because it was immediately adjacent to the Port and the enormous facility had operated for approximately 45 years, until 1987. The Port was also aware of shoreline conditions through the sampling conducted in 2007 by the Port's environmental consultants. The Alcoa representative who participated in the MTCA process and signed the CD on Alcoa's behalf was Mark Stiffler, a Professional Engineer who was responsible for "Alcoa's owned real estate portfolio, the $595 Million environmental remediation liability reserve, and the redevelopment or monetization of surplus assets and locations."[31] Mr. Stiffler worked for Alcoa for approximately 20 years, first joining the company in 2003 as Business Group Manager in the Corporate Remediation Work Group.[32]

The purchase price did take into account the environmental conditions of the property, and Alcoa's obligation to perform the remediation work required under the CD. According to media reports, the 100-acre Alcoa portion of the site was assessed at an after-cleanup value of $4.5 million, and Alcoa spent $34 million in cleanup costs.[33] The purchase price paid by the Port was $23,750,000.[34]

AAI requires a certification by the Environmental Professional that ". . . to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of Environmental Professional as defined in § 312.10 of this part," that "[I, we] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property" and that "[I, We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312."[35] Under AAI, Environmental Professional ("EP") means:

> (1) a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases (see § 312.1(c)) on, at, in, or to a property, sufficient to meet the objectives and performance factors in § 312.20(e) and (f).
>
> (2) Such a person must:

30 ASTM E1527-05 §§ 4.3 and X2.1.1.
31 Mark Stiffler Linked In Profile.
32 https://theorg.com/org/electronic-recyclers-international/org-chart/mark-stiffler.
33 https://hungryhorsenews.com/news/2014/jun/23/cleanup-questions-about-glencores-other-10/.
34 PSA § 2.
35 40 CFR 312.21(d).

> (i) Hold a current Professional Engineer's or Professional Geologist's license or registration from a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) and have the equivalent of three (3) years of full-time relevant experience; or
> (ii) Be licensed or certified by the federal government, a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries as defined in § 312.21 and have the equivalent of three (3) years of full-time relevant experience; or
> (iii) Have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five (5) years of full-time relevant experience; or
> (iv) Have the equivalent of ten (10) years of full-time relevant experience.[36]

There is no explicit certification using the language set out in the RI/FS or CAP. However, Ecology required that the work performed under the CD be supervised by a person or persons who have the professional qualifications that satisfy the EP definition:

> All geologic and hydrogeologic work performed pursuant to this Decree shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW. All engineering work performed pursuant to this Decree shall be under the direct supervision of a professional engineer registered in the State of Washington, except as otherwise provided for by RCW 18.43.130. All remediation tasks performed pursuant to this Decree shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. . .
>
> The professional engineer must be registered in the State of Washington, except as otherwise provided for by RCW 18.43.130. Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18 .220 RCW or RCW 18.43.130. During implementation of remediation tasks and groundwater monitoring, Defendant shall notify Ecology in writing of the identity of any engineer(s), geologist(s), and prime contractor(s) it uses in carrying out the terms of this Decree, in advance of its involvement at the Site.[37]

In addition, the December 20, 2009 FCR does contain a certification by Rebecca L. Desrosiers, PE, of Anchor QEA.

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[36] 40 CFR 312.10.

[37] CD § VIII at 16-17.

Alcoa's in-house staff and the environmental consultants it retained qualified as EPs.[38] It seems unlikely, given the nature and extent of the environmental sampling and analysis contained in the RI/FS and CAP, that EPA would conclude that the consultants performing that work did not qualify as EPs. What is unclear is whether EPA would conclude that the documents are not the equivalent of AAI because they do not contain the necessary certification.

The final issues to address are the 180-day requirement for certain components of AAI (". . . must be conducted or updated within 180 days of and prior to the date of acquisition)[39] and the one-year shelf life (AAI ". . .must be conducted within one year prior to the date of acquisition. . ").[40] The Port acquired the property March 31, 2009.

To satisfy the one-year shelf-life requirement, Port's AAI had to have been performed on or after **March 31, 2008** but before **March 31, 2009**. To satisfy the 180-day requirement, the (1) interviews with past and present owners, operators, and occupants, (2) searches for recorded environmental cleanup liens, (3) reviews of federal, tribal, state, and local government records, (4) visual inspections of the facility and of adjoining properties, and (5) the declaration by the environmental professional had to have been conducted or updated on or after **October 2, 2008** but before **March 31, 2009**.

The publicly available documents that the port relies on to satisfy the AAI requirements are the September 25, 2008 RI/FS, the December 1, 2008 CAP, the January 30, 2009 CD. The **RI/FS**, **CAP**, and **CD** satisfy the **one-year shelf life** requirement. The **CAP** and **CD** satisfy the **180-day requirement**.

Our full analysis of the Port's compliance with the AAI criterion is included as an attachment.

11) Information on whether the site(s) is required to be enrolled in the State or Tribal voluntary response program environmental site assessment performed to date is sufficient. If additional assessment is needed to sufficiently characterize the site(s) for the remediation work to begin, the applicant should include a statement to that effect. Additionally, affirm that there will be a sufficient level of site characterization from the environmental site assessment performed by June 15, 2026, for the remediation work to begin on the site(s).
The port voluntarily entered into Agreed Order No. DE 23653 with the Washington State Department of Ecology in order to perform the Interim Action and ensure timely progress. Through this Agreed Order, the port will implement an interim remedial action, with Ecology as the overseeing agency.
A current letter from the Ecology is included as an attachment.

[38] ASTM E1527-05 §§ 6.2.1, 6.3, and 6.4.
[39] 40 CFR §312.20(b).
[40] 40 CFR §312.20(a).

Additional characterization to refine the remedial design is planned for March 2026. There will be sufficient level of site characterization from phase 2 of the pre-design investigation performed by June 15, 2026 for the remediation to begin at the Project Area.

11) Information on enforcement of other actions or an affirmation that there are no enforcement or other actions.
No enforcement or other actions from federal, state, or local agencies are known or anticipated for the project site.

12) Property-specific determination information or an affirmative statement that a Property-specific determination is not required.
The project site does not require a property-specific determination.

13) Property ownership eligibility information for hazardous substances sites, if applicable.
When the port acquired the Alcoa property, it did not conduct a Phase I ESA. It did, however, perform environmental due diligence that include more inquiry than that constituting all appropriate inquiry, because Alcoa - the property owner/seller and responsible party – was engaged in the MTCA cleanup process and was working under the supervision of the Washington State Department of Ecology (Ecology) to prepare significant technical documents including but not limited to a September 25, 2008 Remedial Investigation / Feasibility Study Report, a December 1, 2008 Cleanup Action Plan, and a December 20, 2009 Final Cleanup Report under CD 09-2-00247-2. The environmental documents the port reviewed and relied on meet the letter and the intent of AAI. More than just identifying "conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the subject property," they identified actual releases of specific hazardous substances, along with the nature and extent of contaminated soil, sediment, and groundwater. Each of the ten AAI criteria established by Congress by statute and regulation are satisfied in the technical reports prepared by Alcoa's Environmental Professionals at Anchor Environmental LLC and Ecology, and provided to and reviewed by the port during its due diligence review. As permitted under the ASTM standard, the port's environmental site assessment included "more inquiry than that constituting all appropriate inquiry." When the port acquired the property, it was fully aware of "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property . . . [including] hazardous substances or petroleum products even under conditions in compliance with laws." More information on this and full analysis of the criteria, as recommended by Region 10 EPA staff, is included as an attachment

14) Property ownership eligibility information for petroleum sites, if applicable
N/A. The project site is not a petroleum site.

15) Description of cleanup authority and oversight structure
The port has an agreed order with the Washington State Department of Ecology for the cleanup

of the project site. Through the agreed order, the port will implement an interim remedial action, with Ecology as the overseeing agency. The port will comply with all applicable federal and state laws to ensure that the cleanup project protects human health and the environment.

16) Community Notification documents

The port provided the community with a notice of its intent to apply for a 2026 EPA Brownfield Cleanup Grant and provided our community with the opportunity to comment on the draft grant application, including the ABCA. Information on the four required criteria are below.

a. Draft Analysis of Brownfield Cleanup Alternatives

A draft analysis of brownfield cleanup alternatives was provided to the public and summarized the history of the site, current conditions, laws and regulations applicable to the cleanup, and evaluation of cleanup alternatives.

b. Community Notification Ad

A community notification was published in the local newspaper, *The Columbian,* both in print and online on January 9, 2026. This was more than the required 14 days from application submission date. The ad stated the time and date of the public meeting and the website that had Brownfield grant application information including the draft grant application, draft Analysis for Brownfield Cleanup Alternatives, Zoom information for public meeting, and how to comment on the draft application. The meeting was held on January 22, 2026 via Zoom.

c. Public meeting

The port held a virtual meeting via Zoom from 10am – 11am on Thursday, January 22, 2026. No members of the public or external parties attended the meeting, and as such, no feedback was received during the meeting.

The public was also informed they could provide feedback by email or mail. At the time of application submission, no public feedback was received.

d. Submission of Community Notification Documents.

The required community notification documents are included as an attachment and include:

- a copy of the draft ABCA(s) – Attached
- a copy of the newspaper ad (or equivalent) that demonstrates solicitation for comments on the application and that notification to the public occurred at least 14 may include, for example, a dated image/screenshot of the website or a copy of the listserv message used to notify the public – Attached
- the comments or a summary of the comments received – N/A. No comments were received.
- the applicant's response to those public comments – N/A. No comments were received.
- meeting notes or summary from the public meeting(s) – N/A. No member of the public/external parties attended the public meeting.
- meeting sign-in sheet/participant list. – Attached, although all attendees are port and/or consultant staff. No public/external attendees joined the public meeting.

17) Discussion on contractors and named subrecipients; or an affirmative statement that a contractor has not been procured and a subrecipient has not been named

A construction contractor, which will be funded in part by this grant, has not been procured and a subrecipient has not been named or anticipated.

18) A copy of (or link to) the solicitation documents and the signed executed contract as applicable

N/A. Construction contractor has not been procured.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

January 27, 2026

Mary Mattix, Director of Environmental Services
Port of Vancouver
3103 NW Lower River Road
Vancouver, WA 98660

RE: Ecology Support for the Port of Vancouver's Application for a Brownfields Cleanup Grant for Alcoa Vancouver

Dear Mary Mattix:

The Washington Department of Ecology (Ecology) acknowledges that the Port of Vancouver (Port) plans to conduct the cleanup of a brownfield site and is applying for an FY26 EPA Brownfields Cleanup Grant.

The Port has developed an application requesting site-specific federal Brownfields Cleanup funding for the Alcoa Vancouver site located at 5701 NW Old Lower River Road in Vancouver, Washington.

Ecology affirms that:

i. The Port of Vancouver has State oversight for this site under an agreed order with Ecology's Solid Waste Management Industrial Section;
ii. The site is eligible to be overseen by a State program; and
iii. Additional assessment is needed to sufficiently characterize the site for the remediation work to begin. Ecology will provide an updated letter after reviewing documentation of additional site characterization.

For any questions regarding this letter, please contact me at (509) 655-0538 or ali.furmall@ecy.wa.gov.

Sincerely,

Ali Furmall
Brownfields Lead
Toxics Cleanup Program
Washington Department of Ecology

cc: Meredith Lightbody, EPA Region 10
Sarah Frederick, EPA Region 10
Dave Johnson, Ecology