



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

**Northwest Region Office**

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

May 30, 2025

Elissa Kalla  
Swinomish Indian Tribal Community  
11430 Moorage Way  
La Conner, WA 98257  
([ekalla@swinomish.nsn.us](mailto:ekalla@swinomish.nsn.us))

**Re: Application acceptance – Voluntary Cleanup Program**

Site name: **Swinomish Market & Deli**  
Site address: **12515 Christianson Rd, Anacortes, WA 98221**  
Facility/Site ID: **28128528**  
Cleanup Site ID: **16636**  
VCP Project No.: **NW3434**

Dear Elissa Kalla:

The Department of Ecology (Ecology) has accepted your application to the Standard process of the Voluntary Cleanup Program (VCP) for the Swinomish Market & Deli facility (Site). We applaud your initiative and welcome your interest in the VCP. This letter has important information on how we'll review your VCP cleanup project (project) at the Site.

**Agreement**

We completed and signed your Standard VCP agreement for the project on May 29, 2025. This date is the effective date of the agreement. A copy of your signed agreement is [enclosed](#).

**Identification numbers**

We have assigned a unique name and number to your Site. This information is listed on the first page of your Standard VCP agreement ([enclosed](#)). When contacting us, please reference this information to identify your project.

## Communications

Unless otherwise requested, we'll communicate directly with your project manager, Elissa Kalla, as listed on your VCP application form. If you replace your project manager, or their contact information changes, please submit a completed [change of contact form](#).<sup>1</sup>

We have not yet assigned a site manager to your project. Until we do, please contact:

David Unruh  
Department of Ecology  
Toxics Cleanup Program, Northwest Region  
PO Box 330316  
Shoreline, WA 98133  
206-459-6287  
[david.unruh@ecy.wa.gov](mailto:david.unruh@ecy.wa.gov)

You may view the position of your application within the waitlist for new VCP applications here: [VCP Waitlist - New](#)<sup>2</sup>. We also maintain a waitlist for existing VCP sites without site managers here: [VCP Waitlist - Existing](#)<sup>3</sup>. Cleanup project managers are assigned to new and existing VCP sites in order of the date an opinion was requested.

## Request for written opinion

In your application, you requested a written opinion on the sufficiency of your completed interim action. We'll review your submitted document and expect to provide a written response within approximately 90 calendar days after we assign you a site manager.

## Reporting requirements

When requesting written opinions, you must comply with the following reporting requirements to avoid unnecessary delays in the VCP process:

- **Licensing.** You must submit documents containing geologic and hydrogeologic work, and engineering work, under the seal of an appropriately licensed professional, as required in chapters [18.220](#)<sup>4</sup> and [18.43](#)<sup>5</sup> RCW, respectively.
- **Data submittal.** You must submit environmental data to our [Environmental Information Management](#) (EIM) system.<sup>6</sup> The [Toxics Cleanup Program Policy 840](#)<sup>7</sup> describes data

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<sup>1</sup> <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>

<sup>2</sup> <https://apps.ecology.wa.gov/cleanupsearch/reports/vcp/waitlist/new>

<sup>3</sup> <https://apps.ecology.wa.gov/cleanupsearch/reports/vcp/waitlist/existing>

<sup>4</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=18.220>

<sup>5</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=18.43>

<sup>6</sup> <https://ecology.wa.gov/eim>

<sup>7</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1609050.html>

submittal requirements. Please visit the [EIM Help Center](#)<sup>8</sup> for data submittal instructions and more information.

## Payment

We'll send monthly invoices to the billing contact listed in your VCP application form. Payment is due within 30 calendar days from the date of each invoice. Our invoices include a summary of costs incurred, payments received, names of staff billing to the project, and the time spent on the project during the previous month.

If you replace your billing contact, or their contact information changes, you must submit a completed [change of contact form](#).<sup>9</sup>

## Contact information

We are committed to working with you to reach the prompt and effective Site cleanup. If you have any questions, please contact David Unruh at [vcp-nwro@ecy.wa.gov](mailto:vcp-nwro@ecy.wa.gov), or call 206-459-6287.

Sincerely,



David Unruh, LHG  
VCP Coordinator  
Toxics Cleanup Program, Northwest Region Office

Enclosure: Copy of signed VCP Agreement

cc: Clyde Halstead, Swinomish Indian Tribal Community ([chalstead@swinomish.nsn.us](mailto:chalstead@swinomish.nsn.us))  
Eric Marhofer, Aspect Consulting ([eric.marhofer@aspectconsulting.com](mailto:eric.marhofer@aspectconsulting.com))  
Fiscal, VCP Fiscal Analyst (w/o encl)  
TCP, Operating Budget Analyst (w/o encl)

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<sup>8</sup> <https://apps.ecology.wa.gov/eim/help/>

<sup>9</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070218.html>

# Enclosure

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Copy of Signed Standard VCP Agreement





# Voluntary Cleanup Program Agreement

## Washington State Department of Ecology - Toxics Cleanup Program

For completion  
by  
Ecology only

Facility/Site Name: **Swinomish Market & Deli**  
Facility/Site No.: ~~16636~~ **28128528**  
VCP Project No.: ~~TBD~~ **NW3434**

### Instructions

Submit this Agreement (original) to Ecology as part of your Application. Before submitting, enter the Customer's name and the Site's address on the first page, and sign the Agreement on the third page. If your Application is accepted, then Ecology will do the following: 1) identify the Site and VCP project in the box below; 2) sign the Agreement; and 3) send you a copy of the completed Agreement.

This document constitutes an Agreement between the Washington State Department of Ecology (Ecology) and **Swinomish Indian Tribal** (Customer) to provide informal site-specific technical consultations under the Voluntary Cleanup Program (VCP) for the Site identified below and associated with the following address: **12515 Christianson Road, Anacortes, WA 98221**

The purpose of this Agreement is to facilitate independent remedial action at the Site. Ecology is entering into this Agreement under the authority of the Model Toxics Control Act (MTCA), chapter 70A.305 RCW, and its implementing regulations, chapter 173-340 WAC. If a term in this Agreement is defined in MTCA or chapter 173-340 WAC, then that definition shall govern.

### Services Provided by Ecology

Upon request, Ecology agrees to provide the Customer informal site-specific technical consultations on the independent remedial actions proposed for or performed at the Site consistent with WAC 173-340-515(5). Those consultations may include assistance in identifying applicable regulatory requirements and opinions on whether the remedial actions proposed for or conducted at the Site meet those requirements.

Ecology may use any appropriate resource to provide the Customer with the requested consultative services. Those resources may include, but shall not be limited to, those of Ecology and the Office of the Attorney General. However, Ecology shall not use independent contractors unless the Customer provides Ecology with prior written authorization.

In accordance with RCW 70A.305.170, any opinions provided by Ecology under this Agreement are advisory only and not binding on Ecology. Ecology, the state, and officers and employees of the state are immune from all liability. Furthermore, no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance under the VCP.

### Payment for Services by Customer

The Customer agrees to pay all costs incurred by Ecology in providing the informal site-specific technical consultations requested by the Customer consistent with WAC 173-340-515(6) and 173-340-550(6). Those costs may include the costs incurred by attorneys or independent contractors used by Ecology to provide the requested consultative services. Ecology's hourly costs shall be determined based on the method in WAC 173-340-550(2).

Ecology shall mail the Customer a monthly itemized statement of costs (invoice) by the tenth day of each month (invoice date) that there is a balance on the account. The invoice shall include a summary of the costs incurred, payments received, identity of staff involved, and amount of time staff spent on the project.

The Customer shall pay the required amount by the due date, which shall be thirty (30) calendar days after the invoice date. If payment has not been received by the due date, then Ecology shall withhold any requested opinions and notify the Customer by certified mail that the debt is past due.

If payment has not been received within sixty (60) calendar days of the invoice date, then Ecology shall stop all work under the Agreement and may, as appropriate, assign the debt to a collection agency under chapter 19.16 RCW. The Customer agrees to pay the collection agency fee incurred by Ecology in the course of debt collection.

### **Reservation of Rights / No Settlement**

This Agreement does not constitute a settlement of liability to the state under MTCA. This Agreement also does not protect a liable person from contribution claims by third parties for matters addressed by the Agreement. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70A.305.040(4). Ecology's signature on this Agreement in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority.

Ecology reserves all rights under MTCA, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

### **Effective Date, Modifications, and Severability**

The effective date of this Agreement shall be the date on which this Agreement is signed by the Toxics Cleanup Program's Section Manager or delegated representative. This Agreement may be amended by mutual agreement of Ecology and the Customer. Amendments shall be in writing and shall be effective when signed by the Toxics Cleanup Program's Section Manager or delegated representative. If any provision of this Agreement proves to be void, it shall in no way invalidate any other provision of this Agreement.

### **Termination of Agreement**

Either party may terminate this Agreement without cause by sending written notice by email or U.S. mail to the other party. The effective date of termination shall be the date Ecology sends notice to the Customer or the date Ecology receives notice from the Customer, whichever occurs first. Unless otherwise directed, issuance of a No Further Action opinion, either for the Site as a whole or for a portion of the real property located within the Site, shall constitute notice of termination by Ecology.

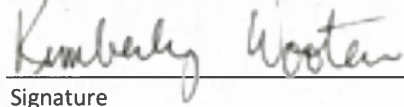
Under this Agreement, the Customer is only responsible for costs incurred by Ecology before the effective date of termination. However, termination of this Agreement shall not affect any right Ecology may have to recover its costs under MTCA or any other provision of law.

Voluntary Cleanup Program Agreement  
Washington State Department of Ecology - Toxics Cleanup Program

Representations and Signatures

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to enter into this Agreement and to execute and legally bind the Customer to comply with the Agreement.

Washington State Department of Ecology



Signature

Kimberly Wooten

Printed name

Section Manager, TCP

~~5/28/2025~~

5/29/2025

Date

Customer signatory



Signature

Jeremy Wilbur

Printed name of signatory

Chair, Swinomish Development Authority

Title of signatory

5/28/2025

Date

If you need this publication in an alternative format, please call the Toxics Cleanup Program at 360-407-7170. Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability may call 877-833-6341.





# Application for Standard & Expedited VCP Processes

Washington State Department of Ecology  
Toxics Cleanup Program

Under the [Voluntary Cleanup Program](#)<sup>1</sup> (VCP), Ecology offers free site-specific, technical consultations for independent remedial actions for both the Standard VCP process and the Expedited VCP process.

Check the process you want to apply to:

☒ **Standard VCP**

☐ **Expedited VCP**

[Reset Form](#)

## Applying to the Standard VCP Process

There is no fee to apply to the Standard VCP Process. Submit application materials to the VCP Coordinator of the region where your site is located. Your application materials **must** include the following.

1. This **VCP application form** — completed and signed by the applicant.
2. [VCP Agreement](#)<sup>2</sup> form — signed by the applicant.
3. [Eligibility Form](#)<sup>3</sup> — completed.

See the report requirements at [Working with the Voluntary Cleanup Program](#).<sup>4</sup>

Then based on your site's county, email your completed application to the **regional contact** listed here.

### Northwest Region

Island, King, Kitsap, San Juan, Skagit,  
Snohomish, Whatcom

[VCP-NWRO@ecy.wa.gov](mailto:VCP-NWRO@ecy.wa.gov)

### Central Region

Benton, Chelan, Douglas, Kittitas,  
Klickitat, Okanogan, Yakima

[VCP-CRO@ecy.wa.gov](mailto:VCP-CRO@ecy.wa.gov)

### Southwest Region

Clallam, Clark, Cowlitz,  
Grays Harbor, Jefferson,  
Mason, Lewis, Pacific, Pierce,  
Skamania, Thurston, Wahkiakum

[VCP-SWRO@ecy.wa.gov](mailto:VCP-SWRO@ecy.wa.gov)

### Eastern Region

Adams, Asotin, Columbia,  
Ferry, Franklin, Garfield,  
Grant, Lincoln, Pend Oreille  
Spokane, Stevens, Walla Walla, Whitman

[VCP-ERO@ecy.wa.gov](mailto:VCP-ERO@ecy.wa.gov)



## Applying to the Expedited VCP Process

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We accept applications to the Expedited VCP Process during specific periods. Please contact the [Expedited VCP Planner](#)<sup>5</sup> for more information. Subscribe to the [Expedited VCP email list](#)<sup>6</sup> to be notified when we open or close application periods.

Unlike the Standard VCP Process, applying to the Expedited VCP Process requires a nonrefundable application fee. You **must pay that fee** within seven calendar days of receiving our invoice for the fee. After receiving your completed application, we will email our invoice to your project billing contact you list in [Part 1-C](#). We won't process your application until we receive payment. Send your application to [vcp-exp@ecy.wa.gov](mailto:vcp-exp@ecy.wa.gov). Your complete Expedited VCP application must contain all of the following:

1. This **VCP application form** — completed and signed by the applicant.
2. [Expedited VCP Agreement](#)<sup>7</sup> — signed by the applicant.
3. [Eligibility Form](#)<sup>8</sup> — completed.
4. A remedial investigation report that meets our [remedial investigation checklist](#)<sup>9</sup> requirements and is ready for our review.
5. Documentation of other remedial actions, investigations, or interim cleanup actions.
6. An automatically generated email as confirmation that all your site environmental data have been uploaded to our [Environmental Information Management](#)<sup>10</sup> (EIM) system.
7. A project cleanup schedule.

To send us large files, please use your preferred file transfer service to share files with [vcp-exp@ecy.wa.gov](mailto:vcp-exp@ecy.wa.gov) or contact us for assistance on using our file transfer service.

To **request an opinion** on a planned or completed remedial action, you **must** complete [Part 2-C](#). See our [Guidance for the Expedited VCP Process](#)<sup>11</sup> for more information.

## Part 1 – Administration

### 1-A Site information

**Enter** site information as noted in Ecology's [What's in My Neighborhood](#),<sup>12</sup> or suggest a name (if a new site).

**Full site name:** [Swinomish Market & Deli](#)

**Ecology ERTS#, if any:**

**Street address or location:** [12515 Christianson Rd, Anacortes](#)

### 1-B Applicant

The applicant is the person or organization applying to a VCP process. The applicant is responsible for paying Ecology's incurred costs. **Enter** the applicant's name.

**Applicant's full name:** [Swinomish Indian Tribal Community](#)

**Identify** the applicant's entity type (check one). ☐ person ☒ organization

If the applicant is a **person** they **must** also be the project billing contact, as identified in both [Part 1-D](#) and [Part 1-E](#). If the applicant is an **organization**, the project manager **must** be identified in [Part 1-B](#) and the project billing contact in [Part 1-D](#). **Both** the project manager and the billing contact **must be direct employees** of the organization.

**Identify** the applicant's involvement with the site (check all that apply).

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> property owner | <input type="checkbox"/> business owner/operator | <input type="checkbox"/> agent of property owner     |
| <input type="checkbox"/> past property owner       | <input type="checkbox"/> mortgage holder         | <input type="checkbox"/> private person/organization |
| <input type="checkbox"/> future property owner     | <input type="checkbox"/> consultant              | <input type="checkbox"/> public agency/organization  |
| <input type="checkbox"/> property lessee           | <input type="checkbox"/> attorney                | <input type="checkbox"/> other – specify             |

The **Expedited VCP** applicant must have an ownership interest in the facility, or operate the facility, or have a contractual right to purchase, redevelop, or reuse the facility. Agents for the property owner, such as a consultant, **may not apply** to the Expedited VCP process.

Is the applicant **authorized** to grant us property access? ☒ yes ☐ no

### 1-C Project manager

We will send the project manager all official correspondence. The project manager **must** be either the applicant or employed by the applicant. The project manager may not be a hired independent contractor.

**Enter** the project manager information.

**Project manager's full name:** [Elissa Kalla](#)

**Title:** [Director, Land Management](#)

**Organization:** [Swinomish Indian Tribal Community](#)

**Full mailing address:** [11430 Moorage Way, La Conner, WA 98257](#)

**Email address:** [ekalla@swinomish.nsn.us](mailto:ekalla@swinomish.nsn.us)

**Phone number:** [360-466-1422](tel:360-466-1422)

## 1-D Project billing contact

We will send our monthly invoices to the project billing contact. The project billing contact **must** be either the applicant or employed by the applicant. The project billing contact may **not** be a hired independent contractor. **Enter** the billing contact information.

**Billing contact's full name:** Elissa Kalla

**Title:** Director, Land Management

**Organization:** Swinomish Indian Tribal Community

**Full mailing address:** 11430 Moorage Way, La Conner, WA 98257

**Email address:** ekalla@swinomish.nsn.us

**Phone number:** 360-466-1422

## 1-E Project consultant

If you have retained a consultant to conduct independent remedial action, but they aren't the applicant, **enter** the consultant's information here. Otherwise, skip to [Part 1-F](#).

**Project consultant's full name:** Eric Marhofer

**Title:** Principal Engineer

**Organization:** Aspect Consulting, a Geosyntec Company

**Full mailing address:** 710 2nd Avenue, Suite 550, Seattle, WA 98104

**Email address:** eric.marhofer@aspectconsulting.com

**Phone number:** 206-838-6582

Do you want us to contact the project consultant?

☒ yes

☐ no

## 1-F Property owner

Check the property owner type (check one).

☐ private

☒ tribal

☐ federal

☐ state

☐ county

☐ municipal

☐ public school

☐ mixed

☐ other – specify

If the applicant is the property owner, skip to [Part 2](#). Otherwise, **enter** their information here.

**Property owner's full name:**

**Title:**

**Organization:**

**Full mailing address:**

**Email address:**

**Phone number:**

## Part 2 – Reporting requirements

When requested, we can provide written opinions on reports sent to us with this application. However, your reports first **must** meet our [Part 2-A](#) and [Part 2-B](#) reporting requirements.

### 2-A Professional licensing

Documents submitted containing geology, hydrogeology, or engineering geology interpretation or work **must** be stamped by of an appropriately licensed geologist, hydrogeologist, or engineering geologist, respectively, as required by chapter [18.220 RCW](#).<sup>13</sup>

Documents submitted containing engineering work **must** be stamped by an appropriately licensed professional engineer, as required by chapter [18.43 RCW](#).<sup>14</sup>

### 2-B Submit environmental data to Ecology's EIM system

You must upload all site environmental sampling and analysis data to our EIM system and meet its [submittal requirements](#).<sup>15</sup> Set up an account if you don't have one. **We won't issue** a no further action opinion unless you have satisfied these requirements.

**For Expedited VCP applications only**, enter the study ID and CSV file names. **Both** must begin with "XVC".

EIM study ID (no hyphens or spaces)      CSV file name (no hyphens/spaces)

### 2-C Request a written opinion

After meeting the [Part 2-A](#) and [Part 2-B](#) reporting requirements, you can request a written opinion on reports we receive. If you want a written opinion now, list the reports below that you're sending for review. We'll base our opinion on your submitted reports and any site information in our database.

Are you requesting a written opinion at this time?      ☒ yes      ☐ no

**List all reports you want reviewed for our opinion.**

[Remedial Investigation Report and Feasibility Study](#)  
[Interim Action Memorandum](#)

## Part 3 – Describe your site

### 3-A Source property location

The “source property” is where contaminants were released into the environment, such as from an underground storage tank (UST) that leaked. **Enter** the source property location, if known.

Latitude:

Longitude:

List all parcel numbers of the source property:

Skagit County Parcel No. P19843

### 3-B Affected and adjacent properties

An “affected property” is one that is impacted by the contaminants released on a source property. Briefly describe whether and how any source property releases have impacted adjacent or other property. An example might include property affected by area-wide impacted from elevated lead and arsenic levels.

Describe releases to affected and/or adjacent property:

Adjacent Skagit County Parcel No. P19867 includes a 10 foot strip of land immediately to the west of the source property, between the source property and right-of-way and was affected

### 3-C Rights-of-way

Briefly describe if, and how, any of the releases have affected a right-of-way (e.g., roadway, sidewalk, easement).

Describe releases to any right-of-way:

Right-of-way does not appear to have been impacted

### 3-D Area-wide smelter emissions

Is the site affected by area-wide **smelter emissions** (e.g., [Tacoma Smelter Plume area](#))?<sup>16</sup>

☐ yes ☒ no ☐ unknown

### 3-E Former fruit orchards

Is the site in a **former fruit orchard** that operated before 1947? ☐ yes ☒ no ☐ unknown

### 3-F Affected media

List known and suspected contaminants and the environmental media affected before cleanup actions.\*

Type or select contaminant	soil	groundwater	surface water/sediment	indoor air
Petroleum	C	C	N	U

\*B = below cleanup level

N = not suspected

S = suspected

C = above cleanup level

O = confirmed not present

U = unknown

## Part 4 – Site operations

### 4-A Current use of source property

The facility on the **source property** is a (check all that apply):

- ☐ waste treatment, storage, or disposal facility ☐ solid waste facility  
☐ hazardous waste generator ☒ other – specify **gas station and convenience store**

### 4-B Storage tank information

**Identify** all aboveground storage tanks\* and USTs that have ever stored chemicals on the source property.  
**Type or select** contaminant type. Leave blank where unknown.

Contaminant	AST/UST	Tank ID	Size	In Use?	Install date	Closure date	Closure method	Releases?
	UST		6,000	Yes				No
Regular gasoline	UST		10,000	Yes				No
Mid Octane gasoline	UST		10,000	Yes				No
Diesel	UST		10,000	Yes				No
5 x historical USTs, unknown	UST	500-100 gal/ea		No		7/7/89	removal	Yes

\*Removed or closed in place. AST = aboveground storage tank. UST = underground storage tank.

### 4-C Redevelopment plans as part of cleanup

Will any source or affected properties, or portions of those properties, be **redeveloped** as part of the cleanup?

- ☐ yes ☒ no ☐ unknown

If “**yes**”, check all proposed land uses that apply.

- ☐ residential ☐ school ☐ commercial ☐ industrial ☐ childcare facility  
☐ agricultural ☐ park ☐ other – specify

**Briefly describe activities proposed for the planned land use(s).**

Part 5 – Independent remedial actions

5-A Scope of remedial actions

Do you plan to **characterize and investigate** all site contamination, including contamination on affected adjacent properties, as part of your cleanup project?    ☐ yes    ☒ no    ☐ unknown

If “no”, describe in your cleanup project work scope that you **don’t** plan to characterize or investigate all site contamination as part of a Standard VCP or Expedited VCP project. **Describe** the contamination on properties, portions of a property, environmental media affected, and contaminants to be cleanup up.

**Briefly describe your cleanup project work scope.** Cleanup is not intended to address de minimis impacts considered incidental to the use of the property as a gas station

5-B Status of remedial actions (check all that apply)

	Planned	Ongoing	Completed	Not applicable
Remedial action	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Initial response (UST only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Interim action	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Remedial investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Feasibility study	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cleanup action	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5-C Independent remedial action documentation

Title	Preparer	Date	Sent to Ecology?	Date Sent
cleanup action plan set	Aspect Consulting	9/24/24	Yes	4/15/25
Interim action memo	Aspect Consulting	3/24/02	Yes	4/15/25



## Part 6 – Affirmation and signature

The undersigned **affirms** that the information provided in this application is true and accurate to the best of the applicant's knowledge. Someone other than the **applicant** may sign this application form.

**Project manager's full name:** Elissa Kalla

**Title:** Director, Land Management

**Organization:** Swinomish Indian Tribal Community

**Full mailing address:** 11430 Moorage Way, La Conner, WA 98257

**Email address:** ekalla@swinomish.nsn.us

**Phone number:** 360-466-1422

**Signature** Elissa Kalla

Digitally signed by Elissa Kalla  
Date: 2025.05.22 12:03:05  
-07'00'

**Date** 5/22/25

**Identify the signatory's involvement at the site (check all that apply).**

☒ applicant ☐ consultant ☐ property owner ☐ attorney ☒ other – specify owner's staff

**Expedited VCP note:** While anyone may sign the **application form**, only certain types of applicants are eligible to join the **Expedited VCP process** and sign the **Expedited VCP agreement**. To sign the agreement, the applicant **must** have an ownership interest in the facility, or operate the facility, or have a contractual right to purchase, redevelop, or reuse the facility. If the applicant is a corporation, a representative authorized to bind the corporation **must** sign the **Expedited VCP agreement**.

Ecology commits to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act, Sections 504 and 508 of the Rehabilitation Act, and Washington State Policy #188. To request an Americans with Disabilities Act accommodation, contact Ecology at 360-407-6831 or [ecyadacoordinator@ecy.wa.gov](mailto:ecyadacoordinator@ecy.wa.gov).<sup>17</sup> For Washington Relay Service or teletypewriter (TTY), call 711 or 877-833-6341. Visit Ecology's accessibility & equity webpage for more information.

<sup>1</sup> <https://www.ecy.wa.gov/VCP>

<sup>2</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ecy070324.html>

<sup>3</sup> <https://apps.ecology.wa.gov/publications/summarypages/ECY070689.html>

<sup>4</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Working-with-VCP>

<sup>5</sup> [vcp-exp@ecy.wa.gov](mailto:vcp-exp@ecy.wa.gov)

<sup>6</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_88](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_88)

<sup>7</sup> <http://ecyapfaff/Biblio2/SummaryPages/ECY070633.html>

<sup>8</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070689.html>

<sup>9</sup> <https://apps.ecology.wa.gov/publications/summarypages/2009053.html>

<sup>10</sup> <https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/EIM-submit-data>

<sup>11</sup> <https://apps.ecology.wa.gov/publications/summarypages/2009053.html>

<sup>12</sup> <https://apps.ecology.wa.gov/neighborhood/?lat=47.500000&lon=-121.000000&zoom=7&radius=false>

<sup>13</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=18.220&full=true>

<sup>14</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=18.43&full=true>

<sup>15</sup> <https://apps.ecology.wa.gov/eim/help/HelpDocuments/OpenDocument/14>

<sup>16</sup> <https://apps.ecology.wa.gov/dirtalert/>

<sup>17</sup> <mailto:ecyadacoordinator@ecy.wa.gov>

## Voluntary Cleanup Program Eligibility Form

### Washington State Department of Ecology – Toxics Cleanup Program

Use this form to determine which Washington state agency and program to apply for when seeking technical assistance for your independent cleanup of a contaminated site.

Both the Department of Ecology (Ecology) and the Pollution Liability Insurance Agency (PLIA),<sup>1</sup> which are **separate state agencies**, offer such assistance under the following programs.

#### Ecology

[Voluntary Cleanup Program](#) (VCP)<sup>2</sup>

#### PLIA

[Petroleum Technical Assistance Program](#) (PTAP)<sup>3</sup>

[Heating Oil Technical Assistance Program](#) (HOTAP)<sup>4</sup>

#### Eligibility verification (for Ecology use only)

- ☐ correct  
☐ incorrect

Each program provides technical assistance for only certain types of sites. Ecology provides technical assistance under its VCP for sites that are not eligible for technical assistance under PLIA's PTAP or HOTAP. When applying to enroll in Ecology's VCP, you must submit this form with your application. Use of this form does not guarantee acceptance into the VCP. Ecology may decide to supervise remedial action at your site under an order or decree, based on site-specific conditions.

### Part 1 – Applicant information

Applicant name: \_\_\_\_\_

Application submission date: \_\_\_\_\_

### Part 2 – Identify release source

PLIA provides technical assistance for independent cleanups of sites only where there has been a release from a tank storing heating oil or another type of petroleum. PLIA provides technical assistance for those releases under HOTAP and PTAP, respectively. See Chapter [374-80](#) WAC.<sup>5</sup>

Check only one of the following boxes.

- ☐ The site involves a release from a heating oil storage tank. If you checked this box, skip to [Part 3](#).
- Heating oil includes petroleum products used for space heating in oil-fired furnaces, heaters, and boilers, and includes stove oil, diesel fuel, and kerosene.
  - Heating oil does not include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or off-highway equipment not used for space heating, industrial processing, or generating electrical energy.

<sup>1</sup> <https://plia.wa.gov>

<sup>2</sup> <https://ecology.wa.gov/VCP>

<sup>3</sup> <https://plia.wa.gov/ptap/>

<sup>4</sup> <https://plia.wa.gov/heating-oil-technical-assistance-program/>

<sup>5</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=374-80>

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- ☐ The site involves a release from a non-heating oil petroleum storage tank. If you checked this box, skip to [Part 4](#).
- Non-heating oil petroleum includes, but is not limited to, petroleum and petroleum-based substances made of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and waste oils.
  - Non-heating oil petroleum does not include propane, asphalt, or any other petroleum product that is not liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute).
- ☐ The site does not involve a release from any kind of heating oil or petroleum storage tank. If you checked this box, skip to [Part 5](#), and check “[Ecology’s VCP](#)”.

**Part 3 – Identify HOTAP eligibility**

A heating oil tank release site may be eligible for technical assistance under PLIA’s HOTAP, unless the site meets one of the exclusionary factors in this Part 3.

Check each of the following boxes that applies to your site.

**Site type factors**

- ☐ The heating oil tank release is commingled with a non-petroleum release.

**Agency management factors**

- ☐ Ecology is currently conducting remedial action at the site.
- ☐ Ecology is currently supervising remedial action at the site, under an order or decree, or is currently negotiating an order or decree for the site.
- ☐ Ecology and PLIA jointly determine the site should be managed by Ecology. If you check this box, include supporting documentation.

If you checked any of the boxes in this Part 3, go to [Part 5](#) and check “[Ecology’s VCP](#)”. If you did not check any of the boxes, go to [Part 5](#) and check “[PLIA’s HOTAP](#)”.

**Part 4 – Identify PTAP eligibility**

Ecology and PLIA have jointly developed inclusionary and exclusionary factors for non-heating oil petroleum tank release sites. Such sites may be eligible for technical assistance under PLIA’s PTAP if:

- 1) the site meets any of the inclusionary factors in [Part 4A](#); and
- 2) the site either does not meet any of the exclusionary factors in [Part 4B](#), or Ecology and PLIA jointly override the exclusionary factors under [Part 4C](#).

#### 4A Inclusionary factors

Check each of the following boxes that applies to your site.

**Hazard ranking factors** – Ecology ranks sites using the [Washington Ranking Method](#) (WARM).<sup>6</sup>

- ☐ The site is WARM-ranked a 3, 4, or 5.
- ☐ The site is WARM-ranked a 1 or 2, but does not impact surface water or sediment.

**Site type factors**

- ☐ The site does not impact surface water or sediment.

**Funding factors**

- ☐ The site is covered by PLIA insurance.
- ☐ The site is a recipient of a PLIA grant or loan.

If you checked any of the boxes in this Part 4A, go to [Part 4B](#). If you did not check any of the boxes in this Part 4A, skip to [Part 5](#) and check “[Ecology’s VCP](#)”.

#### 4B Exclusionary factors

Check each of the following boxes that applies to your site.

**Agency regulation factors** – The release is within the bounds of or is impacting:

- ☐ an industrial facility regulated by Ecology’s [Solid Waste Program](#)<sup>7</sup>
- ☐ a dangerous waste facility regulated by Ecology’s [Hazardous Waste and Toxics Reduction Program](#)<sup>8</sup>
- ☐ a nuclear waste facility regulated by Ecology’s [Nuclear Waste Program](#).<sup>9</sup>

**Agency management factors**

- ☐ Ecology is currently conducting remedial action at the site.
- ☐ Ecology is currently supervising remedial action at the site under an order or decree, or is currently negotiating an order or decree for the site.
- ☐ The U.S. Environmental Protection Agency (EPA) is conducting remedial action at the site, under the federal cleanup law.
- ☐ EPA is supervising remedial action at the site, under an order or decree under the federal cleanup law, or is negotiating an order or decree for the site.
- ☐ The release otherwise occurred within or impacts a contaminated site managed by EPA, under the federal cleanup law.

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<sup>6</sup> <https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html>

<sup>7</sup> <https://ecology.wa.gov/Waste-Toxics/Solid-waste-litter/Solid-waste>

<sup>8</sup> <https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Waste-reduction-programs>

<sup>9</sup> <https://ecology.wa.gov/Waste-Toxics/Nuclear-waste>

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**Other legal factors**

- ☐ The site is subject to ongoing litigation or court supervision.
- ☐ Liability for remedial action at the site is in dispute.

**Funding factors**

- ☐ Site remediation is funded by Ecology as the sole or lead funding agency.
- ☐ You are a local government planning to apply for an Ecology [Independent Remedial Action Grant](#).<sup>10</sup> These grants are subject to cultural resource consultation requirements.

**Site type factors**

- ☐ The site impacts surface water or sediment.
- ☐ The petroleum storage tank release is commingled with a non-petroleum release that is not related to the petroleum release or facility operations.

If you checked any of the boxes in this Part 4B, go to [Part 4C](#). If you did not check any of the boxes in this Part 4B, go to [Part 5](#) and check “[PLIA’s PTAP](#)”.

**4C Joint agency determination**

Check the following box, and include supporting documentation, if Ecology and PLIA have jointly determined to override the exclusionary factors in [Part 4B](#), based on the results of a site characterization conducted under Chapter [173-340](#) WAC.<sup>11</sup>

- ☐ If you check this box, go to [Part 5](#), and check “[PLIA’s PTAP](#)”. If you do not check this box, go to [Part 5](#), and check “[Ecology’s VCP](#)”.

**Part 5 – Select appropriate technical assistance program**

Based on your responses in Parts 2 through 4, select the technical assistance program your site is eligible to apply for by checking the applicable box (check only one):

- |  |   |
|--|---|
| <input type="checkbox"/> Ecology’s <a href="#">VCP</a> <sup>12</sup> | <input type="checkbox"/> PLIA’s <a href="#">HOTAP</a> <sup>13</sup> |
|  | <input type="checkbox"/> PLIA’s <a href="#">PTAP</a> <sup>14</sup>  |

**Accommodation Requests**

If you need this publication in an alternative format, please call the Toxics Cleanup Program at (360) 407-7170 or visit the [Toxics Cleanup Program webpage](#).<sup>15</sup> People with hearing impairment can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.

<sup>10</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants>

<sup>11</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>12</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Applying>

<sup>13</sup> <https://plia.wa.gov/heating-oil-technical-assistance-program/>

<sup>14</sup> <https://plia.wa.gov/ptap/>

<sup>15</sup> <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup>