RCW 70A.305.140 Brownfield redevelopment trust fund account—
Created—Report to the office of financial management and the
legislature—Rules. (1) The brownfield redevelopment trust fund
account is created in the state treasury. All receipts from the
sources identified in subsection (2) of this section must be deposited
into the account. Moneys in the account may be spent only after
appropriation. Expenditures from the account may be used only as
identified in subsection (4) of this section.
(2) The following receipts must be deposited into the brownfield
redevelopment trust fund account:
(a) Moneys appropriated by the legislature to the account for a
specific redevelopment opportunity zone established under RCW
70A.305.150 or a specific brownfield renewal authority established
under RCW 70A.305.160;
(b) Moneys voluntarily deposited in the account for a specific
redevelopment opportunity zone or a specific brownfield renewal
authority; and
(c) Receipts from settlements or court orders that direct payment
to the account for a specific redevelopment opportunity zone to
resolve a person's liability or potential liability under this
chapter.
(3) If a settlement or court order does not direct payment of
receipts described in subsection (2)(c) of this section into the
brownfield redevelopment trust fund account, then the receipts from
any payment to the state must be deposited into the model toxics
control capital account established under RCW 70A.305.190.
(4) Expenditures from the brownfield redevelopment trust fund
account may only be used for the purposes of remediation and cleanup
at the specific redevelopment opportunity zone or specific brownfield
renewal authority for which the moneys were deposited in the account.
(5) The department must track moneys received, interest earned,
and moneys expended separately for each facility.
(6) The account must retain its interest earnings in accordance
with RCW 43.84.092.
(7) The local government designating the redevelopment
opportunity zone under RCW 70A.305.150 or the associated brownfield
renewal authority created under RCW 70A.305.160 must be the
beneficiary of the deposited moneys.
(8) All expenditures must be used to conduct remediation and
cleanup consistent with a plan for the remediation and cleanup of the
properties or facilities approved by the department under this
chapter. All expenditures must meet the eligibility requirements for
the use by local governments under the rules for remedial action
grants adopted by the department under this chapter, including
requirements for the expenditure of nonstate match funding.
(9) Beginning October 31, 2015, the department must provide a
biennial report to the office of financial management and the
legislature regarding the activity for each specific redevelopment
opportunity zone or specific brownfield renewal authority for which
specific legislative appropriation was provided in the previous two
fiscal years.
(10) After the department determines that all remedial actions
within the redevelopment opportunity zone identified in the plan
approved under subsection (8) of this section are completed, including
payment of all cost reasonably attributable to the remedial actions
and cleanup, any remaining moneys must be transferred to the model toxics control capital account established under RCW 70A.305.190.

(11) If the department determines that substantial progress has not been made on the plan approved under subsection (8) of this section for a redevelopment opportunity zone or specific brownfield renewal authority for which moneys were deposited in the account within six years, or that the brownfield renewal authority is no longer a viable entity, then all remaining moneys must be transferred to the model toxics control operating account established under RCW 70A.305.180.

(12) The department is authorized to adopt rules to implement this section. [2020 c 20 § 1316; 2019 c 422 § 414; 2013 2nd sp.s. c 1 § 3. Formerly RCW 70.105D.140.]

Effective date—Intent—2019 c 422: See notes following RCW 82.21.010.

Findings—Intent—Effective date—2013 2nd sp.s. c 1: See notes following RCW 70A.305.020.