



# Remedial Action Grant and Loan Guidance

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## Independent Remedial Action Grants 2023-25 Biennium

### **Toxics Cleanup Program**

Washington State Department of Ecology  
Olympia, Washington

September 2023 | Publication No. 23-09-048

## Publication Information

The [Remedial Action Grant and Loan Guidance: Independent Remedial Action Grants 2023-25 Biennium](#), Publication No. 23-09-048,<sup>1</sup> is available on the Department of Ecology's website.

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<sup>1</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2309048.html>

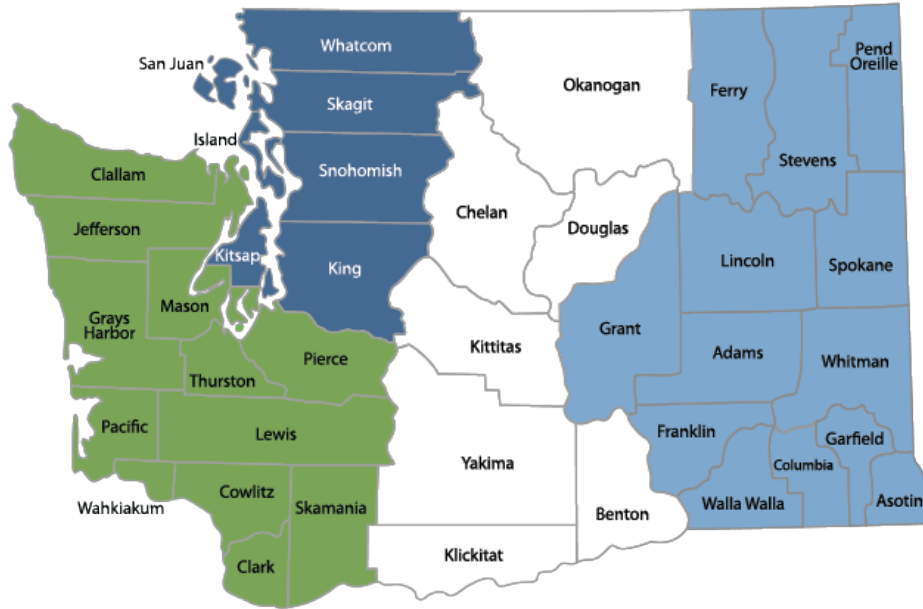
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# Department of Ecology's Regional Offices

## Map of Counties Served



Region	Counties Served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	425-649-7000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St 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 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

# Remedial Action Grant Guidance

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DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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## Acronyms & Abbreviations

Acronym or Abbreviation	Definition
ARARs	applicable, relevant and appropriate requirements
CAP	Cleanup Action Plan
CPM	cleanup project manager
EAGL	Ecology's Administration of Grants and Loans
Ecology	Washington State Department of Ecology
EIM	Environmental Information Management
FS	Feasibility Study
IDP	Inadvertent Discovery Plan
MCL	Maximum Contaminant Level
MTCA	Model Toxics Control Act
NFA	no further action
NRDA	Natural Resource Damage Assessment
NRD	Natural Resource Damage
PFAS	per- or polyfluoroalkyl substances
PLP	potentially liable person
PRP	potentially responsible party
Pub. No.	Ecology publication number
RAG	remedial action grants and loans
RCW	Revised Code of Washington (statute)
ROZ	Redevelopment Opportunity Zone
RI	Remedial Investigation
SAW	Secure Access Washington
TCP	Ecology's Toxics Cleanup Program
U.S. EPA	United States Environmental Protection Agency
VCP	Ecology's Voluntary Cleanup Program
VIN	Vehicle Identification Number
WAC	Washington Administrative Code (Rule)



## Program Contacts

**For questions about remedial action grant availability**, contact the Ecology Voluntary Cleanup Program (VCP) Coordinator for the region where the contaminated site is located (Table 1).

**For questions about the remedial actions funded under a grant agreement**, contact the Ecology Cleanup Project Manager (CPM) assigned to the project. This person is specified in the grant agreement or associated correspondence with the site.

**For questions related to project solicitation, grant application, grant agreement, eligible costs, EAGL database, and general grant administration**, contact the Ecology Grant Financial Managers listed in (Table 2).

**Table 1:** Ecology's Voluntary Cleanup Program (VCP) Coordinators by region.

Region	Counties	Section Manager
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima	<b>Valerie Bound</b> (509) 901-7107 <a href="mailto:Valerie.Bound@ecy.wa.gov">Valerie.Bound@ecy.wa.gov</a>
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman	<b>Nicholas Acklam</b> 509-818-7457 <a href="mailto:Nicholas.Acklam@ecy.wa.gov">Nicholas.Acklam@ecy.wa.gov</a>
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom	<b>Nick Treat</b> 425-417-7531 <a href="mailto:Nick.Treat@ecy.wa.gov">Nick.Treat@ecy.wa.gov</a>
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum	<b>Jerome Lambiotte</b> (360) 407-6267 <a href="mailto:Jerome.Lambiotte@ecy.wa.gov">Jerome.Lambiotte@ecy.wa.gov</a>

**Table 2:** Toxics Cleanup Program's Grant Financial Managers.

<b>Lydia Lindwall</b> 360-790-1124 <a href="mailto:Lydia.Lindwall@ecy.wa.gov">Lydia.Lindwall@ecy.wa.gov</a>	<b>Dan Koroma</b> 360-764-6459 <a href="mailto:Daniel.Koroma@ecy.wa.gov">Daniel.Koroma@ecy.wa.gov</a>	<b>Aalia Dixon</b> 564-669-1763 <a href="mailto:Aalia.Dixon@ecy.wa.gov">Aalia.Dixon@ecy.wa.gov</a>
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## Executive Summary

The Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW,<sup>5</sup> governs the cleanup of contaminated sites in Washington state. Voters passed the law in November 1988 as Initiative 97. The law became effective on March 1, 1989. One of the main purposes of MTCA is to raise “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](#)).<sup>6</sup>

One mechanism Ecology uses to help advance cleanups is the Remedial Action Grant and Loan (RAG) Program. Under this Program, Ecology offers several types of grants and loans to local governments to investigate and clean up contaminated sites. The RAG Program is governed by the rules in Chapter [173-322A](#) WAC.<sup>7</sup>

An [Independent Remedial Action Grant](#) (IRAG)<sup>8</sup> is one type of Remedial Action Grant offered by Ecology. This document provides guidance to local governments on how to apply for and manage an IRAG during the 2023-25 biennium, including eligibility and other regulatory requirements and limitations. You can find more information about other types of RAGs on Ecology’s [website](#).<sup>9</sup>

Independent Remedial Action Grants provide funding to local governments who independently clean up contamination under the [Voluntary Cleanup Program](#).<sup>10</sup> The purpose of IRAGs is to encourage and expedite independent cleanups, and decrease the associated costs of cleanup for ratepayers and taxpayers.

During the 2023-25 biennium, Ecology plans to solicit and evaluate applications for IRAGs on an ongoing basis. For the 2023-25 biennium, Ecology plans to only offer post-cleanup reimbursement grants (grants awarded after a cleanup), not periodic reimbursement grants (grants awarded during a cleanup).

Under an IRAG, eligible costs are limited to \$600,000. Ecology may fund up to 50% of the eligible costs. Ecology may fund up to an additional 25% of the eligible costs if the Applicant is economically disadvantaged. Ecology may fund up to a total of 90% of the eligible costs under certain limited circumstances.

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<sup>5</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>6</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010>

<sup>7</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A>

<sup>8</sup> <https://ecology.wa.gov/grants-IRAG>

<sup>9</sup> <https://ecology.wa.gov/cleanup-grants>

<sup>10</sup> <https://ecology.wa.gov/VCP>

## Chapter 1: Purpose and Applicability

The Washington State Department of Ecology’s (Ecology) Toxics Cleanup Program (TCP) administers the [Remedial Action Grant and Loan \(RAG\) Program](#)<sup>11</sup> for local governments under the Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW.<sup>12</sup> The purpose of the RAG Program is to expedite the cleanup<sup>13</sup> and redevelopment of contaminated sites<sup>14</sup> while lessening the impact of cleanup costs on local ratepayers and taxpayers. Remedial action grants and loans supplement local governments’ funding and other sources of funding.

An [Independent Remedial Action Grant](#) (IRAG)<sup>15</sup> is one type of Remedial Action grant offered by Ecology. This document provides guidance on how to apply and manage an IRAG during the 2023-25 biennium, including eligibility and other regulatory requirements and limitations.

Independent Remedial Action Grants provide funding to local governments that investigate and clean up contaminated sites independently under Ecology’s [Voluntary Cleanup Program](#) (VCP).<sup>16</sup> Currently, Ecology only provides such grants after the local government has completed the cleanup and obtained a No Further Action (NFA) determination.

During the 2023-25 biennium, Ecology will offer Independent Remedial Action Grants as an open and continuous solicitation. When soliciting applications, Ecology will provide notice through the Remedial Action Grant [email list](#)<sup>17</sup> the [IRAG website](#),<sup>18</sup> and the Department of Ecology’s [Site Register](#).<sup>19</sup>

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<sup>11</sup> <https://ecology.wa.gov/cleanup-grants>

<sup>12</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>13</sup> As used in this Guidance, the term “cleanup” means the same as “remedial action” under Chapters [173-322A](#) (<https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A>) and [173-340](#) (<https://app.leg.wa.gov/WAC/default.aspx?cite=173-340>) WAC and includes both investigations and cleanup actions.

<sup>14</sup> As used in this Guidance, the terms “contaminated site” and “site” mean the same as “hazardous waste site” under Chapters [173-322A](#) (<https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A>) and [173-340](#) (<https://app.leg.wa.gov/WAC/default.aspx?cite=173-340>) WAC and includes both investigations and cleanup actions.

<sup>15</sup> <https://ecology.wa.gov/grants-IRAG>

<sup>16</sup> <https://ecology.wa.gov/VCP>

<sup>17</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>18</sup> <https://ecology.wa.gov/grants-IRAG>

<sup>19</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data>

## 1.1 Rules and Guidance

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The rules governing the RAG Program are found in Chapter [173-322A WAC](#).<sup>20</sup> Appendix A of this Guidance includes excerpts of the rule that apply to Independent Remedial Action Grants. Definitions of terms used in this Guidance can be found in that Appendix and in Chapter [173-340 WAC](#),<sup>21</sup> the Model Toxics Control Act Cleanup Regulations, also known as the MTCA Cleanup Rule.

This Guidance summarizes and explains the rule requirements specific to Independent Remedial Action Grants. If any part of this Guidance is found to conflict with the rule language in Chapters 173-322A or 173-340 WAC, the rule language governs.

Applicants and Recipients<sup>22</sup> should read and understand this Guidance, the applicable rules, and the applicable version of Ecology's [Yellow Book](#), also known as *Administrative Requirements for Recipients of Ecology Grants and Loans* (July 2023).<sup>23</sup>

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.

## 1.2 Other Remedial Action Grant Opportunities

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Under the RAG program, Ecology offers the following additional types of grants. This Guidance does not provide detailed information about these funding opportunities, but you can find more information on Ecology's [webpage](#).<sup>24</sup>

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<sup>20</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A>

<sup>21</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>22</sup> As used in this Guidance, the term "Applicant" applies before receipt of the grant, and "Recipient" applies after the grant has been awarded.

<sup>23</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html>

<sup>24</sup> <https://ecology.wa.gov/cleanup-grants>

## 1.2.1 Periodic solicitations

Ecology will solicit applications for the following remedial action grant throughout the 2023-25 biennium, depending on availability of eligible projects and funding:

- [Integrated Planning Grants](#).<sup>25</sup> Integrated Planning Grants (IPGs) provide funding to local governments to assess one or more contaminated sites and develop integrated projects plans for cleaning up and redeveloping brownfield properties at those sites. Brownfield properties are previously developed properties that are currently abandoned or underused because of actual or perceived historic contamination. IPGs are intended to help local governments make informed decisions when considering whether to purchase or redevelop such properties.

## 1.2.2 Biennial solicitations

In the spring of each even-numbered year, Ecology solicits applications for several remedial action grants and loans. This also helps us prepare our biennial budget request and estimate our ten-year cost of cleanup work in Washington. For the 2023-25 biennium, the solicitation process was open from February through March 2022.

Ecology plans to solicit applications for the 2023–25 biennium in the **first quarter of 2024 (January – March)**.

- [Oversight Remedial Action Grants and Loans](#).<sup>26</sup> These grants and loans help local governments investigate and clean up contaminated sites under the supervision of Ecology or the U.S. Environmental Protection Agency, under a legal order or consent decree. The low-interest loans help local governments fulfill their match requirement for the grants.
- [Area-wide Groundwater Investigation Grants](#).<sup>27</sup> These grants help local governments facilitate cleanup and redevelopment within their jurisdiction by investigating areas of groundwater contamination that results from multiple releases of hazardous substances.
- [Safe Drinking Water Action Grants](#).<sup>28</sup> These grants help local governments provide safe drinking water to people living in areas affected by environmental contamination.

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<sup>25</sup> <https://ecology.wa.gov/grants-IPG>

<sup>26</sup> <https://ecology.wa.gov/grants-ORAG>

<sup>27</sup> <https://ecology.wa.gov/grants-awgi>

<sup>28</sup> <https://ecology.wa.gov/grants-sdwa>

## 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. It also provides an overview of the steps used to investigate and clean up contaminated sites in Washington state.

### 2.1 Cleanup Program

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The Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW,<sup>29</sup> governs the cleanup of contaminated sites in Washington state. Voters passed the law in November 1988 as Initiative 97. The law came into effect on March 1, 1989. Under that law, Ecology adopted the following rules, which describe the process and requirements for cleaning up contaminated sites:

- Chapter [173-340](#) WAC,<sup>30</sup> MTCA Cleanup Rule.
- Chapter [173-204](#) WAC,<sup>31</sup> Sediment Management Standards.

The law also 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](#)).<sup>32</sup> 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 [Engrossed Substitute Senate Bill 5993](#) (ESSB 5993)<sup>33</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 remedial action grants and loans to local governments (RCW [70A.305.190](#)(4)(a)(i) and (ii) and (5)).<sup>34</sup>

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<sup>29</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>30</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>31</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

<sup>32</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010>

<sup>33</sup> <http://lawfilesexext.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/Senate/5993-S.SL.pdf?cite=2019%20c%20422%20%A7%20203>

<sup>34</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.190>

## 2.2 Steps in the Independent Cleanup Process

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Under the MTCA Cleanup Rule, the independent cleanup process involves the following basic steps:

- **Remedial Investigation (RI).** The RI serves as the mechanism for collecting data to characterize site conditions, determine the magnitude and extent of contamination, and assess risk to human health and the environment.
- **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.
- **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.
- **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.
- **Cleanup Construction.** Actual cleanup begins when the CAP is implemented. This includes design, construction, operation, and monitoring of cleanup actions.
- **Monitoring.** During and after cleanup construction, the effectiveness of the cleanup action is monitored through sampling and reporting.
- **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.
- **De-list the Site.** Ecology removes the site from its contaminated sites lists after it meets all cleanup standards and requirements.

For more information about the MTCA cleanup process, visit Ecology's webpage, [How the cleanup process works](#).<sup>35</sup>

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<sup>35</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

## 2.3 Options for Contaminated Site Cleanup

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Under the MTCA Cleanup Rule, local governments may clean up a contaminated site using one of two options:

- 1. Independent cleanup.** A local government may clean up a contaminated site independently unless Ecology is supervising the cleanup or is negotiating an order or decree to supervise the cleanup (WAC [173-340-515](#)).<sup>36</sup>

Local governments planning or conducting an independent cleanup may request technical assistance from Ecology under the [Voluntary Cleanup Program](#),<sup>37</sup> including advice on how to clean up a site and written opinions on whether a planned or completed cleanup meets the substantive requirements of MTCA.

For these types of cleanups, Ecology offers local governments [Independent Remedial Action Grants](#) (IRAGs).<sup>38</sup> This Guidance applies to those grants.

- 2. Ecology-supervised cleanup.** Ecology may authorize or require a potentially liable local government to clean up a contaminated site under a consent decree, an agreed order, or an enforcement order (WAC [173-340-520](#)<sup>39</sup> through [173-340-540](#)).<sup>40</sup>

For these types of cleanups, Ecology offers local governments [Oversight Remedial Action Grants and Loans](#) (ORAGs)<sup>41</sup>. Visit the Oversight webpage for guidance and when the next solicitation will be held.

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<sup>36</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-515>

<sup>37</sup> <https://ecology.wa.gov/VCP>

<sup>38</sup> <https://ecology.wa.gov/grants-IRAG>

<sup>39</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-520>

<sup>40</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-540>

<sup>41</sup> <https://ecology.wa.gov/grants-ORAG>



**Table 3:** Benefits and limitations of independent cleanups

<b>Benefits</b>	<b>Limitations</b>
<ul style="list-style-type: none"> <li>• Customer controls the scope, schedule of the cleanup, and determines the level of Ecology involvement.</li> <li>• Customer can request an official opinion from Ecology. A “No Further Action” (NFA) opinion from Ecology usually satisfies financial institutions’ requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• It does not settle liability with the state or provide protection from third party contribution claims.</li> <li>• It is designed for routine cleanup projects. Larger and more complex cleanups should be managed as an Ecology-supervised cleanup.</li> </ul>

## Chapter 3: Project Eligibility

This chapter describes Independent Remedial Action Grants (IRAGs), the types of IRAGs that Ecology is offering during the 2023-25 biennium, and the eligibility requirements for these types of grants.

### 3.1 What is an Independent Remedial Action Grant?

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Independent Remedial Action Grants provide funding to local governments to who independently clean up contamination under the [Voluntary Cleanup Program](#).<sup>42</sup> The purpose of IRAGs is to encourage and expedite independent cleanups and decrease the associated costs of cleanup for ratepayers and taxpayers.

Under an IRAG, eligible costs are limited to \$600,000. Ecology may fund up to 50% of the eligible costs. Ecology may fund up to an additional 25% of the eligible costs if the Applicant is economically disadvantaged. Ecology may fund up to a total of 90% of the eligible costs under certain limited circumstances. See [Section 6.1](#) of this Guidance for details on funding limits and match requirements.

### 3.2 Types of Independent Remedial Action Grants offered by Ecology during the 2023-25 biennium

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For the 2023-25 biennium, Ecology plans to offer post-cleanup reimbursement grants (grants awarded after a cleanup). Ecology does not plan to offer periodic reimbursement grants (grants awarded during a cleanup).

This means that, before applying for an IRAG, the local government must have completed the cleanup of a contaminated site or property and received a No Further Action (NFA) determination from Ecology under the Voluntary Cleanup Program. Cleanup project costs are eligible only if they were incurred within five years of your EAGL application date. To maximize cost eligibility, you should submit your application shortly after Ecology issues an NFA determination.

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<sup>42</sup> <https://ecology.wa.gov/VCP>

### 3.3 Is my project eligible for a post-cleanup reimbursement grant?

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To be eligible for a post-cleanup reimbursement grant, the project must meet the following requirements:

1. The Applicant must be a local government.
2. The Applicant must be potentially liable for contamination at the site, have an ownership interest in property at the site, or be a prospective purchaser of property at the site.
3. The Applicant must have completed independent remedial actions and received a No Further Action (NFA) determination from Ecology under the Voluntary Cleanup Program (VCP) for the site or a property at the site.
4. Upon enrollment in the VCP, the Applicant must request a cultural resources consultation from Ecology. As part of the consultation, Ecology may require a review of any activities conducted before VCP enrollment. See [Section 5.1](#) of this Guidance for more information.
5. In addition, 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>43</sup>



**Figure 1:** Removal of leaking underground storage tanks at Public Works facilities is a common use of Independent Remedial Action Grants.

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<sup>43</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=90.71.310>

## Chapter 4: Funding Cycle

This chapter describes the funding cycle for Independent Remedial Action Grants during the 2023-25 biennium (July 1, 2023, through June 30, 2025), including the process for soliciting and evaluating applications.

### 4.1 What is the funding cycle?

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Ecology may evaluate applications for Independent Remedial Action Grants periodically during a biennium when funding becomes available. Funding may become available when:

- The Washington State Legislature appropriates new funds for IRAGs in the biennial budget or a supplemental budget.
- Ecology determines funds previously allocated for a project are no longer needed. This may occur if a project is completed without spending all allocated funds or the expenditure rate for a project is lower than anticipated.

### 4.2 When may I apply?

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You may apply for an Independent Remedial Action Grant at any time after Ecology has issued an NFA determination for the contaminated site or property. Your application will be open and continuously visible in EAGL, regardless of available funding. You do not need to consult with Ecology before submitting your application.

The ongoing solicitation process will allow Applicants to have greater control over their application date, which determines retroactive cost eligibility. To be eligible for reimbursement, costs must be incurred within five years of the application date (WAC [173-322A-330\(7\)](#)).<sup>44</sup> The EAGL application submitted date is considered the application date to determine eligible costs.

When soliciting applications, Ecology will provide notice through the [email list](#),<sup>45</sup> the [IRAG website](#),<sup>46</sup> and the Department of Ecology's [Site Register](#)<sup>47</sup> at least one month in advance of reviewing submitted applications for evaluation and making funding decisions.

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<sup>44</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-330>

<sup>45</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>46</sup> <https://ecology.wa.gov/grants-IRAG>

<sup>47</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data>

## 4.3 How do I apply?

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

To gain access to the EAGL system, an Applicant must first create a [Secure Access Washington \(SAW\) account](#).<sup>48</sup> Once a SAW account has been set up, 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 will only display those grant programs that are accepting applications.

### SAW and EAGL video tutorials:

- [How to obtain a Secure Access Washington \(SAW\) account](#)<sup>49</sup>
- [Applying for Ecology grants](#)<sup>50</sup>

### EAGL instructions with screenshots and helpful tips:

- [EAGL Instructions when applying for Independent Remedial Action Grants for 2023-25 \(2023\)](#)<sup>51</sup>
- [EAGL External Users' Manual \(2017\)](#)<sup>52</sup>

### For help using EAGL or completing an application:

- Contact the Ecology Grant Financial Managers listed in [Program Contacts](#) in this Guidance.

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<sup>48</sup> <https://secureaccess.wa.gov/ecy/eagl>

<sup>49</sup> <https://www.youtube.com/watch?v=pj0EnljG3RQ>

<sup>50</sup> <https://www.youtube.com/watch?v=9B3gvb3QRBk>

<sup>51</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2309049.html>

<sup>52</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html>

## 4.4 Should I submit all eligible invoices when applying for an Independent Remedial Action Grant?

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Yes. To increase the competitiveness of an application and for efficiency, applicants should submit all eligible invoices when applying for an Independent Remedial Action Grant. Applicants can now submit all project invoices on the EAGL form titled “Invoice Uploads.” While invoices are not required when applying, they are required before the Applicant and Ecology enter into a grant agreement. Since the grants are for only retroactive costs, the grants are typically written for the total eligible project costs (**up to the maximum of \$600,000**), then closed out after the first payment request.

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

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For the 2023-25 biennium, Ecology will use a scoring methodology to prioritize (that is, rank) projects. Rankings will determine which projects Ecology will award grants to during each funding cycle. The availability of, and demand for, funding will determine if Ecology can fund all projects during that cycle.

Ecology evaluates projects based on several criteria, which score from 0 to 3 points. Ecology groups those criteria into six weighted categories, then scores each category as a percentage of the total possible points multiplied by the prescribed weight. Ecology determines a project’s score by adding the weighted category scores. Ecology assigned category weights based on the purpose of the Independent Remedial Action Grant, which is post-cleanup reimbursement. Applicants request IRAGs when they have completed their cleanup and received a No Further Action determination from Ecology. As a result, Ecology has assigned more weight to the completed cleanup’s impact on *improving and protecting human health and the environment*. Table 4 summarizes all categories, their scoring weights, and rationale.

**Table 4:** Independent Remedial Action Grant scoring categories and weights

Scoring Category	Scoring Weight*	Rationale
<b>Category #1:</b> Faster Cleanup	10%	Cleanup is already complete.
<b>Category #2:</b> Improve Human Health	23%	The previous threat of the Site is known.
<b>Category #3:</b> Improve the Environment and Natural Resources	23%	The previous threat of the Site is known.
<b>Category #4:</b> Equitable Distribution	23%	Regional and Environmental Justice considerations.
<b>Category #5:</b> Redevelopment and Reuse in Cleanups	10%	Not the primary focus of the grant type.
<b>Category #6:</b> Meaningful Investment in Communities	10%	Not the primary focus of the grant type.

\*Totals may not add to 100% due to rounding.

Tables 5 through 10 (combined) contain the entire IRAG scorecard, separated by scoring category. The scorecard identifies each criterion, the maximum possible criteria score, and who provides the original score (either Ecology or Applicant).

The Applicant will already have answered some criteria when completing the application in EAGL. Ecology may update the Applicant's answers when evaluating the application.

Ecology answers the remaining criteria. For those criteria, the Applicant will have the opportunity to provide relevant information when they are completing the application in EAGL.

**Table 5:** Independent Remedial Action Grant evaluation criteria – Category 1: Faster Cleanup

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
1.1	Applicant's prior grant and project performance.	Earns 3 criteria points for good prior performance or not applicable, earns 0 criteria points for poor past grant performance.	Ecology	3
1.2	<p>Applicant's readiness to proceed:</p> <ul style="list-style-type: none"> <li>• Applicant uploaded a No Further Action Letter.</li> <li>• Applicant used an Ecology checklist.<sup>53</sup></li> <li>• Final invoices for the project have been received.</li> <li>• All eligible cost invoices uploaded into EAGL.</li> </ul>	<p>Final criteria score determined by the number of affirmed sub-criteria as described below:</p> <ul style="list-style-type: none"> <li>• 0 sub-criteria earns 0 criteria points.</li> <li>• 1 sub-criteria earns 1 criteria point.</li> <li>• 2 sub-criteria earns 2 criteria points.</li> <li>• 3-4 sub-criteria earns 3 criteria points.</li> </ul>	Applicant	3

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<sup>53</sup> Remedial Investigation Checklist:

<https://apps.ecology.wa.gov/publications/SummaryPages/1609006.html>

Feasibility Study Checklist:

<https://apps.ecology.wa.gov/publications/SummaryPages/1609007.html>

Cleanup Action Plan Checklist:

<https://apps.ecology.wa.gov/publications/SummaryPages/1609008.html>



#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
1.3	<p>Leveraged other funds:</p> <ul style="list-style-type: none"> <li>• Project leveraged private funds (such as contributions, insurance, public-private partnerships).</li> <li>• Applicant submitted grant applications for other funding related to the site (including for economic development or other activities beyond cleanup).</li> <li>• Other grants they would receive are contingent upon this funding (including for economic development or other activities beyond cleanup).</li> <li>• Local investment expanded the scope of work beyond that funded by the grant.</li> </ul>	<p>Final criteria score determined by the number of affirmed sub-criteria as described below:</p> <ul style="list-style-type: none"> <li>• 0 sub-criteria earns 0 criteria points.</li> <li>• 1 sub-criteria earns 1 criteria point.</li> <li>• 2 sub-criteria earns 2 criteria points.</li> <li>• 3-4 sub-criteria earns 3 criteria points.</li> </ul>	Applicant	3

**Table 6:** Independent Remedial Action Grant evaluation criteria – Category 2: Improve Human Health

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
2.1	<p>Presence of extremely or very hazardous chemicals prior to cleanup as determined by Ecology. This includes any of the common contaminants listed below:</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 cPAH 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> </ul> <p>Ecology staff may also provide criteria points to sites with other extremely or very hazardous chemicals.<sup>54</sup></p>	Earns 3 criteria points for yes, 0 for no.	Ecology	3

<sup>54</sup> List based on data on the following EPA website: <https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query>.

As of February 2020, the Washington Department of Health is reviewing five PFAS compounds to establish state-action levels for drinking water.

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
2.2	Exposure routes of concern prior to cleanup: <ul style="list-style-type: none"> <li>• Soil</li> <li>• Groundwater</li> <li>• Surface water</li> <li>• Vapor intrusion</li> <li>• Sediment</li> </ul>	Final criteria score determined by the number of exposure routes of concern: <ul style="list-style-type: none"> <li>• 0 exposure routes earns 0 criteria points.</li> <li>• 1 exposure route earns 1 criteria point.</li> <li>• 2-3 exposure routes earns 2 criteria points.</li> <li>• 4-5 exposure routes earns 3 criteria points.</li> </ul>	Ecology	3
2.3	Use of property or adjacent use of property created potential exposure risk to a sensitive population before cleanup (such as daycare, nursing home, hospital).	Earns 3 criteria points if yes, 0 criteria points if no.	Ecology	3

**Table 7:** Independent Remedial Action Grant evaluation criteria – Category 3: Improve the Environment and Natural Resources

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
3.1	Cleanup prevented contamination from spreading.	Earns 3 criteria points if yes, 0 criteria points if no.	Ecology	3
3.2	A designated sensitive environment or fishery resource exists within one mile of the Site boundary.	Earns 3 criteria points if yes, 0 criteria points if no.	Ecology	3
3.3	Had potential exposure to sensitive wildlife or plant species (such as redband trout, migratory birds, orcas, salmon, monarch butterflies, and/or endangered species that might access the Site or be impacted by the contamination spreading) or potential exposure to priority habitat. <sup>55</sup>	Earns 3 criteria points if yes, 0 criteria points if no.	Ecology	3
3.4	Provided significant fish/wildlife habitat restoration and/or other conservation benefits.	Earns 3 criteria points if yes, 0 criteria points if no.	Applicant	3
3.5	Incorporated other sustainability measures (such as Leadership in Energy and Environmental Design (LEED) certification, stormwater/flood management, low-water landscaping).	Earns 3 criteria points if yes, 0 criteria points if no.	Applicant	3

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<sup>55</sup> You can look up the proximity of the Site to a priority or sensitive habitat by using the priority habitat mapping system at <https://geodataservices.wdfw.wa.gov/hp/phs/>. Note that the map can take several minutes to load.

**Table 8:** Independent Remedial Action Grant evaluation criteria – Category 4: Equitable Distribution

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
4.1	Grant helps ensure diverse distribution.	Earns 3 points if the Site is east of the Cascades or if the community is Economically Disadvantaged (see Appendix B).  Otherwise earns 0 points.	Ecology	3
4.2	Community immediately surrounding the site is a highly impacted community. <sup>56</sup>	Earns 3 criteria points for yes, or 0 criteria points for no.	Ecology	3

**Table 9:** Independent Remedial Action Grant evaluation criteria – Category 5: Redevelopment and Reuse in Cleanups

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
5.1	Site contained a vacant, abandoned, or underutilized former industrial or commercial facility.	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
5.2	Already identified a purchaser, developer, operator, or lessee for redevelopment.	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
5.3	Potential reuse considered climate change projections (such as sea-level rise, extreme weather events, and wildfires).	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3

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<sup>56</sup> See [Section 5.2](#) in this Guidance for the criteria Ecology uses to define a highly impacted community.

**Table 10:** Independent Remedial Action Grant evaluation criteria – Category 6: Meaningful Investment in Communities

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
6.1	Site is located within an incorporated city, town, or urban growth area designated under RCW 36.70A.110.	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
6.2	Urban infrastructure (water, sewer, other utilities, public transit) is available to the Site.	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
6.3	Meets the goals of the local government's planning documents at the time of redevelopment.	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
6.4	Local infrastructure project(s) are planned to serve the redeveloped area (public transit, roads, etc.).	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
6.5	Local government is a prospective purchaser of a brownfield property within a Redevelopment Opportunity Zone (ROZ).	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
6.6	Project provides or preserves affordable housing stock in the community.	Earns 3 points if project provides some additional affordable housing stock. Earns 2 points if project preserves affordable housing stock. Otherwise, earns 0 points.	Applicant	3
6.7	Project provides public access or other public benefit (such as park, museum, or library).	Earns 3 points if project solely provides public access or other public benefit. Earns 2 points if project provides some public access or other public benefit. Otherwise, earns 0 points.	Applicant	3
6.8	Does this project demonstrate a clear vision for future use of the property?	Earns 3 criteria points for yes, or 0 criteria points for no.	Ecology	3

## 4.6 If my project is eligible, but not funded, do I need to fill out another application?

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No. If your project is eligible for funding, but not funded, you do not need to update or resubmit your application. Eligible projects will remain in their ranked order for the next funding cycle. For example, if ten projects were ranked and five were funded in one funding cycle, then the sixth ranked project would be the next project funded when additional money becomes available. All previously ranked and eligible projects will be considered for funding before scoring any new applications. As provided in WAC [173-322A-220\(2\)](#),<sup>57</sup> Ecology retains the discretion to not provide a grant for an eligible project or to provide less than the maximum allowed funding for an eligible project.

## 4.7 How will Ecology develop the grant agreement?

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After projects are scored, Ecology notifies Applicants if their project received funding. Once funding notification is received, the expectation is that the grant will be written within three months of the date of the letter. The first and only Payment Request/Progress Report and Recipient Close Out Report should be submitted within 30 days of grant activation in the EAGL system, and the grant is closed within 90 days.

For efficiency developing and managing your grant and to increase your application's competitiveness, you should upload all applicable invoices when you submit your application. The Ecology Grant Financial Manager may require additional backup materials to properly document charges and allow for reimbursement after the grant is active and invoices are reviewed.

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<sup>57</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-322A-220>

## Chapter 5: Funding Policies and Criteria

This chapter highlights general funding policies and updates that are related to cultural resource reviews, environmental justice evaluations, and climate change considerations. For questions about these policies, please contact the appropriate Ecology Grant Financial Manager.

### 5.1 Cultural Resource Review

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Projects funded by an Independent Remedial Action Grant must be reviewed for potential impacts to cultural resources. Examples of cultural resources include archaeological sites or objects; buildings older than 50 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 identify any cultural resources potentially affected by the proposed action, assess the effects, and seek ways to avoid, minimize, or mitigate any adverse impacts on historic properties and cultural resources.

#### 5.1.1 Cultural resource consultation<sup>58</sup>

Ecology will review all Independent Remedial Action Grant projects for potential impacts to cultural resources and historic places. Ecology will consult with the Department of Archaeology and Historic Preservation and tribes. Applicants will need to complete our [Cultural Resources Review Form](#)<sup>59</sup> to initiate this consultation.

For all projects involving potentially ground-disturbing activities, including sampling, Applicants will also need to complete a [Public Inadvertent Discovery Plan \(IDP\)](#)<sup>60</sup> in the event of an unanticipated discovery of human remains, or historic or prehistoric resources. The plan must be onsite at all times. Applicants may use the Ecology-approved IDP template or draft their own. If you draft your own plan, please make sure it includes all necessary and relevant information.

Upon enrollment in the VCP, the Applicant must request a cultural resources consultation from Ecology. As part of the consultation, Ecology may require a review of any activities conducted before VCP enrollment. Ecology may not reimburse otherwise

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<sup>58</sup> [Governor's Executive Order 21-02](https://governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf), [https://governor.wa.gov/sites/default/files/exe\\_order/eo\\_21-02.pdf](https://governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf) (Gov. Inslee in 2021), replaced Executive Order 05-05 (Gov. Gregoire in 2005).

<sup>59</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html>

<sup>60</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html>



grant-eligible costs if a cultural resources consultation was not completed before field activities had potentially impacted cultural resources.

## 5.2 Environmental Justice Evaluation Criteria

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Providing equitable environmental protection to all residents in our state is important to Ecology and the State of Washington. This principle is often referred to as “environmental equity” or “environmental justice.” Ecology defines environmental equity or justice as:

The proportionate and equitable distribution of environmental benefits and risks among diverse economic and cultural communities. It ensures that the policies, activities, and the responses of government do not differently impact diverse social and economic groups. Environmental equity promotes a safe and healthy environment for all people (Ecology Executive Policy 1-12, available upon request).

This principle is consistent with MTCA’s key policy that:

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\(1\)](#)).<sup>61</sup>

This principle is further reflected in the RAG Rule, which requires Ecology to consider the following factor when prioritizing projects for funding:

Whether the [contaminated] site is located within a highly impacted community (see, for example, WAC [173-322A-310\(3\)\(d\)](#)).<sup>62</sup>

A “highly impacted community” is defined in the RAG Rule as:

[A] community that [Ecology] has determined is likely to bear a disproportionate burden of public health risks from environmental pollution (WAC [173-322A-100\(24\)](#)).<sup>63</sup>

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<sup>61</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010>

<sup>62</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-322A-310>

<sup>63</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

Ecology currently identifies a highly impacted community as one where the population of the census tract exceeds the 80th percentile for one or more of the following five criteria:

1. Low income
2. Less than a high school education
3. Minority
4. Under 5 years of age
5. Over 65 years of age

Ecology also considers a community as highly impacted if it is linguistically isolated, that is, if more than 5% or 1,000 people within the census tract speak English “less than very well.” This approach mirrors the recommendations from the U.S. Environmental Protection Agency (EPA) for including environmental justice concerns into environmental work.

The Department of Health maintains the [Washington Tracking Network](#),<sup>64</sup> which is a map-based tool used to facilitate searching for and displaying health concerns that have links to environmental health. The EPA has other information on their [environmental justice webpage](#).<sup>65</sup>

### 5.3 Climate Resilience and Green Remediation

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Planning for adaptation (identifying and preparing for climate change impacts) and mitigation (reducing future climate change) are critical issues for contaminated sites that Ecology must address. Improving our ability to anticipate and prepare for climate change impacts will help protect human health and the environment, protect the substantial investment in cleaning up contaminated sites, and ensure the long-term effectiveness of cleanup remedies. In Washington state, relatively modest observed climate trends are projected to accelerate in the decades ahead, contributing to an increase in sea level rise, extreme precipitation events, wildfires, and flooding.

According to the EPA, green remediation is the “practice of considering all environmental effects of remedy implementation and incorporating options to maximize

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<sup>64</sup> <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn>

<sup>65</sup> <https://www.epa.gov/environmentaljustice>

net environmental benefit of cleanup actions.”<sup>66</sup> The goals of green remediation are to increase the environmental benefit and reduce the environmental impacts throughout the cleanup process. Implementing green remediation best management practices can result in:

1. **Benefits to human health and the environment.** Reducing nitrogen/sulfur oxides and diesel particulate matter emissions benefits air quality and reducing greenhouse gas emissions decreases contributions to carbon in the atmosphere.
2. **Cost savings.** Conserving energy reduces fuel and electricity costs, and minimizing waste material reduces transportation costs and landfill tipping fees.
3. **Benefits to the local economy.** Using local goods and services can generate revenue and jobs for the community and limit the mileage from transporting people and materials. This, in turn, conserves energy and fuel and reduces air pollutant emissions.

For more information on incorporating climate change considerations in cleanup, please review Ecology’s guidance [Sustainable Remediation: Climate Change Resiliency and Green Remediation](#) (2017).<sup>67</sup> It is a guide for Cleanup Project Managers to increase resiliency of cleanup remedies to climate change impacts, and increase benefits and reduce impacts from the MTCA Cleanup Process.

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<sup>66</sup> EPA definition from [Green Remediation: Incorporating Sustainable Environmental Practices into Remediation of Contaminated Sites | US EPA](#).

<sup>67</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html>

## Chapter 6: Grant Match and Other Funding Policies

This chapter highlights the general funding policies related to implementing Independent Remedial Action Grants. If you have questions about these policies, please contact the appropriate Ecology Grant Financial Manager.

### 6.1 Match Requirements

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The Recipient must fund the portion of the eligible costs that are not funded by Ecology (that is, must provide a grant match). In-kind contributions cannot be used for a grant match. Recipients are responsible for the remaining share of eligible project costs (that is, match) and 100% of all non-eligible project costs.

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 [173-322A-220\(2\)](#)).<sup>68</sup>

For Independent Remedial Action Grants, Ecology may not fund more than the agency's allowed share of \$600,000 in eligible project costs. Any project costs in excess of \$600,000 are ineligible for funding in any amount (WAC [173-322A-330\(8\)](#)).<sup>69</sup>

#### 6.1.1 Standard Match

Except as specified in Sections 6.1.2 and 6.1.3 below, Ecology may fund only up to 50% of eligible costs up to a maximum of \$300,000. For projects with eligible costs exceeding \$600,000, this means that Ecology may fund only up to \$300,000 (WAC [173-322A-330\(8\)](#) and (9)(a)).<sup>70</sup>

#### 6.1.2 Match Reduction for Economically Disadvantaged Communities

Ecology may fund up to 75% of eligible costs up to a maximum of \$450,000 if the community where the contaminated site is located is [economically disadvantaged](#)<sup>71</sup> (WAC [173-322A-330\(8\)](#) and (9)(a)(i)).<sup>72</sup> To be eligible for this level of match, one of the following conditions must be met:

1. **County.** The Applicant is a County, and the per capita income of the County is equal to or below the median per capita income of counties in Washington state.

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<sup>68</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-220>

<sup>69</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-330>

<sup>70</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-330>

<sup>71</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2309045.html>

<sup>72</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-330>

2. **City or Town.** The Applicant is a City or Town, and the per capita income of the City or Town is equal to or below the median per capita income of cities and towns in Washington State.
3. **Special Purpose District.** The Applicant is a Special Purpose District, and the site is located within an economically disadvantaged County, City or Town.

### 6.1.3 Additional Match Reduction under Certain Conditions

Under certain conditions, the Director of Ecology may reduce the match requirement for an Independent Remedial Action Grant to as little as 10% to create an incentive for a local government to expedite a cleanup. For projects with eligible costs exceeding \$600,000, this means that Ecology may fund up to \$540,000 (WAC [173-322A-330](#)(8) and (9)(a)(ii)).<sup>73</sup>

Ecology will consider eligibility and match reductions on a case-by-case basis. If you are interested in pursuing a reduction in the required match, contact the Toxics Cleanup Program Section Manager in the region where your site is located. Applicants must demonstrate financial need and that one or more of the following conditions exist:

1. **The additional funding would prevent or mitigate unfair economic hardship imposed by cleanup liability.** For example, the cost of the normal match exceeds local funding that is typically dedicated for non-cleanup projects in the capital facilities plan; or the cost of the normal match would jeopardize other grants already awarded to the local government by eliminating the local government's ability to match those grants.
2. **The additional funding would create new substantial economic development that would not otherwise occur.** For example, the property pro-forma clearly shows that the normal match requirement makes redevelopment of a brownfield property economically infeasible. But the reduced match for the cleanup tips the scale so that not only is redevelopment economically feasible, it is also projected to result in significant, post-cleanup public or private investment at or near the site, which would create family wage jobs and significantly increase post-cleanup tax revenues.
3. **The additional funding would create public recreational opportunities that would not otherwise occur.** For example, the reduced match would free up

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<sup>73</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-330>

local funds to create public access to a currently inaccessible shoreline area (provided that the new access was not normally required as part of the cleanup).

4. **The additional funding would provide habitat restoration opportunities that would not otherwise occur.** For example, the reduced match would free up local funds that would be used to restore shoreline habitat (provided that the restoration was not normally required as part of a cleanup or natural resource damage mitigation). Any restoration under this provision must be consistent with the Puget Sound Action Agenda, as well as any watershed plan, habitat conservation plan, salmon recovery plan, or similar regional or local habitat restoration plan.
5. **The additional funding would create an opportunity for acquisition and redevelopment of brownfield property that would not otherwise occur.** For example, the property pro-forma clearly shows that the normal match requirement makes acquisition and redevelopment of a brownfield property economically infeasible. But the reduced match tips the scale so that it is economically viable for the local government to enter into a prospective purchaser agreement under MTCA to acquire, cleanup, and redevelop the property.

## 6.2 Other Funding Sources

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When applying and developing a budget for a remedial action grant, the local government must identify all actual and potential sources of public and private financing for the project. These sources may include:

- Other grants.
- Local 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.

An Applicant should conduct a thorough search for other PLPs or PRPs and relevant insurance policies, and initiate contact with these persons to try to reduce the public's share of cleanup costs. Ecology may condition a remedial action grant on a

requirement to have exhausted all means, including litigation if appropriate, to recover funds from these other sources.

### 6.3 Allowed Use of Other Proceeds

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A Recipient may use the proceeds from another grant source (not from Ecology), a settlement of an insurance claim, contribution claim, or cost recovery claim for any or all of the following cleanup-related costs:

- The Recipient's grant match, provided [certain conditions are met](#).
- The legal costs incurred by the Recipient to pursue the claim or action, which are not grant-eligible.
- The remedial action costs incurred by the Recipient at the site that were not grant-eligible, such as long-term operation and maintenance or monitoring costs and certain retroactive costs.
- With Ecology's approval, remedial action costs incurred by the Recipient at another contaminated site that was not the basis of the remedial action grant, insurance claim, contribution claim, or cost recovery claim for remedial action costs at the site.

A Recipient may use such other proceeds to meet the match requirement for an Independent Remedial Action Grant, provided that the following conditions are met:

1. All other funding sources, including from grants and litigation, are identified in the grant application.
2. Upon application for another grant, filing a lawsuit, or insurance claim to recover remedial action costs at the contaminated site, the Recipient notifies Ecology of the application or filing within 30 days.
3. Upon successful grant application, legal action, or insurance claim, the Recipient notifies Ecology within 30 days of the total amount of funds received to date for remedial action costs at the contaminated site. Additional funds must also be reported in the next quarterly Progress Report submitted with the next Payment Request. The report should include:
  - a. The date of grant award, successful legal action, or insurance claim.
  - b. The specific amount of proceeds (or anticipated proceeds) received and the portion attributable to eligible costs.

- c. A copy of the grant agreement, settlement, judgment, or other document resolving the lawsuit or claim that details the funds received.

## 6.4 Repayment of Excess Proceeds

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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, the following may occur:

- If the remedial action grant has not yet been issued, Ecology will typically reduce the amount of the remedial action grant by the excess proceeds.
- If the remedial grant has been issued and spent, Ecology will typically require repayment of the remedial action grant up to the amount of the excess proceeds.



## Chapter 7: Grant Management

This chapter describes the financial and administrative aspects of managing an Independent Remedial Action 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*.<sup>74</sup>
- The project-specific terms and conditions specified in the grant agreement.
- The General Terms and Conditions for Ecology grants and loans. Ecology includes this language in each grant or loan agreement. Contact the appropriate Ecology Financial Grant Manager for the latest version. If Ecology amends the General Terms and Conditions 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. Ecology reserves the right to add in Special Terms as the need arises.

### 7.1 Roles and Responsibilities

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The Independent Remedial Action Grant process involves several key individuals: the grant Applicant or Recipient, the Ecology Grant Financial Manager, the Ecology Cleanup Project Manager, and the Ecology Toxics Cleanup Program Section Manager.

#### 7.1.1 Grant Applicant or Recipient

The local government that applies for the grant is responsible for managing the work funded by the grant, including compliance with both cleanup and grant administration requirements. Remedial actions must be consistent with applicable rules. Final cost eligibility will be determined by the scope of work addressed in the NFA determination. Remedial actions must also 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 and proper documentation. Once the grant is executed, the Recipient is responsible for completing the necessary payment requests and the Close Out Report. Recipients will be required to submit their Close Out Report

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<sup>74</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html>

with the final (and in most cases, first) payment request. This increases efficiency since IRAGs usually only have one payment.

### **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 retroactive work funded by the grant. The scope of work will be based on the NFA determination and supporting invoices provided by the Recipient. The Grant Financial Manager will review all backup documentation to ensure proper documentation, accuracy of records, and cost eligibility prior to initiating the grant.

### **7.1.3 Ecology Cleanup Project Manager**

The Ecology Cleanup Project Manager is the primary point of contact for site work and is responsible for managing the cleanup and responding to questions or concerns about remedial actions. Cleanup Project Managers verify Applicant information before project ranking and funding decisions are made by the Toxics Cleanup Program Management Team. When a grant is active, the Cleanup Project Manager will review payment requests to ensure technical accuracy, reasonableness of costs, and compliance with the scope of work as defined in the NFA determination and grant agreement.

## **7.2 Audits**

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All grants are subject to audit by the Washington State Auditor at any time for up to three years after the grant is officially closed. Ecology may audit grant-related documentation at any time during the project. If problems are identified, they must be corrected. If Ecology or the State Auditor's Office identifies any problems on invoices, all previous invoices must be reviewed and corrected. This could include repayment of grant funds or adjustments to subsequent billings to reimburse Ecology for overpayments.

## Chapter 8: Cost Eligibility

The Recipient is responsible for understanding cost eligibility terms prior to incurring an expense and billing to the grant. Cost eligibility is outlined in the terms of the agreement, the grant rules, Ecology's [Yellow Book](#)<sup>75</sup> and this Guidance.

Only Ecology's Grant Financial Manager can determine if a cost is eligible under the grant. Ecology Grant Financial Managers work with Ecology Cleanup Project Manager, who oversee the actual site work and related activities, to ensure the costs are reasonable, necessary, and applicable to the project. 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 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 item should not be included 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 the Cleanup Project Manager must approve the scope of work. Eligible costs must be consistent with the 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, some expenses may be reimbursed at less than the allowable percentages or not at all. During the cleanup, local governments can reach out to the applicable Grant Financial Manager under the Voluntary Cleanup Program if they have questions about potential cost eligibility (especially equipment purchases).
- **Timing.** Costs must be incurred after the effective date of the agreement and before the agreement's expiration date. The effective date cannot be

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<sup>75</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html>

more than five years before the application date (EAGL submission date). These dates are determined when the grant is written.

- **Retroactive costs.** Costs incurred prior to the grant being written are at the sole expense of the Recipient, except when:
  - The costs were incurred within five years of the date of the grant application in EAGL.
  - The costs were incurred during the period of a prior grant agreement and were not reimbursed under the prior grant agreement.
- **Consistent.** Costs being billed 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. Receipt and use of state funding for reimbursement should not impact how costs are billed, calculated, or determined. Ecology may request additional documentation or explanation of costs being billed.

## 8.1 Proper Documentation

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All costs must be properly documented to be considered 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, as well as 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 must be itemized. A charge card receipt with only a total payment amount is not acceptable documentation. Backup documentation requirements are the same for recipients, contractors, and their subcontractors.

At a minimum, supporting documentation must include:

1. 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.
2. Name of vendor.
3. Date of cost incurred.
4. Invoice number.

5. Invoice date.
6. Serial or other identifying numbers for equipment costing \$5,000 or more.
7. Cost and quantity for each line item or service.
8. Tax.
9. Total cost.
10. Notes associating the cost to the grant site can be handwritten on invoice by the Recipient.
11. Grant task number to which that cost is being billed.
12. If consultants are billing markup, the original cost, markup percent, and total being billed should be identified.

Backup documentation should be organized to accompany the receipt or invoice to which it relates. The Recipient must organize and label documentation in such a manner that Ecology's Grant Financial Manager can determine in a reasonable amount of time which expenses the Recipient is claiming. 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 that are 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, travel, and direct expenses. Ecology may also require the Applicant to upload the contract as backup.

**Withholding** is not billable to the grant until it has been paid to a consultant or contractor and proper documentation can be provided. Costs must have been incurred to be reimbursable. Backup documentation of consultant or contractor payments often includes copies of emails or memos from the Recipient to the bank approving the release of the funds, and copies of financial transactions or a letter from the bank showing release of funds to the consultant or contractor. Other acceptable documentation are an invoice from the consultant or contractor billing for the withholding and a warrant from the Recipient showing payment of the withholding.

**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. All backup documentation must be uploaded into EAGL, along with a statement about where and how the backup information was collected (such as from a time accounting system or manual spreadsheet). If Recipient time is entered into an Excel spreadsheet, a copy of the signed timesheet should be provided as additional backup. Documentation must be presented for each day worked, not just a summary rolled up into pay periods. The backup documentation must include:

1. The name of employee charging to the grant with their actual salary and benefits.
2. For each employee, the hours worked each day, by date, by grant task, and a summary of work completed for the day.
3. The role each employee fulfills for the project.

**Consultant time** requires the number of hours worked per day, a brief description of tasks worked each day, and necessary backup from a payroll system or project tracking database. It is understood that consultant time is usually charged 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

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Ecology's Grant Financial Manager has final approval authority for all grant-related costs. All costs must be properly documented by the Grant Financial Manager. Due to the retroactive nature of this grant type, few conditionally eligible costs apply. Costs not allowed are the responsibility of the Recipient.

For the purposes of this Guidance, "grant-eligible costs" are also called "eligible costs." While the scope of work will be identified in the grant agreement, 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](#), *Administrative Requirements for Recipients of Ecology Grants and Loans*.<sup>76</sup>

Eligible costs for Independent Remedial Action Grants include reasonable and necessary costs to conduct the investigation and cleanup of a contaminated site.

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<sup>76</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html>

Examples of eligible activities and related costs include:

- Emergency or interim actions.
- Remedial investigations.
- Feasibility studies and selection of the remedy.
- Engineering design and construction of selected remedy.
- Operation and maintenance or monitoring of a cleanup action component for up to one year after construction completion of the component, such as monitored natural attenuation or monitored natural recovery. These activities are usually specified in an Operation and Maintenance Plan, required under WAC [173-340-400\(4\)\(c\)](#),<sup>77</sup> or a Compliance Monitoring Plan, required under WAC [173-340-410](#).<sup>78</sup> When it's not clear when construction of a cleanup action component is complete, Ecology relies on EPA's guidance, [Closeout Procedures for National Priority Sites](#).<sup>79</sup> Any costs incurred performing such activities after the first year are ineligible and the sole responsibility of the Recipient.
- Development of independent remedial action plans or reports submitted to Ecology for review under the voluntary cleanup program.
- Grant administration consistent with the applicable version of Ecology's [Yellow Book](#), the *Administrative Requirements for Recipients of Ecology Grants and Loans Managed in EAGL*.<sup>80</sup> (The applicable version will be identified in the general terms and conditions of your grant agreement.)

The aforementioned tasks can consist of the following costs:

- **Administrative costs.** Administrative costs that are incurred as part of normal administrative processes for approval of contracts or payment of bills are eligible costs. For example, eligible costs are time spent reviewing invoices; preparing payment requests or progress reports and other project-related documents; or participating in briefing meetings with elected officials who need to approve a contract related to the grant.

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<sup>77</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-400>

<sup>78</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-410>

<sup>79</sup> <https://www.epa.gov/superfund/close-out-procedures-national-priorities-list-superfund-sites>

<sup>80</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html>

- **Direct expenses.** Direct costs are eligible costs. These are costs that can be identified 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 incurred 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.

These costs should be proportioned between the grant and other non-grant related usage. The Recipient may charge overhead to cover costs that are not typically directly billed to the grant. Allowable overhead for grants is **up to 25%** of salaries and benefits for employees directly billing to the project for grants. If the normal organizational overhead rate for employees is 20%, then the grant should not be billed for more than 20% overhead. Overhead charges must be reported on the same billing as the connected salaries and benefits on which they are calculated, and as a separate line item.

- **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. The [state mileage rate](#)<sup>81</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 unless the final rate is equal to or less than the state mileage rate in effect at the time the travel occurred. It is the Recipient's responsibility to correct mileage billed in excess of the state rate.
- **Parking.** Parking is a grant-eligible expense. Receipts must be provided for reimbursement. Absent a receipt, the cost will not be allowed.
- **Rental cars.** If the Recipient or a Recipient's contractor or consultant leases a rental car, the invoice should include the miles driven and the time period of the

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<sup>81</sup> <https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables>



rental. Ecology may ask the Recipient to provide the project hours worked by the individual who used the car. If the employee or consultant did not work fulltime on grant activities during the period the car was leased, Ecology's Grant Financial Manager will only approve a prorated share of the rental or lease cost. Original gasoline receipts must be provided for fuel costs when a car is rented, unless otherwise approved by Ecology's Grant Financial Manager.

- **Consultant or contractor list of reimbursable expenses.** For vehicle expenses charged based on a list of their Reimbursable Expenses (example: \$100/day for use of their company vehicle) the grant may reimburse the amount of the per day or week charge for the use of the contractor's or consultant's vehicle, in lieu of a rental vehicle from a rental company. In this case, the gasoline and mileage would not be paid separately. The only eligible cost is the charge for the vehicle usage. A contract or schedule of charges must be provided.
- **Travel – per diem.** When on travel status, a Recipient's and their consultant's or contractor's travel costs are grant-eligible under certain circumstances. Per diem costs will only be paid at the [state rate](#)<sup>82</sup> determined by the Office of Financial Management. Travel costs are not eligible for markup by a contractor, consultant, or the Recipient, unless the total cost remains at or below the state travel rate in effect at the time of travel. Any markups over the state rate or other disallowed travel costs are the sole responsibility of the Recipient.
  - Itemized receipts are always required for hotel stays. 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 subject to approval by the Ecology Grant Financial Manager. In general, nontraditional lodging will be reimbursed at the state rate and further taxes or room fees are likely to be disallowed since they are typically higher for this type of lodging.
- **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

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<sup>82</sup> <https://ofm.wa.gov/accounting/administrative-accounting-resources/travel>

eligible costs. Fees for permits related to redevelopment of a site are not eligible costs.

- **Supplies.** Supplies are tangible personal property other than tools or equipment. Supplies are either direct billed or are considered 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 can be directly billed if they are used only for grant-related activities. Receipts for supplies must be detailed and identify the specific items purchased.

**Example:** If toner, paper, or ink are purchased 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 printer supplies may be direct billed.

### 8.3 Ineligible Costs

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Ineligible costs are costs that are not eligible for reimbursement under the grant. Invoices or other documentation for these costs should not be submitted for reimbursement. The following section discusses specific issues related to ineligible costs that often come up during administration of Independent Remedial Action Grants.

- **Contingencies, rising costs, and change orders.** Grant agreements are written 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 incurred by the Recipient to challenge an Ecology decision.
- **Ecology charges.** Costs that Ecology charges the Recipient for technical consultations under the terms of an agreement under the Voluntary Cleanup Program, including reviews of reimbursements requests.
- **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; pursuing cost recovery, contribution, or insurance claims; participating in administrative hearings; pursuing penalties or civil or criminal actions against persons; penalties

incurred by the Recipient; defending actions taken against the Recipient; and any attorney fees incurred by the Recipient.

- **Lobbying.** Any costs for entertaining; attempting to influence dignitaries or elected officials; discussing the project with elected officials who do not have contract-approval 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 developing 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.
- **Operation and maintenance or monitoring costs.** Operation and maintenance or monitoring costs incurred more than one year after completing construction of a cleanup action component, even if additional activities are necessary.
- **Overtime and Overtime differential.** Due to the retroactive nature of these grants, overtime and overtime differentials are not allowed. This 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.
- **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.
- **Non-cleanup related activities.** Site development and mitigation costs not required as part of the remedial action.
- **Purchasing property.** The cost of purchasing the property.<sup>83</sup>

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<sup>83</sup> While grant funds cannot be used to purchase property, they can be used for a title search, appraisal, Phase I site assessment and other non-legal costs associated with purchasing property.

## Chapter 9: References and Resources

**Table 11:** Grant, loan, and EAGL resources mentioned in this Guidance.

Resource	Description	Link
<b>Applying for Ecology grants</b>	YouTube video on how to apply for Ecology grants.	<a href="https://www.youtube.com/watch?v=9B3gvb3QRBk">https://www.youtube.com/watch?v=9B3gvb3QRBk</a>
<b>EAGL</b>	Ecology's Administration of Grants and Loans system, where local governments and community groups can apply for funding opportunities including grants for cleanup and safe drinking water.	Overview: <a href="https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans">https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans</a>  Secure Access Washington (SAW) log-in: <a href="https://secureaccess.wa.gov/ecy/eagl/">https://secureaccess.wa.gov/ecy/eagl/</a>
<b>EAGL Instructions for 2023–25 Remedial Action Grant &amp; Loan Applications</b>	Specific EAGL guidance when applying for Oversight, Area-wide, and Safe Drinking Water funding for the 2023-25 biennium (Pub. No. 22-09-44).	<a href="https://apps.ecology.wa.gov/publications/UIPages/SummaryPages/2209044.html">https://apps.ecology.wa.gov/publications/UIPages/SummaryPages/2209044.html</a>
<b>EAGL External Users' Manual</b>	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>
<b>Ecology's grants and loans since 2014</b>	Interactive map of Ecology's grants and loans awarded since 2014. Displays information by project location or dollars per area and can be filtered by Ecology programs and funding programs.	<a href="https://apps.ecology.wa.gov/eaglmapp/?CustomMap=y&amp;BBBox=-13962546,5698654,-13014726,6267345&amp;AL=5&amp;Opacity=0.8&amp;Basemap=esriTopo&amp;EP=5&amp;FP=16">https://apps.ecology.wa.gov/eaglmapp/?CustomMap=y&amp;BBBox=-13962546,5698654,-13014726,6267345&amp;AL=5&amp;Opacity=0.8&amp;Basemap=esriTopo&amp;EP=5&amp;FP=16</a>
<b>How to obtain a Secure Access Washington (SAW) account</b>	YouTube video on how to obtain a SAW account.	<a href="https://www.youtube.com/watch?v=pj0EnljG3RQ">https://www.youtube.com/watch?v=pj0EnljG3RQ</a>
<b>Independent Remedial Action Grants (webpage)</b>	Grants to local governments that investigate and clean up contaminated sites independently under Ecology's Voluntary Cleanup Program.	<a href="https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants">https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants</a>

Resource	Description	Link
<b>Per diem rate tables</b>	Office of Financial Management's rates for lodging, meals, and mileage per day.	<a href="https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables">https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables</a>
<b>Yellow Book</b>	Guidance for all Ecology grants and loans: <i>Administrative Requirements for Recipients of Ecology Grants and Loans</i> (Pub. No. 23-01-002).	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html">https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html</a>

**Table 12:** Environmental and technical resources mentioned in this Guidance.

Resource	Description	Link
<b>Contaminated Site Search</b>	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>
<b>Confirmed &amp; Suspected Contaminated Sites List</b>	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>
<b>EIM and MyEIM</b>	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>
<b>EPA's Superfund Chemical Data Matrix (SCDM) query</b>	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-query">https://www.epa.gov/superfund/superfund-chemical-data-matrix-query</a>

Resource	Description	Link
<b>How the cleanup process works</b>	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>
<b>Toxics Cleanup Program's (TCP's) Cleanup and Tank Search</b>	Selection of reports and datasets that draws from two Ecology internal environmental databases: Integrated Site Information System (ISIS) and Underground Storage Tank System.	<a href="https://apps.ecology.wa.gov/cleanupsearch/">https://apps.ecology.wa.gov/cleanupsearch/</a>
<b>TCP's policies and guidance</b>	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>
<b>TCP publications</b>	Published focus sheets, frequently asked questions, guidance documents, and technical reports that describe contaminated 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>
<b>TCP Legislative reports</b>	Recurring and one-time legislative reports produced by the Toxics Cleanup Program.	<a href="https://ecology.wa.gov/about-us/who-we-are/our-programs/toxics-cleanup/tcp-legislative-reports">https://ecology.wa.gov/about-us/who-we-are/our-programs/toxics-cleanup/tcp-legislative-reports</a>
<b>Washington's Formal Cleanup Process Infographic</b>	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>

**Table 13:** Environmental justice, climate change, and cultural resources mentioned in this Guidance.

Resource	Description	Link
<b>Ecology’s climate change guidance for contaminated sites</b>	Sustainable Remediation: Climate Change Resiliency and Green Remediation – A guide for Cleanup Project Managers to increase resiliency of cleanup remedies to climate change impacts and increase benefits and reduce impacts from the MTCA Cleanup Process (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>
<b>EPA’s green remediation for contaminated sites</b>	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>
<b>EPA’s environmental justice website</b>	National environmental justice data and link to EJ Screen.	<a href="https://www.epa.gov/environmentaljustice">https://www.epa.gov/environmentaljustice</a>
<b>Executive Order 21-02</b>	Gov. Jay Inslee’s executive order for Archaeological and Cultural Resources.	<a href="https://governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf">https://governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf</a>
<b>Executive Order 05-05 or Section 106 of the National Historic Preservation Act Project Review Sheet</b>	Form for gathering information when complying with National Historic Preservation Act or Executive Order 05-05 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>
<b>Public Inadvertent Discovery Plan (IDP)</b>	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>
<b>Washington Tracking Network</b>	Map-based tool used to facilitate searching for and displaying health concerns that have links to environmental health.	<a href="https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn">https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn</a>

**Table 14:** Cleanup laws, regulations, and legislation mentioned in this Guidance.

Resource	Description	Link
<b>ESSB 5993 (Chapter 422, Laws of 2019)</b>	Engrossed Substitute Senate Bill 5993. Reforming the financial structure of the model toxics control program.	<a href="https://app.leg.wa.gov/bills/summary?BillNumber=5993&amp;Year=2019&amp;Initiative=false">https://app.leg.wa.gov/bills/summary?BillNumber=5993&amp;Year=2019&amp;Initiative=false</a>
<b>Growth Management-Planning by Selected Counties and Cities</b>	Chapter 36.70A RCW.	<a href="https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A">https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A</a>
<b>MTCA (statute)</b>	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>
<b>MTCA Cleanup Rule</b>	Model Toxics Control Act—Cleanup Regulations, Chapter 173-340 WAC.	<a href="https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340">https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340</a>
<b>Planning Enabling Act</b>	Chapter 36.70 RCW.	<a href="https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70">https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70</a>
<b>RAG Rule</b>	Remedial Action Grants and Loans Regulations, Chapter 173-322A WAC.	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A</a>
<b>Sediment Cleanup Rule</b>	Sediment Management Standards, Chapter 173-204 WAC.	<a href="https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204">https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204</a>



## Glossary

Term	Definition
<b>Applicant</b>	A term that applies before receipt of the grant vs. “Recipient” that applies after the grant has been awarded.
<b>biennium</b>	A period of two fiscal 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.
<b>brownfield property</b>	A previously developed and currently abandoned or underutilized real property and adjacent surface waters and sediment where environmental, economic, or community reuse objectives are hindered by the release or threatened release of hazardous substances that Ecology or the United States Environmental Protection Agency has determined requires remedial action (WAC <a href="#">173-322A-100(6)</a> ). <sup>84</sup>
<b>cleanup actions</b>	Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with WAC <a href="#">173-340-350</a> <sup>85</sup> through <a href="#">173-340-390</a> <sup>86</sup> (WAC <a href="#">173-340-200</a> ). <sup>87</sup>
<b>consent decree or decree</b>	A legal document issued under Chapter <a href="#">70A.305</a> RCW <sup>88</sup> or the federal cleanup law.
<b>contaminated site</b>	Same as “hazardous waste site.”
<b>EAGL</b>	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 close out and equipment purchase reports, and request amendments online.
<b>economically disadvantaged (city, town, or county)</b>	When a city, town, or county’s per capita income is equal to or below its median per capita income as determined on July 1 <sup>st</sup> of each odd-numbered year, based on the latest official American Community Survey five-year estimates of the United States Department of Commerce
<b>federal cleanup law</b>	The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9601 et seq. (WAC <a href="#">173-322A-100(20)</a> ). <sup>89</sup>
<b>fiscal year</b>	A fiscal period of one year named for the year it ends. The period starts July 1 <sup>st</sup> of a calendar year and ends June 30 <sup>th</sup> of the next calendar year. For example, Fiscal Year 2021 starts July 1, 2020, and ends June 30, 2021.

<sup>84</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

<sup>85</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-350>

<sup>86</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-390>

<sup>87</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-200>

<sup>88</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>89</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

Term	Definition
<b>hazardous waste site</b>	Any site that Ecology has confirmed a release or a threatened release of a hazardous substance requiring remedial action (WAC <a href="#">173-322A-100(23)</a> ). <sup>90</sup> Also known as a “contaminated site.”
<b>Independent Remedial Action Grant (IRAG)</b>	Grants to local governments that investigate and clean up contaminated sites independently under Ecology’s Voluntary Cleanup Program (VCP). Currently, Ecology only provides such grants after the local government has completed the cleanup and has obtained a No Further Action determination.
<b>local government</b>	For purposes of this report, defined as a political subdivision, regional government unit, district, or municipal or public corporation, which includes cities, towns, counties, ports, and brownfield development authorities.
<b>Model Toxics Control Act (MTCA statute)</b>	Washington’s environmental cleanup law, Chapter <a href="#">70A.305</a> RCW. <sup>91</sup>
<b>Model Toxics Control Act Regulations (MTCA Cleanup Rule)</b>	Washington’s regulations that set standards and procedures for cleaning up contaminated sites (Chapter <a href="#">173-340</a> WAC) <sup>92</sup> . 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. <sup>93</sup> The other cleanup rule is the Sediment Management Standards (Chapter <a href="#">173-204</a> WAC) <sup>94</sup> known as the SMS Cleanup Rule.
<b>MTCA Ten-Year Financing Report</b>	Ecology’s financial report produced every even-numbered year that describes cleanup financing needs over the next ten fiscal years.
<b>order</b>	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.
<b>RAG Program</b>	Ecology’s Remedial Action Grant program that provides grants and loans to local governments for site investigation and cleanup.
<b>RAG Rule</b>	Washington’s regulations that govern the issuance of remedial action grants and loans to local governments (Chapter <a href="#">173-322A</a> WAC). <sup>95</sup>
<b>Recipient</b>	A term that applies after the grant has been awarded vs. “Applicant” that applies before the grant has been awarded.
<b>Redevelopment Opportunity Zone (ROZ)</b>	A geographic area designated under RCW <a href="#">70A.305.150</a> . <sup>96</sup>

<sup>90</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

<sup>91</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>92</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>93</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>94</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

<sup>95</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A>

<sup>96</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305&full=true#70A.305.150>

Term	Definition
<b>remedial actions</b>	Any action or expenditure consistent with the purposes of MTCA to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment (WAC <a href="#">173-322A-100(45)</a> ). <sup>97</sup>
<b>Secure Access Washington</b>	A single sign-on application gateway created by Washington State Department of Information Services.
<b>Yellow Book</b>	Ecology's administrative requirements common to all Ecology grants and loans that have an agreement effective date of July 1, 2023, or later ( <a href="#">Pub. No. 23-01-022</a> ). <sup>98</sup>

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<sup>97</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

<sup>98</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html>

## Appendix A: Chapter 173-322A WAC, Remedial Action Grants and Loans

[Chapter Listing](#)<sup>99</sup> [From Code Reviser's website, last updated 8/29/2014]

### WAC Sections\*

<a href="#">173-322A-010</a> <sup>100</sup>	Purpose and authority.
<a href="#">173-322A-020</a> <sup>101</sup>	Relation to other laws and rules.
<a href="#">173-322A-100</a> <sup>102</sup>	Definitions.
<a href="#">173-322A-200</a> <sup>103</sup>	Funding cycle.
<a href="#">173-322A-210</a> <sup>104</sup>	Funding priorities.
<a href="#">173-322A-220</a> <sup>105</sup>	Fiscal controls.
<a href="#">173-322A-330</a> <sup>106</sup>	Independent remedial action grants.

\*WAC Sections related to grants not covered by this Guidance have been omitted.

### 173-322A-010 Purpose and authority

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(1) This chapter recognizes that:

(a) The state contains thousands of hazardous waste sites that present serious threats to human health and the environment, including the state's water resources;

(b) Many of these hazardous waste sites, such as landfills and port facilities, are owned or operated by local governments;

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<sup>99</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A>

<sup>100</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-010>

<sup>101</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-020>

<sup>102</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-100>

<sup>103</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-200>

<sup>104</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-210>

<sup>105</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-220>

<sup>106</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-320>

(c) Many of the properties affected by these hazardous waste sites are brownfield properties, where economic development and other community reuse objectives are hindered by the presence of contamination; and

(d) The cost of cleaning up these hazardous waste sites in many cases is beyond the financial means of local governments and ratepayers.

(2) This chapter establishes requirements for a program of grants and loans to local governments for remedial action pursuant to RCW

[70.105D.070](#) (4) and (8).<sup>107</sup>

(3) The purpose of the remedial action grants and loans program established by this chapter is to expedite the cleanup and redevelopment of hazardous waste sites and to lessen the impact of the cleanup on ratepayers and taxpayers. The remedial action grants and loans shall be used to supplement local government funding and funding from other sources to carry out remedial actions.

[Statutory Authority: Chapter [70.105D](#) RCW.<sup>108</sup> WSR 14-18-060 (Order 13-09), § 173-322A-010, filed 8/29/14, effective 9/29/14.]

## **173-322A-020 Relation to other laws and rules**

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(1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous waste site investigation and cleanup.

(2) Nothing in this chapter shall modify the order or decree the department has secured with potentially liable persons or prospective purchasers for remedial action. The execution of remedial actions pursuant to the order or decree shall in no way be contingent upon the availability of grant funding.

(3) All grants and loans shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grants and loans.

[Statutory Authority: Chapter

[70.105D](#) RCW.<sup>109</sup> WSR 14-18-060 (Order 13-09), § 173-322A-020, filed 8/29/14, effective 9/29/14.]

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<sup>107</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>

<sup>108</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

<sup>109</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

## 173-322A-100 Definitions

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Unless otherwise defined in this chapter, words and phrases used in this chapter shall be defined according to WAC

[173-340-200](#)<sup>110</sup> and [173-204-505](#).<sup>111</sup>

(1) **"Agreement signature date"** means, for the purposes of grant and loan agreements, the date the agreement document is signed by the department.

(2) **"Applicant"** means a local government that applies for a grant or loan.

(3) **"Area-wide groundwater contamination"** means groundwater contamination on multiple adjacent properties with different ownerships consisting of hazardous substances from multiple sources that have resulted in commingled plumes of contaminated groundwater that are not practicable to address separately.

(4) **"Average market rate"** means the average market rate for tax-exempt general obligation municipal bonds for the month of June preceding the agreement signature date, as determined using rates published by *Bond Buyer*.

(5) **"Biennium"** means the twenty-four-month fiscal period extending from July 1<sup>st</sup> of odd-numbered years to June 30<sup>th</sup> of odd-numbered years.

(6) **"Brownfield property"** means previously developed and currently abandoned or underutilized real property and adjacent surface waters and sediment where environmental, economic, or community reuse objectives are hindered by the release or threatened release of hazardous substances that the department has determined requires remedial action under this chapter or that the United States Environmental Protection Agency has determined requires remedial action under the federal cleanup law.

(7) **"Budget"** means, for the purpose of grant and loan agreements, a breakdown of eligible costs by task.

(8) **"Cleanup action"** means the term as defined in WAC [173-340-200](#)<sup>112</sup> or [173-204-505](#).<sup>113</sup>

(9) **"Construction completion"** means physical construction of a cleanup action component is complete.

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<sup>110</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-200>

<sup>111</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-204-505>

<sup>112</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-200>

<sup>113</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-204-505>

(10) **"Coordinated water system plan"** means a plan for public water systems within a critical water supply service area which identifies the present and future water system concerns and sets forth a means for meeting those concerns in the most efficient manner possible pursuant to chapter [246-293](#)<sup>114</sup> WAC.

(11) **"Decree" or "consent decree"** means a consent decree issued under chapter [70.105D](#) RCW<sup>115</sup> or the federal cleanup law.

(12) **"Department"** means the department of ecology.

(13) **"Department share"** means the department's share of eligible costs.

(14) **"Director"** means the director of the department of ecology.

(15) **"Economically disadvantaged county"** means a county whose per capita income is equal to or below the median per capita income of counties in Washington state, as determined on July 1<sup>st</sup> of each odd-numbered year using the latest official American Community Survey five-year estimates of the U.S. Department of Commerce.

(16) **"Economically disadvantaged city or town"** means a city or town whose per capita income is equal to or below the median per capita income of cities and towns in Washington state, as determined on July 1<sup>st</sup> of each odd-numbered year using the latest official American Community Survey five-year estimates of the U.S. Department of Commerce.

(17) **"Eligible cost"** means a project cost that is eligible for funding under this chapter and the terms of the grant or loan agreement.

(18) **"Extended grant agreement"** means a grant agreement entered into under RCW [70.105D.070](#) (4)(e)(i).<sup>116</sup>

(19) **"Feasibility study"** means the term as defined in chapter [173-340](#)<sup>117</sup> or [173-204](#) WAC.<sup>118</sup>

(20) **"Federal cleanup law"** means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9601 et seq.

(21) **"Grant agreement"** means a binding agreement between the local government and the department that authorizes the disbursement of funds to the local government to reimburse it for a portion of expenditures in support of a specified scope of services.

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<sup>114</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=246-293>

<sup>115</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

<sup>116</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.070>

<sup>117</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>118</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-204>

(22) **"Hazardous substances"** means any hazardous substance as defined in WAC [173-340-200](#).<sup>119</sup>

(23) **"Hazardous waste site"** means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.

(24) **"Highly impacted community"** means a community that the department has determined is likely to bear a disproportionate burden of public health risks from environmental pollution.

(25) **"Independent remedial actions"** means remedial actions conducted without department oversight or approval and not under an order or consent decree.

(26) **"Initial investigation"** means a remedial action that consists of an investigation under WAC [173-340-310](#).<sup>120</sup>

(27) **"In-kind contributions"** means property or services that benefit a project and are contributed to the recipient by a third party without direct monetary compensation. In-kind contributions include interlocal costs, donated or loaned real or personal property, volunteer services, and employee services donated by a third party.

(28) **"Innovative technology"** means new technologies that have been demonstrated to be technically feasible under certain site conditions but have not been widely used under the conditions that exist at the hazardous waste site. Innovative technology has limited performance and cost data available.

(29) **"Interim action"** means a remedial action conducted under WAC [173-340-430](#).<sup>121</sup>

(30) **"Loan agreement"** means a binding agreement between the local government and the department that authorizes the disbursement of funds to the local government that must be repaid. The loan agreement includes terms such as interest rates and repayment schedule, scope of work, performance schedule, and project budget.

(31) **"Local government"** means any political subdivision of the state, including a town, city, county, special purpose district, or other municipal corporation, including brownfield renewal authority created under RCW [70.105D.160](#).<sup>122</sup>

(32) **"No further action determination"** or **"NFA determination"** means a written opinion issued by the department under WAC [173-340-515\(5\)](#)<sup>123</sup> that the independent remedial actions performed at a hazardous waste site or property meet the substantive

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<sup>119</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-200>

<sup>120</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-310>

<sup>121</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-430>

<sup>122</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.160>

<sup>123</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-515>



requirements of chapter [173-340 WAC](#)<sup>124</sup> and that no further remedial action is required at the hazardous waste site or property. The opinion is advisory only and not binding on the department.

(33) **"Order"** means an order issued under chapter [70.105D RCW](#)<sup>125</sup>, including enforcement orders issued under WAC [173-340-540](#)<sup>126</sup> and agreed orders issued under WAC [173-340-530](#),<sup>127</sup> or an order issued under the federal cleanup law, including unilateral administrative orders (UAO) and administrative orders on consent (AOC).

(34) **"Oversight remedial actions"** means remedial actions conducted under an order or decree.

(35) **"Partial funding"** means funding less than the maximum department share allowed under this chapter.

(36) **"Potentially liable person"** or **"PLP"** means any person whom the department finds, based on credible evidence, to be liable under RCW [70.105D.040](#).<sup>128</sup>

(37) **"Potentially responsible party"** or **"PRP"** means "covered persons" as defined under section 9607 (a)(1) through (4) of the federal cleanup law (42 U.S.C. Sec. 9607(a)).

(38) **"Property"** means, for the purposes of independent remedial action grants, the parcel or parcels of real property affected by a hazardous waste site and addressed as part of the independent remedial action.

(39) **"Prospective purchaser"** means a person who is not currently liable for remedial action at a facility and who proposes to purchase, redevelop, or reuse the facility.

(40) **"Public water system"** means a Group A water system as defined in WAC [246-290-020](#).<sup>129</sup>

(41) **"Purveyor"** means an agency or subdivision of the state or a municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that owns or operates a public water system, or the authorized agent of such entities.

(42) **"Recipient"** means a local government that has been approved to receive a grant or loan.

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<sup>124</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>125</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

<sup>126</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-540>

<sup>127</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-530>

<sup>128</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.040>

<sup>129</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=246-290-020>

(43) **"Recipient share" or "match"** means the recipient's share of eligible costs.

(44) **"Redevelopment opportunity zone"** means a geographic area designated under RCW [70.105D.150](#).<sup>130</sup>

(45) **"Remedial action"** means any action or expenditure consistent with the purposes of chapter [70.105D](#) RCW<sup>131</sup> to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(46) **"Remedial investigation"** means the term as defined in chapter [173-340](#)<sup>132</sup> or [173-204](#) WAC.<sup>133</sup>

(47) **"Retroactive costs"** means costs incurred before the agreement signature date.

(48) **"Safe drinking water"** means water meeting drinking water quality standards set by chapter [246-290](#) WAC.<sup>134</sup>

(49) **"Scope of work"** means the tasks and deliverables of the grant or loan agreement.

(50) **"Site"** means 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.

(51) **"Site hazard assessment"** means a remedial action that consists of an investigation performed under WAC 173-340-320.

(52) **"Voluntary cleanup program"** means the program authorized under RCW [70.105D.030](#) (1)(i)<sup>135</sup> and WAC 173-340-515.

[Statutory Authority: Chapter [70.105D](#) RCW<sup>136</sup>. WSR 14-18-060 (Order 13-09), § 173-322A-100, filed 8/29/14, effective 9/29/14.]

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<sup>130</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.150>

<sup>131</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

<sup>132</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>133</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

<sup>134</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=246-290>

<sup>135</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.030>

<sup>136</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

## 173-322A-200 Funding cycle

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(1) **Project solicitation.** Biennially, the department will solicit project proposals from local governments to develop its budget and update its ten-year financing plan for remedial action grants and loans. The department may update its ten-year financing plan as needed during the biennium. Project proposals for each type of grant or loan must be submitted on forms provided by the department and include sufficient information to make the determinations in subsection (3) of this section. For multibiennial oversight remedial action grant projects, proposals must be updated biennially. To be considered for inclusion in the department's budget for remedial action grants and loans, project proposals and updates should be submitted by the dates published by the department.

(2) **Application submittal.** Applications for each type of grant or loan must be submitted on forms provided by the department and include sufficient information to make the determinations in subsections (3) and (4) of this section. For multibiennial oversight remedial action grant projects, an application must be submitted before each biennium for which additional funds are requested. Completed applications should be submitted by the dates published by the department.

(3) **Project evaluation and ranking.** Project proposals and applications for each type of grant or loan will be reviewed by the department for completeness and evaluated to determine:

- (a) Project eligibility; and
- (b) Funding priority under WAC

[173-322A-210](#).<sup>137</sup>

(4) **Agreement development.** The department will make funding decisions only after funds have been appropriated. After deciding to fund an eligible project, the department will negotiate with the applicant the scope of work and budget for the grant and develop the agreement. The department will consider:

- (a) Funding priority under WAC [173-322A-210](#);<sup>138</sup>
- (b) Cost eligibility;
- (c) Allowable funding of eligible costs; and
- (d) Availability of state funds and other funding sources.

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<sup>137</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-210>

<sup>138</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-210>

(5) **Fund management.** The department may adjust funding levels or fund additional eligible projects during a biennium if additional funds should become available.

[Statutory Authority: Chapter [70.105D](#) RCW.<sup>139</sup> WSR 14-18-060 (Order 13-09), § 173-322A-200, filed 8/29/14, effective 9/29/14.]

## 173-322A-210 Funding priorities

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(1) **Among types of grants and loans.** The department will fund remedial action grants and loans in the following order of priority:

(a) Oversight remedial action grants and loans under an existing extended grant agreement;

(b) Site assessment grants and other remedial action grants and loans for previously funded projects, provided that substantial progress has been made; and

(c) Remedial action grants and loans for new projects.

(2) **For each type of grant or loan.** For each type of remedial action grant or loan, the department will further prioritize projects for funding or limit funding for projects based on the factors specified in WAC

[173-322A-300](#)<sup>140</sup> through [173-322A-350](#),<sup>141</sup> as applicable.

(3) **Oversight remedial action loans.** The department will fund an oversight remedial action loan from the same fund allocation used to fund the associated oversight remedial action grant. When the demand for funds exceeds the amount allocated, the department will give the oversight remedial action grant and loan the same priority.

[Statutory Authority: Chapter [70.105D](#) RCW.<sup>142</sup> WSR 14-18-060 (Order 13-09), § 173-322A-210, filed 8/29/14, effective 9/29/14.]

## 173-322A-220 Fiscal controls

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(1) **General.** The department will establish reasonable costs for all grants and loans, require local governments to manage projects in a cost-effective manner, and ensure that all potentially liable persons assume responsibility for remedial action.

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<sup>139</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

<sup>140</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-300>

<sup>141</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-350>

<sup>142</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

(2) **Funding discretion.** The department retains the discretion to not provide a grant or loan for an eligible project or to provide less funding for an eligible project than the maximum allowed under this chapter.

(3) **Funding limits.** The department may not provide more funding for an eligible project than the maximum allowed under this chapter for each type of grant or loan.

(4) **Retroactive funding.** Retroactive costs are not eligible for funding, except as provided under this chapter for each type of grant or loan.

(5) **Cash management of grants.** For oversight remedial action grants, the department may not:

(a) Allocate more funds for a project each biennium than are estimated to be necessary to complete the scope of work for that biennium. The biennial scope of work must be approved by the department; or

(b) Allocate more funds for a project unless the local government has demonstrated to the department that funds awarded during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds.

(6) **Consideration of insurance, contribution, and cost recovery claims.** A recipient may use proceeds from an insurance claim or a contribution or cost recovery claim under RCW

[70.105D.080](#)<sup>143</sup> or the federal cleanup law seeking recovery of remedial action costs at a hazardous waste site to meet recipient share requirements, subject to the conditions in (a) through (f) of this subsection.

(a) **Applicability.** The project at the hazardous waste site is currently funded on or will be funded after July 1, 2014, under a grant agreement.

(b) **Notice of claims.** Upon application for the grant or within thirty days of filing a lawsuit or insurance claim to recover remedial action costs at the hazardous waste site, whichever is later, the recipient must notify the department of the filing.

(c) **Notice of proceeds.** Upon application for the grant, the recipient must notify the department of the total amount of proceeds received to date on any claims for remedial action costs at the hazardous waste site. The department may require the recipient to periodically update the total amount of proceeds received on the claims. The department may also require the recipient to provide documentation of the proceeds received on the claims.

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<sup>143</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.080>

(d) **Notice of resolution.** Upon application for the grant or within thirty days of any resolution of a claim for remedial action costs at the hazardous waste site, whichever is later, the recipient must:

(i) Notify the department of the resolution;

(ii) Specify the amount of proceeds received under the resolution and the portion of the proceeds attributable to eligible costs; and

(iii) Provide the department a copy of the settlement, judgment, or other document resolving the claim or portion of the claim.

(e) **Repayment of grant funds.** If the total proceeds from all the claims for remedial action costs at a hazardous waste site exceed the following costs, then the department may reduce the department share or require repayment of costs reimbursed by the department under a grant agreement by up to the amount of the exceedance:

(i) The cost incurred by the recipient to pursue the claims;

(ii) The cost of remedial actions incurred by the recipient that are not funded by the department at the hazardous waste site, including costs incurred before resolution of the claims; and

(iii) If approved by the department, the cost of remedial actions incurred by the recipient that are not funded by the department for an eligible project at a hazardous waste site that is not the basis for the claims.

(f) **Eligibility of payments to other recipients.** Contribution and cost recovery claim payments are not eligible costs if the payments are made for remedial actions previously funded by a grant to another jurisdiction.

**(7) Reimbursement request deadlines.**

(a) Requests for reimbursement and adequate documentation of eligible retroactive costs incurred before the application date must be submitted to the department in the application.

(b) Requests for reimbursement and adequate documentation of eligible retroactive costs incurred between the application date and the agreement signature date must be submitted to the department within ninety days of the agreement signature date.

(c) Requests for reimbursement and adequate documentation of eligible costs incurred after the agreement signature date must be submitted to the department within one hundred twenty days of incurring the costs.

(d) If requests for reimbursement are not submitted by the deadlines in (a) through (c) of this subsection, as applicable, the department may deny reimbursement of the costs.

(8) **Spending plans for grant or loan agreements.** The department may require grant or loan recipients to provide and periodically update a spending plan for the grant or loan.

(9) **Financial responsibility.** As established by the Model Toxics Control Act, chapter [70.105D](#) RCW,<sup>144</sup> and implementing regulations, potentially liable persons bear financial responsibility for remedial action costs. The remedial action grant and loan programs may not be used to circumvent the responsibility of a potentially liable person. Remedial action grants and loans shall be used to supplement local government funding and funding from other sources to carry out required remedial action.

(10) **Puget Sound action agenda.** The department may not fund projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW [90.71.310](#).<sup>145</sup>

[Statutory Authority: Chapter [70.105D](#) RCW.<sup>146</sup> WSR 14-18-060 (Order 13-09), § 173-322A-220, filed 8/29/14, effective 9/29/14.]

## **173-322A-330 Independent remedial action grants**

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(1) **Purpose.** The purpose of independent remedial action grants is to provide funding to local governments that investigate and clean up hazardous waste sites under the voluntary cleanup program. The grants are intended to encourage and expedite independent remedial action and to lessen the impact of the cost of such action on ratepayers and taxpayers.

(2) **Types of grants.** The department may provide the following types of independent remedial action grants:

(a) **Post-cleanup reimbursement grant.** Under this grant, the department may reimburse the recipient after the department has issued a no further action determination for the hazardous waste site or property under the voluntary cleanup program.

(b) **Periodic reimbursement grant.** Under this grant, the department may reimburse the recipient periodically during the investigation and the cleanup of a hazardous waste site or property under the voluntary cleanup program.

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<sup>144</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

<sup>145</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=90.71.310>

<sup>146</sup> <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D>

(3) **Project eligibility.** For the purposes of these grants, a project consists of independent remedial actions at a single hazardous waste site. A project may extend over more than one biennium. To be eligible for a grant, the project must meet all of the following requirements:

- (a) The applicant must be a local government;
- (b) The applicant must be a potentially liable person, potentially responsible party, or prospective purchaser at the hazardous waste site or have an ownership interest in the hazardous waste site;
- (c) For post-cleanup reimbursement grants, the applicant must have completed independent remedial actions at the hazardous waste site or property and received a no further action determination for the site or property under the voluntary cleanup program;
- (d) For periodic reimbursement grants, the applicant must:
  - (i) Enroll the hazardous waste site in the voluntary cleanup program before entering into a grant agreement for the site;
  - (ii) Conduct independent remedial actions at the hazardous waste site or property in accordance with work plans authorized by the department under the voluntary cleanup program; and
  - (iii) Have necessary access to conduct independent remedial actions at the hazardous waste site or obtain such access in accordance with a schedule in the grant agreement.

(4) **Funding priority.** The department will prioritize eligible projects for funding or limit funding for eligible projects based on the priorities in WAC 173-322A-210 and the following factors:

- (a) The threat posed by the hazardous waste site to human health and the environment;
- (b) Whether the applicant is a prospective purchaser of a brownfield property within a redevelopment opportunity redevelopment zone;
- (c) The land reuse potential of the hazardous waste site;
- (d) Whether the hazardous waste site is located within a highly impacted community;
- (e) The readiness of the applicant to start and complete the work to be funded by the grant and the performance of the applicant under prior grant agreements;
- (f) The ability of the grant to expedite the cleanup of the hazardous waste site;
- (g) The ability of the grant to leverage other public or private funding for the cleanup and reuse of the hazardous waste site;
- (h) The distribution of grants throughout the state and to various types and sizes of local governments; and
- (i) Other factors as determined and published by the department.

(5) **Application process.**

(a) **Project solicitation.** Biennially, the department will solicit project proposals from local governments to develop its budget and update its ten-year financing plan for remedial action grants and loans. The department may update its ten-year financing plan as needed during the biennium. Project proposals must be submitted on forms provided by the department and include sufficient information to make the determinations in (c) of this subsection. To be considered for inclusion in the



department's budget for remedial action grants and loans, project proposals should be submitted by the dates published by the department.

(b) **Application submittal.** Applications must be submitted on forms provided by the department and include sufficient information to make the determinations in (c) and (d) of this subsection. Completed applications should be submitted by the dates published by the department.

(c) **Project evaluation and ranking.** Project proposals and applications will be reviewed by the department for completeness and evaluated to determine:

- (i) Project eligibility under subsection (3) of this section; and
- (ii) Funding priority under subsection (4) of this section.

(d) **Agreement development.** The department will make funding decisions only after funds have been appropriated. After deciding to fund an eligible project, the department will negotiate with the applicant the scope of work and budget for the grant and develop the agreement. The department will consider:

- (i) Funding priority under subsection (4) of this section;
- (ii) Cost eligibility under subsections (6) and (7) of this section;
- (iii) Allowable funding under subsections (8) and (9) of this section; and
- (iv) Availability of state funds and other funding sources.

(e) **Fund management.** The department may adjust funding levels or fund additional eligible projects during a biennium if additional funds should become available.

(6) **Cost eligibility.** To be eligible for funding, a project cost must be eligible under this subsection and the terms of the grant agreement and be approved by the department.

(a) **Eligible costs.** Eligible costs for an independent remedial action grant include, but are not limited to, reasonable costs for the following:

- (i) Emergency or interim actions;
- (ii) Remedial investigations;
- (iii) Feasibility studies and selection of the remedy;
- (iv) Engineering design and construction of the selected remedy;
- (v) Operation and maintenance or monitoring of a cleanup action component for up to one year after construction completion of the component; and
- (vi) Development of independent remedial action plans or reports submitted to the department for review under the voluntary cleanup program.

(b) **Ineligible costs.** Ineligible costs for an independent remedial action grant include, but are not limited to, the following:

- (i) The cost of developing the grant application or negotiating the grant agreement;
- (ii) The cost of dispute resolution under the voluntary cleanup program or the grant agreement;
- (iii) Retroactive costs, except as provided under subsection (7) of this section;
- (iv) Cost of technical consultations provided by the department under the voluntary cleanup program, including reviews of reimbursement requests;
- (v) Natural resource damage assessment and restoration costs and liability for natural resource damages under chapter 70.105D RCW or the federal cleanup law;
- (vi) Site development and mitigation costs not required as part of a remedial action;

(vii) Legal costs including, but not limited to, the cost of seeking client advice, pursuing cost recovery, contribution, or insurance claims, participating in administrative hearings, pursuing penalties or civil or criminal actions against persons, penalties incurred by the recipient, defending actions taken against the recipient, and any attorney fees incurred by the recipient; and

(viii) In-kind contributions.

(7) **Retroactive cost eligibility.** The following retroactive costs are eligible for reimbursement if they are also eligible under subsection (5) of this section:

(a) Costs incurred within five years before the date of the completed grant application; and

(b) Costs incurred during the period of a prior grant agreement that have not been reimbursed by the department.

(8) **Limit on eligible costs for a project.** The eligible costs for a project may not exceed six hundred thousand dollars.

(9) **Funding of eligible costs.**

(a) **Department share.** Except as otherwise provided in this subsection, the department may only fund up to fifty percent of the eligible costs.

(i) The department may fund up to an additional twenty-five percent of the eligible costs if the applicant is:

(A) An economically disadvantaged county, city, or town; or

(B) A special purpose district with a hazardous waste site located within an economically disadvantaged county, city, or town.

(ii) The department may fund up to a total of ninety percent of the eligible costs if the director or designee determines the additional funding would:

(A) Prevent or mitigate unfair economic hardship imposed by the cleanup liability;

(B) Create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur.

(b) **Recipient share.** The recipient shall fund the percentage of the eligible costs not funded by the department under (a) of this subsection. The recipient may not use in-kind contributions to meet this requirement.

(10) **Reimbursement of eligible costs.**

(a) **Post-cleanup reimbursement grants.** For post-cleanup reimbursement grants, the department may reimburse the recipient for eligible costs only after the department has issued a no further action determination for the hazardous waste site or property under the voluntary cleanup program.

(b) **Periodic reimbursement grants.** For periodic reimbursement grants, the department may reimburse the recipient for eligible costs in accordance with the following terms and conditions.

(i) **Remedial action work plans.** The recipient must submit independent remedial action work plans to the department for review and authorization under the voluntary cleanup program.

(ii) **Periodic reimbursement of remedial actions.** The department may reimburse the recipient no more frequently than quarterly for the following:

(A) The development of independent remedial action work plans and reports;

(B) Independent remedial actions performed in accordance with a work plan authorized by the department in writing; and

(C) Any other independent remedial actions authorized by the department in writing.

(iii) **Performance guarantee for periodic reimbursement.** The department may withhold twenty percent of each periodic reimbursement payment as security for the recipient's completion of remedial actions at the hazardous waste site or property. Any funds withheld by the department may be paid to the recipient when the department issues a no further action determination for the hazardous waste site or property.

(iv) **Post-cleanup reimbursement of retroactive costs.** The department may reimburse the recipient for the retroactive costs specified in subsection (7)(a) of this section, but only after the department has issued a no further action determination for the hazardous waste site or property.

(11) **Administration of multiple grants.** The department may provide independent remedial action grants to a local government for more than one project under a single grant agreement.

[Statutory Authority: Chapter 70.105D RCW. WSR 14-18-060 (Order 13-09), § 173-322A-330, filed 8/29/14, effective 9/29/14.]

## Appendix B: 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.<sup>147</sup>

The information identifies which cities, town, and counties are eligible for reduced local match from July 1, 2023, through June 30, 2025.

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 1<sup>st</sup> 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](#)(15) and (16)).<sup>148</sup> If the eligible project costs of the applicant are considered “economically disadvantaged,” some grants may be funded up to 75% or 90%.

Ecology retrieves this data from the [United States Census Bureau’s website](#).<sup>149</sup>

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<sup>147</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2309045.html>

<sup>148</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

<sup>149</sup> <https://data.census.gov/>