



**COMMISSION
AGENDA MEMORANDUM**

Item No. 10g

ACTION ITEM

Date of Meeting November 9, 2021

DATE: September 22, 2021

TO: Stephen P. Metruck, Executive Director

FROM: Jon Sloan, Interim Director, Maritime Environment & Sustainability
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SUBJECT: 2022 – 2026 Environmental Remediation Liability Program

Amount of this request: \$16,000,000

ACTION REQUESTED

Request Commission authorization for the Executive Director to (1) spend environmental remediation funds for 2022 in the amount of \$16,000,000 and (2) approve a five-year spending plan for \$114,000,000 for the environmental remediation liability program for 2022-2026, of which an amount estimated not-to-exceed \$30,000,000 will be obligated during 2022 to be spent in future years.

EXECUTIVE SUMMARY

As a major industrial and commercial landowner, the Port has significant environmental cleanup liabilities due to historic contamination of its properties. The \$16,000,000 requested spending authorization for 2022 will allow continuation of ongoing environmental investigations, testing, analysis, design, cleanup, and monitoring for active sites and will initiate similar activities for new sites to be noted in the Commission memorandum. The spending authorization and five-year plan will allow the Port to enter into contracts for work spanning multiple years. Prior to actual spending of these future obligated funds, Commission budget approval will be needed, likely through future annual Environmental Remediation Liability (ERL) authorizations. The approval of the five-year plan gives greater visibility to our projected upcoming environmental liability spending.

Environmental remediation projects define and minimize, to acceptable levels, threats to the environment caused by the effects of historic industrial activity on properties acquired by the Port, prior Port operations, and prior tenant operations. Generally, the results of these efforts, as well as the attendant compliance with regulatory mandates, management of Port liabilities,

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and support of the local community, align with the goals and objectives of the Century Agenda, Long Range Plan, and Maritime, Aviation, Economic Development Division and Storm Water Utility Business Plans.

JUSTIFICATION

Consistent with past practices, the duration of the authorization continues to be an annual spending authorization. Since 2011, the authorization requests have also provided a rolling five-year spending plan to reflect the level of resources expected to be required over the next five years. Executing contract obligations for a longer duration minimizes the need to rework all contract amendments and service directives that are aligned with the end-of-year authorization. It also provides greater visibility of the environmental liability costs.

The environmental investigation and remediation actions described below are generally required under federal and/or state law; exceptions are noted. Remedial actions continue to focus on cost-effective study, analysis, and implementation of cleanup actions; coordination with capital planning, design, and construction; and negotiation with agencies, tenants, other Potentially Responsible Parties (PRPs) and insurance companies.

- (1) Perform the remediation work at the various sites in accordance with the various state or federal requirements.
- (2) Manage and perform the work, with project controls and contract systems in place.
- (3) Identify and consider community values and concerns as part of the various public participation plans.
- (4) Perform remediation investigations, designs and implementations that will be carried out in a manner that considers current and potential uses for the sites.
- (5) Perform initial investigations and scoping work to identify future actions.
- (6) Maximize cost recovery.

Diversity in Contracting

Procurement for consultants to support this work is covered under separate Commission actions. Diversity in contracting will be included in any future procurement. Procurements started in 2020 have included a minimum of 15% WMBE utilization commitment.

DETAILS

Maritime, Economic Development and NWSA Homeport Sites/Projects

Lower Duwamish Waterway Superfund Site – The Lower Duwamish Waterway (LDW) is a federal Superfund site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Lower Duwamish Waterway Group (LDWG), consisting of the Port, the City of Seattle, King County and Boeing has completed a Remedial Investigation and Feasibility Study (RI/FS) of the LDW under order with the Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology). In November 2014, after

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seeking concurrence from Ecology, EPA issued the Record of Decision for the LDW Site. LDWG also began a carbon amendment pilot study at the end of 2014, which was completed in 2020. In 2016, LDWG completed a Fisher Study identifying who is using the river for fishing in order to aid EPA in development of appropriate institutional controls during and after cleanup. LDWG also began performing pre-design activities in 2016, including a baseline monitoring program and a waterway user study. The pre-design work was completed in 2020. The LDWG parties signed an order amendment in 2018 to begin cleanup design work of the upper third of the river. The design work began in mid-2019 and is expected to be complete in 3-4 years. The LDWG parties signed another order amendment in 2021 to begin design work on the middle third of the river. Consultant procurement is currently underway for this new work. The Port shares costs with the other LDWG parties on a preliminary basis for the current work being performed on this site. In addition to the in-water investigations, the Port is monitoring, tracking and working on source control aimed at reducing recontamination after the in-water cleanup is performed. The Washington State Department of Ecology is the lead agency for source control work.

Terminal 117 Sediments, Bank and Uplands – As part of the LDW Superfund Site effort, EPA identified the Port’s Terminal 117 (T-117) in South Park as an Early Action Area (EAA). This work was performed by the Port with a cost sharing agreement with the City. EPA issued an Action Memorandum in 2010 that included the EPA-selected cleanup plan. The Port completed the T-117 upland soil and sediment cleanup in 2014 and constructed the final stormwater controls at the site. The Port continues to perform long-term monitoring and maintenance to verify the continued performance of the cleanup. This site is now being turned into a habitat site.

South Park Marina – As part of the effort to control sources of contamination to the LDW, Ecology has identified potential source sites that could require early cleanup action. One such site is South Park Marina, which is adjacent to and north of Terminal 117. Ecology has identified the Port as a Potentially Liable Party (PLP) for the cleanup of this site under the state Model Toxics Control Act (MTCA), along with the City of Seattle and South Park Marina. In March 2019, the three parties signed an Agreed Order to perform a Remedial Investigation. The City, South Park Marina and the Port are sharing the costs to perform the investigation on a preliminary basis and the City is managing the consultant on behalf of the three parties. The consultant procurement is complete, and the consultant is developing the required workplans and collecting the appropriate investigation data.

Terminal 108 – Ecology has identified Terminal 108 as a potential source control site on the LDW. In 2006 and 2007, at Ecology’s request, the Port investigated groundwater at the site and determined that the groundwater is not a source of contaminants to the LDW. However, additional upland contamination was discovered on the site that generated future investigation requirements. In 2017, Ecology requested that EPA handle oversight of the Terminal 108 site due to limited resources at Ecology and historic federal government involvement at the site. The Port signed an order with EPA to prepare a preliminary assessment (PA) and data gaps

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analysis for the site, which was completed in early 2019. With the findings of the PA, EPA has issued Potential Responsible Party (PRP) notices to seven entities, including the Port, City of Seattle, and King County. Three of the PRPs (Port, City and County) entered into an order with EPA in early 2020 to perform an Engineering Evaluation/Cost Analysis (similar to a remedial investigation/feasibility study). The joint consultant has been hired and is developing the required work plans for site investigation. In 2020 a short section of bank line has begun eroding into the LDW (a potential Source Control issue) and is planned for repair through bank line and habitat enhancement.

Terminal 115 Plant 1 Site – The Port, along with Boeing, has been named by Ecology as a PLP under MTCA at the Terminal 115 Plant 1 site, which is the location of the former Boeing Plant 1 facility. Boeing and the Port entered into an Ecology MTCA order in 2020 to perform a remedial investigation and feasibility study (RI/FS). The joint consultant has been hired and is developing the required work plans for site investigation.

Terminal 115 North – In 2009, Ecology identified the Port as a PLP under MTCA for Terminal 115 North, located adjacent and to the south of Glacier Bay, one of the high priority sediment sites within the LDW Superfund Site. The Port entered into an order with Ecology in 2010. Since then, the fieldwork for the remedial investigation has been completed and the Port in summer 2020 submitted a final draft Remedial Investigation Report to Ecology.

Terminal 5 Ecology State Cleanup Sites – In the past, as part of the Terminal 5 Southwest Harbor redevelopment, the Port completed remediation at four sites under consent decrees with Ecology. Current obligations related to those cleanups include on-going cap inspection and maintenance of the cap areas. As part of the T-5 Southwest Harbor redevelopment, the Port purchased the old West Seattle Landfill and installed an environmental cap and a methane collection system. These systems require long-term operation and maintenance, inspection, and reporting, which are continuing. The Port is currently evaluating the potential of converting the active methane collection system to a passive system. During recent T-5 construction activities soil was identified within the original footprint of Terminal 5 outside the Southwest Harbor redevelopment footprint warranting additional investigation and cleanup. Targeted cleanup was performed in 2021 in an area that is no longer accessible following construction for new crane rails. Additional investigation is required to determine if additional cleanup activities are required.

Terminal 5 Pacific Sound Resources (PSR) Superfund Site – This site was cleaned up under an order with EPA as part of the Terminal 5 Southwest Harbor redevelopment project. Ongoing obligations include continuing to perform required cap inspection and cap maintenance, product recovery activities, and monitoring EPA activities related to the groundwater and the offshore sediments. The Port completed significant cap maintenance activities consisting of major pavement repairs and reapplication of pavement seal coat in the summer of 2021.

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Lockheed West - As part of the South West Harbor Redevelopment Project, the Port purchased aquatic and upland property on the north end of the current Terminal 5 from Lockheed Martin. The upland portion of the property is part of the Terminal 5 Ecology State Cleanup Site described above. The adjacent submerged portion is a Superfund cleanup site known as the Lockheed West Seattle Site, and includes submerged land owned by both the Port and the state Department of Natural Resources. Under its purchase and sale agreement with the Port, Lockheed is obligated to investigate and cleanup the sediment within the site. On August 28, 2013, EPA issued the record of decision for the site. Lockheed Martin is the sole PRP responsible to perform the cleanup work. Cleanup fieldwork started in October 2018 and was completed in March 2020.

Harbor Island Superfund Site Soil and Groundwater Operable Unit – Cleanup of this Superfund site was performed under a Consent Decree with EPA, and the PRP group consultant is performing long-term groundwater monitoring under a PRP agreement. Long-term cap maintenance and inspections are ongoing as required under EPA’s Record of Decision. Terminal 18 is located within this Superfund site.

Harbor Island Superfund Site East Waterway Sediments Operable Unit – In 2006, the Port signed an order with EPA to conduct a final Supplemental Remedial Investigation and Feasibility Study (SRI/FS), and a Memorandum of Agreement with the City of Seattle and King County to share costs and cooperate in the SRI/FS process. The PRPs have conducted the SRI/FS tasks identified in the EPA order and subsequent work plans. EPA approved the final RI in January 2014 and the final Feasibility Study in June 2019. EPA is in the process of developing the Proposed Plan for cleanup, which is expected to be published later this year or early 2022.

Terminal 30 Cleanup – Terminal 30 is a former Chevron bulk storage site that is being remediated under MTCA. Since the 1990s, the Port has removed significant amounts of free product and conducted an extensive groundwater-monitoring program. The required public comment period for the draft consent decree and cleanup action plan was completed and the Port signed a final consent decree in early 2017. Implementation (cleanup construction) was performed in 2019. The Port is currently operating the air sparging system, collecting product and performing long-term monitoring of the site groundwater. System operation and maintenance is expected to occur for 10 years or less.

Terminal 10 Lockheed – Lockheed Martin previously performed the upland and sediment cleanup required at this Superfund site. The Port has a continuing obligation to maintain the upland cap and the habitat restoration area, manage any contaminated soil and groundwater encountered or removed during redevelopment or maintenance activities, and protect Lockheed’s groundwater monitoring wells. Under the Terminal 10 Uplands capital project, the Port completed stormwater drainage and upland cap improvements in early 2012. As a condition of EPA approval, the Port initiated long-term stormwater solids sampling after the capital project.

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Terminals 103/104/105/107 – These sites have been identified by Ecology as having source control data gaps related to the Lower Duwamish Waterway Superfund Site and will likely require future investigation and possibly remediation.

Terminal 106 (West and Warehouse parcels) – These sites have been identified by Ecology as having source control data gaps related to the Lower Duwamish Waterway Superfund Site and will likely require future investigation and possibly remediation. In 2020 the Port and Trammel Crow signed a 60-year ground lease to develop a new, two-story warehouse building on the T-106 Warehouse property. The developer has agreed to perform all necessary environmental cleanup and management requirements as part of the development.

Terminal 25 - Site soils were investigated during the conceptual planning of a potential future habitat site at this location. This investigation discovered contamination that warrants additional investigation and cleanup. We are currently negotiating an Order to perform this additional work. Authorization to enter into an Order for this work, as well as to begin design for the habitat project, will be under a separate Commission action.

Gateway Park North (Georgetown) - 8th Avenue South Street End Restoration – Several years of community, industry, and inter-agency collaboration to create a large street-end park and LDW river access. The Port's portion of the project is to enhance/improve the existing bankline and provide improved riparian habitat. Ecology directed the Port to perform a site characterization prior to constructing the project. The Port anticipates the project will generate contaminated soil and restoration of the bank will require significant engineered measures (i.e., soil cap and cover) to control risks to the public and source control.

Natural Resource Damages (NRD) Habitat Restoration – The Port's Superfund liability for LDW and Harbor Island sediments includes injury to natural resources from contamination. The Port is negotiating with the Elliott Bay Trustee Council for settlement of this liability.

Terminal 91 Cleanup – Investigation and cleanup of this site is being administered by Ecology under a State Dangerous Waste Permit and a MTCA order. The bulk of the upland cleanup work was completed in mid-2015 and long-term groundwater monitoring and maintenance has begun. Investigation and cleanup of discrete units is ongoing as they are discovered. In 2016, pursuant to an amendment to the order the Port regraded a small in water shoal along the east side of Pier 91 with oversight by Ecology. Ecology also required the Port to begin a preliminary investigation into the site sediments, which was completed in 2018. The site is particularly complicated due to the existence of discarded military munitions (DMM) from the Navy's use of the site during the World War II era. The Port and Ecology have negotiated a MTCA order to conduct a remedial investigation of the sediments, which was signed in early 2020. We are currently performing the investigation and completing the remedial investigation report.

Fishermen's Terminal – The Port has removed some contaminated soils in the uplands, capped a portion of the uplands, and has performed some investigation of groundwater monitoring at

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and near the Fishing Vessel Owners (FVO) tenant site. Some dredging of contaminated sediments occurred as part of the Docks 5-10 renewal and replacement and berth dredging project. It is anticipated in 2022 or 2023 the FT Marine Innovation Center (MInC) will begin construction and have some limited environmental cleanup activities.

Aviation Sites/Projects

Aircraft Fuel Farms and Fueling Systems – Five underground aircraft fueling systems were constructed and operated by individual airlines beginning in the early 1960s. As of January 2007, each of these systems has been decommissioned. Appropriate environmental cleanup has been achieved for three of the systems and is in progress for two others. Remediation of an area impacted by operations of the former United Airlines and Continental Airlines fuel farms is complete as of 2017. Confirmation monitoring, closure negotiations with the Department of Ecology, and decommissioning of the remediation system remain, and is planned to be complete in 2022. The Port is a member of the PLP group for this multiple-source site.

Lora Lake Apartments – In 2009, the Port and Ecology executed a MTCA order that required the Port to conduct a remedial investigation and feasibility study (RI/FS) for the cleanup of the Lora Lake Apartments Property. The RI/FS was finalized in 2013. A Consent Decree, along with the Cleanup Action Plan, was finalized in 2015. Remedial design, including extensive field sampling and analysis, occurred in 2015 and 2016, and Commission authorized a major works contract to implement the remediation in September 2016. Remediation of the former Lora Lake Apartments and the former Lora Lake sites has been completed. A minimum of 5 years of post-remediation monitoring work is required by the Consent Decree, and 1 year of monitoring has been completed for the former Lora Lake site, while 2 years of monitoring have been completed at the Lora Lake Apartments property. Annual monitoring consists of ensuring cover integrity, and groundwater quality monitoring. Environmental covenants will be placed on the parcels where contaminated soil remains beneath engineered covers to maintain the integrity of the covers, and to restrict extraction of groundwater. The soil cover constructed at the Lora Lake Apartments parcel was designed as a temporary cover. The redeveloped surface of the property will provide the final cover. Redevelopment of the property is expected to occur in the 2024 – 2026 timeframe.

SCHEDULE

Schedules are outlined in the various legal agreements for individual sites.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative 1 – Do not complete the work.

Pros:

- (1) Could save money in the short-term, until the regulator decided to enforce the already signed agreements.

Cons:

- (1) Could result in the regulators, including Department of Ecology or the U.S. Environmental Protection Agency, taking enforcement action that could lead to them implementing the work. In this case, the Port would be liable for three times the costs incurred by the regulator.
- (2) The Port would lose the opportunity to employ the flexibility contained in the controlling regulations, to define and direct the work, and to manage costs.
- (3) Would not comply with Port’s obligations to remediate the sites.
- (4) Would not honor our cost sharing agreements for multiple sites.
- (5) Would delay work previously agreed to under existing regulatory orders or under voluntary programs.
- (6) Would erode trust between the Port, regulators, and the public, and may affect other projects and other agencies.

This is not the recommended alternative.

Alternative 2 – Complete the work using Port staff only. Port staff is already heavily involved in project direction, legal analysis, and project management, and will continue to perform these services. The nature and extent of the technical and legal work required to complete this work is substantial and would require a large number of additional staff with additional expertise in a number of highly technical specialty areas.

Pros:

- (1) Provides the opportunity to employ what flexibility is contained in the controlling regulations with respect to current and future uses of Port property under the agreements.
- (2) Provides trained workforce with specific technical expertise.
- (3) Provides consistent reporting and documentation.
- (4) Allows for technical development of Port staff.
- (5) Keeps in-house historical knowledge of Port-owned sites.

Cons:

- (1) May not be able to meet the work schedules required by the orders using just staff.
- (2) Servicing peak seasonal demand would require hiring additional full-time employees resulting in un-utilized labor through much of the year.
- (3) Would require purchase of substantial amount of specialized sampling equipment.
- (4) Would still require some contracting for tasks staff would not be able to perform such as laboratory analysis that are required to be certified by the state.

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- (5) Many of the sites are joint sites with multiple partners who may not agree to the Port performing the work.

This is not the recommended alternative.

Alternative 3 – Complete the work using a combination of Port staff and outside consultants and contractors that maximizes the ability for the Port to direct cleanup efforts and maximize the effectiveness of staff.

Pros:

- (1) Meets our commitments under existing orders and cost sharing agreements.
- (2) Provides the opportunity to employ what flexibility is contained in the controlling regulations with respect to current and future uses of Port property under the agreements.
- (3) Provides contracted and Port work force that can increase or decrease service level of effort as needed.
- (4) Provides trained workforce with specific technical expertise.
- (5) Provides consistent reporting and documentation.
- (6) Allows for technical development of Port staff.
- (7) Keeps in-house historical knowledge of Port-owned sites.

Cons:

- (1) Requires staff time
- (2) Port fronts some of the upfront costs for legacy contamination on our properties until future cost recovery occurs.

This is the recommended alternative.

FINANCIAL IMPLICATIONS

The following table summarizes 2022 through 2026 forecasted spending for environmental remediation projects. Forecasted spending reflects projects described in the Scope of Work.

Five-Year Spending Plan

\$s in Thousands	2022	2023	2024	2025	2026	2022-2026
Project Spending	\$16,000	\$12,000	\$22,000	\$37,000	\$27,000	\$114,000
Cash from 3rd Parties*	\$(2,000)	\$(2,000)	\$(2,000)	\$(1,000)	\$(0)	\$(7,000)
Net Port Share	\$14,000	\$10,000	\$20,000	\$36,000	\$27,000	\$107,000

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***Note:** Forecasted amounts do not include estimates of possible recoveries from other parties or insurance.

Budget/Authorization Summary of Past and Current Year

\$s in Thousands	Spent	Budget	Recovery
2016 - 2020	\$51,044	\$97,160	(\$59,435)
2021 thru 9/30/2021	\$11,000	\$33,100	(\$1,200)

***Note:** The ERL Budget is an annual budget authorization and does not carry over to future years. Recovery includes money from prior years. The difference between budgeted and spending for 2021 is due to COVID-19 delays, delays in regulatory negotiations or delay in Agency review of deliverables, carrying the contract for other partners where we pay the upfront costs and are then reimbursed by our cost sharing partners, and recognition the year is not complete. Recovery sources include insurance, settlements, grants and PRP cost sharing.

Annual Budget Status and Source of Funds

Airport – Airport Development Fund

Maritime, Economic Development, and homeport liabilities on Northwest Seaport Alliance managed property – Tax Levy

Financial Analysis and Summary

Environmental cleanup projects have multiple funding sources: (1) Maritime and Economic Development non-operating projects are funded by the Port’s Tax Levy; (2) Maritime and Economic Development operating projects are funded by the General Fund; (3) Airport projects are funded by the Airport Development Fund. In addition, there are supplementary outside sources of funding, including the following:

- Contributions from third parties (payment from cost-sharing or contribution agreements with other potentially liable parties (PLPs), where the Port functions as a funding conduit for the other PLPs and the Port holds contracts on behalf of these other PLPs);
- Settlements with other PLPs;
- Insurance recoveries from both the Port’s insurers and other PLPs’ insurers; and
- Department of Ecology grants.

ADDITIONAL BACKGROUND

The Port has identified a number of contaminated sites on Maritime, Economic Development, homeport liabilities on Northwest Seaport Alliance (NWSA) and Aviation properties that must be investigated and remediated in compliance with federal and state environmental laws and regulations. In some cases, the Port has been designated by the federal government as a

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“Potentially Responsible Party” (PRP), and/or by the state government as a “Potentially Liable Party” (PLP) for the investigation and cleanup of properties owned by the Port or where the Port may have contributed to site contamination.

Although the Port may not bear ultimate liability for the contamination, under federal and state law, the Port is presumptively liable as the property owner, and it is often practically and financially beneficial for the Port to take initial responsibility to manage and pay for the cleanup.

In many cases, the Port has successfully recovered and/or will seek recovery from other responsible parties for Port-incurred investigation and cleanup costs. The Port’s insurers have funded some of these cost recovery efforts and, as such, some of the costs recovered are subject to reimbursement. The Port also has been successful in receiving Model Toxics Control Act (MTCA) grant funds to pay part of the cleanup costs. The Port’s goals are to cost-effectively complete this environmentally responsible work and to maximize work accomplished by or paid for by the parties responsible for the conditions encountered (or others, such as insurance companies, who represent them).

To manage such environmental expenditures, the Port also encourages, coordinates with, and oversees the investigation and cleanup of sites by other responsible parties, to assure that legal requirements are met and that Port liabilities are minimized. Regardless of whether the Port conducts the investigation and remediation directly or oversees the proper performance of that work by other responsible parties, the Port provides a valuable public benefit by acting as a catalyst in expediting appropriate environmental management of these sites.

Accounting rules require that the Port “book” or establish a liability on its balance sheet for environmental remediation when the Port's obligation meets specified definitions of certainty and the liability amount can be reasonably estimated. When an environmental remediation liability is booked, an expense is also recorded in the current period for the future expenditures. The Port develops its environmental remediation liability forecasts in compliance with Government Accounting Standards Board (GASB) Statement No. 49 “Accounting and Financial Reporting for Pollution Remediation Obligations.”

Environmental liability expenditures are authorized in one of two ways:

1. If the environmental costs are incurred during, or incidental to, a construction project, the Commission authorization occurs as part of the authorization for the overall construction project. Examples of this include asbestos removal, off-site soil disposal during construction, or upland dredge material disposal.
2. If the environmental cost is not associated with a capital construction project or maintenance (including asbestos and lead), but is a stand-alone pollution remediation project, the expenditure is authorized through one annual action.

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Since 1993, the Commission has approved annual environmental expenditures. In addition, Commission authorization is obtained prior to entering legal commitments for investigation or cleanup actions, such as an Agreed Order, Administrative Order on Consent (AOC), or Administrative Settlement Agreement and Order on Consent (ASAOC) (collectively referred to as “Orders”). Under the Orders, the Port is required to pay agency oversight costs. Further, to the extent required by the General Delegation of Authority, Central Procurement Office contract actions in support of approved environmental projects may require additional Commission authorization.

Since 1993, the Port has booked liabilities to recognize these obligations. While Port environmental cleanup projects typically span several years, more complex projects have been active for over 15 years or more.

ATTACHMENTS TO THIS REQUEST

- (1) Map of ERL Sites Aviation
- (2) Map of ERL Sites North Properties Maritime, Economic Development
- (3) Map of ERL Sites South Properties Maritime, Economic Development and NWSA

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

November 10, 2020 – The Commission approved the 2021 (1) spend environmental remediation funds for 2021 in the amount of \$33,100,000 and (2) approve a five-year spending plan for \$106,220,000 for the environmental remediation liability program for 2021-2025, of which an amount estimated not to exceed \$30,000,000 will be obligated during 2021 to be spent in future years.

November 19, 2019 - The Commission approved the 2020 (1) spend environmental remediation funds for 2020 in the amount of \$28,730,000 and (2) approve a five-year spending plan for \$123,312,000 for the environmental remediation liability program for 2020-2024, of which an amount estimated not to exceed \$30,000,000 will be obligated during 2020 to be spent in future years.

November 13, 2018 – the Commission approved the 2019 (1) spend environmental remediation liabilities funds for 2018 in the amount of \$17,025,000; (2) approving a five-year spending plan of \$116,026,000 for the Environmental Remediation Liability (ERL) Program for 2019 to 2023 of which an amount estimated not to exceed \$30,000,000 will be obligated during 2019 to be spent in future years.

November 6, 2017 – the Commission approved the 2018 (1) spend environmental remediation liabilities funds for 2018 in the amount of \$19,800,000; (2) approving a five-year spending plan of \$88,800,000 for the Environmental Remediation Liability (ERL)

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Program for 2018 to 2022 of which an amount estimated not to exceed \$30,000,000 will be obligated during 2018 to be spent in future years.

November 8, 2016 – the Commission approved the 2017 (1) spend environmental remediation liabilities funds for 2017 in the amount of \$17,700,000; (2) approving a five-year spending plan of \$85,800,000 for the Environmental Remediation Liability (ERL) Program for 2017 to 2021 of which an amount estimated not to exceed \$33,600,000 will be obligated during 2017 to be spent in future years.

December 8, 2015 – the Commission approved the 2016 (1) spend environmental remediation liabilities funds for 2016 in the amount of \$13,900,000; (2) approving a five-year spending plan of \$71,700,000 for the Environmental Remediation Liability (ERL) Program for the Seaport, Real Estate, and Aviation Divisions for 2016-2020.

December 1, 2014 – the Commission approved the 2015 project-wide authorization of (1) a five-year spending plan of \$36,804,000 for the Environmental Remediation Liability (ERL) Program for the Seaport, Real Estate, and Aviation Divisions for 2015-2019; and (2) environmental remediation liabilities funds for 2015 in the amount of \$36,804,00, of which (a) \$16,804,000 is forecasted to be spent in 2015 and (b) an amount estimated not to exceed \$20,000,000 of the remaining funds approved in the five-year plan will be obligated during 2015 to be spent in future years.

December 3, 2013 – the Commission approved the project-wide authorization of (1) a five-year spending plan of \$106,740,000 for the Environmental Remediation Liability (ERL) Program for the Seaport, Real Estate, and Aviation Divisions for 2014-2018; and (2) environmental remediation liabilities funds for 2014 in the amount of \$42,180,000, of which (a) \$22,180,000 is forecasted to be spent in 2014 and (b) an amount estimated not to exceed \$20,000,000 of the remaining funds approved in the five-year plan will be obligated during 2014 to be spent in future years.