



# **Affordable Housing Cleanup Grant Program**

**Affordable Housing Planning Grants**

**Guidelines for the 2023–25 Biennium**

Toxics Cleanup Program  
Washington State Department of Ecology  
Olympia, Washington

April 2023  
Publication No. 23-09-047

## Publication Information

This document is available on the Department of Ecology's website at <https://apps.ecology.wa.gov/publications/SummaryPages/2309047.html>

Cover photo credit:

kangbch (pic, 2023) under a Creative Commons license on Pixabay  
<https://pixabay.com/photos/barley-field-wheat-agriculture-plow-1684052>

## Related Information

EAGL Instructions for 2023-25 Affordable Housing Cleanup Grant Applications: Toxics Cleanup Program's guidance for using Ecology's Administration of Grants & Loans System (EAGL) to apply for Affordable Housing Grants (Ecology Publication No. 23-09-056):  
<https://apps.ecology.wa.gov/publications/summarypages/2309056.html>

## Contact Information

### Toxics Cleanup Program

Headquarters

P.O. Box 47600

Olympia, WA 98504-7600

Phone: 360-407-7170

Website: [Washington State Department of Ecology](https://www.ecology.wa.gov)<sup>1</sup>

## ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at [ecyadacoordinator@ecy.wa.gov](mailto:ecyadacoordinator@ecy.wa.gov). For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

---

<sup>1</sup> [www.ecology.wa.gov/contact](https://www.ecology.wa.gov/contact)

# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
---	---	---------------------------------------	---------------------------------------

Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Statewide	P.O. Box 46700 Olympia, WA 98504	360-407-6000

This page intentionally left blank.

# **Affordable Housing Cleanup Grant Program**

---

Affordable Housing Planning Grants

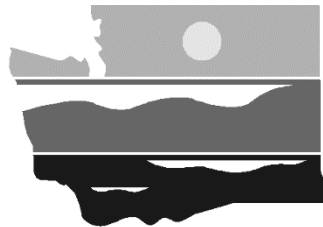
Guidelines for the 2023–25 Biennium

**Toxics Cleanup Program**

Washington State Department of Ecology  
Olympia, WA

**April 2023**

**Publication No. 23-09-047**



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# Contents

<b>Publication Information</b> .....	<b>3</b>
<b>Related Information</b> .....	<b>3</b>
<b>Contact Information</b> .....	<b>3</b>
<b>ADA Accessibility</b> .....	<b>3</b>
<b>Department of Ecology’s Regional Offices</b> .....	<b>3</b>
<b>Affordable Housing Cleanup Grant Program</b> .....	<b>5</b>
<b>Figures and Tables</b> .....	<b>iii</b>
Figures .....	iii
Tables .....	iii
<b>Acronyms and Abbreviations</b> .....	<b>iv</b>
<b>Executive Summary</b> .....	<b>1</b>
<b>Chapter 1: Purpose and Applicability</b> .....	<b>3</b>
1.1 Rules and guidance .....	3
1.2 Grant program goals .....	4
1.3 Grant types .....	5
<b>Chapter 2: Cleanup Process</b> .....	<b>7</b>
2.1 Toxics Cleanup Program .....	7
2.2 What is a cleanup? .....	7
2.3 Steps in the MTCA Cleanup Process .....	8
<b>Chapter 3: Project Eligibility</b> .....	<b>11</b>
3.1 Eligibility criteria .....	11
3.2 Readiness to proceed expectations .....	13
3.3 Required scope: Community Outreach Plan .....	13
<b>Chapter 4: Funding Cycle &amp; Instructions</b> .....	<b>15</b>
4.1 What are Ecology’s funding limits? .....	15
4.2 What is the funding cycle? .....	15
4.3 When can I apply? .....	16
4.4 How do I apply? .....	16
<b>Chapter 5: Scoring Criteria</b> .....	<b>19</b>
5.1 Environmental justice evaluation criteria .....	19
5.2 Economically Disadvantaged Cities, Towns, and Counties in Washington State .....	21
5.3 How will Ecology evaluate and rank my project? .....	21
<b>Chapter 6: Funding Policies and Criteria</b> .....	<b>31</b>
6.1 Cultural Resource Review .....	31
6.2 Other funding sources .....	32
6.3 Planning Grant term for intent .....	33

<b>Chapter 7: Grant Management .....</b>	<b>35</b>
7.1 Roles and responsibilities .....	35
7.2 Quarterly Grant Progress Reports & Payment Requests .....	36
7.3 Amendments .....	36
7.4 Close Out.....	37
7.5 Audits .....	37
<b>Chapter 8: Cost Eligibility.....</b>	<b>39</b>
8.1 Proper documentation.....	40
8.2 Eligible costs.....	42
8.3 Conditionally eligible .....	46
8.4 Ineligible costs .....	48
<b>References and Resources .....</b>	<b>51</b>
<b>Glossary .....</b>	<b>56</b>
<b>Appendix A: Chapter 173-323 WAC: Grants and Loans .....</b>	<b>1</b>
173-323-010 Applicability.....	1
173-323-020 Definitions .....	1
173-323-030 Grant and loan announcements.....	2
173-323-040 Application .....	3
173-323-050 Evaluation process .....	4
173-323-060 Awarding funds.....	4
173-323-070 Grant or loan agreement.....	5
173-323-080 Amendments to the grant or loan agreement.....	6
173-323-090 Performance standards.....	6
173-323-100 Reimbursement .....	8
173-323-110 Closing out the agreement.....	8
173-323-120 Termination of agreement.....	8

## Figures and Tables

### Figures

---

<b>Figure 1:</b> Steps in the formal MTCA cleanup process.....	10
--	----

### Tables

---

<b>Table 1:</b> List of community services and types of services.....	12
<b>Table 2:</b> Affordable Housing Cleanup Grant evaluation criteria categories and weights.....	21
<b>Table 3:</b> Affordable Housing Planning Grant Evaluation Criteria – Category 1: Faster Cleanup. .....	22
<b>Table 4:</b> Affordable Housing Planning Grant Evaluation Criteria – Category 2: Improve Human Health and the Environment for Residential Use. ....	24
<b>Table 5:</b> Affordable Housing Planning Grant Evaluation Criteria – Category 3: Equitable distribution of funds and property reuse. ....	26
<b>Table 6:</b> Affordable Housing Planning Grant Evaluation Criteria – Category 4: Community Investment. ....	27
<b>Table 7:</b> Grant, Loan, and EAGL resources mentioned in this guidance .....	51
<b>Table 8:</b> Environmental and technical resources mentioned in this guidance. ....	52
<b>Table 9:</b> Environmental Justice, Climate Change, and Cultural Resources Mentioned in this Guidance. ....	54
<b>Table 10:</b> Cleanup Laws, Regulations, and Legislative Bills Mentioned in this Guidance.....	55



## Acronyms and Abbreviations

Acronym or Abbreviation	Definition
AHCGP	Affordable Housing Cleanup Grant Program
AMI	area median income
ARARs	Applicable or Relevant and Appropriate Requirements
CAP	Cleanup Action Plan
CSCSL	Confirmed & Suspected Contaminated Sites List
CSID	Cleanup Site Identification number
EAGL	Ecology's Administration of Grants and Loans
Ecology	Washington State Department of Ecology
EIM	Environmental Information Management
EJ Screen	Environmental Justice Screening and Mapping Tool
ESA	Environmental Site Assessment
ESSB	Engrossed Substitute Senate Bill
FS	Feasibility Study
IDP	Inadvertent Discovery Plan
MCL	maximum contaminant level
MTCA	Model Toxics Control Act
NRD	Natural Resource Damage
NRDA	Natural Resource Damage Assessment
PLP	potentially liable person
PRP	potentially responsible party
Pub. No.	Ecology publication number
RAG	Remedial Action Grants and Loans
RCW	Revised Code of Washington
RI	Remedial investigation
SAW	Secure Access Washington
TCP	Toxics Cleanup Program
U.S. EPA	U.S. Environmental Protection Agency
VCP	Voluntary Cleanup Program
WAC	Washington Administrative Code

This page intentionally left blank.

## Executive Summary

Summer 2017, The Governor's Office and the Toxics Cleanup Program (TCP) policy staff noticed a synergy between cleaning up contaminated sites and providing affordable housing. As a result, TCP explored policy options to incentivize collaborations between environmental cleanups and affordable housing developments.

Ecology has developed the Affordable Housing Cleanup Grant Program to help advance environmental cleanups for affordable housing developments. This grant program has two grant types, Affordable Housing Planning Grants and Affordable Housing Cleanup Grants. This Guidance document is specific to the Affordable Housing Planning Grants for the 2023-25 biennium. The Planning Grant's scope of work includes investigating contamination at a site(s), examining project viability, and engaging the community in a proposed development of affordable housing.

This Guidance details the policies and expectations when applying for the Affordable Housing Planning Grants, meeting TCP requirements, and managing funded projects.

This page intentionally left blank.

# Chapter 1: Purpose and Applicability

The Washington State Department of Ecology's (Ecology's) Toxics Cleanup Program (TCP) administers the Affordable Housing Cleanup Grant Program (AHCGP) for people interested in cleaning up land for development of affordable housing under the Model Toxics Control Act (MTCA), Chapter [70A.305](#) (RCW)<sup>2</sup>. Engrossed Substitute Senate Bill 5993 (ESSB 5993) passed in 2019 and gave Ecology the authority to use funds from the Model Toxics Control Capital Account for this purpose. RCW [70A.305.190\(4\)\(a\)\(iv\)](#)<sup>3</sup> allows the funds to be used for "grants to persons intending to remediate contaminated real property for development of affordable housing." Chapter [173-323](#) WAC<sup>4</sup> contains the general rules for issuance of these grants.

The purpose of the AHCGP is to expedite the cleanup and development of contaminated sites for affordable housing use while lessening the impact of cleanup costs. The AHCGP consists of Affordable Housing Planning Grants (Planning Grants) and Affordable Housing Cleanup Grants (Cleanup Grants). These guidelines specifically address Planning Grants for the 2023–2025 solicitation. Separate guidelines are available for [Cleanup Grants](#).<sup>5</sup>

The purpose of a Planning Grant is to provide funding to any person or entity, including public or private affordable housing developer(s), for the purpose of considering property acquisition, investigating environmental contamination, developing and implementing a community engagement plan, and exploring project viability for development of a property(ies) for affordable housing use. The intent is to verify the extent of site contamination to determine if there are potential or expected remedial actions needed on a site selected for an Affordable Housing project.<sup>6</sup>

## 1.1 Rules and guidance

---

Refer to Chapter 173-323 WAC for the rules governing the administration of the AHCGP. Appendix A includes a copy of the rule. Please see Chapter [173-340](#) WAC,<sup>7</sup> MTCA Cleanup Regulations for definitions of the terms used in this Guidance.

These guidelines summarize and explain the Planning Grant requirements. If any part of these guidelines conflict with the rule language in Chapters 173-323 or 173-340 WAC, the rule language governs.

---

<sup>2</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305>

<sup>3</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.190>

<sup>4</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-323>

<https://apps.ecology.wa.gov/publications/documents/2209048.pdf>

<sup>5</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

<sup>6</sup> A "project" is defined as planning for a single contaminated site or for multiple sites within a defined study area and is described in Chapter 7.1.

<sup>7</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

Applicants and Recipients<sup>8</sup> should read and understand these guidelines, the applicable rules, and the most recent version of Ecology's "[Yellow Book](#)"<sup>9</sup> also known as *Administrative Requirements for Recipients of Ecology Grants and Loans*.

Applicants and Recipients are also responsible for understanding the scope of work in their grant agreements; program requirements; cost eligibility; and any general and special terms and conditions in their grant agreements.

All Planning Grants will include the following special term: Ecology reserves the right to require repayment of any or all grant funds within five years of the grant closure date if expenditure of grant funds or use of the property does not comply with the intent or requirements of the grant.

If projects proceed to an Affordable Housing Cleanup Grant, the cleanup grant terms will require grant Recipients to place property restrictions limiting the land use to affordable housing for a 30-year period.

## 1.2 Grant program goals

---

Ecology's AHCGP provides grants for the site investigation, reuse planning, and cleanup of contaminated sites for affordable housing development.

**Affordable housing** is defined in [RCW 43.185A.010](#)<sup>10</sup> as residential housing for rental occupancy which, as long as the same is occupied by **low-income households**, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income.

A **low-income household** refers to a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.<sup>11</sup>

The program supports communities by:

- Cleaning up environmental contamination for residential use.
- Providing meaningful community engagement that informs and shapes decisions throughout the cleanup process.
- Reducing cleanup costs to develop affordable housing.

---

<sup>8</sup> As used in these guidelines, the term "Applicant" applies before receipt of the grant, and "Recipient" applies after the grant has been awarded.

<sup>9</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

<sup>10</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=43.185a.010>

<sup>11</sup> Annual income data per county can be found in the US Department of Housing and Urban Development website: <https://www.huduser.gov/portal/datasets/il.html>

- Targeting areas in high need of affordable housing in proximity to transit, goods, and services.
- Reducing displacement.

## 1.3 Grant types

---

### 1.3.1 Affordable Housing Planning Grants

An Affordable Housing Planning Grant is a grant awarded to any person or entity, including public or private affordable housing developer(s), for the purpose of considering property acquisition, investigating environmental contamination, developing and implementing a community engagement plan, and exploring project viability for development of a property(ies) for affordable housing use.

Planning Grants for the 2023-25 biennium will be administered under Chapter [173-323](#)<sup>12</sup> WAC. Ecology will write the grant agreement for planning grants that are funded. The Recipient will administer the grant scope of work and bill Ecology for reimbursement of approved project costs in Ecology's Administration of Grants and Loans (EAGL) system. Examples of eligible planning grant activities include, but are not limited to:

- Due diligence investigation: preliminary characterization of a site to assess potential remediation costs and complexity prior to property purchase.
- Developing and implementing a community engagement plan.
- Development planning: conducting planning activities to ensure remediation and environmental justice concerns are addressed for an affordable housing project located on a known contaminated site.

See Chapter 8 in these guidelines for more information about eligible costs for a Planning Grant.

### 1.3.2 Affordable Housing Cleanup Grants

An Affordable Housing Cleanup Grant is a grant awarded to any person or entity, including public or private affordable housing developer(s), for the purpose of investigating and remediating a contaminated site under an order or decree to facilitate development of the property(ies) for affordable housing use following remediation activities. Ecology solicited for applications for these grants in February 2022 and has separate guidelines. The next solicitation for the Cleanup Grants will be in early 2024.

Examples of eligible remediation activities under the Cleanup Grants include, but are not limited to:

- Investigating the nature and extent of contamination at a site and developing a remedial investigation, feasibility study, and cleanup action plan.

---

<sup>12</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-323-030>

- Conducting cleanup construction.
- Up to one year of monitoring at a contaminated site after the completion of cleanup construction.



## Chapter 2: Cleanup Process

This chapter provides background on the cleanup program established under Washington's environmental cleanup law, the Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW.<sup>13</sup> It also provides an overview of the steps used to investigate and clean up contaminated sites in Washington state.

### 2.1 Toxics Cleanup Program

---

MTCA, Chapter [70A.305](#) RCW, governs the cleanup of contaminated sites in Washington state. Voters approved MTCA in November 1988 as Initiative 97. The law came into effect on March 1, 1989. Under that law, Ecology adopted rules that describe the process and requirements for cleaning up contaminated sites:

- Chapter [173-340](#) WAC<sup>14</sup>, MTCA Cleanup Rule.
- Chapter [173-204](#) WAC<sup>15</sup>, Sediment Management Standards.

The law's declaration of policy calls for raising "sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's lands and waters" (RCW 70A.305.010). To do this work – which includes providing funds for grants and loans – voters authorized a tax on the first possession on hazardous substances in Washington, including petroleum products and certain chemicals and pesticides. The law, as amended by [ESSB 5993](#)<sup>16</sup> in 2019, directs a portion of the revenue from the Hazardous Substance Tax to the Model Toxics Control Capital Account, which can be used by Ecology for grants to persons intending to remediate contaminated real property for development of affordable housing (RCW 70A.305.190[4][a][iv]).

### 2.2 What is a cleanup?

---

Cleanups are often considered construction projects that remove or immobilize contamination and put properties back into use. We frequently use the phrases *cleanup*, *cleanup site*, *contaminated site*, and *hazardous waste site* interchangeably. MTCA's regulations define a *hazardous waste site* as any site that Ecology has confirmed a release or a threatened release of a hazardous substance requiring remedial action (WAC [173-340-200](#)).<sup>17</sup>

Cleanup sites are defined by the nature and extent of contamination associated with one or more releases of hazardous substances. A complex site, for instance, requires more time and money to clean up. One such example is a co-mingled plume of chemicals at former dry

---

<sup>13</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305>

<sup>14</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>15</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

<sup>16</sup> <https://lawfilesexternal.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/Senate/5993-S.SL.pdf?cite=2019%20c%20422%20C2%A7%20203>

<sup>17</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-200>

cleaners, where chemicals have seeped into soil and groundwater, then vaporize through cracks of nearby buildings—a complex problem known as vapor intrusion.

A routine site cleanup takes less time and money, such as a leaking underground storage tank where only petroleum has impacted soil or groundwater. Sites can be small like a petroleum spill at a gas station, or enormous like those in Tacoma and Everett that span thousands of acres as a result of untreated smelter deposits of arsenic and lead for nearly 100 years.

Contamination found on land (called upland sites) can affect more than one parcel of real property and impact soil and groundwater for miles. Contamination along or in our waterways (called sediment sites) can damage the fragile aquatic environment, including vegetation, biota, and water quality. Cleanup actions (also called cleanups or remedial actions) are the collective planning, investigative, and technical work needed to clean up these contaminated sites.

Cleanups can be loud, dirty, and costly, but they are always worth it. They protect our health, facilitate habitat restoration, and help transform formerly unusable properties into thriving economic centers.

## 2.3 Steps in the MTCA Cleanup Process

---

The cleanup process, steps, and requirements, which are set forth in the MTCA Cleanup Rule (Chapter [173-340 WAC](#))<sup>18</sup>, are summarized below and illustrated in Figure 1.

- 1. Site Discovery & Initial Investigation.** Sites can be discovered when contamination is encountered during construction work; suspicion of contamination identified while conducting due diligence activities for property transactions; or as a result of findings in reports from property owners, employees, neighbors, or other agencies. After the contamination is reported, Ecology conducts an Initial Investigation to determine if the site needs further investigation. Property owners or operators may clean up the site at this stage. If not, Ecology adds it to the [Confirmed & Suspected Contaminated Sites List](#).<sup>19</sup>
- 2. Site Hazard Assessment (SHA).** Ecology evaluates the potential risk to human health and the environment from the site based on exposure potential and severity of hazard.
- 3. Interim Actions.** At any time during the cleanup process, interim actions may be conducted to reduce the risk to human health or the environment or partially clean up contamination.
- 4. Remedial Investigation (RI).** The RI serves as the mechanism for collecting data to characterize site conditions, determining the magnitude and extent of contamination, and assessing risk to human health and the environment.

---

<sup>18</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>19</sup> <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

5. **Feasibility Study (FS).** The FS uses information from the RI for the development, screening, and evaluation of cleanup alternatives to enable selection of a cleanup action for the site.
6. **Cleanup Action Plan (CAP).** The CAP is developed using the information gathered during the previous phases. The CAP identifies preferred cleanup methods and specifies cleanup standards and other requirements at the site.
7. **Cleanup Construction.** Actual cleanup begins when the CAP is implemented. This includes design, construction, operation, and monitoring of cleanup actions.
8. **Monitoring.** During and after cleanup construction, the effectiveness of the cleanup action is monitored through sampling and reporting.
9. **Controls.** If the cleanup action leaves contamination behind, institutional and engineered controls may be required to prevent or limit the movement of, or exposure to, hazardous substances remaining at the site. Ecology conducts periodic reviews of sites with institutional or engineering controls at least every five years to evaluate the ongoing effectiveness and protectiveness of the cleanup action.
10. **De-list the Site.** Ecology removes the site from its contaminated site lists after it meets all cleanup standards and requirements.

Cleanups can be conducted as formal cleanups or independent cleanups. Formal cleanups are those conducted by a potentially liable person (PLP) under an order or decree and supervised by Ecology, or those conducted by Ecology through contracted private companies. A prospective purchaser of a property may also conduct a formal cleanup through a prospective purchaser consent decree. Independent cleanups are remedial actions conducted without Ecology's oversight or approval.

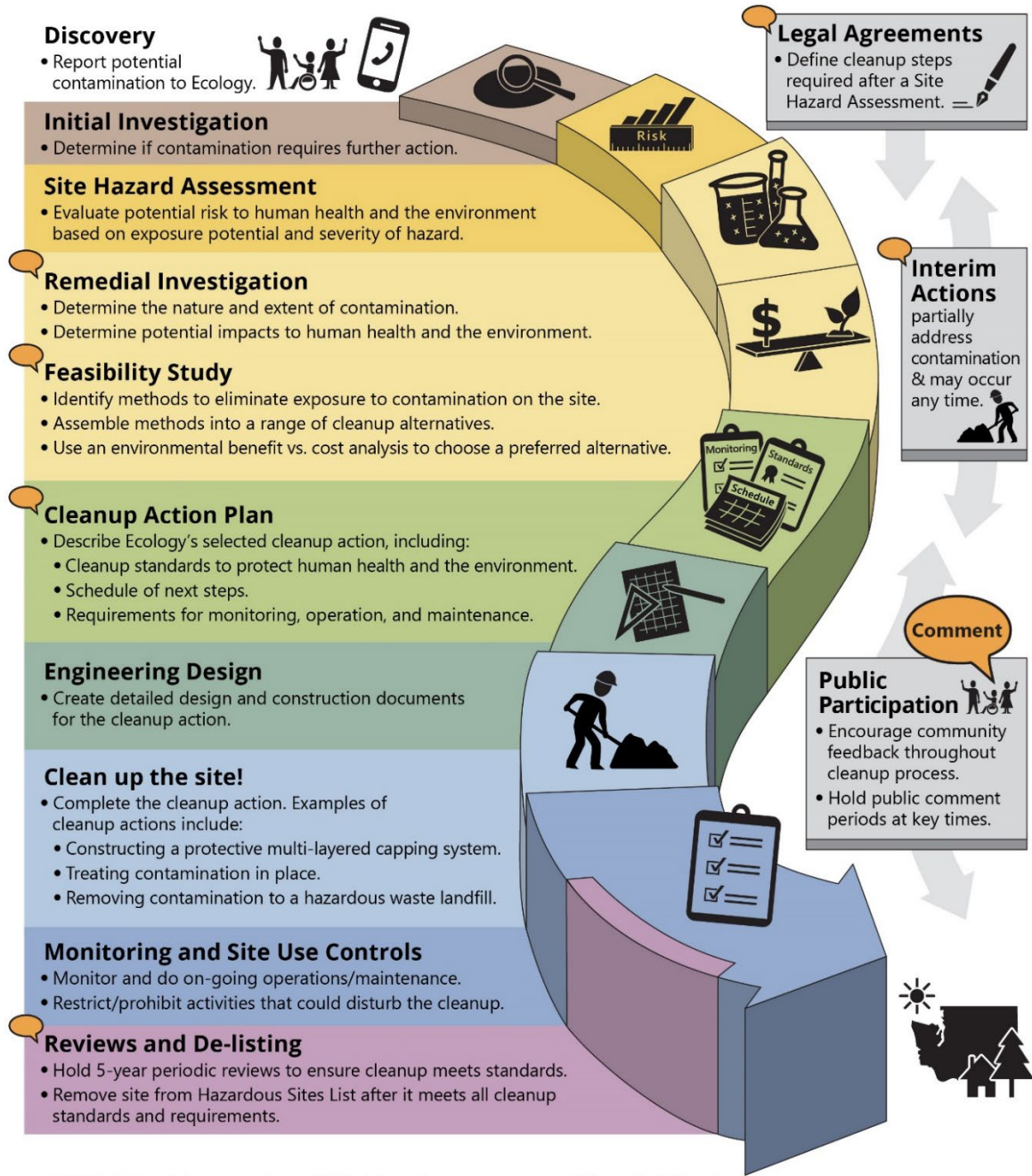
For more information about the MTCA cleanup process, visit Ecology's webpage, [How the cleanup process works](https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process).<sup>20</sup>

---

<sup>20</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>



# Washington's Formal Cleanup Process



**Washington's Cleanup Law**  
 Model Toxics Control Act (MTCA)

MTCA defines the cleanup process. This public-initiated environmental law directs upland cleanups (on land or in groundwater) and sediment cleanups (in freshwater or marine environments). Ecology enacts MTCA and regulates the cleanup process.

September 2019  
 Ecology Publication 19-09-166

Figure 1: Steps in the formal MTCA cleanup process.

## Chapter 3: Project Eligibility

This chapter helps you determine if your project is eligible for a grant. Note that one required element for Planning Grants is developing an outreach component.

Ecology retains the discretion to not award a grant for an eligible project, or to provide less funding for an eligible project than the maximum amount or percentage allowed, based on funding availability or other factors (WAC [173-323-060](#)<sup>21</sup>).

### 3.1 Eligibility criteria

---

A Planning Grant project must meet all requirements listed below; if the project does not meet these requirements, Ecology will not fund the project. A “project” consists of site investigation and planning for a single contaminated site or for multiple sites within a defined study area. A project may extend over more than one biennium. To be eligible for a grant, the project must meet all the following requirements:

The Applicant must have an ownership interest in the property or have a demonstrated interest in purchasing property affected by a hazardous waste site, such as any of the following:

- Signing an option to purchase property for public use or resale
- Signing a prospective purchaser agreement
- Planning document indicating the site is a planned location for affordable housing.

The Applicant must have the necessary property access to complete the project or obtain such access in accordance with a schedule in the grant agreement.

Ecology may enter into a grant agreement prior to the Applicant acquiring the property or otherwise obtaining the necessary access, if the Applicant agrees to do so in accordance with a schedule outlined in the agreement. **The Applicant is highly encouraged to submit an access agreement or written statement of access to Ecology as soon as one is obtained.** If multiple properties are covered by the agreement, this requirement applies to all properties within the scope of the agreement.

The Applicant must submit a detailed scope of work in the application.

The Applicant must not be required to conduct the actions in the scope of work under an order or decree.

The site is listed in on the [Confirmed and Suspected Contaminated Sites List](#)<sup>22</sup> as a cleanup site with an assigned CSID; the Applicant can provide analytical reports for Ecology’s review to confirm likelihood of contamination.

---

<sup>21</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-323-060>

<sup>22</sup> <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

The Applicant must intend or be part of a team intending to develop the site for affordable housing end use.

The area around the site is zoned for residential or mixed use at the time of application.

Proposed project is located within an incorporated or unincorporated urban growth area designated under [RCW 36.70A.110](#)<sup>23</sup>;

Projects designed to address the restoration of Puget Sound must not be in conflict with the action agenda developed by the Puget Sound Partnership under [RCW 90.71.310](#)<sup>24</sup>;

The site must not have or previously have had an Integrated Planning Grant through the Remedial Action Grant program;

The site must be appropriate for affordable housing end use by its proximity to food access and at least 2 services of different types as listed in Table 1; within 0.5 mile for urban areas (within an incorporated city or urban growth boundary) and 10 miles for rural areas.<sup>25</sup>

**Table 1:** List of community services and types of services.

Types	Description and examples
Food access	full service grocery store, other food store with produce
Health	pharmacy, medical clinic, or office that treats patients
Wellness	public pool, gym, health club, sports field, public park, or similar
Education and culture	public library, educational facility, community college, K-12, vocational school, or similar
Civic and community facilities	community or recreation center (includes performance spaces), post office, senior center, police station, fire station
Retail	clothing store, department store, hardware store
Services	bank, laundry, adult or senior care, childcare, social services center

<sup>23</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70a.110>

<sup>24</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=90.71.310>

<sup>25</sup> Urban is defined as: An urban area will comprise a densely settled core of census blocks that meet minimum housing unit density and/or population density requirements. This includes adjacent territory containing non-residential urban land uses. To qualify as an urban area, the territory identified according to criteria must encompass at least 2,000 housing units or have a population of at least 5,000. Rural is defined as: Rural encompasses all population, housing, and territory not included within an urban area.

## 3.2 Readiness to proceed expectations

---

Ecology offers Planning Grants during the same biennium that the Legislature provided funding. This timing helps Ecology execute grant agreements shortly after the grant has been awarded, so you can start putting it to use. Successful Applicants should expect grant writing and scope negotiations to commence within two weeks after the funding notification is provided. Ecology's goal is to have all successful Applicants under a grant agreement within three months of the award date.

Before applying for a grant, Applicants should know the activities they want to perform with their funding. For example, does the project need a Phase I or II Environmental Site Assessment? How do you plan to conduct community outreach? What specific studies will you need to confirm the site is appropriate for the development you're considering? Please see section 4.1 for policies regarding limitations of non-cleanup tasks for Planning Grants.

If you need help drafting preliminary scopes of work, Brownfields staff in the Toxics Cleanup Program are available to assist. If the needs of the project change during the active grant agreement, you can contact Grant Financial Managers to request an amendment consistent with these guidelines.

If a funded project isn't demonstrating progress toward developing a grant agreement within three months after the award date, Ecology may provide a 30-day notice letter to potentially rescind the funding. At that point, a Recipient would have 30 calendar days to respond to Ecology, provide the requested information or documents, and demonstrate continued project progress towards an active agreement.

Once awards are announced, it will be imperative that you communicate immediately with your assigned Ecology Grant Manager. Repeated failure to respond to Ecology during this time could result in a loss of your grant.

## 3.3 Required scope: Community Outreach Plan

---

Projects that receive Planning Grants require a public involvement component. The Recipient's community outreach plan should outline the project, identify types of documents to be created or used, plans for and types of advertising, and details about coordinating public meetings and communications. The plan should:

- **Identify what community groups or entities will be involved to help the project succeed, and what roles these groups will serve.** These groups could include, but are not limited to, community organizations, property owners, lenders, developers, and the general public.
- **Identify and describe the proposed project.** Describe future reuse of the proposed affordable housing site(s). Describe what the planning grant work will entail, and how this project will lead to potential brownfields cleanup in an effort to build affordable housing.

- **Help people provide informed feedback during initial project planning phases.**  
Discuss how you plan to communicate your project's progress to the local community, to the local groups that will be involved in the project, and to the residents and groups who will be impacted by the site(s). Describe the methods you will solicit, consider, and respond to feedback from the community, and how frequently you'll do so.
- **Provide substantial and measurable public participation through education and outreach.**
- **Identify and describe partnerships, local involvement, community investments, and any education and outreach you plan to develop and/or implement.**

See Chapter 8.2.1 for more information on eligible costs for community engagement activities.



## Chapter 4: Funding Cycle & Instructions

This chapter describes the funding cycle for Affordable Housing Planning Grants during the 2023–25 biennium (July 1, 2023 through June 30, 2025). It also describes Ecology’s process for soliciting and evaluating the applications.

### 4.1 What are Ecology’s funding limits?

---

Planning grants have a limit of \$400,000 of total eligible project costs. This is subsequently the maximum potential amount for reimbursement.

Ecology may provide up to 100% state share of an eligible project for local governments and nonprofit entities.

Ecology may provide up to 75% state share of an eligible project for all other Applicants (25% Recipient match requirement).

Funding for non-cleanup tasks is limited to 25% of the grant total. Non-cleanup tasks include administrative overhead, outreach not connected to cleanup, and affordable housing design elements.

Recipients are responsible for the any remaining share of eligible project costs and 100% of all non-eligible project costs.

### 4.2 What is the funding cycle?

---

Ecology will solicit and evaluate applications for Planning Grants during the biennium when funding is available. Each evaluation is a separate funding cycle.

Funding may become available when:

- The Washington State Legislature appropriates new funds for Planning Grants in the state’s biennial budget or in a supplemental budget.
- Ecology determines that previously allocated funds for other Planning Grant projects are no longer needed. This might happen if a project finished but didn’t spend all of its allocated or is otherwise unable to move forward.

### 4.3 When can I apply?

---

You can apply whenever Ecology solicits Planning Grant applications, which can happen throughout the biennium as funding becomes available. Each time Ecology solicits applications, we'll publish notices in four places at least one month before the solicitation period begins:

1. [Remedial Action Grant email distribution list](#)<sup>26</sup>
2. [Brownfields email distribution list](#)<sup>27</sup>
3. Ecology's [Site Register](#),<sup>28</sup> a twice-monthly newsletter, and
4. [Affordable Housing Planning Grant webpage](#)<sup>29</sup>

Before you apply for a Planning Grant, we encourage you to consult with Ecology staff in the Affordable Housing Cleanup Grant Program, Brownfields Program, or Financial Services Grant Managers. Ecology staff can offer technical assistance to help you develop a grant-ready project and help you identify whether a Planning Grant is the best funding source. You can find contact information on the following webpages:

- [Affordable Housing Cleanup Grant Program](#)<sup>30</sup>
- [Brownfields Program](#)<sup>31</sup>

### 4.4 How do I apply?

---

Ecology administers all grants and loans through Ecology's Administration of Grants and Loans (EAGL) system. EAGL is a comprehensive web-based grant and loan management system that allows Applicants and Recipients to complete grant applications, submit payment requests with progress reports, submit closeout and equipment reports, and request amendments online.

To access the EAGL system, Applicants must first create a Secure Access Washington (SAW) account. Once they have set up a SAW account, Applicants can log in and request access to EAGL. The EAGL account approval process can take up to three business days. Once Ecology has authorized the account, Applicants and Recipients can log in and use EAGL to apply for and manage their grants. EAGL only displays grant programs that are accepting applications.

#### **SAW and EAGL video tutorials:**

- [How to obtain a SAW account](#)<sup>32</sup>
- [Applying for Ecology grants](#)<sup>33</sup>

---

<sup>26</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_110](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_110)

<sup>27</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_148](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_148)

<sup>28</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data>

<sup>29</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Affordable-housing-planning>

<sup>30</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Brownfields/Affordable-housing>

<sup>31</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Brownfields>

<sup>32</sup> <https://www.youtube.com/watch?app=desktop&v=pj0EnljG3RQ&feature=youtu.be>

<sup>33</sup> <https://www.youtube.com/watch?app=desktop&v=9B3gvb3QRBk>

**EAGL instructions with screenshots and helpful tips:**

- [EAGL Instructions for 2023–25 Affordable Housing Cleanup Grant Applications \(2023\)](#)<sup>34</sup>
  - Please note that the EAGL instructions for the 2023-25 biennium will not be published until June of 2023.
- [EAGL External Users' Manual \(2021\)](#)<sup>35</sup>

If you need help using EAGL or completing an application, contact the Ecology Grant Manager listed in Contact Information listed at bottom of the [grant webpage](#)<sup>36</sup>.

---

<sup>34</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2309056.html>

<sup>35</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html>

<sup>36</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Affordable-housing-planning>

This page intentionally left blank.

## Chapter 5: Scoring Criteria

When an Applicant applies for a grant in EAGL, they'll complete "Project Eligibility" and "Scoring Criteria" forms that give Ecology information about the project. Ecology staff will consider this information when assessing grant eligibility and scoring those eligible projects. Ecology uses the applications' final scores to rank projects and determine funding priority.

### 5.1 Environmental justice evaluation criteria

---

Providing equitable environmental protection to all people in our state is essential, and this core principle is part of Ecology's commitment to environmental justice. Washington state law defines environmental justice as:

...the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm. ([E2SSB 5141](#)<sup>37</sup>).

This principle is also consistent with MTCA's key policy:

Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right (RCW [70A.305.010](#)<sup>38</sup>[1]).

The Legislature has supported affordable housing incentives because:

...in many of Washington's urban centers there is insufficient availability of desirable and convenient residential units, including affordable housing units, to meet the needs of a growing number of the public who would live in these urban centers if these desirable, convenient, attractive, affordable, and livable places to live were available. (RCW [84.14.005](#)<sup>39</sup> [1][a]).

By combining affordable housing development with environmental cleanups, Ecology is therefore promoting the equitable distribution of environmental benefits and risks among diverse economic and cultural communities. This combined effort propels:

...the development of additional and desirable residential units, including affordable housing units, in these urban centers that will attract and maintain a significant increase in the number of permanent residents in these areas will help to alleviate the detrimental conditions and social liability that tend to exist in the

---

<sup>37</sup> <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/Senate/5141-S2.SL.pdf?q=20210820010251>

<sup>38</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.010>

<sup>39</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=84.14.005>

absence of a viable mixed income residential population and will help to achieve the planning goals mandated by the growth management act under RCW [36.70A.020](#).<sup>40</sup> (RCW [84.14.005](#) <sup>41</sup>[1][b]).

Ecology is including environmental justice considerations when we select which projects will be funded through the Planning Grants. Those considerations include higher scoring for projects located in a “highly impacted community,” defined as a community that the department has determined is likely to bear a disproportionate burden of public health risks from environmental pollution (WAC [173-322A-100](#)<sup>42</sup>[24]).

Ecology currently identifies a highly impacted community as one where:

- The population of the census tract scores a rank of 9 or 10 on the [Washington Tracking Network Environmental Health Disparities Map](#)<sup>43</sup> maintained by the Washington State Department of Health. The environmental health disparities index considers 19 indicators that include environmental exposures and effects as well as sensitive populations and socioeconomic factors.

OR

- The site is located in the 80th percentile for people of color population or low-income population demographic indicators according to [EJScreen](#).<sup>44</sup> the Environmental Justice Screening and Mapping tool published by the U.S Environmental Protection Agency (EPA).

In addition to helping identify highly impacted communities, Ecology integrated other environmental justice principles throughout the evaluation criteria to prioritize the following:

- Projects in communities at higher risks for displacement and higher levels of unaffordability. Ecology asks Recipients to use the Washington Tracking Network Environmental Health Disparities Map to identify the risk of Unaffordable Housing within an area. Additionally, Recipients are encouraged to submit additional supporting data where they have more localized data sources such as Puget Sound Regional Council's [Displacement Risk Map](#)<sup>45</sup> for the Puget Sound region.
- Projects that demonstrate they are providing the type of affordable housing needed in the communities they serve. Ecology asks Recipients to detail the long-term vision of the project and highlight any consistency with the local government’s vision.

---

<sup>40</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70a.020>

<sup>41</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=84.14.005>

<sup>42</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-322A-100>

<sup>43</sup> <https://fortress.wa.gov/doh/wtn/WTNIBL/>

<sup>44</sup> <https://ejscreen.epa.gov/mapper>

<sup>45</sup> <https://psregcncl.maps.arcgis.com/apps/webappviewer/index.html?id=4e1f07c343534e499d70f1686171d843>

- Projects with proximity to basic services and amenities, such as the availability of mass transit and community services. Ecology asks Recipients to list the distance from the proposed affordable housing project to mass transit and other services. EPA has additional information on their [environmental justice webpages](#).<sup>46</sup>

## 5.2 Economically Disadvantaged Cities, Towns, and Counties in Washington State

In July 2023, Ecology will publish a separate document called *Remedial Action Grant Applications (2023–25): Economically Disadvantaged Cities, Towns, and Counties in Washington State*, Publication No. 23-09-045.

A city, town, or county is “economically disadvantaged” if its per capita income is equal to or below its median per capita income as determined on July 1st of each odd numbered year, based on the latest official American Community Survey five-year estimates of the United States Department of Commerce (WAC [173-322A-100](#)<sup>47</sup>(15) and (16)).

For Planning Grants, this is a scored criteria and is not used to determine grant match.

## 5.3 How will Ecology evaluate and rank my project?

Ecology evaluates Planning Grant applications based on several criteria. We group those criteria into four categories that are weighted according to importance for this grant type. We determine a project’s final score by adding the total score from each category. Table 2 shows the maximum points available and the subsequent weight of each category.

**Table 2:** Affordable Housing Cleanup Grant evaluation criteria categories and weights.

Category	Maximum points	Category weight
Category 1. Faster cleanup – project readiness to proceed	24	25%
Category 2. Improve human health and the environment for residential use	9	9%
Category 3. Equitable distribution of funds	30	31%
Category 4. Community investment	33	35%

Tables 3 through 6 show evaluation (or scoring) criteria for each category. The tables identify each criterion, the maximum possible criteria score, and the documents required to support each response. When completing the application in EAGL, the Applicant answers a series of questions that reflect these scoring criteria and must provide relevant supporting information related to the criteria. Ecology will score applications based on responses to the questions and supporting information provided.

<sup>46</sup> <https://www.epa.gov/environmentaljustice>

<sup>47</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

**Table 3:** Affordable Housing Planning Grant Evaluation Criteria – Category 1: Faster Cleanup.

Criteria Number	Evaluation criteria	Documentation required	Maximum score
1.1	<p><b>Readiness to proceed – Coordination with Ecology:</b></p> <p><b>2 points:</b> Applicant has engaged with Ecology staff about the proposed project.  <b>0 points:</b> The above does not apply.</p>	Provide name of Ecology staff who discussed this project with Applicant.	2
1.2	<p><b>Readiness to proceed – Property Access:</b></p> <p><b>6 points:</b> Has written proof of legal access to site signed and fully executed.  <b>3 points:</b> Has a purchase and sale or access agreement drafted.  <b>0 points:</b> The above does not apply.</p>	Provide documentation of property ownership or access agreement. <b>OR</b> Provide documentation that a purchase and sale agreement or access agreement has been drafted.	6
1.3	<p><b>Readiness to proceed – Financial Plan:</b></p> <p><b>4 points:</b> Applicant has a financial plan for acquisition, cleanup, and development.  <b>2 points:</b> Applicant is actively developing a financial plan or securing financing for at least one portion of the project (acquisition, cleanup, or development).  <b>0 points:</b> The above does not apply.</p>	Documentation may include secured financing for property acquisition, cleanup, and final development depending on phase of project at time application was submitted.	4
1.4	<p><b>Readiness to proceed – Project Roles Identified and Filled:</b></p> <p><b>4 points:</b> Applicant has identified and filled 3 or more roles for the project or has the process underway to competitively procure services.  <b>2 points:</b> Applicant has identified and filled 1-2 roles for the project or has the process underway to competitively procure services.  <b>0 points:</b> The above does not apply.</p>	Describe roles that support the project or competitive bidding process.  Potential partnerships or roles include, but are not limited to, developers, project managers, environmental consultants, future property managers.  <b>Note:</b> If contracts will be reimbursed by state funds, they must be competitively procured.	4



Criteria Number	Evaluation criteria	Documentation required	Maximum score
1.5	<p><b>Readiness to proceed – Cleanup Experience:</b></p> <p><b>2 points:</b> Project team contains someone with 5 or more years of cleanup experience.  <b>1 point:</b> Project team contains someone with 1 to 4 years of cleanup experience.  <b>0 points:</b> None of the above apply</p>	<p>Provide documentation of staff, years they've worked in cleanup, and details about projects they worked on.</p> <p><b>Note:</b> If contracts will be reimbursed by state funds, they must be competitively procured.</p>	2
1.6	<p><b>Readiness to proceed – Affordable Housing Experience:</b></p> <p><b>6 points:</b> Project team contains someone with 5 or more years of affordable housing experience.  <b>4 points:</b> Project team contains someone with 1 to 4 years of affordable housing experience.  <b>0 points:</b> The above does not apply.</p>	<p>Provide documentation of project team experience related to affordable housing, including specific projects.</p> <p><b>Note:</b> If contracts will be reimbursed by state funds, they must be competitively procured.</p>	6

**Table 4:** Affordable Housing Planning Grant Evaluation Criteria – Category 2: Improve Human Health and the Environment for Residential Use.

Criteria Number	Evaluation criteria	Documentation required	Maximum score
2.1	<p><b>Presence of Extremely or Very Hazardous Chemicals are confirmed or suspected, such as:</b></p> <ul style="list-style-type: none"> <li>1,1,2-Trichloroethane</li> <li>2-Methylnaphthalene</li> <li>Aldrin</li> <li>Antimony</li> <li>Arsenic</li> <li>Benzene</li> <li>Benzo(a)pyrene (or cap toxic equivalency quotient)</li> <li>Cadmium</li> <li>Chromium VI</li> <li>cis-1,2-Dichloroethene (cis-DCE)</li> <li>Dieldrin</li> <li>Dioxins</li> <li>Lead</li> <li>Mercury</li> <li>Methylmercury</li> <li>Naphthalene</li> <li>Per- or polyfluoroalkyl substances (PFAS)</li> <li>Polychlorinated biphenyls (PCBs)</li> <li>Trichloroethene (TCE)</li> <li>Vinyl chloride</li> <li>Other substances identified by Ecology.</li> </ul> <p><b>3 points:</b> Extremely or very hazardous chemicals are confirmed or suspected at the site.</p> <p><b>0 points:</b> The above does not apply.</p>	<p>Provide laboratory test results or provide confirmation the site is on Ecology’s <b>Confirmed and Suspected Contamination Sites List</b>.</p>	3

Criteria Number	Evaluation criteria	Documentation required	Maximum score
2.2	<p><b>Potential exposure routes of concern:</b></p> <ul style="list-style-type: none"> <li>• Soil (direct contact)</li> <li>• Groundwater (ingestion)</li> <li>• Groundwater (direct contact)</li> <li>• Surface water (ingestion)</li> <li>• Surface water (direct contact)</li> <li>• Vapor intrusion (inhalation)</li> <li>• Sediment (direct contact and ingestion)</li> </ul> <p><b>3 points:</b> 4 or more exposure routes  <b>2 points:</b> 2-3 exposure routes  <b>1 point:</b> 1 exposure route  <b>0 points:</b> no exposure routes</p>	Provide preliminary conceptual site model, existing Phase II investigation, Ecology site hazard assessment, or other information that indicates what contaminants, media, or exposure routes are likely present at the site to support response.	3
2.3	<p><b>Potential exposure risk to a sensitive population located within or adjacent to the site if it is:</b></p> <ul style="list-style-type: none"> <li>•Near a daycare, nursing home, or hospital.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>•The site is located in the 80th percentile according to EJScreen for under the age of 5 or over the age of 64 demographic indicators.</li> </ul> <p><b>3 points:</b> Yes, for either part of this criteria.  <b>0 points:</b> The above does not apply.</p>	None, Ecology will score this criterion based on publicly available data. Optional comment box available and recommended to identify nearby facilities.	3

**Table 5:** Affordable Housing Planning Grant Evaluation Criteria – Category 3: Equitable distribution of funds and property reuse.

Criteria Number	Evaluation criteria	Documentation required	Maximum Score
3.1	<p><b>Site is “economically disadvantaged,” as defined in WAC 173-322A-100(15) and (16). See Economically Disadvantaged Cities, Towns, and Counties in Washington State (2023-25).<sup>48</sup></b></p> <p><b>10 points:</b> Meets the criteria. <b>0 points:</b> The above does not apply.</p>	None, Ecology will score this criterion based on publicly available data. Optional comment box available.	10
3.2	<p><b>Environmental health disparities:</b></p> <ul style="list-style-type: none"> <li>•The population of the census tract scores a rank of 9 or 10 on the Environmental Health Disparities Index maintained by the Department of Health. The environmental health disparities index considers 19 indicators that include environmental exposures and effects as well as sensitive populations and socioeconomic factors.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>•The site is located in the 80th percentile for people of color population or low-income population demographic indicators according U.S. EPA’s EJScreen.</li> </ul> <p><b>10 points:</b> Meets the criteria. <b>0 points:</b> The above does not apply.</p>	None, Ecology will score this criterion based on publicly available data. Optional comment box available.	10
3.3	<p><b>The community has a rank of 5 or higher for “Unaffordable Housing” in the Washington Tracking Network.</b></p> <p><b>10 points:</b> Rank of 5 or higher. <b>0 points:</b> Rank below 5.</p>	None, Ecology will score this criterion based on publicly available data. Optional comment box available.	10

<sup>48</sup> Please note this publication will be published after these Guidelines.

**Table 6:** Affordable Housing Planning Grant Evaluation Criteria – Category 4: Community Investment.

Criteria Number	Evaluation criteria	Documentation required	Maximum score
4.1	<p><b>Consistent with local government’s vision:</b></p> <p><b>5 points:</b> Provided letter from local planning office confirming project proposal fits into master plan or needs.  <b>0 points:</b> The above does not apply.</p>	Include a letter from the local planning office that indicates the local government has reviewed the project proposal and fits the municipality’s master plan or needs.	5
4.2	<p><b>Infrastructure availability:</b></p> <p><b>4 points:</b> Existing local infrastructure is available (such as water, sewer, power, road access) that can sustain the affordable housing development.  <b>2 points:</b> Infrastructure does not yet exist, but local infrastructure (such as water, sewer, power, road access) has capacity to support the project.  <b>0 points:</b> The above does not apply.</p>	Include documentation of existing infrastructure or of local infrastructure capacity to support the project.	4
4.3	<p><b>Affordable housing vision:</b></p> <p><b>6 points:</b> Developed a conceptual project plan with estimates of affordable housing units and other uses.  <b>3 points:</b> Written vision of the future use with rough estimate of affordable housing units.  <b>0 points:</b> The above does not apply.</p>	Provide project plans with estimated affordable housing (a conceptual plan would require upload; a written vision would be provided in text box).	6
4.4	<p><b>Community benefit:</b></p> <p><b>6 points:</b> Project proposal includes an additional community benefit as part of the development (such as a publicly accessible park or green areas, community center).  <b>0 points:</b> The above does not apply.</p>	Upload preliminary plan or brief project description that reflects additional benefits.	6

Criteria Number	Evaluation criteria	Documentation required	Maximum score
4.5	<p><b>Community or stakeholder support for affordable housing project at the site:</b></p> <p><b>4 points:</b> Applicant has 2 or more letters (or other documentation) of support from community members, stakeholders, and/or local governments (not including local government support indicated in criteria 4.1).</p> <p><b>2 points:</b> Applicant has 1 letter (or other documentation) of support from community members, stakeholders, and/or local governments (not including local government support indicated in criteria 4.1).</p> <p><b>0 points:</b> The above does not apply.</p>	Provide letters or other documentation of project support for the proposed project.	4
4.6	<p><b>The project site has mass transit in proximity to project location as follows:</b></p> <p><b>For urban:</b><sup>49</sup> Project located within 0.5 miles or less of mass transit infrastructure (bus, train, light rail).</p> <p><b>For rural:</b><sup>50</sup> Project is within 10 miles of an officially designated Park &amp; Ride lot or public-private regional transportation system.</p> <p><b>4 points:</b> Project site is within proximity of mass transit.</p> <p><b>0 points:</b> The above does not apply.</p>	Upload a map generated with Google Maps, <a href="#">Washington Transit Access Map</a> <sup>51</sup> , or similar application that shows project location and distance to mass transit (you may use the “nearby” feature in Google Maps). You must submit a map in .pdf format that contains a scale and legend.	4

<sup>49</sup> Urban is defined as: An urban area will comprise a densely settled core of census blocks that meet minimum housing unit density and/or population density requirements. This includes adjacent territory containing non-residential urban land uses. To qualify as an urban area, the territory identified according to criteria must encompass at least 2,000 housing units or have a population of at least 5,000.

<sup>50</sup> Rural is defined as: Rural encompasses all population, housing, and territory not included within an urban area.

<sup>51</sup> <https://watransitaccessmap.org/>

Criteria Number	Evaluation criteria	Documentation required	Maximum score
4.7	<p><b>Services (refer to Table 1)</b></p> <p><b>For Urban:</b> Project is within 0.5 mile walk of the community services listed in Table 6 as described below.</p> <p><b>For Rural:</b> Project is located within 10 miles of the community services listed in Table 6 as described below.</p> <p><b>4 points:</b> Includes food access as well as 4 or more other types of services.</p> <p><b>3 points:</b> Includes food access as well as 2-3 other types of services.</p> <p><b>2 points:</b> Includes food access and one other type of service.</p> <p><b>0 points:</b> The above does not apply.</p>	<p>Upload a map generated with Google Maps, <a href="https://watransitaccessmap.org/">Washington Transit Access Map<sup>52</sup></a>, or similar application that shows project location and distance to services (you may use the “nearby” feature in Google Maps). You must submit a map in pdf format that contains a scale and legend.</p>	4

---

<sup>52</sup> <https://watransitaccessmap.org/>

This page intentionally left blank.



## Chapter 6: Funding Policies and Criteria

This chapter highlights general funding policies and updates related to implementing the Planning Grants. If you have questions about these policies, please contact Ecology Grant Manager, which can be found on the [Affordable housing planning - Washington State Department of Ecology](#)<sup>53</sup> webpage.

### 6.1 Cultural Resource Review

---

Projects funded by a Planning Grant must be reviewed for potential impacts to cultural resources. Examples of cultural resources include archaeological sites or objects; buildings older than 45 years that are on the historic register or eligible for the historic register; or locations of significant events or pre-historic or historic occupation of activity, such as trails, petroglyphs, village sites, or battlefields.

State and local regulatory standards vary by project type, type of funding, and location. The goal of the review is to 1) identify any cultural resources that are potentially affected by the proposed action, 2) assess the effects, and 3) seek ways to avoid, minimize, or mitigate any adverse impacts on historic properties and cultural resources.

#### 6.1.1 Cultural resource consultation<sup>54</sup>

Ecology will review all Planning Grant projects for potential impacts to cultural resources and historic places. For projects involving a field activity that is capable of affecting a cultural resource (including sampling), Ecology will consult with the Washington State Department of Archaeology and Historic Preservation and Tribes. Applicants will need to complete Ecology's [Cultural Resources Review Form](#)<sup>55</sup> to initiate this consultation.

Recipients will also need to prepare an [Inadvertent Discovery Plan \(IDP\)](#)<sup>56</sup>. An IDP lays out the procedures you would need to follow in the event of an unanticipated discovery of human remains, or historic or prehistoric resources. This plan must be onsite at all times and every field staff member should be familiar with its requirements. Recipients may use the Ecology-approved IDP template or draft their own. If you draft your own plan, please ensure it includes all necessary and relevant information.

After being awarded a grant, Recipients are encouraged to **request a cultural resources consultation from Ecology as soon as possible**. If a cultural resources consultation isn't completed before field activities begin, Ecology may not reimburse otherwise grant-eligible

---

<sup>53</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Affordable-housing-planning>

<sup>54</sup> [Governor's Executive Order 21-02](https://www.governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf) [https://www.governor.wa.gov/sites/default/files/exe\\_order/eo\\_21-02.pdf](https://www.governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf) (issued by Gov. Inslee in 2021) replaced Executive Order 05-05 (issued by Gov. Gregoire in 2005)

<sup>55</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html>

<sup>56</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html>

costs. Ecology will discuss the cultural resources consultation with the Recipient during negotiations about the scope of work.

## 6.2 Other funding sources

---

When applying and developing a budget for a Planning Grant, the grant Applicant/Recipient must identify all actual and potential sources of public and private financing for the project. These sources may include one or more of the following:

- Other affordable housing grants.
- Matching funds.
- Agreements with other public and private Potentially Liable Persons (PLPs) or Potentially Responsible Parties (PRPs) to help pay for remedial action costs.
- Insurance policies and claims made against those policies.
- Lawsuits filed to pursue a contribution claim or cost recovery claim under MTCA or the federal cleanup law.

In an effort to reduce the public's share of cleanup costs, Applicants should carefully search for relevant insurance policies, and search for and initiate contact with other PLPs or PRPs. Grant Recipients will also be required to report on any additional funding they might receive in connection to the cleanup or project.

### 6.2.1 Allowed use of other proceeds

A Recipient may use the proceeds from another (non-Ecology) grant, or a settlement from an insurance claim, contribution claim, or cost recovery claim for the following planning-related costs:

- The Recipient's grant match; or
- The legal costs incurred by the Recipient as they pursue claims or actions that are not grant-eligible.

### 6.2.2 Using other proceeds as grant match

Provided certain conditions are met (which are listed below), a Recipient may use proceeds from other non-Ecology grants, an insurance claim, a contribution claim, or a cost recovery claim under MTCA or the federal cleanup law to cover remaining costs that are not already covered by a Planning Grant. The Recipient must identify all other funding sources, including those from grants and litigation, in their grant application. Once the grant is awarded and active, each of the following conditions must be met if additional funding is allocated to the planning project from other sources:

- Upon submittal of an application for another grant, filing a lawsuit, or filing an insurance claim to recover remedial action costs at the contaminated site, the Recipient must notify Ecology within 30 calendar days.

- Upon receiving a successful grant award, legal action, or insurance claim, the Recipient must notify Ecology within 30 calendar days of the total amount of funds received to date for remedial action costs at the contaminated site. The Recipient must also report additional funds in their next quarterly Progress Report submitted with the next Payment Request. The report should include:
  - The date of grant award, successful legal action, or insurance claim.
  - The specific amount of proceeds (or anticipated proceeds) received and the portion attributable to eligible costs; and
  - A copy of the grant agreement, settlement, judgment, or other document resolving the lawsuit or claim that details the funds received.

### 6.2.3 Repayment of excess proceeds

The following may occur when the proceeds from all other grant awards and settlements of all insurance claims, contribution claims, and cost recovery claims at a contaminated site exceed the allowed uses of the proceeds described above:

- If Ecology has not yet issued the Planning Grant, we (typically) will reduce the amount of the grant by the excess proceeds.
- If Ecology has issued the Planning Grant and the Recipient has spent the funds, we (typically) will require repayment of the grant up to the amount of the excess proceeds.

## 6.3 Planning Grant term for intent

---

To ensure the grant's intent, all Planning Grants include the following term. Acceptance and subsequent signature of the grant provides agreement to all terms and conditions of the grant, including the one below:

*Ecology reserves the right to require repayment of any or all grant funds within five years of the grant closure date if expenditure of grant funds or use of the Property does not comply with the intent or requirements of the grant.*

Ecology will monitor project progress for five years after grant closure, regardless of whether further Ecology funding is pursued. The Cleanup Grants, which are available for subsequent phases of work for cleanup, require land restrictions limiting the property use to affordable housing for a minimum of 30 years.

For Planning Grants, examples of situations that may require repayment of grant funds include, but are not limited to, the following:

- Affordable housing project work ceases within five years of grant termination or closure.
- Fraudulent project work or audit findings.
- Use(s) for the project site changes from affordable housing to an alternative end use.
- Changes in ownership that also change the purpose and intended end use to something other than affordable housing.

This page intentionally left blank.

## Chapter 7: Grant Management

This chapter describes the financial and administrative aspects of managing a Planning Grant and is intended to address some common questions that frequently arise during agreement execution. The information in this chapter supplements the following:

- Information contained in the applicable version of Ecology’s “Yellow Book” the Administrative Requirements for Recipients of Ecology Grants and Loans.
- The project-specific terms and conditions specified in the grant agreement.
- The General Terms and Conditions for Ecology grants and loans. This document is included in each grant agreement. Contact the appropriate Ecology Grant Financial Manager for the latest version. If the General Terms and Conditions are amended during the biennium, the version in effect on the date the agreement was signed, or date of the most recent amendment applies. The General Terms and Conditions are not negotiable.
- The scope of work or other requirements specified in the grant agreement.

### 7.1 Roles and responsibilities

---

The Planning Grant that supports planning work involves several key individuals: the grant Applicant or Recipient, the Ecology Grant Financial Manager and the Ecology Cleanup Project Manager.

#### 7.1.1 Grant Applicant or Recipient

The Recipient of the grant is responsible for managing the work funded by the grant, including compliance with planning and grant administration requirements. Site investigation and planning activities must be consistent with applicable rules and the approved work plan and must be completed within reasonable costs. The Recipient is responsible for ensuring that contractors or consultants are procured and act in accordance with all applicable federal and state laws.

Applicants are responsible for submitting accurate application materials including all elements of the grant application. Once the grant is executed, the Recipient is responsible for submitting quarterly payment requests and progress reports, and timely notification to Ecology staff of any changes to the scope of work, work schedule, or the grant budget.

#### 7.1.2 Ecology Grant Financial Manager

The Ecology Grant Financial Manager is the Recipient’s contact for questions or concerns regarding cost eligibility, EAGL assistance, amendments, and grant administration. Once the grant is awarded, the Grant Financial Manager will work with the Recipient to ensure the grant description, budget, and scope of work appropriately reflect the work to be funded by the grant. Once the grant is activated, the Grant Financial Manager will facilitate amendments, review each payment request, and ensure proper grant close out. The Grant Financial Manager reviews each payment request to ensure proper documentation, accuracy of records, and cost eligibility.

### 7.1.3 Ecology Cleanup Project Manager

The Ecology Cleanup Project Manager is the primary point of contact for site work and is responsible responding to questions or concerns about site investigation activities. Once the grant is active, the Cleanup Project Manager will conduct site visits; review technical documents; and review quarterly progress reports and payment requests. Ecology reviews technical documents to ensure compliance with MTCA and other applicable requirements, and for completeness and data quality. When a grant is active, the Cleanup Project Manager will review payment requests and progress reports to ensure technical accuracy, reasonableness of costs, and compliance with the scope of work as defined in the grant agreement.

## 7.2 Quarterly Grant Progress Reports & Payment Requests

---

Ecology provides grants on a cost reimbursement basis. This means the Recipient must incur a cost before it is eligible for reimbursement under the grant. The Recipient must submit requests for reimbursement and adequate documentation of eligible costs incurred after the agreement signature date to Ecology within 120 calendar days of incurring the costs.

The Recipient must complete progress reports and submit one with each payment request or at a minimum each quarter, during the lifetime of the grant. Progress reports describe actions and accomplishments in meeting project milestones and include a certification that the Recipient has submitted sampling results to Ecology as required. Ecology's Grant Financial Manager and Cleanup Project Manager review progress reports to learn how the activities are proceeding, the reasons for any delays or cost overruns, and if any changes took place in the project, project staff, or contractors.

Ecology's Grant Financial Manager cannot process a payment request without a progress report and proper documentation for that billing period.

## 7.3 Amendments

---

Either Ecology's Grant Financial Manager or the Recipient can request to initiate an amendment. However, Ecology does not promise or guarantee amendments will be approved. Ecology may amend an agreement to change the length of the agreement or changes in scope and associated budget for the agreement.

The Ecology Grant Financial Manager may only redistribute funds among the grant tasks or perform other amendments through a formal amendment process as allowed by Chapter 7.1.2 of these guidelines. If a change is needed, the Recipient can request an amendment through EAGL or by emailing their project's Ecology Grant Financial Manager. Once approved, the amendment process can begin.

Ecology may allow a Recipient to deviate from the task budget in the active grant by up to 10% of the total grant budget. At their discretion, the Ecology Grant Financial Manager may require an amendment when the Recipient has surpassed the budget even if by less than 10%. If a payment request causes the grant to exceed 10% variance threshold, Ecology will withhold the exceeding funds until the budget has been adjusted through an amendment and we approve a

new payment request. Ecology will automatically disperse the exceeding funds along with the approved funds of the new payment request.

## 7.4 Close Out

---

Close Out of the grant is an administrative task to finalize disbursement of award. Ecology will continue to monitor the fulfillment of the conditions in the grant agreement.

When the Recipient has completely spent out the grant and completed eligible reimbursable activities, they will need to submit:

- **Outstanding technical documents.** Provide all technical documents to the Cleanup Project Manager as outlined in the grant agreement. Ecology may withhold final payment and grant close out if the Recipient has not submitted completed deliverables to Ecology staff.
- **Final Payment Request and Progress Report.** Both of these EAGL forms will require the Recipient to identify it as the final payment request or progress report for the grant. Select “yes” using the radio button on the final payment request **and** progress report to enable closing out the grant.
- **Close Out Report.** This is an EAGL form found in the Payment Request Menu where the Recipient summarizes the final achievements of the activities funded by the grant. In most cases, we require the Close Out report with the final Payment Request and Progress Report. If you require more time or assistance completing your Close Out report, speak to your Ecology Grant Financial Manager. Ecology may withhold your final payment pending submittal of the Close Out report.

## 7.5 Audits

---

All grants and loans are subject to audit. Ecology has the right to audit the grant for three years after the grant is officially closed. Ecology may audit grant-related documentation at any time during the project or immediately after grant closure. If the audit identifies problems, they must be corrected. If Ecology identifies any problems on invoices, the Recipient must review and correct all previous invoices. This could include repayment of grant funds or adjustments to subsequent billings to reimburse Ecology for overpayments. If the grant is closed and problems are identified, it may impact the Recipient’s ability to receive other Ecology funding.

See Chapter 6.3 Planning Grant Term for intent for more information on additional terms of the grant agreement.

This page intentionally left blank.



## Chapter 8: Cost Eligibility

The Recipient is responsible for understanding cost eligibility terms prior to incurring an expense and billing to the grant. For the purposes of this guidance, we also refer to “grant-eligible costs” as “eligible costs.” While the grant agreement will include the scope of work, there are often specific issues related to eligible costs that may arise during grant implementation. When there is a question about what is an eligible cost, the Recipient should first review the terms of the agreement, the grant rules, and the applicable version of Ecology’s [“Yellow Book”<sup>57</sup>](#) *Administrative Requirements for Recipients of Ecology Grants and Loans* and these guidelines.

Only Ecology’s Grant Financial Manager can determine if a cost is eligible under the grant and has final approval authority for all grant-related costs. Ecology Grant Financial Managers work with Ecology Cleanup Project Managers, who supervise the actual cleanup-related activities, to ensure the costs are reasonable, necessary, and applicable to the project. Costs incurred before Ecology and the Recipient sign the grant agreement are not eligible for reimbursement. Ecology must review and approve a work plan prior to work being conducted. If there are any questions about whether a specific cost may be billed to the grant, the Recipient must ask the Ecology Grant Financial Manager responsible for the agreement.

The Recipient must properly document all costs. The Ecology Grant Financial Manager must pre-approve conditionally eligible costs. Costs not allowed are the sole responsibility of the Recipient. Ecology maintains the right to deny reimbursement requests for deliverables that don’t meet standards or generate the required substantial and measurable outputs.

The Recipient is fully responsible for paying any cost that Ecology’s Grant Financial Manager does not allow. This remains true even if the Recipient did not understand the cost was not eligible, or a contractor or other representative approved or purchased the item without the Recipient’s knowledge or approval.

If the Ecology Grant Financial Manager decides a cost is not grant-eligible, the Recipient should not include the item on any future payment requests. The Recipient is responsible for submitting accurate and properly documented payment requests for eligible expenses.

Only eligible cash expenditures are reimbursable. In general, an eligible cost is:

- **Necessary to complete the scope of work.** Ecology’s Grant Financial Manager and Ecology’s Cleanup Project Manager must approve the scope of work. Eligible costs must be consistent with this scope of work defined in the grant.
- **Reasonable for the task.** Ecology reserves the right to reject costs as excessive, even when work is fully approved from a technical standpoint. As a result, Ecology may reimburse some expenses at less than the allowable amount or not at all. It is important to communicate project needs, especially equipment, with Ecology’s Grant Financial Manager prior to making large expenditures to ensure that Ecology will reimburse the expenditure.

---

<sup>57</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

- **Timing.** The Recipient must incur costs after the effective date of the agreement and before the expiration date of the agreement.
- **Retroactive costs.** Costs incurred prior to the executed grant are at the sole expense of the Recipient.
- **Contracts must be competitively procured:** The Recipient must use procurement practices that are consistent with state laws and rules and, when applicable, federal law. This includes fair, legal, and open competition. Ecology may ask the Recipient to provide documentation that it followed all applicable laws and requirements. See Ecology's "[Yellow Book](#)"<sup>58</sup> for purchasing and contract requirements, including the requirement for competitive procurement.
- **Consistent.** Charged costs must be consistent with the standard business practices of the Recipient, contractor, or consultant. The Recipient, contractor, or consultant must compute the direct and indirect charges in the same way as those charges would be computed if the costs were related to any other activity. The Recipient should follow consistency with standard business practices, except when grant billing or other requirements necessitate variation. Ecology may request additional documentation or explanation of costs being billed.
- **Properly documented.** See Chapter 8.1.

## 8.1 Proper documentation

---

The Recipient must properly document all costs for Ecology to consider them eligible for reimbursement. The Recipient must upload all supporting documentation to EAGL for each payment request and progress report. This includes documentation for all expenses, including the Recipient's salary and benefits data, contractor and subcontractor invoices and receipts, accounting records or any other form of record that establishes the appropriateness of an expense. Receipts for supplies or meals must be itemized or billed as state per diem rates (if billing meals at per diem without receipts clearly note the date, individual who is claiming meals and meals being sought for reimbursement - breakfast, lunch dinner - and per diem rate). A charge card receipt with only a total payment amount is not acceptable documentation. Backup documentation requirements are the same for Recipients, contractors, and subcontractors.

At a minimum, supporting documentation must include:

- Description of the item or services purchased. "Supplies" is not an adequate description. The invoice must include a list of the individual items purchased with the quantity and price.
- Description of activities for time. Recipient contractor and subcontractor activities must be identified on the invoice. This needs to include the specific activities performed. Just listing the task or property name is not adequate.
- Name of vendor.

---

<sup>58</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

- Date of cost incurred.
- Invoice number.
- Invoice date.
- Serial or other identifying numbers (for equipment costing \$5,000 or more).
- Cost and quantity for each line item or service.
- Tax.
- Total cost.
- Notes associating the cost to the grant site can be handwritten on invoice by the Recipient.
- Grant task number for billing.
- If consultants are adding markup, the original cost, the markup percent, and total being billed should be identified.

Backup documentation should be uploaded directly behind the receipt or invoice to which it relates. It is a best practice to upload invoices individually by entered line item to EAGL rather than all invoices for the payment request lumped together in one Adobe Portable Document Format file (PDF). The Recipient should name PDFs by the associated invoice number. EAGL has a 35-megabyte limit for each file, and it is more difficult to review large PDFs. Please save PDFs in a format that allows a search capacity. If the Recipient scans the PDF as a picture, we cannot search them, and we may return the Payment Request/ Progress Report to the Recipient for resubmittal.

The Recipient must organize the documentation and label it in such a manner that Ecology's Grant Financial Manager can determine which expenses the Recipient is claiming in a reasonable amount of time. If the Recipient submits disorganized backup documentation and Ecology's Grant Financial Manager cannot locate the appropriate information in a timely manner, Ecology will return the payment request to the Recipient for modification and reorganization.

**Fixed Price or Lump Sum** contracts often used in public works contracting also require backup documentation to support charges. This includes trip tickets for contaminated soil disposal, rental receipts for equipment, subcontractor invoices, sampling and analysis bills, and receipts for supplies and direct expenses. Ecology may also require the Recipient to upload the contract as backup.

**Withholding** (aka retainage) is not billable to the grant until it the Recipient has paid it to a consultant or contractor and provides proper documentation. The Recipient must have incurred costs for Ecology to reimburse them. Backup documentation of consultant or contractor payments often includes a) copies of emails or memos from the Recipient to the bank approving the release of the funds, and b) copies of financial transactions or a letter from the bank showing release of funds to the consultant or contractor. An invoice from the consultant or contractor billing for the withholding, and a warrant from the Recipient showing payment of the withholding, are also acceptable documentation.

**Recipient salary and benefit costs** should document the date work was performed and the hours worked per day. The Recipient may use an Excel spreadsheet, or a printout from their

accounting system. The Recipient must upload all backup documentation must into EAGL, along with a statement about where and how they collected the backup information such as from a time accounting system or manual spreadsheet updates. If the Recipient enters time into an Excel spreadsheet, then they should provide a copy of the signed timesheet as additional backup. The Recipient must present documentation for each day worked, not only in a summary rolled up into pay periods. The backup documentation must include:

- The name of employee charging to the grant with their actual salary and benefits.
- For each employee, provide the hours worked each day, by date, and by grant task.
- The role each employee fulfills for the project, and the activities performed during the billing period.

**Consultant time** requires the number of hours worked per day, a brief description of tasks/activities worked on each day, and necessary backup from a payroll system or project tracking database. Ecology understands that consultants usually charge time at a chargeable rate that includes benefits. However, if the rate seems unreasonable, Ecology may not reimburse at the full chargeable rate. The same cost eligibility rules apply to consultants hired directly by the Recipient and the subcontractors hired by any primary consultants or contractors.

## 8.2 Eligible costs

---

Planning Grants have a maximum total amount of \$400,000. Applicants should carefully assess their needs and focus funds where they will do the most to move the project toward cleanup. Any amount over the grant total is the sole responsibility of the Recipient. Examples of eligible activities and related costs for Planning Grants include:

- Phase I and II environmental site assessments (ESA)
- Remedial investigations
- Human health assessment
- Feasibility studies and selection of the remedy<sup>59</sup>
- Salaries and benefits. Overtime differentials are not eligible, unless an individual spends 100 percent of work time on Planning Grant activities and it is approved and documented in advance by your grant financial manager
- Vehicle mileage at or below the current state mileage rate that is itemized with relevant invoices included as backup documentation in payment requests
- Material sampling and laboratory costs
- Coordination and cooperation with potential project partners, consultants, local agencies or jurisdictions
- Prepare a project cleanup proposal and cost analysis

---

<sup>59</sup> While preparation of a draft cleanup action plan is a grant-eligible cost, Ecology retains final authority to determine the appropriate cleanup action at a site.

- Administrative costs, such as managing this grant through record keeping and accounting. These costs are limited to 10 percent of the total grant amount. At no point can your administrative costs be greater than 10 percent of your expenditures to date.
- Grant administration consistent with the applicable version of Ecology’s “Yellow Book”, the Administrative Requirements for Recipients of Ecology Grants and Loans. (The applicable version is the one identified in the general terms and conditions of your grant or loan agreement.)

Some costs related to these activities may not be reimbursable under the grant or may only be eligible under certain conditions. Ecology’s Grant Financial Manager must approve conditionally allowable costs in advance. Costs not allowed are the responsibility of the Recipient. The grant is not intended to cover all costs associated with the broader project, but to support the areas defined in this guidance.

For the purposes of this guidance, “grant-eligible costs” are also called “eligible costs.” While the grant agreement will identify the scope of work, there are often specific issues related to eligible costs that may arise during grant implementation. When there is a question about what is an eligible cost, the Recipient should first review the applicable version of Ecology’s “[Yellow Book](#)<sup>60</sup>,” *Administrative Requirements for Recipients of Ecology Grants and Loans*. Please note the particular costs below as they are common areas of confusion:

- **Administrative costs.** The Recipient incurs administrative costs as part of normal administrative processes for approval of contracts or payment of bills are eligible costs. For example, time spent reviewing invoices, preparing payment requests or progress reports, and other project-related documents, or participating in briefing meetings with elected officials or others who need to approve a contract related to the grant, are eligible costs.
- **Direct expenses.** Direct costs are eligible costs. These are costs that the Recipient can identify specifically with a particular task for the project, such as:
  - Compensation for employee time devoted to the project.
  - Cost of materials used specifically for the project.
  - Cost of goods or services furnished for the project by other entities such as consultants or other agencies or programs.
- **Overhead.** Overhead costs are those the Recipient incurs for a common purpose and not readily identifiable with a particular project. Examples of overhead include utilities for a facility not specific to the project or support departments such as human resources, fiscal staff, or supervisory personnel.

The Recipient should proportion these costs between the grant and other non-grant related usage as appropriate. Ecology may require verification of qualifications of staff charging to cleanup related tasks. The Recipient may charge overhead to cover costs that they do not typically directly bill to the grant. Allowable overhead for Planning Grants

---

<sup>60</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

is **up to 25% of salaries and benefits** for the Recipient's employees directly billing to the project. If the normal organizational overhead rate for the Recipient's employees is 20%, then the grant the Recipient should not bill for more than 20% overhead. The Recipient must report overhead charges on the same billing as the connected salaries and benefits as overhead is calculated in a separate line item. This is not applicable to consultant/contractor salary and benefits.

- **Fleet costs and mileage.** The billing method for automobile or fleet costs needs to be clearly established and remain consistent throughout the grant. This method also needs to be consistent with how the Recipient typically manages their automobile or fleet expenses. It cannot be created specifically for purposes of the grant.
  - **For privately owned vehicles: Bill the state mileage rate.** The [state mileage rate](#)<sup>61</sup> in effect at the time the cost was incurred is applicable as a maximum for any mileage billed by the Recipient, consultants, or contractors. Markups may not be applied to mileage or any other travel expense, and a mileage log is required for grant reimbursement documentation. It is the Recipient's responsibility to correct mileage billed in excess of the state rate.
  - **For company vehicles:** A consultant includes a standard rate for use of their vehicle on their schedule of charges. This is the only cost that may be billed. In this case mileage or gasoline are not charged.
  - **For rental vehicles:** A receipt from a rental agency is required and Ecology will pay the rental amount and gasoline (with receipts).
- **Parking.** Parking is a grant-eligible expense. The Recipient must provide receipts for reimbursement. Absent a receipt, Ecology will not allow the cost.
- **Travel – per diem.** When on travel status, a Recipient's and their consultant or contractor's travel costs are grant-eligible under certain circumstances. Ecology will only pay per diem costs at the [state rate](#)<sup>62</sup> determined by the Office of Financial Management. Travel costs are not eligible for markup by a contractor, consultant, or the Recipient. Ecology will not reimburse any markups over the state rate or other disallowed travel costs with grant funds.
  - Itemized receipts are always required for hotels. The room rate cannot be reimbursed in excess of the state rate. This does not include additional room fees and taxes. For example: if the state rate is \$91, the room must cost \$91 or less. However, the reimbursable hotel bill could be higher than \$91 after the addition of taxes and room fees. This does not include room service. Non-traditional lodging, such as Airbnb and VRBO, are not eligible for reimbursement.
  - Exceptions to state-approved hotel rates may be authorized by Ecology's Grant Financial Manager under limited circumstances. However, the approval must be provided in writing prior to the cost being incurred. Costs exceeding the state rate are not allowed if not requested or approved in advance. A request for a cost waiver form must be submitted to the grant manager.

---

<sup>61</sup> <https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables>

<sup>62</sup> <http://www.ofm.wa.gov/resources/travel.asp>

- Permit fees. Fees for permits necessary to complete remedial actions are an eligible cost. This includes local, state (including Ecology-issued permits), and federal permits. To complete the work within the biennium, it may be necessary to pay an extra fee for expedited permit review. These expedited fees are also eligible costs. Fees for permits related to development of a site are not eligible costs.
- Supplies. Supplies are tangible personal property other than tools or equipment. Supplies are either direct billed or Ecology considers them an overhead expense. Supplies or materials needed to perform the scope of work in the agreement are a grant-eligible cost. Under most grant agreements, these costs are part of overhead expenses, but the Recipient can directly bill them if they use them only for grant-related activities. Receipts for supplies must detail and identify the specific items the Recipient purchased. It cannot just say “Supplies.”
  - **Example:** If the Recipient purchases paper or ink for an office printer used by multiple programs or projects, this is an overhead expense. If the Recipient has a project office with a project printer dedicated to use only on the grant-funded activities, the Recipient may direct bill printer supplies.

### 8.2.1 Community Engagement

Community engagement is a critical component to the initial phase of a project and is a required element within the scope of work for any Planning Grant. Recipients must obtain Ecology’s approval prior to publishing or handing out materials to ensure grant eligibility. Types of eligible outreach activities include:

- Translate technical jargon into “plain talk” or analyze data and methods for the public.
- Develop a community survey for the project.
- Creating displays of project photographs, maps, topographical models, or hydrogeologic models of the site at pertinent public events or in high-traffic public areas.
- Publishing or broadcasting a site history or examining the impacts of past, current, and possible future activities there.
- Compiling and printing materials or adapting and copying materials (if using others work or materials, verify there is not a copyright infringement).
- Mailing, delivering, and distributing material.

#### Advertising

- Advertising special events related to decisions about the site and project.
- Press releases, fact sheets and webpages: develop press releases, fact sheets, cleanup process diagrams and site information, affordable housing end use information.
- Social media: use social media including Facebook, Twitter, and Instagram. Note: links are required as backup documentation (screenshots, advertising, or fundraising are not allowable), and only reimbursed for time spent putting the information together.
- Email messages, postcards & newsletters to stakeholder distribution list.

## Public meetings

- Coordinating, participating in, or holding public forums where the site owner(s), developer(s), contractor(s), and the agency (Ecology or other state agency's) can discuss activities and project status at the site.

Note: Obtain grant manager preapproval for refreshments at meetings and the required forms to submit in payment requests.

- Help citizens provide informed feedback during initial project planning phases by helping them fill out comment forms in public meetings, door-to-door, or other communication measures.

## 8.3 Conditionally eligible

---

Conditionally eligible costs are costs that may be grant-eligible if they meet certain conditions.

**All conditionally eligible costs require prior written approval from Ecology's Grant Financial Manager.** Failure to obtain prior approval may result in the Recipient having to pay for these costs, and also makes them ineligible to count towards the grant match. The following section discusses specific issues related to conditionally eligible costs that often arise during the administration of Planning Grants.

- **Equipment.** Equipment means tangible, nonexpendable, personal property that has a useful life of more than one year and an acquisition cost of at least \$5,000 per functional unit or system. Some tools can fall into the equipment category because of their cost. Once an item exceeds the \$5,000 threshold, additional requirements govern its acquisition, use, and disposition and will require an Equipment Purchase Report in EAGL. Ecology's Yellow Book provides additional information on this topic. If a Recipient plans to use grant funds for equipment purchases, they should inform Ecology's Grant Financial Manager so they can write the purchase into the grant agreement.
- **Tools.** Tools are tangible personal property having a useful life of more than one year and an acquisition cost of less than \$5,000 per functional unit. Tools are a conditionally allowable cost. They require written approval from Ecology's Grant Financial Manager. Considerations typically include the following:
  - Is the tool required to perform the scope of work in the agreement?
  - Is the cost reasonable?
  - Is the price of the tool the most economical means of accomplishing the task or work?
  - Will the Recipient maintain ownership/possession of the tool?

If the Recipient purchase tools without approval by Ecology's Grant Financial Manager prior to the purchase, Ecology may not allow the cost for reimbursement under the grant. Ecology expects that contractors or consultants arrive trained and equipped to do the job for which they were hired.



- **Light refreshments.** Light refreshments for public meetings required in the scope of work for the agreement are conditionally allowable costs. The Recipient must request approval to provide light refreshments prior to incurring any expense. **Before the meeting**, submit the following to Ecology's Grant Financial Manager:
  - Written request that explains the purpose of the meeting
  - Meeting agenda; and
  - Draft budget (expense itemization) to be approved by Ecology's Grant Financial Manager in advance of the event.
- **After the meeting**, submit the following to Ecology's Grant Financial Manager:
  - Sign-in sheet or attendance list; and
  - Final vendor receipts or invoices.

Ecology will not reimburse the Recipient and consultant or contractor lunches or meeting refreshments under the grant agreement unless the Recipient shows that employees are on travel status. The Ecology Grant Financial Manager must approve the costs in advance.

- **Overtime.** If the Recipient does not request overtime in advance, the Recipient may not request payment for overtime hours.
- **Overtime differential.** Ecology seldom allows overtime differential. It is any increase in pay over the standard pay rate that is provided to compensate an employee for hours worked in excess of the standard workday or week. Ecology may allow overtime differential only when an employee spends one hundred percent (100%) of their time on grant activities and the Recipient obtains prior written approval from the Ecology Grant Financial Manager.
- **Training.** Recipient staff training is a conditionally allowable cost. Recipient training must directly relate to the project and prove necessary to carry out the scope of work, such as Hazardous Waste Safety training.

Ecology's Grant Financial Manager may allow travel associated with approved training for the Recipient if they authorize it in advance. The Recipient should communicate with Ecology's Grant Financial Manager to discuss training and any associated travel needs prior to incurring any expense. Failure to do so could result in Ecology denying the expenses. Ecology may prorate training costs when a Recipient only works part-time on grant activities.

Planning Grants will not typically reimburse consultant or contractor training. Consultants or contractors should be prepared to perform the duties for which they are hired. If the Recipient agrees to fund consultant training, the Recipient is solely responsible for these costs and should not expect to receive reimbursement under the grant.

- **Working lunches.** Recipient working lunches are a conditionally eligible cost and typically require that the Recipient is on travel status. The Recipient must submit a written request for working lunches prior to incurring expenses. Consultant or contractor working lunches are not grant-eligible unless the Recipient obtains written approval from the Ecology Grant Financial Manager prior to the event. Ecology's Grant Financial Manager may approve expenses for Recipients consistent with how Ecology approves working lunches for Ecology staff. Please refer to Ecology's "[Yellow Book](#)"<sup>63</sup> for more information.

## 8.4 Ineligible costs

---

Ineligible costs are costs that are not eligible for reimbursement under the grant and the Recipient cannot use them for grant match. The Recipient should not submit invoices or other documentation for these costs for reimbursement. The following section discusses specific issues related to ineligible costs that often come up in administration of Planning Grants.

- **Retroactive costs** are not eligible for reimbursement under Planning Grants. Costs may not be incurred prior to the signature date of the agreement.
- **Publications** for the project not preapproved or approved by Ecology.
- **Social media costs**, including time or paid advertising.
- **Contingencies, rising costs, and change orders.** Ecology writes grant agreements for a set amount. Any contingencies in separate contracts do not change the amount of the grant agreement.
- **Dispute resolution.** Technical, legal, and administrative expenses that the Recipient incurs to challenge an Ecology decision, such as the costs of dispute resolution under an order or decree or grant agreement.
- **Ecology and U.S. EPA charges.** Costs that Ecology or U.S. EPA charge the Recipient for site management oversight (cost recovery) under the terms of orders or decrees or for technical assistance under the VCP.
- **Grant application development.** Costs of preparing a grant application, including Recipient staff time, consultant, or contractor time.
- **Legal expenses or attorney fees.** Legal costs of any kind, including, but not limited to, the costs of seeking client advice (including Recipient time); pursuing cost recovery; contribution or insurance claims; administrative hearings; pursuing penalties or civil or criminal actions against persons; penalties the Recipient incurs; defending actions taken against the Recipient; drafting or filing covenants or liens; and any other attorney fees the Recipient incurs.
- **Lobbying.** Any costs for entertaining; attempting to influence dignitaries or elected officials; discussing the project with elected officials who do not have contract approval

---

<sup>63</sup> <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

authority, are not grant-eligible costs. This includes contacts with legislators to urge project funding.

- **Natural Resource Damage Assessment costs and Natural Resource Damages.** Costs related to development of Natural Resource Damage Assessments (NRDA), fees for damages to the environment or work required in lieu of fees under Natural Resource Damage (NRD) settlements, cleanup and habitat restoration work required under a state or federal NRD settlement.
- **Penalties and late fees.** Penalties or late fees assigned to the Recipient or contractors. For example, the Recipient pays an invoice late and a contractor charges a late fee. This cost is not eligible for reimbursement.
- **In-kind contributions.** Goods, services, and transactions not involving money.
- **Other party expenses.** Costs incurred by other parties, including broader project team members, for which the Recipient did not incur an expense.
- **Purchasing Property.** The cost of purchasing the property.<sup>64</sup>

---

<sup>64</sup> While grant funds cannot be used to purchase property, they can be used for a title search, appraisal, Phase I environmental site assessment, and other non-legal costs associated with purchasing property.

This page intentionally left blank.

## References and Resources

**Table 7:** Grant, Loan, and EAGL resources mentioned in this guidance

Resource	Description	Link
Yellow Book	Guidance for all Ecology grants and loans: <i>Administrative Requirements for Recipients of Ecology Grants and Loans</i> (Pub. No. 17-01-004)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html">https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html</a>
EAGL	Ecology's Administration of Grants and Loans system, where grant Applicants can apply for funding opportunities including grants for cleanup and safe drinking water	Overview: <a href="https://ecology.wa.gov/About-us/How-we-operate/Grants-loans">https://ecology.wa.gov/About-us/How-we-operate/Grants-loans</a> Secure Access Washington (SAW) log-in: <a href="https://secureaccess.wa.gov/ecy/eagl/">https://secureaccess.wa.gov/ecy/eagl/</a>
EAGL Instructions for 2023–25 Affordable Housing Cleanup Grant Applications	Specific EAGL guidance when applying for Affordable Housing Cleanup Grant	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/2209053.html">https://apps.ecology.wa.gov/publications/SummaryPages/2209053.html</a>
EAGL Instructions for 2023–25 Affordable Housing Planning Grant Applications	Specific EAGL guidance when applying for Affordable Housing Planning Grant	<a href="https://apps.ecology.wa.gov/publications/summarypages/2309056.html">https://apps.ecology.wa.gov/publications/summarypages/2309056.html</a>
EAGL External Users' Manual	General EAGL guidance when applying for all Ecology grant and loans (Pub. No. 17-01-015)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html">https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html</a>
How to obtain a Secure Access Washington (SAW) account	YouTube video	<a href="https://www.youtube.com/watch?v=pj0EnljG3RQ&amp;feature=youtu.be">https://www.youtube.com/watch?v=pj0EnljG3RQ&amp;feature=youtu.be</a>
Applying for Ecology grants	YouTube video	<a href="https://www.youtube.com/watch?v=9B3qvb3QRBk">https://www.youtube.com/watch?v=9B3qvb3QRBk</a>
Per diem rate tables	Office of Financial Management's rates for lodging, meals, and mileage per day	<a href="https://www.ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables">https://www.ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables</a>

**Table 8:** Environmental and technical resources mentioned in this guidance.

Resource	Description	Link
EIM and MyEIM	Ecology's Environmental Information Management System (EIM) and MyEIM database tools that contain environmental data for air, water, soil, sediment, aquatic animals, and plants used for cleaning up sites. Data is collected by Ecology and partners, including local governments.	<b>EIM:</b> <a href="https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database">https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database</a>  <b>MyEIM:</b> <a href="https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/Using-MyEIM">https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/Using-MyEIM</a>
Cleanup and Tank Search	Database of 14,000 -plus contaminated sites known to Ecology that draws from the internal Integrated Site Information System (ISIS) database	<a href="https://apps.ecology.wa.gov/cleanupsearch/">https://apps.ecology.wa.gov/cleanupsearch/</a>
Confirmed & Suspected Contaminated Sites List	List of sites undergoing cleanup and sites awaiting further investigation and/or cleanup	<a href="https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated">https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated</a>
Hazardous Sites List	Special edition of the Site Register published twice a year listing sites that have been assessed and ranked using the Washington Ranking Method, and sites on the National Priorities List	<a href="https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&amp;NameValue=Toxics+Cleanup&amp;DocumentTypeName=Newsletter">https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&amp;NameValue=Toxics+Cleanup&amp;DocumentTypeName=Newsletter</a>
How the cleanup process works	Steps in the MTCA formal cleanup process	<a href="https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process">https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process</a>
Washington's Formal Cleanup Process Infographic	Infographic illustrating steps in the MTCA formal cleanup process (Pub. No. 19-09-166)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html">https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html</a>
Toxics Cleanup Program's (TCP's) policies and guidance	Consolidated but not exhaustive list of TCP's policies, procedures, implementation memos, and major guidance documents for cleaning up hazardous sites and meeting the requirements of MTCA.	<a href="https://ecology.wa.gov/Regulations-Permits/Plans-policies/Toxics-cleanup-policies">https://ecology.wa.gov/Regulations-Permits/Plans-policies/Toxics-cleanup-policies</a>
TCP publications	Published focus sheets, frequently asked questions, guidance documents, and technical reports that describe cleanup sites across the state	<a href="https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&amp;NameValue=Toxics+Cleanup&amp;DocumentTypeName=Publication">https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&amp;NameValue=Toxics+Cleanup&amp;DocumentTypeName=Publication</a>

Resource	Description	Link
TCP Legislative reports	Recurring and one-time legislative reports produced by the TCP	<a href="http://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup/TCP-Legislative-reports">http://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup/TCP-Legislative-reports</a>
EPA's Superfund Chemical Data Matrix (SCDM) query	Query to generate lists of corresponding Hazard Ranking System factor values, benchmarks, and data elements	<a href="https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query">https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query</a>

**Table 9:** Environmental Justice, Climate Change, and Cultural Resources Mentioned in this Guidance.

Resource	Description	Link
Ecology's environmental justice webpages	Descriptions of Washington's HEAL Act (Healthy Environment for All) and Ecology's Office of Equity and Environmental Justice	<a href="https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice">https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice</a>
Washington State Department of Health's environmental justice website	Web-based data on public health aspects of environmental justice	<a href="https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/Resources/EnvironmentalJusticeIssues">https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/Resources/EnvironmentalJusticeIssues</a>
Washington Tracking Network	Map-based tool used to facilitate searching for and displaying health concerns that have links to environmental health	<a href="https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/">https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/</a>
EPA's environmental justice website	National environmental justice data and link to EJScreen	<a href="https://www.epa.gov/environmentaljustice">https://www.epa.gov/environmentaljustice</a>
Ecology's climate change guidance for cleanup sites	Sustainable Remediation: Climate Change Resiliency and Green Remediation-A Guide for Cleanup Project Managers (Pub. No. 17-09-052)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html">https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html</a>
EPA's green remediation for cleanup sites	Information for incorporating sustainable environmental practices into remediation of contaminated sites	<a href="https://www.epa.gov/remedytech/green-remediation-incorporating-sustainable-environmental-practices-remediation">https://www.epa.gov/remedytech/green-remediation-incorporating-sustainable-environmental-practices-remediation</a>
Cultural Resources Review Sheet	Form for gathering information when complying with National Historic Preservation Act or Executive Order 21-02 Archaeological and Cultural Resources (Pub. No. ECY 070-537)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html">https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html</a>
Inadvertent Discovery Plan (IDP) template	Plan and procedures for the unanticipated discovery of cultural resources and human skeletal remains (Pub. No. 070-560)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html">https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html</a>
Governor's Executive Order 21-02	Gov. Jay Inslee's executive order for Archaeological and Cultural Resources	<a href="https://www.governor.wa.gov/sites/default/files/execute_order/eo_21-02.pdf">https://www.governor.wa.gov/sites/default/files/execute_order/eo_21-02.pdf</a>



**Table 10:** Cleanup Laws, Regulations, and Legislative Bills Mentioned in this Guidance.

Resource	Description	Link
MTCA (statute)	Hazardous Waste Cleanup—Model Toxics Control Act, Chapter 70A.305 RCW	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305">https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305</a>
MTCA Cleanup Rule	Model Toxics Control Act—Cleanup Regulations, Chapter 173-340 WAC	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340</a>
Sediment Cleanup Rule	Sediment Management Standards, Chapter 173-204 WAC	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204</a>

## Glossary

Term	Definition
Applicant	A term that applies before receipt of the grant vs. “Recipient” that applies after the grant has been awarded.
biennium	A period of two years. The state of Washington operates on a two-year (biennial) budget cycle that starts July 1 <sup>st</sup> of each odd-numbered year, and ends June 30 <sup>th</sup> of the next odd-numbered year. The 2023–25 biennium starts July 1, 2023, and ends June 30, 2025.
Cleanup Grant Program	Ecology’s Affordable Housing Cleanup Grant program that provides funding to any person cleaning up a site for affordable housing development.
cleanup actions	Also known as cleanups or remedial actions. The collective planning, investigative, and technical work needed to clean up contaminated sites.
cleanup site	Also known as a contaminated site or hazardous waste site. A site or property where Ecology has confirmed one or more releases (or threatened release) of a hazardous substance.
Consent Decree or Decree	A legal document issued under Chapter <a href="#">70A.305<sup>65</sup></a> RCW or the federal cleanup law.
contaminated site	Also known as a cleanup site or hazardous waste site.
EAGL	Ecology’s Administration of Grants and Loans. This is a comprehensive web-based grant and loan management system Ecology uses that allows Applicants and Recipients to develop and manage their agreements online.
eligible cost	A project cost that is eligible for funding under this chapter and the terms of the grant or loan agreement.
fiscal year	A period of one year named for the year it ends. For example, Fiscal Year 2024 starts July 1, 2023, and ends June 30, 2024.
hazardous substance	Means any hazardous substance as defined in <a href="#">WAC 173-340-200<sup>66</sup></a> .
hazardous waste site	Also known as a cleanup site or contaminated site. Defined in MTCA as any site that Ecology has confirmed a release or a threatened release of a hazardous substance requiring remedial action ( <a href="#">WAC 173-340-200</a> ).
highly impacted community	A community that the department has determined is likely to bear a disproportionate burden of public health risks from environmental pollution.

<sup>65</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>66</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-200>

Term	Definition
Independent remedial action	Remedial actions conducted without department oversight or approval and not under an order or consent decree.
Model Toxics Control Act (MTCA statute)	Washington’s environmental cleanup law, Chapter <a href="#">70A.305</a> <sup>67</sup> RCW
Model Toxics Control Act Regulations (MTCA Cleanup Rule)	Washington’s regulations that set standards and procedures for cleaning up contaminated sites (Chapter <a href="#">173-340</a> <sup>68</sup> WAC). The MTCA Cleanup Rule is one of two cleanup rules in Washington adopted under the Model Toxics Control Act, Chapter <a href="#">70A.305</a> RCW. The other cleanup rule is the Sediment Management Standards (Chapter <a href="#">173-204</a> <sup>69</sup> WAC) known as the SMS Cleanup Rule.
MTCA Capital Account Ten-Year Financing Report	Ecology’s financial report produced every even-numbered year that describes cleanup financing needs from the MTCA Capital Account over the next ten fiscal years.
Order	A legal document that includes enforcement orders and agreed orders issued under MTCA, and unilateral administrative orders and administrative orders on consent issued under the federal cleanup law.
Potentially Liable Person (PLP)	Any person whom the department finds, based on credible evidence, to be liable under Chapter <a href="#">70A.305</a> WAC
Prospective purchaser	A person who is not currently liable for remedial action at a facility and who proposes to purchase, redevelop, or reuse the facility.
Recipient	A term that applies after the grant has been awarded vs. “Applicant” that applies after the grant has been awarded.
remedial actions	Also known as cleanups or cleanup actions. The collective planning, investigative, and technical work needed to clean up contaminated sites.
Secure Access Washington	A single sign-on application gateway created by Washington State Department of Information Services.
sediment site	A contaminated site in riverbeds and seabeds where aquatic animals such as crabs and clams live. Sediment can include silt, sand, cobble, and beaches.
scope of work	The tasks and deliverables of the grant or loan agreement.
site	Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a legal consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

<sup>67</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>68</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>69</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

Term	Definition
upland site	A contaminated site on land or in groundwater.
Voluntary Cleanup Program (VCP)	The program authorized under RCW <a href="https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170">70A.305.170</a> <sup>70</sup> and WAC <a href="https://app.leg.wa.gov/wac/default.aspx?cite=173-340-515">173-340-515</a> <sup>71</sup>
Yellow Book	Ecology's administrative requirements common to all Ecology grants and loans that have an agreement effective date of August 11, 2017, or later ( <a href="https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html">publication no. 17-01-004</a> <sup>72</sup> )

---

<sup>70</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

<sup>71</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-515>

<sup>72</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html>

## Appendix A: Chapter 173-323 WAC: Grants and Loans

### 173-323-010 Applicability

---

This chapter only applies to grants and loans issued by ecology that are funded under chapter [70.105D RCW](#)<sup>73 74</sup>, Hazardous waste cleanup—Model Toxics Control Act (MTCA), and that are not regulated by another chapter of the WAC that provides requirements for a specific grant or loan program. Ecology will maintain a list of these other chapters on the agency web site.

This chapter contains general rules for grant and loan issuance and performance, and applies to the following types of grants and loans issued by the department of ecology:

- a) Competitive.
- b) Formula.
- c) One-time.

### 173-323-020 Definitions

---

**Agreement effective date** means the date on which the grant or loan agreement becomes effective, as specified in the grant or loan agreement. This is the earliest date eligible costs can be incurred.

**Agreement expiration date** means the latest date eligible costs can be incurred, as specified in the grant or loan agreement.

**Competitive grants and loans** mean grants or loans that are evaluated and awarded based on prioritization, scoring, or ranking.

**Ecology** means the Washington state department of ecology.

**Eligible costs** mean costs that meet all criteria established in the agreement and grant or loan program funding guidelines.

**Formula grants and loans** mean grants or loans awarded based on distribution factors, such as population.

---

<sup>73</sup> This rule refers to previous codification numbers for several statutes. For example, in 2020 the Washington State Legislature recodified the Model Toxics Control Act from Chapter 70.105D RCW to Chapter 70A.305 RCW.

<sup>74</sup> Statutory Authority: RCW [70.105D.070](#)(8). WSR 18-01-096 (Order 16-10), § 173-323-010, filed 12/18/17, effective 1/18/18

**Grant** means an award of financial assistance given to a Recipient to carry out work for a public purpose or public good authorized by law.

**Grant or loan agreement or agreement** means the formal, written, contractual document that details the terms and conditions, scope of work, budget, and schedule of the grant or loan, and that is signed by the authorized signatories of the Recipient and ecology.

**Grant or loan program** means a financial assistance program with a distinct set of requirements that provides grant or loan funding to eligible Applicants.

**Loan** means an agreement involving lending money to a Recipient.

**One-time grant or loan** means a grant or loan that **is not formula or competitive** and involves one or more of the following:

1. Designation by the legislature or governor; such as a Recipient, project, or type of work.
2. Identification of Recipient(s) based on input from an advisory or stakeholder group(s).
3. An environmental or human health emergency, priority, or concern.

**Signature date** means the date the ecology authorized signatory signs the agreement.

[Statutory Authority: RCW [70.105D.070](#)(8). WSR 18-01-096 (Order 16-10), § 173-323-020, filed 12/18/17, effective 1/18/18.]

## **173-323-030 Grant and loan announcements**

---

### **Competitive and formula grants and loans**

Ecology must announce the availability of funding opportunities for competitive and formula grants and loans. The announcement must include, at a minimum, a description of:

1. Purpose of the grant or loan.
2. Funding cycle for the grant or loan.
3. Amount of funding available, if known.
4. Eligibility criteria for the grant or loan.
5. Information about how to apply.
6. Application deadlines.
7. Ecology contact information.

### One-time grants and loans

Ecology is not required to announce the availability of funding opportunities for one-time grants or loans.

### Unused funds

1. Ecology is not required to announce the availability of unused funds. Ecology awards unused funds based on the requirements in WAC [173-323-060<sup>75</sup>](#). Unused funds are one or all of the following:
  2. Funds awarded by ecology, but not used by the Recipient.
  3. Funds offered by ecology, but not accepted by the Recipient.
  4. Funds not awarded by ecology in the initial distribution cycle.

[Statutory Authority: RCW [70.105D.070<sup>76</sup>](#)(8). WSR 18-01-096 (Order 16-10), § 173-323-030, filed 12/18/17, effective 1/18/18.]

## 173-323-040 Application

---

All Applicants must use the electronic system identified by ecology to apply for grants and loans. Applicants without access to the electronic system must use a process approved by ecology.

The Applicant must complete the application process and provide all required information, including:

1. Applicant information.
2. Project location and description.
3. Scope of work and tasks for the project.
4. Requested funding amount for the project.
5. Any other information required by ecology for the specific type of grant or loan.

For formula or competitive grants and loans, the Applicant must submit the application by the due date, if a due date is included in the announcement. Ecology may approve a later due date.

Ecology may request additional information to assist in the application evaluation process.

[Statutory Authority: RCW [70.105D.070<sup>77</sup>](#)(8). WSR 18-01-096 (Order 16-10), § 173-323-040, filed 12/18/17, effective 1/18/18.]

---

<sup>75</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-323&full=true#173-323-060>

<sup>76</sup> <https://app.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>

<sup>77</sup> <https://app.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>

## **173-323-050 Evaluation process**

---

Ecology reviews and evaluates applications to determine eligibility and funding.

Ecology determines project funding based on a grant or loan program evaluation process.

Ecology evaluates all applications submitted within all required deadlines.

### **Competitive and formula grants and loans**

When evaluating competitive and formula grant and loan applications, ecology considers:

1. Eligibility of the Applicant and whether the project meets the eligibility criteria.
2. Whether the application demonstrates all of the following:
3. Readiness to proceed.
4. Feasibility of the project.
5. Availability of matching funds, if applicable.
6. The Applicant's past grant or loan performance.

### **One-time grants and loans**

When evaluating a one-time grant or loan application, ecology considers:

1. Whether the project is eligible for the funding based on the authority for the funding or, when appropriate, the specific direction of the legislature or governor.
2. Whether the project is an effective use of available funds.
3. The Applicant's past grant or loan performance.

[Statutory Authority: RCW [70.105D.070](#)(8). WSR 18-01-096 (Order 16-10), § 173-323-050, filed 12/18/17, effective 1/18/18.]

## **173-323-060 Awarding funds**

---

Ecology must award grants and loans:

1. Consistent with all federal and state laws and rules authorizing the funding and any specific direction by the legislature.
2. Subject to available funds.
3. Based on evaluations of grant or loan applications submitted.
4. Ecology has discretion to determine what the final award amount will be.

[Statutory Authority: RCW [70.105D.070](#)<sup>78</sup>(8). WSR 18-01-096 (Order 16-10), § 173-323-060, filed 12/18/17, effective 1/18/18.]

---

<sup>78</sup> <https://app.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>



## **173-323-070 Grant or loan agreement**

---

Ecology works with the recipient to prepare the grant or loan agreement.

A grant or loan agreement issued and managed in ecology's electronic system must include, at a minimum:

1. Project description.
2. Expected outcomes.
3. Project budget and funding distribution.
4. Agreement effective date and expiration date.
5. Description of tasks and deliverables.
6. Contact information for ecology and the Recipient.
7. Signatures of authorized signatories.
8. General terms and conditions that specify requirements related, but not limited to:
  - a) Amendments and modifications.
  - b) Assignment limits on transfer of rights or claims.
  - c) Inadvertent discovery of human remains and/or cultural resources.
  - d) Compliance with all laws.
  - e) Conflict of interest.
  - f) Disputes.
  - g) Environmental data standards.
  - h) Governing law.
  - i) Indemnification.
  - j) Independent status of the parties to the agreement.
  - k) Order of precedence for laws, rules, and the agreement.
  - l) Property rights, copyrights, and patents.
  - m) Records, audits, and inspections.
  - n) Recovery of funds.
  - o) Severability.
  - p) Suspension.
  - q) Sustainable practices.
  - r) Termination.
  - s) Third-party beneficiary.
  - t) Waiver of agreement provisions.

9. Special terms and conditions, if any.
10. Agreement-specific terms and conditions, if any.
11. General federal conditions, if any.
12. Other items, if any, necessary to meet the goals of the grant or loan program.

[Statutory Authority: RCW [70.105D.070](#)<sup>79</sup>(8). WSR 18-01-096 (Order 16-10), § 173-323-070, filed 12/18/17, effective 1/18/18.]

## **173-323-080 Amendments to the grant or loan agreement**

---

A change to any of the following items requires an amendment to the agreement:

1. Scope of work or the objectives of the project.
2. Budget, whether for an increase or decrease.
3. Funding, whether for an increase or decrease.
4. Redistributing costs among budget tasks that exceed ten percent deviation of the total eligible costs of the funding distribution.
5. Funding distributions, including share percentages.
6. Agreement effective or expiration date, whether to shorten or extend.
7. Special terms and conditions or agreement-specific terms and conditions.

Administrative changes do not require an amendment. Examples of administrative changes include updates to contact names, addresses, and phone numbers.

An amendment must be signed by all parties before it is effective.

[Statutory Authority: RCW [70.105D.070](#)<sup>80</sup>(8). WSR 18-01-096 (Order 16-10), § 173-323-080, filed 12/18/17, effective 1/18/18.]

## **173-323-090 Performance standards**

---

### **General provisions**

1. Nothing in this chapter influences, affects, or modifies existing ecology programs, rules, or enforcement of applicable laws and rules relating to activities funded by a grant or loan.
2. Ecology and the Recipient must fulfill their obligations under the terms of a grant or loan agreement.

---

<sup>79</sup> <https://app.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>

<sup>80</sup> <https://app.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>

3. Ecology, or an auditor authorized by the state of Washington, may audit or inspect a Recipient's grant or loan agreements and records.
4. New ecology grant and loan agreements signed after the effective date of this chapter must be managed using ecology's designated electronic system. A Recipient who cannot access the electronic system to meet a deadline or agreement requirements must use a process approved by ecology.
5. Ecology may perform site visits to monitor the project, evaluate performance, and document compliance or any other conditions of the agreement.

### **Recipient standards**

Recipients must:

- Follow all applicable accounting and auditing laws and rules related to grants and loans.
- Use funds according to the agreement.
- Use funds according to the Recipient's own policies and procedures, and according to all applicable laws and rules.
- Comply with all applicable laws, rules, orders, and permits when carrying out activities authorized by the agreement.
- Obtain preapproval for equipment purchases over the amount specified in the agreement.
- As specified in the grant or loan agreement, the Recipient must submit the following to ecology:
  1. Progress reports.
  2. Payment requests.
  3. Equipment purchase reports.
  4. Documentation.
  5. A final closeout report.
  6. Any other required information.

### **Ecology standards**

Ecology must:

1. Follow all applicable accounting and auditing laws and rules related to grants and loans.
2. Monitor projects and review progress reports to assure compliance with applicable laws, rules, orders, permits, and terms and conditions of the agreement.
3. Confirm that ecology has received required documentation and the project is satisfactorily completed before approving final payment.

[Statutory Authority: RCW [70.105D.070](#)<sup>81</sup>(8). WSR 18-01-096 (Order 16-10), § 173-323-090, filed 12/18/17, effective 1/18/18.]

## **173-323-100 Reimbursement**

---

- Ecology will only reimburse eligible costs incurred between the effective date and the expiration date of an agreement.
- Ecology will not reimburse costs until on or after the signature date of an agreement.
- Any costs incurred before the signature date are at the Recipient's risk.
- The Recipient must submit a progress report with a payment request and other documentation as required in the grant or loan agreement to be reimbursed.
- Ecology will not issue final payment until the closeout requirements in WAC [173-323-110](#)<sup>82</sup> have been met.

[Statutory Authority: RCW [70.105D.070](#)<sup>83</sup>(8). WSR 18-01-096 (Order 16-10), § 173-323-100, filed 12/18/17, effective 1/18/18.]

## **173-323-110 Closing out the agreement**

---

- The Recipient must follow the closeout requirements in the agreement.
- Ecology is not obligated to reimburse the Recipient the final payment if the Recipient does not meet all closeout requirements within the time frames in the agreement.
- Ecology will close out the grant or loan agreement when it determines the Recipient has met the closeout requirements or when the agreement has been terminated (see WAC [173-323-120](#)<sup>84</sup>).

[Statutory Authority: RCW [70.105D.070](#)(8). WSR 18-01-096 (Order 16-10), § 173-323-110, filed 12/18/17, effective 1/18/18.]

## **173-323-120 Termination of agreement**

---

- Failure by the Recipient to comply with a grant or loan agreement may result in termination of the agreement.
- Ecology will attempt to contact the Recipient regarding any issues with agreement compliance prior to terminating an agreement.

---

<sup>81</sup> <https://app.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>

<sup>82</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-323&full=true#173-323-110>

<sup>83</sup> <https://app.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>

<sup>84</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-323&full=true#173-323-120>

- Ecology's ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of the agreement, ecology, at its sole discretion, may elect to terminate the agreement, in whole or part, or renegotiate the agreement, subject to new funding limitations or conditions. Ecology may also elect to suspend performance of the agreement until ecology determines the funding insufficiency is resolved.
- Ecology will document the termination of an agreement.

[Statutory Authority: RCW [70.105D.070](#)(8). WSR 18-01-096 (Order 16-10), § 173-323-120, filed 12/18/17, effective 1/18/18.]

This page intentionally left blank.