



Remedial Action Grant and Loan Program

**Oversight Remedial Action Grants and Loans,
Area-wide Groundwater Investigation Grants,
and Safe Drinking Water Action Grants**

Guidelines for the 2025-27 Biennium

Toxics Cleanup Program
Washington State Department of Ecology
Olympia, Washington

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Related Information

EAGL Instructions for 2025-27 Remedial Action Grant Applications: Toxics Cleanup Program's guidelines for using Ecology's Administration of Grants & Loans System (EAGL) to apply for Remedial Action Grants (Ecology Publication No. 24-09-047):
<https://apps.ecology.wa.gov/publications/summarypages/2409047.html>

Contact Information

Toxics Cleanup Program

Headquarters
P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-7170
Website: [Washington State Department of Ecology](http://www.ecology.wa.gov)¹

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¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



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

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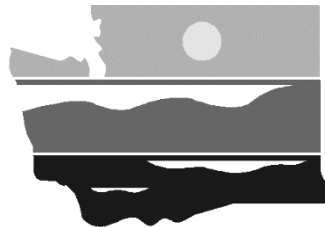
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DEPARTMENT OF
ECOLOGY
State of Washington

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Acronyms & Abbreviations

Acronym or Abbreviation	Definition
ARARs	Applicable or Relevant and Appropriate Requirements
CAP	Cleanup Action Plan
CPM	Cleanup Project Manager
CSID	Cleanup Site Identification Number
EAGL	Ecology's Administration of Grants and Loans
Ecology	Washington State Department of Ecology
EIM	Environmental Information Management
EJ Screen	Environmental Justice Screening and Mapping Tool
ESA	Environmental Site Assessment
ESSB	Engrossed Substitute Senate Bill
FS	Feasibility Study
IDP	Inadvertent Discovery Plan
MCL	Maximum Contaminant Level
MTCA	Model Toxics Control Act
NRDA	Natural Resource Damage Assessment
NRD	Natural Resource Damage
PFAS	Per- or Polyfluoroalkyl Substances
PLP	Potentially Liable Person
PRP	Potentially Responsible Party
PRPR	Payment Request & Progress Report
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
SEPA	State Environmental Policy Act
TCP	Toxics Cleanup Program
U.S. EPA	United States Environmental Protection Agency
VCP	Voluntary Cleanup Program
WAC	Washington Administrative Code (rule)

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Executive Summary

The Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW,² governs the cleanup of contaminated sites in Washington state. Voters approved MTCA 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](#)).³

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 regulations in the RAG Rule, Chapter [173-322A](#) WAC.⁴

In February of even-numbered years, Ecology solicits applications for the following remedial action grants and loans:

- [Oversight Remedial Action Grants and Loans](#).⁵ Provides funding to local governments that investigate and clean up contaminated sites under an order or decree.
- [Area-wide Groundwater Investigation Grants](#).⁶ Provides funding to local governments that investigate known or suspected areas of groundwater contamination caused by multiple releases of hazardous substances.
- [Safe Drinking Water Action Grants](#).⁷ Provides funding to local governments to ensure safe drinking water is available to communities where the source of drinking water has been polluted by the release of a hazardous substance.

Ecology uses the applications to develop its budget request for the next biennium and update its ten-year financing plan for remedial action grants and loans. Ecology must submit both its budget request to the Governor and its [MTCA Capital Account ten-year financing report](#)⁸ to the Legislature in September of even-numbered years. A final budget is usually effective and enacted on July 1 of the following odd-numbered year. This document provides guidance to local governments when they are applying for and managing an Oversight Remedial Action Grants and Loans, Area-wide Groundwater Investigation Grants, and Safe Drinking Water Action Grants during the 2023–25 biennium, including eligibility and other regulatory

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305> (Hazardous Waste Cleanup – Model Toxics Control Act)

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010> (Declaration of policy.)

⁴ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A>

⁵ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans>

⁶ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Area-wide-groundwater-investigation-grants>

⁷ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Safe-drinking-water-grants>

⁸ Find all MTCA Legislative reports at <https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup/TCP-Legislative-reports>. Find the 2020 MTCA Capital Account Ten-Year Financing Report at <https://apps.ecology.wa.gov/publications/SummaryPages/2009060.html>

requirements and limitations. You can find more information about other types of cleanup grants on Ecology's [paying for cleanups webpage](#).⁹

⁹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Paying-for-cleanups>

Chapter 1: Purpose and Applicability

The Washington State Department of Ecology's (Ecology's) Toxics Cleanup Program (TCP) administers the [Remedial Action Grant and Loan \(RAG\) Program](#)¹⁰ for local governments under the Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW.¹¹ The purpose of the RAG Program is to expedite the cleanup¹² and redevelopment of contaminated sites¹³ while lessening the impact of cleanup costs on local ratepayers and taxpayers. Remedial action grants and loans supplement local government funding and other sources of funding.

This document provides guidance for the **2025-27 Biennium** on how to apply, meet program requirements, and manage funded projects for the following types of remedial action grants and loans:

- **[Oversight Remedial Action Grants](#)**:¹⁴ Provides funding to local governments that investigate and clean up contaminated sites under an order¹⁵ or decree¹⁶ overseen by Ecology under MTCA, or by the United States Environmental Protection Agency (U.S. EPA) under the federal cleanup law.¹⁷
 - **Extended Grant Agreements**: an overarching agreement option for Oversight Remedial Action Grants where the project's total eligible costs exceed \$20 million and the project will span multiple biennia.
- **[Oversight Remedial Action Loans](#)**:¹⁸ Allows Ecology to provide low interest loans to local governments with an Oversight Remedial Action Grant to help fulfill their local match requirement.
- **[Area-wide Groundwater Investigation Grants](#)**:¹⁹ Provides funding to facilitate redevelopment within a local government's jurisdiction by conducting a study of the

¹⁰ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Paying-for-cleanups>

¹¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

¹² As used in this Guidance, the term "cleanup" means the same as "remedial action" under Chapters 173-322A and 173-340 WAC and includes both investigations and cleanup actions.

¹³ As used in this Guidance, the terms "contaminated site" and "site" mean the same as "hazardous waste site" under Chapters 173-322A and 173-340 WAC.

¹⁴ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans>

¹⁵ As defined in WAC 173-322A-100(33), the term "order" includes enforcement orders and agreed orders issued under MTCA and unilateral administrative orders and administrative orders on consent issued under the federal cleanup law.

¹⁶ As defined in WAC 173-322A-100(11), the term "decree" or "consent decree" means a consent decree issued under chapter 70.105D RCW or the federal cleanup law.

¹⁷ As defined in WAC 173-322A-100(20), the "federal cleanup law" is 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."

¹⁸ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans>

¹⁹ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Area-wide-groundwater-investigation-grants>

groundwater in a limited geographic area known or suspected to be contaminated by multiple sites.

- [Safe Drinking Water Action Grants](#):²⁰ Provides funding to local governments to ensure safe drinking water is available to communities where the source of drinking water has been polluted by the release of a hazardous substance.

1.1 Rules and Guidelines

The rules governing the RAG Program are found in Chapter [173-322A](#) WAC.²¹ Appendix A of these guidelines include excerpts of the rule that apply to Oversight Remedial Action Grants and Loans, Area-wide Groundwater Investigation Grants, and Safe Drinking Water Action Grants. Definitions of terms used in these guidelines can be found in the Appendix and in Chapter [173-340](#) WAC,²² Model Toxics Control Act Cleanup Regulations (also known as the MTCA Cleanup Rule).

These guidelines summarize and explain the rule requirements specific to Oversight Remedial Action Grants and Loans, Area-wide Groundwater Investigation Grants, and Safe Drinking Water Action Grants. If any part of these Guidelines is found to be in conflict with the rule language in Chapters 173-322A or 173-340 WAC, the rule language governs.

Applicants and Recipients²³ should read and understand these guidelines, the applicable rules, and the applicable version of Ecology's "[Yellow Book](#)"²⁴ also known as *Administrative Requirements for Recipients of Ecology Grants and Loans* (2023).

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.

²⁰ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Safe-drinking-water-grants>

²¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A>

²² <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

²³ As used in these Guidelines, the term "Applicant" applies before receipt of the grant, and "Recipient" applies after the grant has been awarded.

²⁴ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

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 Toxics Cleanup Program

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

- Chapter [173-340](#) WAC²⁵, MTCA Cleanup Regulations.
- Chapter [173-204](#) WAC²⁶, Sediment Management Standards.

The law's declaration of policy calls for raising "sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's lands and waters" (RCW [70A.305.010](#)²⁷). 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 directs a portion of the revenue from the Hazardous Substance Tax to the Model Toxics Control Capital Account, which can be used by Ecology for grants to persons intending to remediate contaminated real property for development of affordable housing (RCW [70A.305.190](#)(4)(a)(iv)²⁸).

2.2 What is a cleanup?

Cleanups are often considered construction projects that remove or immobilize contamination and put properties back into use. *Sites* are defined by the nature and extent of contamination associated with one or more releases of hazardous substances. *Contaminated sites* are defined as sites where further remedial action is necessary under MTCA to address threats to human health and the environment posed by hazardous substance releases. See WAC [173-340-200](#).²⁹ We frequently use the terms *site*, *contaminated site*, and *cleanup site* interchangeably.

Sites can be small like a petroleum spill at a gas station, or enormous like those in Tacoma and Everett that span thousands of acres as a result of untreated smelter deposits of arsenic and lead for nearly 100 years. A routine site cleanup usually takes less time and money, such as a leaking underground storage tank where only petroleum has impacted soil or groundwater. A complex site requires more time and money to clean up. One such example is a co-mingled plume of chemicals at former dry cleaners, where chemicals have seeped into soil and

²⁵ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

²⁶ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

²⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010>

²⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.190>

²⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-200>

groundwater, then vaporize through cracks of nearby buildings—a complex problem known as vapor intrusion.

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

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

2.3 Steps in the cleanup process

The cleanup process and requirements are set forth in the MTCA Cleanup Regulations, Chapter [173-340 WAC](#)³⁰ and summarized in [WAC 173-340-120](#).³¹ The steps in the cleanup process are highlighted below and illustrated in **Figure 1**. The administrative options for investigating and cleaning up a site are summarized in [WAC 173-340-510](#).³² For more information, visit Ecology's webpage, [How the cleanup process works](#).³³

1. **Release discovery and reporting.** Within 90 days of discovering a hazardous substance release or threatened release that may pose a threat to human health or the environment, an owner or operator must report the release to Ecology as described in [WAC 173-340-300](#).³⁴ Other persons are encouraged to report such releases. Releases are often discovered during facility operations, during construction work, or when conducting due diligence activities for property transactions.
2. **Initial investigation and listing.** Within 90 days of learning of a hazardous substance release or threatened release, Ecology conducts an initial investigation under [WAC 173-340-310](#)³⁵ to determine whether it may pose a threat and whether further remedial action is necessary to confirm or address the threat. Ecology may extend an initial investigation when independent remedial actions (investigations or cleanup) are completed within 90 days of release discovery. **Ecology lists a site based on its determination.**
 - a. **Contaminated sites list.** If further remedial action is necessary, Ecology adds the site to the [Contaminated Sites List](#)³⁶ under [WAC 173-340-330](#).³⁷ The list also identifies the site's remedial action status. Ecology updates the status during the cleanup process to reflect current conditions.

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

³¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-120>

³² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-510>

³³ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

³⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-300>

³⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-310>

³⁶ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

³⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-330>

- b. No further action sites list.** If no further remedial action is necessary, Ecology adds the site to the [No Further Action Sites List](#)³⁸ under WAC [173-340-335](#).³⁹ The list identifies whether institutional controls or periodic reviews remain necessary at the site.
- c. No site.** If there is no release or threatened release that poses a threat, Ecology does not list the site.

Ecology notifies owners and operators in writing of its determination. For sites added to either list, Ecology also notifies the public of its determination in the *Contaminated Site Register* and provides information about the site on Ecology's website under WAC [173-340-600](#).⁴⁰

- 3. Hazard assessment and ranking.** Based on the results of the initial investigation, Ecology assesses and ranks the threats to human health and the environment posed by the site under WAC [173-340-320](#).⁴¹ Ecology may update the assessments and rankings during the cleanup process when new information becomes available or conditions change. Ecology uses the results to support decisions to add or remove sites from the contaminated sites list, prioritize remedial action and funding among and within sites, track cleanup progress, and communicate threats to the public.
- 4. Interim actions.** At any time during the cleanup process, interim actions may be conducted under WAC [173-340-430](#)⁴² to reduce the risk to human health or the environment or partially clean up contamination. Owners and operators of regulated underground storage tank (UST) systems must perform the interim actions specified in WAC [173-340-450](#)⁴³ immediately or shortly after confirming a release from such a system to reduce the threats posed by the release, prevent any further release, and characterize the nature and extent of the release.
- 5. Remedial investigation of site conditions.** After a detailed work plan is prepared, a remedial investigation is conducted at the site under WAC [173-340-350](#)⁴⁴ to:

 - Identify the sources of contamination.
 - Characterize the nature, extent, and magnitude of contamination.
 - Assess the threats posed by the contamination to human health and the environment.

The results of the remedial investigation are used to:

- Establish cleanup standards under [Part 7](#)⁴⁵ of Chapter 173-340 WAC.

³⁸ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/nfa>

³⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-335>

⁴⁰ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-600>

⁴¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-320>

⁴² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-430>

⁴³ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-450>

⁴⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-350>

⁴⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-700>

- Develop and evaluate cleanup action alternatives in a feasibility study under WAC [173-340-351](#).⁴⁶
- 6. Feasibility study of cleanup action alternatives.** Based on the results of the remedial investigation, cleanup action alternatives for addressing the threats posed by the site are developed and evaluated in a feasibility study under WAC [173-340-351](#).⁴⁷ The alternatives are evaluated against the requirements and expectations for cleanup actions in WAC [173-340-360](#)⁴⁸ and [173-340-370](#)⁴⁹. The results of the feasibility study are used to select the cleanup action for a site. A feasibility study is not required to select an applicable model remedy developed by Ecology under WAC [173-340-390](#).⁵⁰
 - 7. Cleanup action plan.** Based on the results of the remedial investigation and feasibility study, a cleanup action is selected, and a cleanup action plan is prepared under WAC [173-340-380](#).⁵¹ The cleanup action plan documents the selected cleanup action and specifies the cleanup standards and other requirements the cleanup action must meet. Cleanup standards include:
 - The concentrations the cleanup action must meet (cleanup levels).
 - The location where those concentrations must be met (points of compliance).
 - Other regulatory requirements that apply to the cleanup action or site.
 - 8. Cleanup.** After a cleanup action is selected, the cleanup is conducted under WAC [173-340-400](#)⁵² and [173-340-410](#)⁵³. Cleanup includes design, construction, operation and maintenance, and monitoring of the cleanup action.
 - a. Design.** Before starting construction, plans are developed to detail the cleanup action. This includes engineering designs, construction plans and specifications, operation and maintenance plans, and compliance monitoring plans. Before or during this design phase, any permits or approvals needed to construct the cleanup action are identified and resolved.
 - b. Construction.** Construction of the cleanup action is conducted in accordance with the plans and specifications prepared during the design phase. Upon completion of construction, as-built reports are prepared to document all aspects of construction and compliance with plans and specifications. During and upon completion of construction, Ecology may inspect the site and provide construction oversight.
 - c. Operation and maintenance.** After construction is complete, some cleanup actions need to be operated and maintained for a period of time to achieve cleanup standards. For example, a treatment system may be constructed and

⁴⁶ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-351>

⁴⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-351>

⁴⁸ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-360>

⁴⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-370>

⁵⁰ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-390>

⁵¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-380>

⁵² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-400>

⁵³ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-410>

used to clean up contaminated groundwater. Operation and maintenance of such cleanup actions is conducted in accordance with a plan developed during the design phase.

d. Monitoring. During the construction and the operation and maintenance of the cleanup action, the following types of compliance monitoring are conducted. Compliance monitoring is conducted in accordance with a plan developed during the design phase.

- **Protection monitoring** is conducted to confirm that human health and the environment are adequately protected.
- **Performance monitoring** is conducted to confirm that the cleanup action is achieving or has attained cleanup standards and any other applicable performance standards, such as remediation levels or permit requirements.

9. Cleanup completion. Ecology determines whether cleanup of the site is complete based on the criteria in WAC [173-340-330\(5\)](#).⁵⁴ Typically, a cleanup is complete if no further remedial action is necessary to achieve cleanup standards at the site. For nonpermanent cleanup actions, such as those involving containment of contamination, post-cleanup controls and monitoring may be necessary as part of the cleanup action to maintain and periodically review compliance with cleanup standards.

10. Removal from contaminated sites list. After determining the cleanup of the site is complete, Ecology removes the site from the contaminated sites list under WAC [173-340-330](#)⁵⁵ and adds the site to the no further action sites list under WAC [173-340-335](#).⁵⁶ The no further action sites list identifies whether institutional controls or periodic reviews remain necessary at the site.

11. Post-cleanup controls and monitoring. For nonpermanent cleanup actions, after the cleanup is completed and the site is removed from the contaminated sites list, one or more of the following post-cleanup remedial actions may be needed to control or monitor contamination remaining at the site.

- a. Engineered controls.** Engineered controls are containment or treatment systems that prevent or limit movement of, or exposure to, contamination. For example, materials may be placed over contaminated soils to limit contact with contamination. For a cleanup action to remain protective, engineered controls must be operated and maintained in accordance with the plan required under WAC [173-340-400](#).⁵⁷
- b. Institutional controls.** Institutional controls prohibit or limit activities or uses of real property that may interfere with the integrity of engineered controls or result in exposure to contamination remaining at the site. For example, a property may be restricted to industrial land use at sites where cleanup standards are based on

⁵⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-330>

⁵⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-330>

⁵⁶ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-335>

⁵⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-400>

such use. Institutional controls may also obligate a person to operate, maintain, or monitor engineered controls to ensure the integrity of the cleanup action. Typically, institutional controls are implemented by recording a restrictive covenant on the property. For a cleanup action to remain protective, institutional controls must be maintained and enforced. See WAC [173-340-440](#).⁵⁸

- c. **Confirmation monitoring.** Confirmation monitoring is a type of compliance monitoring used to confirm the long-term effectiveness of a cleanup action after the cleanup is completed. See WAC [173-340-410](#).⁵⁹ For example, confirmation monitoring may be used to confirm that engineered controls are operating properly and effectively limiting the movement of contamination remaining at the site. For a cleanup action to remain protective, confirmation monitoring must be conducted in accordance with the plan required under WAC [173-340-400](#).⁶⁰ Ecology relies on the monitoring data during periodic reviews of post-cleanup site conditions.
- d. **Financial assurances.** Financial assurances are assurances made to Ecology by a person that sufficient financial resources are available to provide for the long-term operation, maintenance, and monitoring of a cleanup action relying on engineered or institutional controls, and for any needed corrective measures. Ecology may require financial assurances under WAC [173-340-440](#)(11).⁶¹
- e. **Periodic reviews.** Ecology conducts periodic reviews of post-cleanup site conditions at least once every five years to determine whether they remain protective of human health and the environment. If Ecology determines that conditions are not protective and that substantial changes to the cleanup action are necessary, Ecology may relist the site on the contaminated sites list and revise the cleanup action plan. See WAC [173-340-420](#).⁶²



Figure 1: Steps in the formal MTCA Cleanup Process

⁵⁸ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-440>

⁵⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-410>

⁶⁰ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-400>

⁶¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-440>

⁶² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-420>

2.4 Public involvement and Tribal engagement during cleanup

For all sites on the contaminated sites list and the no further action sites list, Ecology will:

- Make key site information publicly available on Ecology's website under WAC [173-340-600\(5\)](#),⁶³ including the site's listing, remedial action status, hazard rankings, and remedial action plans and reports.
- If requested, notify a person electronically under WAC [173-340-600\(6\)](#)⁶⁴ when the site information specified on Ecology's website is added or changed.
- Provide notice of proposed actions available for public comment in the *Contaminated Site Register* under WAC [173-340-600\(7\)](#).⁶⁵

For Ecology-conducted and Ecology-supervised remedial actions, Ecology provides the public with notice and opportunity to comment and invites tribal engagement on most steps in the cleanup process. For such sites, Ecology prepares or requires site-specific public participation and tribal engagement plans. These and other requirements are described in WAC [173-340-600\(8\)](#) through (19)⁶⁶ and [173-340-620](#).⁶⁷

For independent remedial actions, Ecology provides the public with notice of any reports of such actions received by Ecology, the results of any Ecology review of such actions, the results of any periodic review of the site, and any institutional controls at the site. These and other requirements are described in WAC [173-340-600\(20\)](#).⁶⁸

⁶³ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-600>

⁶⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-600>

⁶⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-600>

⁶⁶ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-600>

⁶⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-620>

⁶⁸ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-600>

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Chapter 3: Funding Cycle

This chapter describes the major steps of Ecology's two-year funding cycle. Washington State's budget operates on a biennium, or two-year funding cycle. A biennium begins on July 1 of each odd-numbered year and ends on June 30 of the next odd-numbered year.

In February of even-numbered years, Ecology solicits applications for the following remedial action grants and loans:

- Oversight Remedial Action Grants and Loans;
- Area-wide Groundwater Investigation Grants;
- Safe Drinking Water Action Grants.

Ecology uses the applications to develop its budget request for the next biennium and update its ten-year financing plan for remedial action grants and loans. In any given biennium, Ecology may decide not to include a given grant type in the Agency's budget request. [WAC 173-322A-210](#)⁶⁹ requires Ecology to prioritize RAG funding in the following order:

- 1) Oversight Grants with an active Extended Grant Agreement
- 2) Ongoing Remedial Action Grant projects (previously received RAG funding)
- 3) New projects

Ecology must submit both its budget request to the Governor and its MTCA Capital Account ten-year financing report⁷⁰ to the Legislature in September of even-numbered years. The report estimates the amount of public financing needed to help Ecology and local governments investigate and clean up contaminated sites in the next biennium and over the next ten years. The report is required under RCW [70A.305.030\(4\)](#).⁷¹

3.1 Application submittal

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

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

⁶⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-210>

⁷⁰ Find all MTCA Legislative reports at <https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup/TCP-Legislative-reports>. Find the 2020 MTCA Capital Account Ten-Year Financing Report at <https://apps.ecology.wa.gov/publications/SummaryPages/2009060.html>

⁷¹ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.030>

SAW and EAGL video tutorials:

- [How to obtain a SAW account](#)⁷²
- [Applying for Ecology grants](#)⁷³

EAGL instructions with screenshots and helpful tips:

- [EAGL Instructions for 2025–27 Remedial Action Grant & Loan Applications](#) (2024)⁷⁴
- [EAGL External Users' Manual \(2021\)](#)⁷⁵

If you need help using EAGL or completing an application, contact the Ecology Grant Manager listed in Contact Information listed at bottom of the [grant webpage](#)⁷⁶.

3.2 Project evaluation and ranking

Applications submitted during the 2024 project solicitation (February and March 2024) will be considered for funding for the 2025-27 biennium, which begins in July 2025. Awarded funding is available approximately 1.5 years after project solicitation. Read more about this timing in Section 3.3, “Ecology’s budget request and appropriation.”

The “Eligibility” and “Scoring Criteria” forms in EAGL that Applicants complete gives Ecology information about the project and its eligibility. Ecology staff will consider information provided in the application when scoring. The application’s final score is used as part of the project ranking and funding decision process.

The final scores are used to rank the projects for each grant type and determine funding priority. The subsequent project list is used by Ecology to request funding within available monetary resources.

3.3 Ecology’s budget request and appropriation

In September of even-numbered years, Ecology submits a prioritized budget request for Affordable Housing Cleanup Grants to the Governor’s Office and submits the MTCA Capital Account Ten-Year Financing Report to the Legislature.

Before the end of each even-numbered calendar year, the Governor’s office releases their budget proposal. That budget is used as the starting point for the Legislature when session begins in January of an odd-numbered year. The Legislature will pass a final budget, which is usually effective and enacted on July 1 of the odd-numbered year. Grants cannot be written until the budget is enacted, which is usually over a year after the initial application.

⁷² <https://www.youtube.com/watch?app=desktop&v=pj0EnljG3RQ&feature=youtu.be>

⁷³ <https://www.youtube.com/watch?app=desktop&v=9B3gvb3QRBk>

⁷⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/2409047.html>

⁷⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html>

⁷⁶ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans>

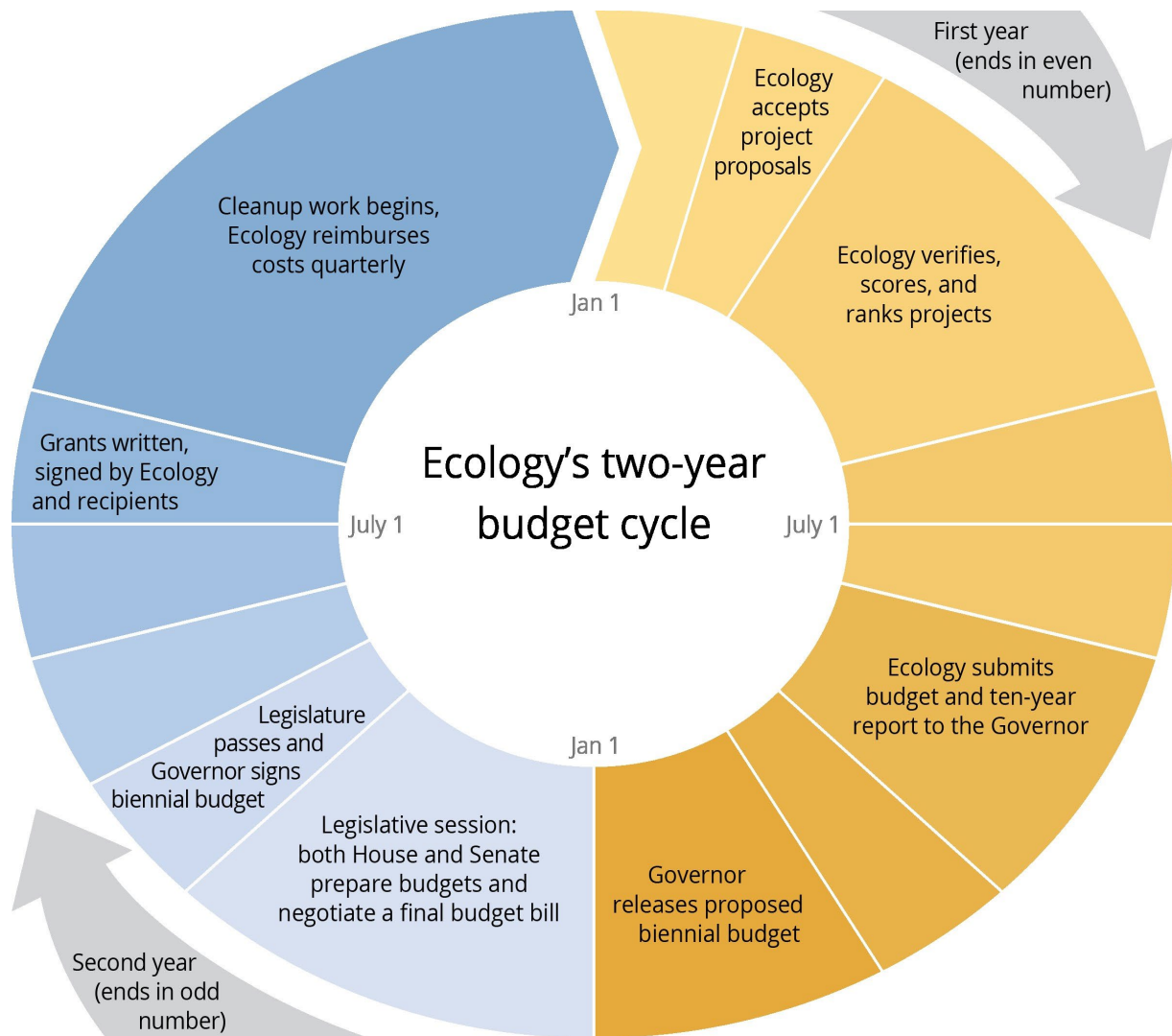


Figure 2: Ecology's two-year budget cycle for cleanup grants begins with the solicitation between January and March of even numbered years and usually concludes with the enacted budget in July of odd numbered years.

3.4 Agreement development

After the biennial budget is enacted, Ecology verifies information as needed (such as permit status) and then notifies Applicants if their project received funding. For funded projects, Ecology will work to accurately capture the scope of work for the grant. With the exception of the Grant Administration task, Cleanup Grants defer to the scope of work defined in the order or decree. Ecology staff will then work with the Recipient to ensure the grant scope of work matches the needs of the cleanup and program requirements.

3.5 Reapplying

If your project did not receive funding for this biennium, it will move into an “Unfunded” status in EAGL. Ecology may request funding for additional projects in a supplemental budget in a given biennium. If funding is provided to projects in the supplemental budget, Ecology will work with recipients to adjust requests for the subsequent biennium accordingly. A project that was not funded either through the biennial budget should reapply during the next biennial solicitation (which overlaps with the supplemental legislative session).

Chapter 4: Funding Policies and Criteria

This chapter highlights general funding policies and updates related to implementing the Remedial Action Grant and Loan Program. For questions about these policies, please contact an Ecology Grant Manager, which can be found on the [Remedial Action Grants – Washington State Department of Ecology](#)⁷⁷ webpage.

4.1 Cash management

Ecology generally funds Remedial Action Grants by each major phase of remedial action (remedial investigation, feasibility study, and cleanup). To better manage cash flow and provide the most grant funds possible to Applicants who are ready to proceed with cleanups, the RAG rule prohibits Ecology from:

Awarding more funds for a project each biennium than estimated to be necessary to complete the scope of work for that biennium; or

Awarding more funds for a project until the Recipient substantially spends or commits the funds awarded during the previous biennium (WAC [173-322A-220\(5\)](#)⁷⁸).

4.2 Readiness to proceed and grant spending

Ecology's expectation that upon grant execution, the Recipient is prepared to begin project work aligned with the schedule of the order or decree, or to be working with Ecology on the scope of work tasks.

Quarterly payment requests and progress reports are required throughout the term of the grant. Should the Recipient not keep up to date on grant project progress and the budget for each task, it may affect how subsequent remedial action grants are scored.

If funds from previous biennial grant awards have not been spent within six (6) years from the date of grant award, the Recipient may be required to reapply for the next biennial competitive grant solicitation.

4.3 Other funding sources

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

- Other grants.
- Matching funds.
- Agreements with other public and private Potentially Liable Persons (PLPs) or Potentially Responsible Parties (PRPs) to help pay for remedial action costs.

⁷⁷ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans>

⁷⁸ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-220>

- Insurance policies and claims made against those policies.
- Lawsuits filed to pursue a contribution claim or cost recovery claim under MTCA or the federal cleanup law.

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

4.3.1 Allowed use of other proceeds

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

- Recipient's grant match.
- Legal costs incurred by the Recipient as they pursue claims or actions that are not grant-eligible.
- Cleanup 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, cleanup costs incurred by the Recipient at another contaminated site that was not the basis of the cleanup grant, insurance claim, contribution claim, or cost recovery claim for cleanup costs at the site.

4.3.2 Using other proceeds as grant match

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

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

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

4.3.3 Repayment of excess proceeds

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

- If the remedial action grant has not yet been issued, Ecology will typically reduce the amount 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.

4.4 Cultural Resource Review

Under WAC [173-340-815\(3\)](#)⁷⁹ and [Governor's Executive Order 21-02](#)⁸⁰, projects funded by a cleanup grant must be reviewed for potential impacts to cultural resources. Examples of cultural resources include archaeological sites or objects; buildings older than 45 years that are on the historic register or eligible for the historic register; or locations of significant events or pre-historic or historic occupation of activity, such as trails, petroglyphs, village sites, or battlefields.

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

4.4.1 Cultural resource consultation

Ecology will review all Planning Grant projects for potential impacts to cultural resources and historic places. For projects involving a field activity that is capable of affecting a cultural resource (including sampling), Ecology will consult with the [Washington State Department of Archaeology and Historic Preservation](#) (DAHP)⁸¹ and affected Indian tribes. Applicants will need to complete Ecology's [Cultural Resources Review Form](#)⁸² to initiate these consultations. Based on the consultations, Ecology may require the development and implementation of a cultural resources work plan, such as a survey or monitoring plan, to identify cultural resources and to avoid, minimize, or mitigate adverse impacts to cultural resources at the site. See WAC [173-340-815\(3\)\(b\)\(i\)](#).⁸³

⁷⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-815>

⁸⁰ https://www.governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf

⁸¹ <https://dahp.wa.gov/>

⁸² <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html>

⁸³ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-815>

4.4.2 Inadvertent discovery

Recipients will also need to prepare an [Inadvertent Discovery Plan \(IDP\)](#)⁸⁴ An IDP lays out the procedures you would need to follow in the event of an unanticipated discovery of human remains, or historic or prehistoric resources. This plan must be onsite at all times and every field staff member should be familiar with its requirements. Recipients may use the Ecology-approved IDP template or draft their own. If you draft your own plan, please ensure it includes the same or more comprehensive information. See WAC [173-340-815\(3\)\(b\)\(ii\)](#).⁸⁵

After being awarded a grant, Recipients are encouraged to **request a cultural resources consultation from Ecology as soon as possible**. If a cultural resources consultation isn't completed before field activities begin, Ecology may not reimburse otherwise grant-eligible costs. Ecology will discuss the cultural resources consultation with the Recipient during negotiations about the scope of work.

4.5 Environmental justice evaluation criteria

Providing equitable environmental protection to all people in our state is important to Ecology and the State of Washington. This core principle is part of the agency's commitment to environmental justice. Washington State law defines environmental justice as:

"...the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm." ([E2SSB 5141](#)).⁸⁶

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\(1\)](#)).⁸⁷

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-320\(3\)\(d\)](#)).⁸⁸

A "highly impacted community" is defined in the RAG rule as:

⁸⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html>

⁸⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-815>

⁸⁶ <http://lawfilesexst.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/Senate/5141-S2.SL.pdf?q=20210820010251>

⁸⁷ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.010>

⁸⁸ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-320>

[A]community that [Ecology] has determined is likely to bear a disproportionate burden of public health risks from environmental pollution (WAC [173-322A-100\(24\)](#))⁸⁹.

Ecology currently considers the following factors to define a highly impacted community for the 2025-27 biennium:

1. The population of the census tract scores a rank of 9 or 10 on the [Environmental Health Disparities Index](#)⁹⁰ maintained by the Department of Health. The environmental health disparities index considers 19 indicators that include environmental exposures and effects as well as sensitive populations and socioeconomic factors.
2. The site is located in the 80th percentile or above by census tract in [EJ Screen](#)⁹¹ for the Supplemental Demographic Index or Demographic Index in comparison to Washington State demographics.
 - a. Supplemental Demographic Index is based on the average of five socioeconomic indicators; low-income, unemployment, limited English, less than high school education, and low life expectancy (which is a health dataset).
 - b. Demographic Index is based on the average of two socioeconomic indicators; low-income and people of color.

We also consider if the site is in an “economically disadvantaged,” city, town, or unincorporated portion of the county as defined in WAC 173-322A-100(15) and (16). See [Economically Disadvantaged Cities, Towns, and Counties in Washington State \(2023-25\)](#)⁹².

For each specific grant type, please see the associated scorecard.

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

⁹⁰ Washington Environmental Health Disparities Map | Washington State Department of Health <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap>

⁹¹ <https://www.epa.gov/ejscreen>

⁹² <https://apps.ecology.wa.gov/publications/SummaryPages/2309045.html>

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Chapter 5: Grant and Loan Management

This chapter describes the financial and administrative aspects of managing a remedial action grant or loan 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](#),”⁹³ the *Administrative Requirements for Recipients of Ecology Grants and Loans*.
- The project-specific terms and conditions specified in the grant agreement.
- The General Terms and Conditions for Ecology grants and loans. This document is included in each grant or loan agreement. Contact the appropriate Ecology Financial Grant Manager for the latest version. If the General Terms and Conditions are amended during the biennium, the version in effect on the date the agreement was signed or date of the most recent amendment applies. The General Terms and Conditions are not negotiable.
- The scope of work or other requirements specified in an order, decree, or the grant agreement. For Oversight Remedial Action Grants and Loans, the order or decree contains the scope of work and determines eligible costs. For Area-wide Groundwater Investigation Grants and Safe Drinking Water Action Grants, the grant agreement outlines the scope of work and determines eligible costs.

5.1 Roles and responsibilities

The remedial action grant and loan process that supports cleanup work involves several key individuals: the grant Applicant or Recipient, the Ecology Grant Financial Manager, and the Ecology Cleanup Project Manager.

5.1.1 Grant Applicant and Recipient

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

Applicants are responsible for submitting accurate application materials including all elements of the grant application. Once the grant is executed, the Recipient is responsible for submitting quarterly payment requests and progress reports, and timely notification to Ecology staff of any changes to the scope of work, work schedule, or the grant budget. While Ecology understands that the recipient will hire consultants and contractors to conduct the work, the relationship for the grant is between Ecology and the Recipient. Questions regarding funding, grant eligibility, or other financial matters connected to the grant will need to be addressed by the recipient and Ecology.

⁹³ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

5.1.2 Ecology Grant Financial Manager

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

5.1.3 Ecology Cleanup Project Manager

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

5.2 Spending plans

Ecology generally funds cleanup grants by each major phase of remedial action (remedial investigation, feasibility study, and cleanup). This allows Ecology to better manage cash flow and provide the most grant funds possible to Applicants who are ready to proceed with cleanups. Recipients must update spending plans for their grant within EAGL with each payment request. If a project becomes significantly delayed, unspent funds may be deobligated from the project.

5.3 Technical reports

Any technical reports required under the grant or loan should be submitted to the Ecology Cleanup Project Manager for review as specified in the order, decree, or grant agreement. All sampling data generated during remedial actions must be entered into Ecology's Environmental Information Management system (EIM). Payments may be withheld if the data has not been properly entered into EIM or not all technical documents submitted.

5.4 Quarterly grant progress reports and payment requests

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

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

staff, or contractors. Quarterly progress reports must include information on the status of pending cost recovery actions and insurance claims.

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

Grants that are not billed up to date may not be extended at the end of the biennium. Prior grant performance criteria for the 2025-27 RAG solicitation were updated to prioritize projects that bill timely (see scoring criteria). Ecology anticipates continuing this practice to prioritize projects that comply with their grant quarterly billing terms and conditions moving forward in subsequent biennia.

5.5 Amendments

After Ecology establishes the grant budget, amendments to change the length of the agreement, or increase or decrease the budget, may be considered. However, Ecology does not promise or guarantee such amendments. Ecology may amend an agreement to change the length of the agreement or the budget for the agreement. Ecology usually does not amend an agreement to increase funding. If additional funding is needed, Ecology usually awards it in a subsequent grant agreement after the successful application in a future solicitation.

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

Ecology may allow a Recipient to deviate from the task budget by up to 10% of the total grant budget. At their discretion, the Ecology Grant Financial Manager may require an amendment when the Recipient has surpassed the budget even if by less than 10%. If a payment request goes over the 10% threshold, the exceeding funds will be withheld until an amendment appropriately adjusts the budget and a new payment request is approved. The exceeding funds will automatically be dispersed along with the approved funds of the new payment request.

5.6 Close Out

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

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

- **Outstanding technical documents.** Provide all technical documents to the Cleanup Project Manager as outlined in the grant agreement. Ecology may withhold final payment and grant close out if the Recipient has not submitted completed deliverables to Ecology staff.
- **Final Payment Request and Progress Report.** Both of these EAGL forms will require the Recipient to identify it as the final payment request or progress report for the grant. Select "yes" using the radio button on the final payment request **and** progress report to enable closing out the grant.

- **Close Out Report.** This is an EAGL form found in the Payment Request Menu where the Recipient summarizes the final achievements of the activities funded by the grant. In most cases, we require the Close Out report with the final Payment Request and Progress Report. If you require more time or assistance completing your Close Out report, speak to your Ecology Grant Financial Manager. Ecology may withhold your final payment pending submittal of the Close Out report.

5.7 Audits

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

Chapter 6: Cost Eligibility

The Recipient is responsible for understanding cost eligibility terms prior to incurring an expense and billing to the grant. For the purposes of these Guidelines, we also refer to “grant-eligible costs” as “eligible costs.” While the grant agreement will include the scope of work, there are often specific issues related to eligible costs that may arise during grant implementation. When there is a question about what is an eligible cost, the Recipient should first review the terms of the agreement, the grant rules, and the applicable version of Ecology’s “[Yellow Book⁹⁴](#)” *Administrative Requirements for Recipients of Ecology Grants and Loans* and these guidelines.

Only Ecology’s Grant Financial Manager can determine if a cost is eligible under the grant and has final approval authority for all grant-related costs. Ecology Grant Financial Managers work with Ecology Cleanup Project Managers, who supervise the actual cleanup-related activities, to ensure the costs are reasonable, necessary, and applicable to the project. If there are any questions about whether a specific cost may be billed to the grant, the Recipient must ask the Ecology Grant Financial Manager responsible for the agreement.

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

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

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

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

- **Necessary to complete the scope of work.** Ecology’s Grant Financial Manager and Ecology’s Cleanup Project Manager must approve the scope of work. Eligible costs must be consistent with this scope of work defined in the grant. For sites under an order or decree, the scope of work in the grant agreement must be consistent with the required work plan for the order or decree. For Area-wide Groundwater Investigation Grants and Safe Drinking Water Action Grants, the scope of work is defined only in the grant agreement.
- **Reasonable for the task.** Ecology reserves the right to reject costs as excessive, even when work is fully approved from a technical standpoint. As a result, Ecology may reimburse some expenses at less than the allowable amount or not at all. It is important to communicate project needs, especially equipment, with Ecology’s Grant Financial

⁹⁴ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

Manager prior to making large expenditures to ensure that Ecology will reimburse the expenditure.

- **Timing.** The Recipient must incur costs after the effective date of the agreement and before the expiration date of the agreement.
- **Retroactive costs.** Costs incurred prior to the grant being written are at the sole expense of the Recipient, except as specified for the grant type. Please note that if this Agreement includes retroactive reimbursement for past costs covering field activities potentially impacting cultural resources, then that activity will be subject to Ecology review to assess actions taken to address potential direct and indirect effects on prehistoric and historic archaeological sites, historic buildings and structures, traditional cultural places, sacred sites or other cultural resources. Based on the findings of the review, some or all past costs may be deemed ineligible for retroactive reimbursement.

Potentially eligible retroactive costs include:

- **Oversight Remedial Action Grants and Loans:**
 - Costs incurred under the order or decree during the period of a prior grant agreement that have not been reimbursed by Ecology;
 - Costs incurred under the order or decree between the effective date of the order or decree and the agreement signature date;
 - Costs incurred negotiating the order or decree, provided that the costs are not legal costs and were incurred within 60 days after starting negotiations for an order, or 120 days after starting negotiations for a decree;
 - Costs incurred before the beginning of negotiations of the order or decree conducting independent remedial actions up to \$600,000 total eligible cost and within five years of the beginning of negotiations.
- **Area-wide Groundwater Investigation Grants and Safe Drinking Water Action Grants:** Only retroactive costs incurred during the period of a prior grant agreement of the same type are eligible.
- **Contracts must be competitively procured:** The Recipient must use procurement practices that are consistent with state laws and rules and, when applicable, federal law. This includes fair, legal, and open competition. Ecology may ask the Recipient to provide documentation that it followed all applicable laws and requirements. See Ecology's "[Yellow Book](#)"⁹⁵ for purchasing and contract requirements, including the requirement for competitive procurement.
- **Consistent.** Charged costs must be consistent with the standard business practices of the Recipient, contractor, or consultant. The Recipient, contractor, or consultant must compute the direct and indirect charges in the same way as those charges would be

⁹⁵ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

computed if the costs were related to any other activity. The Recipient should follow consistency with standard business practices, except when grant billing or other requirements necessitate variation. Ecology may request additional documentation or explanation of costs being billed.

6.1 Proper documentation

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

At a minimum, supporting documentation must include:

- Description of the item or services purchased. "Supplies" is not an adequate description. The invoice must include a list of the individual items purchased with the quantity and price.
- Description of activities for time. Recipient contractor and subcontractor activities must be identified on the invoice. This needs to include the specific activities performed. Just listing the task or property name is not adequate.
- Name of vendor.
- Date of cost incurred.
- Invoice number.
- Invoice date.
- Serial or other identifying numbers (for equipment costing \$5,000 or more).
- Cost and quantity for each line item or service.
- Tax.
- Total cost.
- Notes associating the cost to the grant site can be handwritten on invoice by the Recipient.
- Grant task number for billing.
- If consultants are adding markup, the original cost, the markup percent, and total being billed should be identified.

Backup documentation should be uploaded directly behind the receipt or invoice to which it relates. It is a best practice to upload invoices individually by entered line item to EAGL rather than all invoices for the payment request lumped together in one Adobe Portable Document

Format file (PDF). The Recipient should name PDFs by the associated invoice number. EAGL has a 35-megabyte limit for each file, and it is more difficult to review large PDFs. Please save PDFs in a format that allows a search capacity. If the Recipient scans the PDF as a picture, we cannot search them, and we may return the Payment Request/ Progress Report to the Recipient for resubmittal.

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

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

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

Recipient salary and benefit costs must document the date work was performed, the hours worked per day, and the project activities conducted for each staff member. The hourly rate of staff will also have to be provided. Ecology reserves the right to limit or reduce hourly rate of recipient time if deemed unreasonable. 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 updates). If Recipient time is entered into an Excel spreadsheet, then a copy of the signed timesheet should be provided as additional backup. Documentation must be presented for each day worked, not only in a summary rolled up into pay periods. The backup documentation must include:

- Name of employee charging to the grant with their actual salary and benefits.
- For each employee, provide the hours worked each day, by date, and by grant task.
- Role each employee fulfills for the project (generally) and the activities they were performing (daily).

Consultant time requires the number of hours worked per day, the charge out rate, a brief description of tasks/activities worked on each day, and necessary backup from a payroll system or project tracking database. Ecology understands that consultants usually charge time at a chargeable rate that includes benefits. However, if the rate seems unreasonable, Ecology reserves the right to limit or reduce hourly rate of consultant time. The same cost eligibility rules apply to consultants hired directly by the Recipient and the subcontractors hired by any primary consultants or contractors.

6.2 Eligible costs

For the purposes of these Guidelines, “grant-eligible costs” are also called “eligible costs.” While the grant agreement will identify the scope of work in the order, decree, or prospective purchaser consent decree, 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”⁹⁶](#), *Administrative Requirements for Recipients of Ecology Grants and Loans*. Please note the particular costs below as they are common areas of confusion:

- **Administrative costs.** The Recipient incurs administrative costs as part of normal administrative processes for approval of contracts or payment of bills are eligible costs. For example, time spent reviewing invoices, preparing payment requests or progress reports, and other project-related documents, or participating in briefing meetings with elected officials or others who need to approve a contract related to the grant, are eligible costs. These costs are generally limited to 10 percent of the total grant amount.
- **Direct expenses.** Direct costs are eligible costs. These are costs that the Recipient can identify specifically with a particular task for the project, such as:
 - Compensation for employee time devoted to the project.
 - Cost of materials used specifically for the project.
 - Cost of goods or services furnished for the project by other entities such as consultants or other agencies or programs.
- **Operation and maintenance or monitoring costs.** Operation and maintenance or monitoring occurs after construction of a cleanup action component is complete. These actions are usually specified in an Operation and Maintenance Plan, required under WAC [173-340-400](#)(4)(c)⁹⁷, or a Compliance Monitoring Plan, required under WAC [173-340-410](#).⁹⁸ However, these costs are not grant-eligible if they are incurred more than one year after completing construction (see Ineligible Costs in section 6.4).

Ecology will only fund up to one year of operation and maintenance or monitoring for each funded cleanup action component, including long-term actions such as monitored natural attenuation or monitored natural recovery. Any costs incurred performing such activities after the first year are the sole responsibility of the Recipient.

To ensure appropriate tracking of the one-year limitation, the operation and maintenance or monitoring task will be amended into the grant when cleanup construction is complete. The effective date of the amendment starts the one-year period, after which the grant will close out.

⁹⁶ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

⁹⁷ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-400>

⁹⁸ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-410>

- **Overhead.** Overhead costs are those the Recipient incurs for a common purpose and not readily identifiable with a particular project. Examples of overhead include utilities for a facility not specific to the project or support departments such as human resources, fiscal staff, or supervisory personnel.

The Recipient should proportion these costs between the grant and other non-grant related usage as appropriate. Ecology may require verification of qualifications of staff charging to cleanup related tasks. The Recipient may charge overhead to cover costs that they do not typically directly bill to the grant. Allowable overhead for Planning Grants is **up to 25% of salaries and benefits** for the Recipient's employees directly billing to the project. If the normal organizational overhead rate for the Recipient's employees is 20%, then the grant the Recipient should not bill for more than 20% overhead. The Recipient must report overhead charges on the same billing as the connected salaries and benefits as overhead is calculated in a separate line item. This is not applicable to consultant/contractor salary and benefits.

- **Fleet costs and mileage.** The billing method for automobile or fleet costs needs to be clearly established and remain consistent throughout the grant. This method also needs to be consistent with how the Recipient typically manages their automobile or fleet expenses. It cannot be created specifically for purposes of the grant.
 - **For privately owned vehicles: Bill the state mileage rate.** The [state mileage rate⁹⁹](#) in effect at the time the cost was incurred is applicable as a maximum for any mileage billed by the Recipient, consultants, or contractors. Markups may not be applied to mileage or any other travel expense, and a mileage log is required for grant reimbursement documentation. It is the Recipient's responsibility to correct mileage billed in excess of the state rate.
 - **For company vehicles:** A consultant includes a standard rate for use of their vehicle on their schedule of charges. This is the only cost that may be billed. In this case mileage or gasoline are not charged.
 - **For rental vehicles:** A receipt from a rental agency is required and Ecology will pay the rental amount and gasoline (with receipts).
- **Parking.** Parking is a grant-eligible expense. The Recipient must provide receipts for reimbursement. Absent a receipt, Ecology will not allow the cost.
- **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 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.

⁹⁹ <https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables>

- **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 or consultant 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.
- **Travel – per diem.** When on travel status, a Recipient’s and their consultant or contractor’s travel costs are grant-eligible under certain circumstances. Ecology will only pay per diem costs at the [state rate](#)¹⁰⁰ determined by the Office of Financial Management. Travel costs are not eligible for markup by a contractor, consultant, or the Recipient. Ecology will not reimburse any markups over the state rate or other disallowed travel costs with grant funds.
 - Itemized receipts are always required for hotels. The room rate cannot be reimbursed in excess of the state rate. This does not include additional room fees and taxes. For example: if the state rate is \$91, the room must cost \$91 or less. However, the reimbursable hotel bill could be higher than \$91 after the addition of taxes and room fees. This does not include room service. Non-traditional lodging, such as Airbnb and VRBO, are not eligible for reimbursement.
 - Exceptions to state-approved hotel rates may be authorized by Ecology’s Grant Financial Manager under limited circumstances. However, the approval must be provided in writing prior to the cost being incurred. Costs exceeding the state rate are not allowed if not requested or approved in advance. A request for a cost waiver form must be submitted to the grant manager.
- **Permit fees.** Fees for permits necessary to complete remedial actions are an eligible cost. This includes local, state (including Ecology-issued permits), and federal permits. To complete the work within the biennium, it may be necessary to pay an extra fee for expedited permit review. These expedited fees are also eligible costs. Fees for permits related to development of a site are not eligible costs.
- **Supplies.** Supplies are tangible personal property other than tools or equipment. Supplies are either direct billed or Ecology considers them an overhead expense. Supplies or materials needed to perform the scope of work in the agreement are a grant-eligible cost. Under most grant agreements, these costs are part of overhead expenses, but the Recipient can directly bill them if they use them only for grant-related activities. Receipts for supplies must detail and identify the specific items the Recipient purchased. It cannot just say “Supplies.”
 - **Example:** If the Recipient purchases paper or ink for an office printer used by multiple programs or projects, this is an overhead expense. If the Recipient has a project office with a project printer dedicated to use only on the grant-funded activities, the Recipient may direct bill printer supplies.

¹⁰⁰ <http://www.ofm.wa.gov/resources/travel.asp>

6.3 Conditionally eligible

Conditionally eligible costs are costs that may be grant-eligible if they meet certain conditions. **All conditionally eligible costs require prior written approval from Ecology’s Grant Financial Manager.** Failure to obtain prior approval may result in the Recipient having to pay for these costs, which also makes them ineligible to count towards the grant match. The following section discusses specific issues related to conditionally eligible costs that often arise during the administration of remedial action grants.

- **Amenity replacement costs.** Costs of replacing amenities on the site such as trash and recycle bins, sidewalks, benches, lighting, turf, picnic tables, and drinking fountains, may be allowed if these amenities were destroyed as a result of cleanup construction. Recipients must provide up-front documentation about why the Recipient needed to remove and replace these amenities. The Ecology Cleanup Project Manager must have visually inspected them prior to destruction and required their removal for cleanup. If the Recipient carelessly destroyed amenities during cleanup activities, Ecology will not reimburse them under the grant. If amenities were past their normal life expectancy, Ecology will not reimburse them under the grant. Ecology may allow partial payment at the Ecology grant manager’s discretion.
- **Computer purchases.** Computer purchases (and associated software) are a conditionally allowable cost. In some cases—typically long-term cleanups—computers are an allowed direct expense. Recipients must obtain written approval from Ecology’s Grant Financial Manager to purchase computers that will be billed directly to the grant. Any costs incurred for computers or software purchased without Ecology’s Grant Financial Manager’s written approval are the Recipient’s responsibility. To request written approval from Ecology’s Grant Financial Manager for conditionally eligible costs, the Recipient must submit a justification for the purchase in writing, usually by email, which includes:
 - The work tasks to be performed on the computer;
 - A detailed price quote for the system that itemizes the components being requested for the purchase and any requested software or additions;
 - The amount of time the user or users are assigned to grant tasks;
 - The share of the total purchase price requested for grant funding.
- **Equipment.** Equipment means tangible, nonexpendable, personal property that has a useful life of more than one year and an acquisition cost of at least \$5,000 per functional unit or system. Some tools can fall into the equipment category because of their cost.

Once an item exceeds the \$5,000 threshold, additional requirements govern its acquisition, use, and disposition and will require an Equipment Purchase Report in EAGL. Additional information on this topic is available in Ecology’s [“Yellow Book.”](#)¹⁰¹ If a Recipient will want reimbursement for equipment purchases, the Recipient should inform

¹⁰¹ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

Ecology's Grant Financial Manager so the purchase can be written into the grant agreement.

- **Tools.** Tools are tangible personal property having a useful life of more than one year and an acquisition cost of less than \$5,000 per functional unit. Tools are a conditionally allowable cost. They require written approval from Ecology's Grant Financial Manager. Considerations typically include the following:
 - Is the tool required to perform the scope of work in the agreement?
 - Is the cost reasonable?
 - Is the price of the tool the most economical means of accomplishing the task or work?
 - Will the Recipient maintain ownership/possession of the tool?

If tools are purchased without approval by Ecology's Grant Financial Manager prior to the purchase, the Recipient is solely responsible for the full cost. Ecology may purchase tools for Recipients but not for private individuals such as contractors. Ecology expects that contractors or consultants arrive trained and equipped to do the job for which they were hired.

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

After the meeting, submit the following to Ecology's Grant Financial Manager:

- Sign-in sheet or attendance list; and
- Final vendor receipts or invoices.

The Recipient and consultant or contractor lunches or meeting refreshments are not reimbursable under the grant agreement unless the employees are shown to be on travel status and the costs are approved by the Ecology Grant Financial Manager in advance of the costs being incurred.

- **Groundbreaking and cleanup completion ceremonies.** The costs of hosting a groundbreaking ceremony or one commemorating the completion of a cleanup are generally not grant-eligible costs. If allowed by Ecology's Grant Financial Manager, the requirements for light refreshments apply.

- **Overtime.** If overtime is not requested in advance, the Recipient may not request payment for overtime hours.
- **Overtime differential.** Overtime differential is seldom allowed. It is any increase in pay over the standard pay rate that is provided to compensate an employee for hours worked in excess of the standard workday or week. Overtime differential may be allowable only when one hundred percent (100%) of an employee's time is spent on grant activities and prior written approval is obtained.
- **Training.** Recipient staff training is a conditionally allowable cost. Recipient training must be directly related to the project and necessary to carry out the scope of work, such as Hazardous Waste Safety training.

Travel associated with approved training for the Recipient is allowable if authorized by Ecology's Grant Financial Manager in advance. Communicate with Ecology's Grant Financial Manager to discuss training and any associated travel needs prior to incurring any expense. Failure to do so could result in the expenses being denied. Training costs may be prorated when a Recipient only works part-time on grant activities.

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

- **Working lunches.** Recipient working lunches are a conditionally eligible cost and typically requires that the Recipient is on travel status. The Recipient must submit a written request for working lunches prior to incurring expenses. Consultant or contractor working lunches are not grant-eligible unless the Recipient obtains written approval from the Ecology Grant Financial Manager prior to the event. Ecology's Grant Financial Manager may approve expenses for Recipients consistent with how Ecology approves working lunches for Ecology staff. Please refer to Ecology's "[Yellow Book](#)"¹⁰² for more information.

6.4 Ineligible costs

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

- **Contingencies, rising costs, and change orders.** Ecology writes grant agreements for a set amount. Any contingencies in separate contracts do not change the amount of the grant agreement.

¹⁰² <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

- **Dispute resolution.** Technical, legal, and administrative expenses that the Recipient incurs to challenge an Ecology decision, such as the costs of dispute resolution under an order or decree or grant agreement.
- **Ecology and U.S. EPA charges.** Costs that Ecology or U.S. EPA charge the Recipient for site management oversight (cost recovery) under the terms of orders or decrees or for technical assistance under the Voluntary Cleanup Program.
- **Grant application development.** Costs of preparing a grant application, including Recipient staff time, consultant, or contractor time.
- **Legal expenses or attorney fees.** Legal costs of any kind, including, but not limited to, the costs of seeking client advice (including Recipient time); pursuing cost recovery; contribution or insurance claims; administrative hearings; pursuing penalties or civil or criminal actions against persons; penalties the Recipient incurs; defending actions taken against the Recipient; drafting or filing covenants or liens; and any other attorney fees 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 development of Natural Resource Damage Assessments (NRDA), fees for damages to the environment or work required in lieu of fees under Natural Resource Damage (NRD) settlements, cleanup and habitat restoration work required under a state or federal NRD settlement.
- **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.
- **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. A penalty issued by Ecology for failure to comply with an order or decree is not a grant-eligible cost.
- **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.
- **Other party expenses.** Costs incurred by other parties, including broader project team members, for which the Recipient did not incur an expense.
- **Purchasing Property.** The cost of purchasing the property is not reimbursable.

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Chapter 7: Oversight Remedial Action Grants

The purpose of Oversight Remedial Action Grants is to provide funding to local governments that investigate and clean up contaminated sites under an order or decree overseen by Ecology under MTCA or by the U.S. EPA under the federal cleanup law. These grants are intended to expedite the cleanup and redevelopment of high priority contaminated sites and lessen the impact of cleanup costs on local ratepayers and taxpayers. These grants are not intended to fund the entire project, such as development or other project management costs.

7.1 Project eligibility

For Oversight Remedial Action Grants, a project consists of remedial actions conducted under order or decree at a single contaminated site. Ecology may provide more than one grant for a project. Depending on availability of funding, the number of grant requests, and the pace of remedial actions, a project may have to be funded over multiple biennia.

To be eligible for an Oversight Remedial Action Grant, a project must meet all of the following requirements:

- Applicant is a local government.
- Applicant is a potentially liable person under MTCA, a potentially responsible party under the federal cleanup law, or prospective purchaser of a contaminated site.
- An order or decree requires remedial action at the contaminated site, and either:
 - Ecology requires the Applicant to conduct the remedial action under MTCA;
 - The U.S. EPA requires the Applicant to conduct the remedial action under the federal cleanup law, and Ecology either co-signs the order or decree or acknowledges in writing that it is a sufficient basis for grant funding; or
 - Ecology or the U.S. EPA requires another person to conduct the remedial action, and:
 - Applicant co-signs the order or decree;
 - Applicant agrees in writing to reimburse the person conducting the remedial actions for at least some of the costs; and
 - If the remedial actions are required by U.S. EPA under federal cleanup law, Ecology co-signs the order or decree or acknowledges in writing that it is a sufficient basis for grant funding.¹⁰³

¹⁰³ An example of this is a closed landfill that is on land owned by a local government but was operated by a private company that agrees to take the lead on completing remedial actions. A grant could be awarded to the local government to help pay for their portion of remedial costs.

7.1.1 Extended Grant Agreements

All Oversight Remedial Action Grant applications are scored and ranked independently of their application for an extended grant agreement, unless an Extended Grant Agreement is active at the time Ecology develops the budget. Based on current expected funding demand Ecology will not be negotiating any further Extended Grant Agreements for the 2025-27 biennium budget build. However, Ecology will use the 2025-27 applications to develop a process, including stakeholder engagement, for future Extended Grant Agreements. This process would also include an Environmental Justice Assessment as required by Washington's Environmental Justice Law referred to as the [HEAL Act](#)¹⁰⁴ (Healthy Environment for All Act) in [RCW 70A.02](#)¹⁰⁵.

Extended Grant Agreement require projects to meet the following eligibility criteria:

- Meet all eligibility outlined in Section 7.1 for Oversight Remedial Action Grants.
- Project costs must exceed \$20 million in total eligible cost (state share and local match).
- Project must extend over multiple biennia.

An overarching agreement will be negotiated between Ecology and the Recipient that establishes the performance standards, terms and conditions, general scope, schedule, and overall cost for the project. A separate grant agreement is prepared for each biennium that describes the scope of work, schedule, and expenses anticipated to occur during that biennium. This avoids tying up a large amount of grant funds for several years to cover future costs. This grant is intended to help achieve the legislature's goal of putting the MTCA grant funds to work on more sites.

Extended Grant Agreements, by statute, receive the highest priority for Remedial Action Grant funding, which provides the highest level of assurance that funds will be available in future years as work continues at a site. Funds must be substantially expended, or contracts awarded each biennium to keep this priority.

Extended Grant Agreements are subject to the same eligibility limitations as other Oversight Remedial Action Grants. However, due to the size of projects that are funded under Extended Grant Agreements, grants are limited to a maximum of fifty percent (50%) of total project costs regardless of the community's economic status or use of innovative technology. Extended Grant Agreements are also limited in initial duration to 10 years; however, this duration can be extended by Ecology if substantial progress has been made on remedial actions under the initial agreement, but additional work is left to be completed. However, they may be negotiated on shorter timelines and dependent on performance.

Extended Grant Agreements are limited to a single site. Where there are multiple source properties with overlapping groundwater plumes or sediment contamination such that they consist of one site, the aggregate cost of remedial actions at all of these properties will be considered when Ecology is determining if the \$20 million threshold is exceeded.

For sites where there are multiple jurisdictions with cleanup responsibility working at the same site, Ecology will consider the aggregate cost of remedial actions by all the jurisdictions when

¹⁰⁴ <https://ecology.wa.gov/about-us/who-we-are/environmental-justice/heal>

¹⁰⁵ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true#70A.02.100>.

determining if the \$20 million threshold is exceeded. If there is a mix of public and private potentially liable persons paying for the cleanup of a site, Ecology will consider only the public's share of the costs of remedial actions when determining if the \$20 million threshold is exceeded.

The number of active Extended Grant Agreements in a given biennium will be very limited in order to ensure overall fund and program stability.

7.2 Grant funding

There is no limit on the amount of eligible project costs Ecology may fund for Oversight grants. Ecology will limit each grant to the amount expected to be spent within one biennium.

Ecology may provide up to 50% state share of an eligible project cost, except as follows:

- If the Applicant is “economically disadvantaged,” as defined in WAC [173-322A-100](#)(15) and (16)¹⁰⁶, Ecology may fund up to an additional 25% of an eligible project cost. See [Economically Disadvantaged Cities, Towns, and Counties in Washington State \(2023–25 biennium\)](#).¹⁰⁷
- If the Applicant uses “innovative technology,” as defined in WAC 173-322A-100(28), Ecology may fund up to an additional 15% of an eligible project cost. If applying for innovative technology, please reach out to Ecology staff when submitting your application.
- Ecology may fund up to a total of 90% of an eligible project cost if the total eligible project costs for the lifetime of the project (not the grant) are under \$5 million and the additional funding would either:
 - Prevent or mitigate unfair economic hardship imposed by cleanup liability;
 - Create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or
 - Create an opportunity for acquisition and redevelopment of brownfield property under RCW [70A.305.040](#)(5)¹⁰⁸ that would not otherwise occur.
 - Applicants or recipients may request a 90% state share by reaching out to the appropriate cleanup section manager. However, a written acknowledgement of the \$5 million maximum for RAG funding from an authorized signatory will be required for consideration. If the request is made after the award the total eligible cost of the grant will change, but not the state share.

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

¹⁰⁶ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-100>

¹⁰⁷ <https://apps.ecology.wa.gov/publications/SummaryPages/2309045.html>

¹⁰⁸ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.040>

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\(2\)](#)).¹⁰⁹

As part of the capital budget in the 2023-25 legislative session, the legislature added instructions for all agencies to expedite expenditures and limit reappropriations (Section 8008). As part of compliance with this policy, Ecology may require any Oversight Remedial Action Grant funding not spent within six years (or 3 biennia) of the funding notification date to be reapplied for in the subsequent RAG solicitation.

7.3 Eligible costs

Ecology's Grant Financial Manager has final approval authority for all grant-related costs. The grant agreement must be signed by both the Recipient and Ecology for any costs incurred under a new agreement to be eligible for reimbursement. The Recipient can only be reimbursed for costs to implement a work plan previously approved by the Ecology Cleanup Project Manager. The work plan for Oversight Grants and Loans is determined by the scope of work of the order or decree for the site. Work for the broader project or that is otherwise not required under the order or decree is not eligible for reimbursement under an Oversight Remedial Action Grant or Loan.

All costs must be properly documented. Conditionally eligible costs must be pre-approved by the Ecology Grant Financial Manager. Examples of eligible activities and related costs for Oversight Remedial Action Grants include:

- Emergency or interim actions.
- Remedial investigations.
- Feasibility studies and selection of the remedy.
- Engineering design and construction of the selected remedy.
- Operation and maintenance or monitoring of a cleanup action component for one year after construction completion of the component.
- Grant administration consistent with the applicable version of Ecology's "[Yellow Book](#)"¹¹⁰.
- The following retroactive costs:
 - Costs incurred under the order or decree during the period of a prior grant agreement that have not been reimbursed by Ecology.
 - Costs incurred under the order or decree between the effective date of the order or decree and the agreement signature date.

¹⁰⁹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-220>

¹¹⁰ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Grant-loan-guidance>

- Costs incurred negotiating the order or decree, provided that the costs are not legal costs and were incurred within 60 days after starting negotiations for an order, or 120 days after starting negotiations for a decree.
- Costs incurred before the beginning of negotiations of the order or decree conducting independent remedial actions, subject to certain conditions and limitations.

7.4 Scoring criteria

When an Applicant applies for a grant in EAGL, they'll complete "Project Eligibility" and "Scoring Criteria" forms that give Ecology information about the project. Ecology staff will consider this information when assessing grant eligibility and scoring those eligible projects. Ecology uses the applications' final scores to rank projects and determine funding priority. A project's score is determined by adding together the total score for each category out of 163 points available (percentages are rounded). The categories are:

Category 1: Faster Cleanup and Readiness to Proceed (21%)

Category 2: Improve Human Health and the Environment (24%)

Category 3: Equitable Distribution (40%)

Category 4: Redevelopment and Reuse in Cleanups (15%)

The evaluation criteria for each category are shown below in **Error! Reference source not found.** through 4. The scorecard identifies each criterion and the maximum possible criteria score (percentages are rounded). The Applicant should ensure to answer the application completely and accurately as this may impact their score. They should provide relevant information related to the criteria when completing the application in EAGL.

The evaluation criteria and processes are the same for Oversight Remedial Action Grants and Loans.

Table 1: Oversight Remedial Action Grant and Loan Evaluation Criteria-
Category 1: Faster Cleanup and Readiness to Proceed

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
1.1	<p>Prior Grant Performance: Between July 2023 and March of 2024, the recipient organization (one applies):</p> <p>7 Points: Did not have an active grant for the Site and was responsive to any Ecology communications regarding grant writing (as applicable).</p> <p>7 Points: Submitted quarterly PRPR's each quarter with an active grant and the grant for the site is billed up to date.</p> <p>5 Points: Submitted some PRPRs during the period with an active grant and the grant for the site is billed up to date.</p> <p>2 Points: Submitted some PRPRs during the period with an active grant, but the grant is not billed up to date.</p> <p>0 Points: The above does not apply.</p>	Ecology requested grant numbers for any Remedial Action Grants in the last biennium. This criteria will be answered and documented by Ecology staff.	7	4%
1.2	<p>Prior Grant Performance: Between July 2023 and March of 2024, the recipient organization (one applies):</p> <p>2 Points: Had one Remedial Action Grant or none.</p> <p>2 Points: Had more than one Remedial Action grant and all grants submitted quarterly PRPRs and were billed up to date.</p> <p>0 Points: Had more than one Remedial Action Grant and at least one grant did not submit quarterly PRPRs or was not billed up to date.</p>	Ecology requested grant numbers for any Remedial Action Grants in the last biennium. This criteria will be answered and documented by Ecology staff.	2	1%
1.3	<p>Permit Status:</p> <p>8 Points: All permits are obtained, including federal permits - or no permits are required for funding requested.</p> <p>6 Points: Required permits are in process.</p> <p>0 Points: None of the above apply.</p>	Provide timelines, especially for all federal permits. Provide permits completed or describe permits in process.	8	5%

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
1.4	<p>Contracting Status:</p> <p>6 Points: Contracts are in place for all phases of work requesting funding (if requesting construction funding, public works contract should be in place).</p> <p>4 Points: Bidding documents for all phase of work requesting funding are complete.</p> <p>2 Points: Bidding documents are in process.</p> <p>0 Points: The above does not apply for all phases of work requesting funding or insufficient backup is provided.</p>	Provide contracts completed or describe contract bids in process.	6	4%
1.5	<p>Leveraging other funds:</p> <p>5 Points: Applicant has secured additional grants, private funds (including contributions, insurance, public-private partnerships, etc.).</p> <p>3 Points: Applicant is pursuing grant applications, private funds (including contributions, insurance, public-private partnerships, etc.).</p> <p>2 Points: Applicant has a capital plan for both cleanup and redevelopment or reuse of the site.</p> <p>0 Points: None of the above apply.</p>	Provide additional funding source and funding status, or additional funding sources being pursued, or a capital plan for both cleanup and redevelopment or reuse of the site.	5	3%
1.6	<p>Ecology's readiness to proceed:</p> <p>6 Points: Order or decree for the phase of work for which funding was requested is in effect.</p> <p>4 Points: Order or decree for the phase of work for which funding was requested and is in negotiation.</p> <p>2 Points: Ecology Cleanup Project Manager (Site Manager) has been assigned to the site (as reflected in Ecology's Integrated Site Information System, ISIS).</p> <p>0 Points: None of the above apply.</p>	Optional: Provide order or decree.	6	4%

Table 2: Oversight Remedial Action Grant and Loan Evaluation Criteria – Category 2: Improve Human Health and the Environment

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
2.1	<p>SHARP¹¹¹:</p> <p>18 Points: Critical Risk</p> <p>14 Points: High Risk</p> <p>7 Points: Medium Risk</p> <p>5 Points: Low Risk</p>	Ecology will complete the SHARP Tool ranking. Applicant may provide documentation of laboratory test results or confirmation the site is on Ecology's Contamination Sites List.	18	11%
2.2	<p>A designated sensitive environment or fishery resource exists within one mile of the site boundary:</p> <p>7 Points: Yes</p> <p>0 Points: No</p>	Provide a description if answer is yes.	7	4%
2.3	<p>Potential exposure of sensitive wildlife or plant species:</p> <p>6 Points: Potential exposure of sensitive wildlife or plant species that might access the site or be impacted by the contamination spreading (such as redband trout, migratory birds, orcas, salmon, monarch butterflies, and/or endangered species) or potential exposure of priority habitat.</p> <p>0 Points: No expected exposure to sensitive wildlife or plant species or priority habitat.</p>	Provide a description if answer is yes.	6	4%
2.4	<p>The project has the opportunity for significant fish/wildlife habitat restoration and/or other conservation benefits:</p> <p>5 Points: Yes</p> <p>0 Points: No</p>	Provide a description if answer is yes.	5	3%

¹¹¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Ranking-contaminated-sites>

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
2.5	<p>Use of green remediation principles during the cleanup activities:</p> <p>3 points: The project evaluates or implements green remediation principles to minimize the environmental impact and maximize the environmental benefit from cleanup actions (such as minimizing greenhouse gas emissions water conservation, or habitat restoration) using Ecology's Sustainable Remediation guidance, Appendix D, publication no. 17-09-052¹¹² or a reputable green remediation program.</p> <p>0 points: The project does not incorporate sustainability or green remediation principles.</p>	Provide a description of how the project will incorporate these principles.	3	2%

¹¹² <https://apps.ecology.wa.gov/publications/documents/1709052.pdf>

Table 3: Oversight Remedial Action Grant and Loan Evaluation Criteria – Category 3: Equitable Distribution

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
3.1	<p><u>Environmental health disparities index</u>¹¹³: The environmental health disparities index considers 19 indicators that include environmental exposures and effects as well as sensitive populations and socioeconomic factors.</p> <p>20 points: The population of the census tract scores a rank of 9 or 10 on the Environmental Health Disparities Index maintained by the Department of Health.</p> <p>0 points: The above does not apply.</p>	This criteria will be answered and documented by Ecology staff.	20	12%
3.2	<p><u>Socioeconomic indicators - EJ Screen</u>¹¹⁴ Supplemental Demographic Index is based on the average of five socioeconomic indicators; low-income, unemployment, limited English, less than high school education, and low life expectancy (which is a health dataset). Demographic Index is based on the average of two socioeconomic indicators; low-income and people of color.</p> <p>20 Points: Supplemental Demographic Index AND Demographic Index of 80th percentile or above.</p> <p>15 Points: Demographic Index OR Supplemental Demographic Index of 80th percentile or above.</p> <p>0 Points: Both Supplemental Demographic Index and Demographic Index are below the 80th percentile.</p>	This criteria will be answered and documented by Ecology staff.	20	12%

¹¹³ <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>

¹¹⁴ <https://www.epa.gov/ejscreen>

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
3.3	<p>Site is in an “economically disadvantaged,” city, town, or unincorporated portion of the county as defined in WAC 173-322A-100(15) and (16). See Economically Disadvantaged Cities, Towns, and Counties in Washington State (2023-25)¹¹⁵.</p> <p>12 points: Meets the criteria.</p> <p>0 points: The above does not apply.</p>	This criteria will be answered and documented by Ecology staff.	12	7%
3.4	<p>Geographic funding distribution:</p> <p>13 points: Grant would help ensure diverse funding distribution within the State. The area is east of the Cascades.</p> <p>0 points: The above does not apply.</p>	Provide project location.	13	8%

Table 4: Oversight Remedial Action Grant and Loan Evaluation Criteria – Category 4: Redevelopment and reuse in cleanups

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
4.1	<p>The site contains a vacant, abandoned, or underutilized former industrial or commercial facility:</p> <p>2 Points: Yes</p> <p>0 Points: No</p>	Provide a description of what the site contains.	2	1%
4.2	<p>Applicant already identified a purchaser, developer, operator, or lessee for the redeveloped site:</p> <p>2 Points: Yes</p> <p>0 Points: No</p>	Identify who is identified for the project.	2	1%

¹¹⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/2309045.html>

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
4.3	<p>Climate change resiliency considerations for the proposed project:</p> <p>2 points: Using Ecology' Sustainable Remediation guidance publication no. 17-09-052¹¹⁶, the project 1) includes or will include a vulnerability assessment to understand the risks and impacts from climate change (such as sea level rise, extreme storm events and flooding, and wildfires) and 2) does or will incorporate climate change resiliency measures to increase the resilience of cleanup remedies.</p> <p>0 points: The project does not incorporate climate change adaptation considerations.</p>	Describe what the assessment will include and/or the adaptation measures.	2	1%
4.4	<p>Applicant provided documents or information demonstrating that a lack of local funding or ability to obtain financing is significantly delaying the cleanup and subsequent use, sale, or redevelopment of the site:</p> <p>4 Points: Yes, and documentation was provided.</p> <p>0 Points: No or no documentation was provided.</p>	Describe how lack of funds would impact the cleanup project.	4	2%
4.5	<p>Site location:</p> <p>2 Points: Site is located within a Redevelopment Opportunity Zone (ROZ) designated under RCW 70A.305.150¹¹⁷.</p> <p>1 Point: Site is located within an incorporated city, town, or urban growth area designated under RCW 36.70A.110¹¹⁸.</p> <p>0 Points: None of the above apply.</p>	Criteria will be verified and documented by Ecology staff.	2	1%

¹¹⁶ <https://apps.ecology.wa.gov/publications/documents/1709052.pdf>

¹¹⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.150>

¹¹⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.110>

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage of Total Points
4.6	<p>Local infrastructure (such as public transit, roads, water, sewer, utilities) to serve the redeveloped site are:</p> <p>3 Points: Already in place.</p> <p>2 Points: Under construction.</p> <p>1 Point: Planned.</p> <p>0 Points: None of the above apply.</p>	Describe local infrastructure.	3	2%
4.7	<p>Affordable housing stock:</p> <p>4 Points: Redeveloped site will provide additional affordable housing stock when redeveloped.</p> <p>2 Points: Redeveloped site will preserve affordable housing stock when redeveloped.</p> <p>0 Points: Redeveloped site will not preserve or provide additional affordable housing stock.</p>	Describe how affordable housing will be added or preserved.	4	2%
4.8	<p>Redeveloped site use:</p> <p>6 Points: Redeveloped site will be primarily for public use (for example, a park, museum, or library).</p> <p>4 Points: Redeveloped site will be partially for public use (example, site contains both a public trail and private housing).</p> <p>0 Points: None of the above apply.</p>	Describe what the redeveloped site will primarily be used for.	6	4%

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Chapter 8: Oversight Remedial Action Loans

The purpose of Oversight Remedial Action Loans is to supplement local government funding and funding from other sources to meet the match requirements for Oversight Remedial Action Grants. The loans are intended to encourage and expedite cleanup of contaminated sites and lessen the impact of cleanup costs on ratepayers and taxpayers.

There are two different types of Oversight Remedial Action Loans:

- **Standard Loans:** A Standard Loan is a below-market rate loan for up to a 20-year repayment period.
- **Extraordinary Financial Hardship Loans:** An Extraordinary Financial Hardship Loan is a below-market rate loan with deferred terms and conditions for repayment. The deferred terms and conditions may not be indefinite, and the loan must be approved by the Director of the Department of Ecology or his/her designee.

8.1 Project eligibility

For the purposes of an Oversight Remedial Action Loan, a project consists of remedial actions conducted under an order or decree at a single site. A project may extend over multiple biennia. Ecology may provide more than one loan for a project.

To be eligible for a loan, a project must meet all of the following requirements:

- Applicant is a local government.
- Applicant has been or is being awarded an Oversight Remedial Action Grant and meets the eligibility requirements for the Grant.
- Applicant demonstrates the following to Ecology's satisfaction:
 - For a Standard Loan, its financial need for the loan and ability to repay the loan.
 - For an Extraordinary Financial Hardship Loan, its financial need for the loan, inability to repay the loan under present circumstances, and ability to repay the loan in the future.

Ecology may require an independent third-party financial review to support the demonstration.

8.2 Repayment

Standard Loans

For a Standard Loan, the following terms and conditions will apply:

- If the repayment period is less than or equal to five years, then the interest rate is 30% of the average market rate, as published in the bond buyers index for tax-exempt municipal bonds.

- If the repayment period is more than five years and less than or equal to twenty years, then the interest rate is 60% of the average market rate.
- Interest will begin to accrue on each disbursement as it is paid to the Recipient.
- Other terms and conditions as specified in the loan agreement.

Extraordinary Hardship Loans

For an Extraordinary Financial Hardship Loan, Ecology can adjust the loan terms and conditions for Standard Loans or defer repayment of the loan. This will be based on the Applicant's demonstration of inability to repay the loan under their present financial circumstances and how this situation may change in the future. The loan deferral terms and conditions may change depending on a periodic review of the Recipient's ability to pay. Loan repayment may not be deferred indefinitely.

Chapter 9: Area-wide Groundwater Investigation Grants

The purpose of Area-wide Groundwater Investigation Grants is to provide funding to local governments to investigate known or suspected areas of groundwater contamination caused by multiple releases of hazardous substances.¹¹⁹ These grants are intended to facilitate the cleanup and redevelopment of multiple properties located within the impacted areas by addressing issues that would be difficult to resolve on a site-by-site basis.

An example of where an Area-wide Groundwater Investigation Grant could be used is a street intersection or block that contains several current and former gas station sites with suspected off-property contamination:

An owner of one of the gas stations within this area wants to redevelop their property but is reluctant to start a remedial investigation. They are concerned it would lead to an expensive investigation of their property to determine which part of the areal groundwater contamination was a result of their facility, and which part was caused by their neighbors.

The city's comprehensive plan supports this redevelopment as it envisions the area redeveloping from its current automobile-oriented land uses to a mixed-use development. However, the envisioned redevelopment has not moved forward—in part because of uncertainty caused by the area-wide groundwater contamination.

To facilitate this redevelopment, the city applies for a grant. The grant is used to install and test groundwater monitoring wells within public rights-of-way throughout the area to better define the extent of the plumes coming from individual facilities. This information is made available to individual property owners.

In this case, the gas station owner can use this information, along with their own site-specific investigation, to define their cleanup liability, clean up their property, and move ahead with redevelopment.

An Area-wide Groundwater Investigation Grant could also be used for projects that investigate concerns regarding the presence of known or suspected persistent chemicals in the groundwater, such as per- or poly-fluoroalkyl substances (PFAS).

¹¹⁹ “Area-wide groundwater contamination” is defined as “multiple adjacent properties with different ownerships consisting of hazardous substances from multiple sources that have resulted in commingled plumes of contaminated ground water that are not practicable to address separately” (WAC 173-322A-100(3)).

9.1 Project eligibility

For the purposes of Area-wide Groundwater Investigation Grants, a project consists of an investigation in a single study area. A project may extend over more than one biennium. To be eligible for a grant, a project must meet all of the following requirements:

- Applicant is a local government.
- Project involves known or suspected area-wide groundwater contamination.
- Investigation is not required by Ecology or the U.S. EPA under an order or decree.
- Applicant has or will obtain the necessary access for the investigation. This could involve individual access agreements for private property, public rights-of-way, or publicly owned property within the study area.

9.2 Grant funding

Ecology may fund up to \$500,000 of the eligible project costs. Ecology reserves the right to fund less than the maximum amount based on funding availability and other factors.

Ecology may fund up to 100% of eligible project costs. Recipients are responsible for any remaining share of those costs 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 and other factors (WAC [173-322A-220\(2\)](#)).¹²⁰

9.3 Eligible costs

Ecology's Grant Financial Manager has final approval authority for all grant-related costs. The grant agreement must be signed by both the Recipient and Ecology for any costs incurred under a new agreement to be eligible for reimbursement. The Recipient can only be reimbursed for costs to implement a work plan previously approved by the Ecology Cleanup Project Manager. The approved work plan will be outlined in the grant agreement and must be amended prior to any substantial changes in work for costs to be eligible. All costs must be properly documented. Conditionally eligible costs must be pre-approved by the Ecology Grant Financial Manager.

Eligible costs must be reasonable and necessary to conduct the area-wide groundwater investigation. Examples of eligible activities and related costs include:

- Identifying the sources of the area-wide groundwater contamination.
- Determining the nature and extent of the area-wide groundwater contamination.
- Identifying the preferential groundwater contaminant migration pathways.
- Identifying area-wide geologic and hydrogeologic conditions.

¹²⁰ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-220>

- Establishing area-wide natural groundwater quality, including aquifer classification under WAC [173-340-720](#)¹²¹.
- Grant administration consistent with the applicable version of Ecology’s “[Yellow Book](#)”.¹²²
- Retroactive costs for the project incurred during the period of a prior grant agreement.

Some costs related to these activities may not be reimbursable under the grant or may only be eligible under certain conditions. These conditionally eligible costs must be approved in advance by Ecology’s Grant Financial Manager. Costs not allowed are the responsibility of the Recipient.

9.4 Evaluation Criteria

Ecology evaluates Area-wide Groundwater Investigation Grants applications based on several criteria, which are grouped into four categories. A project’s score is determined by adding together the total scores for each category out of 153 points available (percentages are rounded). The categories are:

Category 1: Faster Cleanup and Readiness to Proceed (19%)

Category 2: Improve Human Health and the Environment (35%)

Category 3: Equitable Distribution (41%)

Category 4: Redevelopment and Reuse in Cleanups (5%)

The evaluation criteria for each category are shown below in **Table 5: Area-wide Groundwater Investigation Grants – Category 1: Faster Cleanup and Readiness to Proceed**

5 through 8. The scorecard identifies each criteria and the maximum possible criteria score (percentages are rounded). The Applicant should ensure to answer the application completely and accurately as this may impact their score. They should provide relevant information related to the criteria when completing the application in EAGL.

¹²¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-720>

¹²² <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

Table 5: Area-wide Groundwater Investigation Grants – Category 1: Faster Cleanup and Readiness to Proceed

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
1.1	<p>Prior Grant Performance: Between July 2023 and February of 2024, the recipient organization (one applies):</p> <p>2 Points: Did not have an active Remedial Action Grant during the performance period.</p> <p>2 Points: Submitted quarterly PRPR's each quarter and is billed up to date on all Remedial Action Grants.</p> <p>1 Point: Submitted some PRPRs during the period and is billed up to date on all Remedial Action Grants.</p> <p>0 Points: The above does not apply.</p>	Ecology requested grant numbers for any Remedial Action Grants in the last biennium. This criteria will be answered and documented by Ecology staff.	2	1%
1.2	<p>Applicants' readiness to proceed - sampling areas identified:</p> <p>8 Points: Specific sampling locations are identified.</p> <p>4 Points: General coverage of sampling in comparison to area defined.</p> <p>0 Points: Specific locations, access, or area are not defined or no backup is provided.</p>	Provide documentation or a map for sampling locations identified or in the area defined.	8	5%
1.3	<p>Legal Access: Access could include pipes, easements, right of ways, railroad crossing.</p> <p>6 Points: All legal access needed for project obtained.</p> <p>3 Points: Applicant has process in place to gain access to sampling locations.</p> <p>0 Points: No access process secured or process identified.</p>	Provide documentation identifying access points and access type or identify all access needs.	6	4%

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
1.4	<p>The grant will expedite the cleanup by identifying potential sources of contamination:</p> <p>10 Points: Yes</p> <p>0 Points: No</p>	Provide a description of how cleanup would be expedited with grant funds.	10	7%
1.5	<p>The Applicant has a capital plan for both cleanup and redevelopment or reuse of properties within the study area:</p> <p>3 Points: Yes</p> <p>0 Points: No</p>	Provide a description of a capital plan.	3	2%

Table 6: Area-wide Groundwater Investigation Grants – Category 2: Improve Human Health and the Environment

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
2.1	<p>Groundwater contamination is confirmed within the study area:</p> <p>5 Points: Yes</p> <p>0 Points: No</p>	Confirm groundwater contamination.	5	3%
2.2	<p>Drinking water impacts:</p> <p>12 Points: Both private wells AND public water sources used for drinking water are potentially impacted.</p> <p>8 Points: Either private wells OR a public water sources used for drinking water are potentially impacted.</p> <p>0 Points: No suspected impact to drinking water (private or public).</p>	Describe drinking water impacts.	12	8%
2.3	<p>Alternative drinking water sources available to potentially impacted area:</p> <p>10 Points: No alternative available throughout the area.</p> <p>5 Points: 50% of the identified area has an available alternative.</p> <p>0 Points: 100% of area has identified alternative available.</p>	Describe alternative drinking water sources.	10	7%
2.4	<p>Potential for groundwater contamination to impact surface water:</p> <p>5 Points: Yes</p> <p>0 Points: No</p>	Describe groundwater impacts to surface water.	5	3%

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
2.5	<p>Presence of Extremely or Very Hazardous Chemicals:</p> <ul style="list-style-type: none"> •1,1,2-Trichloroethane •2-Methylnaphthalene •Aldrin •Antimony •Arsenic •Benzene •Benzo(a)pyrene (or cPAH toxic equivalency quotient) •Cadmium •Chromium VI •cis-1,2-Dichloroethene (cis-DCE) •Dieldrin •Dioxins •Lead •Mercury •Methylmercury •Naphthalene •Per- or polyfluoroalkyl substances (PFAS) with cleanup levels in CLARC •Polychlorinated biphenyls (PCBs) •Trichloroethene (TCE) •Vinyl chloride •Other substances identified by Ecology. <p>5 Points: Yes</p> <p>0 Points: No</p>	Describe what chemicals are confirmed or suspected.	5	3%
2.6	<p>Contamination concentrations are documented above applicable screening and /or cleanup levels within the study area:</p> <p>6 Points: Yes</p> <p>0 Points: No</p>	Describe contamination levels.	6	4%
2.7	<p>The study area has at least one census block group in the 80th percentile according to EJSCREEN for under the age of 5 or over the age of 64 demographic indicators:</p> <p>5 Points: Yes</p> <p>0 Points: No</p>	This criteria will be answered and documented by Ecology staff.	5	3%

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
2.8	<p>A designated sensitive environment or fishery resource exists within one mile of the site boundary:</p> <p>4 Points: Yes</p> <p>0 Points: No</p>	Provide a description if answer is yes.	4	3%
2.9	<p>Potential exposure of sensitive wildlife or plant species:</p> <p>2 Points: Potential exposure of sensitive wildlife or plant species that might access the site or be impacted by the contamination spreading (such as redband trout, migratory birds, orcas, salmon, monarch butterflies, and/or endangered species) or potential exposure of priority habitat.</p> <p>0 Points: No expected exposure to sensitive wildlife or plant species or priority habitat.</p>	Provide a description if answer is yes.	2	1%

Table 7: Area-wide Groundwater Investigation Grants – Category 3: Equitable Distribution

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
3.1	<p><u>Environmental health disparities index</u>¹²³: The environmental health disparities index considers 19 indicators that include environmental exposures and effects as well as sensitive populations and socioeconomic factors.</p> <p>20 points: The population of the census tract scores a rank of 9 or 10 on the Environmental Health Disparities Index maintained by the Department of Health.</p> <p>0 points: The above does not apply.</p>	This criteria will be answered and documented by Ecology staff.	20	13%
3.2	<p>Socioeconomic indicators - <u>EJ Screen</u>¹²⁴ Supplemental Demographic Index is based on the average of five socioeconomic indicators; low-income, unemployment, limited English, less than high school education, and low life expectancy (which is a health dataset). Demographic Index is based on the average of two socioeconomic indicators; low-income and people of color.</p> <p>20 Points: Supplemental Demographic Index AND Demographic Index of 80th percentile or above.</p> <p>15 Points: Demographic Index OR Supplemental Demographic Index of 80th percentile or above.</p> <p>0 Points: Both Supplemental Demographic Index and Demographic Index are below the 80th percentile.</p>	This criteria will be answered and documented by Ecology staff.	20	13%

¹²³ <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>

¹²⁴ <https://www.epa.gov/ejscreen>

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
3.3	<p>The majority of the service area is considered an “economically disadvantaged,” city, town, or unincorporated portion of the county as defined in WAC 173-322A-100(15) and (16). See Economically Disadvantaged Cities, Towns, and Counties in Washington State (2023-25)¹²⁵.</p> <p>10 points: Meets the criteria.</p> <p>0 points: The above does not apply.</p>	Describe alternative drinking water sources.	10	7%
3.4	<p>Geographic funding distribution:</p> <p>12 points: Grant would help ensure diverse funding distribution within the State. The area is east of the Cascades.</p> <p>0 points: The above does not apply.</p>	Provide project location.	12	8%

¹²⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/2309045.html>

Table 8: Area-wide Groundwater Investigation Grants – Category 4: Redevelopment and Reuse in Cleanups

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
4.1	<p>The site contains a vacant, abandoned, or underutilized former industrial or commercial facility:</p> <p>2 Points: Yes</p> <p>0 Points: No</p>	Describe what the site contains.	2	1%
4.2	<p>Site location:</p> <p>3 Points: Area is located within a Redevelopment Opportunity Zone (ROZ) designated under RCW 70A.305.150¹²⁶.</p> <p>1 Point: Area is located within an incorporated city, town, or urban growth area designated under RCW 36.70A.110¹²⁷.</p> <p>0 Points: None of the above apply.</p>	Criteria will be verified and documented by Ecology staff.	3	2%
4.3	<p>Local infrastructure (such as public transit, roads, water, sewer, utilities) to serve the redeveloped site are:</p> <p>3 Points: Already in place.</p> <p>2 Points: Under construction.</p> <p>1 Point: Planned.</p> <p>0 Points: None of the above apply.</p>	Describe local infrastructure.	3	2%

¹²⁶ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.150>

¹²⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.110>

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Chapter 10: Safe Drinking Water Action Grants

The purpose of Safe Drinking Water Action Grants is to assist local governments in providing safe drinking water to persons served by private wells or public water systems impacted by a contaminated site. An example would be paying for a stripping tower to treat water from a municipal well impacted by solvent contamination. Another example would be extending public water to an area where private wells have been contaminated by a site.

Ecology and the Washington State Department of Health (Department of Health) each have roles regarding Safe Drinking Water Action Grants. Both agencies may identify impacted water supplies either through routine water supply monitoring or contaminated site studies. Once the impacted water supply is identified, Ecology can provide grant funding for safe drinking water and administers the grant. Where grants are awarded, the Department of Health provides technical oversight of work on public water systems to ensure state drinking water regulations are met.

Please note, Ecology is required by WAC [173-322A-210](#)¹²⁸ to prioritize ongoing RAG projects (previously funded) within and across grant types. Oversight Remedial Action Grants with previous funding, must be prioritized over Safe Drinking Water Action Grants. For the 2025-27 biennium there are no Safe Drinking Water Action Grants with RAG funding to receive previously funded priority.

Applicants are encouraged to apply for traditional drinking water funding, such as the [Drinking Water State Revolving Fund Program](#)¹²⁹ through Washington Department of Health.

10.1 Project eligibility

For the purposes of Safe Drinking Water Action Grants, a project consists of safe drinking water actions at a single contaminated site. A project may extend over more than one biennium. To be eligible for a grant, a project must meet all of the following requirements:

- Applicant must meet all of the following conditions to be eligible for a Safe Drinking Water Action Grant:
 - Applicant is a local government.
 - Applicant must be a purveyor, or the applicant must be applying on behalf of a purveyor.
 - Applicant or purveyor must be in substantial compliance, as determined by the Department of Health, with applicable rules of the state board of health or the Department of Health, including WAC [246-290](#)¹³⁰ (Group A public water supplies), WAC [246-292](#)¹³¹ (Waterworks operator certification), WAC [246-293](#)¹³² (Water

¹²⁸ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-210>

¹²⁹ <https://doh.wa.gov/community-and-environment/drinking-water/water-system-assistance/drinking-water-state-revolving-fund-dwsrf>

¹³⁰ <https://apps.leg.wa.gov/WAC/default.aspx?cite=246-290&full=true>

¹³¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=246-292>

¹³² <https://apps.leg.wa.gov/wac/default.aspx?cite=246-293>

System Coordination Act), and WAC [246-294](#)¹³³ (Drinking water operating permits) as indicated with a green operating permit.

- Project must meet all of the following conditions to be eligible for a Safe Drinking Water Action Grant:
 - Applicant is not required to conduct the safe drinking water actions under a cleanup order¹³⁴ or decree¹³⁵.
 - The drinking water source is affected or threatened by one or more hazardous substances originating from a hazardous waste site.¹³⁶
 - The Department of Ecology has determined that the drinking water source exhibits:
 - Levels of hazardous substances that exceed the maximum contamination levels (MCLs) established by the state board of health and set forth in WAC [246-290-310](#)¹³⁷.
 - Levels of hazardous substances that exceed the cleanup levels established by the Department of Ecology under Part VII of WAC [173-340](#)¹³⁸ or is threatened to exceed those cleanup levels.

Any water line extensions must be consistent with the coordinated water system plan prepared under chapter [70.116 RCW](#)¹³⁹ and any plans for new development prepared under chapter [36.70A RCW](#)¹⁴⁰ for the geographic area containing the affected water supplies. These laws may prohibit extensions beyond the water supplier's service area or designated city limits and urban growth areas. Applicants proposing such extensions should coordinate with the Department of Health and the Washington State Department of Commerce's Growth Management Program.

In order for projects that address persistent chemicals (such as per- or poly-fluoroalkyl substances (PFAS)) to be eligible, the compounds of concern must either have a Maximum Cleanup Level (MCL) established by the Department of Health or U.S. EPA, or a cleanup level established by Ecology under Part VII of WAC [173-340](#).¹⁴¹

¹³³ <https://app.leg.wa.gov/wac/default.aspx?cite=246-294>

¹³⁴ "Order" means an order issued under chapter 70.105D RCW, including enforcement orders issued under WAC 173-340-540 and agreed orders issued under or an order issued under the federal cleanup law, including unilateral administrative orders (UAO) and administrative orders on consent (AOC).

¹³⁵ "Decree" or "consent decree" means a consent decree issued under chapter 70.105D RCW or the federal cleanup law.

¹³⁶ Naturally occurring contaminants and contaminants originating from sources other than a MTCA site or from within the water system do not qualify for these grants. Examples are naturally occurring metals, bacterial contamination caused by septic systems, nitrates caused by manure application, and copper and lead introduced by the plumbing system.

¹³⁷ <https://apps.leg.wa.gov/WAC/default.aspx?cite=246-290-310>

¹³⁸ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

¹³⁹ <https://app.leg.wa.gov/RCW/dispo.aspx?cite=70.116>

¹⁴⁰ <https://apps.leg.wa.gov/rcw/default.aspx?cite=36.70a&full=true>

¹⁴¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

10.2 Grant funding

There is no limit on the amount of eligible project costs Ecology may fund. Ecology will limit each grant to the amount expected to be spent within one biennium.

Ecology may fund up to 90% of an eligible project cost. 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 and other factors (WAC [173-322A-220\(2\)](#)).¹⁴²

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

10.3 Eligible costs

Ecology's Grant Financial Manager has final approval authority for all grant-related costs. The grant agreement must be signed by both the Recipient and Ecology for any costs incurred under a new agreement to be eligible for reimbursement. The Recipient can only be reimbursed for costs to implement a work plan previously approved by the Ecology Cleanup Project Manager. The approved work plan will be outlined in the grant agreement and must be amended prior to any substantial changes in work for costs to be eligible. All costs must be properly documented. Conditionally eligible costs must be pre-approved by the Ecology Grant Financial Manager.

Eligible costs must be reasonable and necessary to provide safe drinking water to people whose water supply has been impacted by a contaminated site. These grants cannot be used to fund individual service connections to undeveloped lots; oversizing or extending a water system for future development; ongoing operation or maintenance; or local improvement district assessments.

Examples of eligible activities and related costs include:

- Water supply source development and replacement, including well replacement, pumps and controls, storage facilities (such as wells), source meters, and reasonable appurtenances.
- Transmission lines between major systems components, including interties with other water systems consistent with WAC [246-290-132](#) ¹⁴³(Interties).
- Treatment equipment and facilities, including but not limited to coagulation and filtration, rapid rate filtration, aeration, adsorption, anion exchange, GAC filtration or other similar approaches.
- Transmission and distribution lines in conjunction with a treatment or intertie project. This can also include the replacement and/or installation of fire hydrants and service meters.
- Bottled water as an interim action.
- Project inspection, engineering, and administration.

¹⁴² <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-220>

¹⁴³ <https://apps.leg.wa.gov/WAC/default.aspx?cite=246-290-132>

- Individual service connections, including any connection fees and charges.
- Drinking water well decommissioning under WAC [173-160-381](#).¹⁴⁴
- Other costs identified to gain compliance from the Department of Health to provide a system that operates in compliance with federal and state standards.
- Grant administration consistent with the applicable version of Ecology’s “Yellow Book.”
- Retroactive costs for a project incurred during the period of a prior grant agreement.

Some costs related to these activities may not be reimbursable under the grant or may only be eligible under certain conditions. These conditionally eligible costs must be approved in advance by Ecology’s Grant Financial Manager. Costs not allowed are the sole responsibility of the Recipient. If you have any question about cost reimbursement, contact your Grant Financial Manager as soon as possible.

10.4 Evaluation criteria

Ecology evaluates Safe Drinking Water Action Grant applications based on several criteria, which are grouped into three categories. A project’s score is determined by adding together the total score for each category out of 148 points available (percentages are rounded). The categories are:

Category 1: Faster Cleanup and Readiness to Proceed (32%)

Category 2: Improve Human Health (17%)

Category 3: Equitable Distribution (51%)

The evaluation criteria for each category are shown in tables 9 through 11. The scorecard identifies each criterion and the maximum possible criteria score (percentages are rounded). The Applicant should ensure to answer the application completely and accurately as this may impact their score. They should provide relevant information related to the criteria when completing the application in EAGL.

¹⁴⁴ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-160-381>

Table 9: Safe Drinking Water Action Grants Evaluation Criteria – Category 1: Faster Cleanup and Readiness to Proceed

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
1.1	<p>Prior Grant Performance: Between July 2023 and February of 2024, the recipient organization (one applies):</p> <p>2 Points: Did not have an active Remedial Action Grant during the performance period.</p> <p>2 Points: Submitted quarterly PRPR's each quarter and is billed up to date on all Remedial Action Grants.</p> <p>1 Points: Submitted some PRPRs during the period and is billed up to date on all Remedial Action Grants.</p> <p>0 Points: The above does not apply.</p>	Ecology requested grant numbers for any Remedial Action Grants in the last biennium. This criteria will be answered and documented by Ecology staff.	2	1%
1.2	<p>Construction and/or Bid Documents:</p> <p>12 Points: Construction and/or Bid Documents Complete and approved by Department of Health (Submit Department of Health regional office construction document approval letter)</p> <p>7 Points: Construction and/or Bid Documents submitted to Department of Health (Provide acknowledgement letter/ letter of receipt from Department of Health)</p> <p>3 Points: Project report is approved by Department of Health, but construction and/ or bid documents have not been submitted.</p> <p>0 Points: None of the above apply.</p>	Provide approval letter, letter of receipt, or project report approval.	12	8%

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
1.3	<p>Legal Access: Access could include pipes, easements, right of ways, railroad crossing.</p> <p>8 Points: All legal access needed for project obtained.</p> <p>4 Points: Applicant has process in place to gain access to sampling locations.</p> <p>0 Points: No access process secured or process identified.</p>	Provide documentation identifying access points and access type or identify all access needs.	8	5%
1.4	<p>Status of SEPA/NEPA:</p> <p>6 Points: Completion of SEPA/NEPA includes issuing a final determination and publishing the determination for the proposed project.</p> <p>2 Points: SEPA/NEPA in process.</p> <p>0 Points: SEPA/NEPA not started or no backup provided.</p>	Provide documentation of a certified notice, copy of final determination, or that it is in process.	6	4%
1.5	<p>Status of Cultural Review: Completion of the Cultural Review includes a final determination made and published based on the National Historic Preservation Act (NHPA) requirements with consultation documentation and final determination submitted with application.</p> <p>5 Points: Cultural resources review complete.</p> <p>2 Points: Cultural resources review scheduled or in process.</p> <p>0 Points: Cultural resources review not started.</p>	Provide documentation of a certified notice, copy of final determination, or that it is in process.	5	3%

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
1.6	<p>Leveraging other funds:</p> <p>15 POINTS: Applicant has secured additional grants, private funds (including contributions, insurance, public-private partnerships, etc.).</p> <p>10 POINTS: Applicant is pursuing grant applications, private funds (including contributions, insurance, public-private partnerships, etc.).</p> <p>0 POINTS: Applicant has a capital plan or none of the above apply.</p>	Provide documentation of award or other funding sources or that applications were submitted.	15	10%

Table 10: Safe Drinking Water Action Grants Evaluation Criteria – Category 2: Improve Human Health

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
2.1	<p>Alternative drinking water sources (not including bottled or trucked water) available to potentially impacted population:</p> <p>10 Points: No alternative available to the population served.</p> <p>5 Points: 50% or more of the identified population served has an alternative.</p> <p>0 Points: 100% of the population served has an identified alternative or no documentation was provided.</p>	Describe alternative drinking water sources for the identified population.	10	7%
2.2	<p>Project treats the drinking water source as opposed to providing alternative drinking water such as bottled or trucked water:</p> <p>9 Points: Yes</p> <p>0 Points: No</p>	Describe drinking water source treatment.	9	6%

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
2.3	<p>Presence of Extremely or Very Hazardous Chemicals:</p> <ul style="list-style-type: none"> •1,1,2-Trichloroethane •2-Methylnaphthalene •Aldrin •Antimony •Arsenic •Benzene •Benzo(a)pyrene (or cPAH toxic equivalency quotient) •Cadmium •Chromium VI •cis-1,2-Dichloroethene (cis-DCE) •Dieldrin •Dioxins •Lead •Mercury •Methylmercury •Naphthalene •Per- or polyfluoroalkyl substances (PFAS) with cleanup levels in CLARC •Polychlorinated biphenyls (PCBs) •Trichloroethene (TCE) •Vinyl chloride •Other substances identified by Ecology. <p>6 Points: Presence of Extremely or Very Hazardous Chemicals is confirmed and documented above applicable screening or cleanup levels.</p> <p>3 Points: Presence of Extremely or Very Hazardous Chemicals is suspected.</p> <p>0 Points: Extremely or Very Hazardous chemicals are not present at the site.</p>	Describe what chemicals are confirmed or suspected.	6	4%

Table 11: Safe Drinking Water Action Grants Evaluation Criteria – Category 3: Equitable Distribution

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
3.1	<p><u>Environmental health disparities index</u>¹⁴⁵: The environmental health disparities index considers 19 indicators that include environmental exposures and effects as well as sensitive populations and socioeconomic factors.</p> <p>20 points: The population of the census tract scores a rank of 9 or 10 on the Environmental Health Disparities Index maintained by the Department of Health.</p> <p>0 points: The above does not apply.</p>	This criteria will be answered and documented by Ecology staff.	20	14%
3.2	<p><u>Socioeconomic indicators - EJ Screen</u>¹⁴⁶ Supplemental Demographic Index is based on the average of five socioeconomic indicators; low-income, unemployment, limited English, less than high school education, and low life expectancy (which is a health dataset). Demographic Index is based on the average of two socioeconomic indicators: low-income and people of color.</p> <p>20 Points: Supplemental Demographic Index AND Demographic Index of 80th percentile or above.</p> <p>15 Points: Demographic Index OR Supplemental Demographic Index of 80th percentile or above.</p> <p>0 Points: Both Supplemental Demographic Index and Demographic Index are below the 80th percentile.</p>	This criteria will be answered and documented by Ecology staff.	20	14%

¹⁴⁵ <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>

¹⁴⁶ <https://www.epa.gov/ejscreen>

Criteria Number	Evaluation Criteria	Documentation required	Maximum Score	Percentage for category
3.3	<p>The majority of the service area is considered an “economically disadvantaged,” city, town, or unincorporated portion of the county as defined in WAC 173-322A-100(15) and (16). See Economically Disadvantaged Cities, Towns, and Counties in Washington State (2023-25)¹⁴⁷.</p> <p>10 points: Meets the criteria.</p> <p>0 points: The above does not apply.</p>	Describe alternative drinking water sources.	10	7%
3.4	<p>Geographic funding distribution:</p> <p>12 points: Grant would help ensure diverse funding distribution within the State. The area is east of the Cascades.</p> <p>0 points: The above does not apply.</p>	Provide project location.	12	8%
3.5	<p>Affordability Index¹⁴⁸: Affordability Index = (Average Annual Water Rates ÷ Median Household Income) x 100</p> <p>13 points: Greater than 2%</p> <p>0 Points: Less than 2%</p>	Provide Affordability Index calculation.	13	9%

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

¹⁴⁸ The Affordability Index is determined by evaluating the average monthly drinking water rate including the loan against the Median Household Income (MHI). The average annual water rates supplied in the loan application, including current system population figures, and current rate structure. MHI is determined using census data from the most recent survey. Applicants may provide third party income surveys to be used in the Affordability Index determination. If the Affordability Index is greater than 2 percent, the service area of the project qualifies as a disadvantaged community.

Source: <https://doh.wa.gov/sites/default/files/legacy/Documents/Pubs/331-196.pdf> (page 36)

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Glossary

Term	Definition
Applicant	A term that applies before receipt of the grant vs. “Recipient” that applies after the grant has been awarded.
Biennium	A period of two years. The state of Washington operates on a two-year (biennial) budget cycle that starts July 1 st of each odd-numbered year and ends June 30 th of the next odd-numbered year. The 2023–25 biennium starts July 1, 2023, and ends June 30, 2025.
AHCG Program	Ecology’s Affordable Housing Cleanup Grant program that provides funding to any person cleaning up a site for affordable housing development.
Area-wide groundwater contamination	Multiple adjacent properties with different ownerships consisting of hazardous substances from multiple sources that have resulted in commingled plumes of contaminated ground water that are not practicable to address separately” (WAC 173-322A-100(3)) ¹⁴⁹
Cleanup actions	Also known as cleanups or remedial actions. The collective planning, investigative, and technical work needed to clean up contaminated sites.
Cleanup site	Also known as a contaminated site or hazardous waste site. A site or property where Ecology has confirmed one or more releases (or threatened release) of a hazardous substance.
Consent decree or decree	A legal document issued under Chapter 70A.305 RCW ¹⁵⁰ or the federal cleanup law.
Contaminated site	Also known as a cleanup site or hazardous waste site.
EAGL	Stands for Ecology’s Administration of Grants and Loans. This is a comprehensive web-based grant and loan management system Ecology uses that allows Applicants and Recipients to develop and manage their agreements online.
Eligible cost	A project cost that is eligible for funding under this chapter and the terms of the grant or loan agreement.
Fiscal year	A period of one year named for the year it ends. For example, Fiscal Year 2024 starts July 1, 2023, and ends June 30, 2024.
Hazardous substance	Means any hazardous substance as defined in WAC 173-340-200.
Hazardous waste site	Also known as a cleanup site or contaminated site. Defined in MTCA as any site that Ecology has confirmed a release or a threatened release of a hazardous substance requiring remedial action (WAC 173-340-200). ¹⁵¹
Highly impacted community	A community that the department has determined is likely to bear a disproportionate burden of public health risks from environmental pollution.
Independent remedial action	Remedial actions conducted without department oversight or approval and not under an order or consent decree.
Model Toxics Control Act (MTCA statute)	Washington’s environmental cleanup law, Chapter 70A.305 RCW ¹⁵²

¹⁴⁹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

¹⁵⁰ <http://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

¹⁵¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-200>

¹⁵² <http://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Term	Definition
Model Toxics Control Act Regulations (MTCA Cleanup Rule)	Washington’s regulations that set standards and procedures for cleaning up contaminated sites (Chapter 173-340 WAC ¹⁵³). The MTCA Cleanup Rule is one of two cleanup rules in Washington adopted under the Model Toxics Control Act, Chapter 70A.305 RCW . ¹⁵⁴ The other cleanup rule is the Sediment Management Standards (Chapter 173-204 WAC ¹⁵⁵) known as the SMS Cleanup Rule.
MTCA Capital Account Ten-Year Financing Report	Ecology’s financial report produced every even-numbered year that describes cleanup financing needs over the next ten fiscal years.
Order	A legal document that includes enforcement orders and agreed orders issued under MTCA, and unilateral administrative orders and administrative orders on consent issued under the federal cleanup law.
Potentially liable person (PLP)	Any person whom the department finds, based on credible evidence, to be liable under Chapter 70A.305 WAC
Prospective purchaser	A person who is not currently liable for remedial action at a facility and who proposes to purchase, redevelop, or reuse the facility.
Recipient	A term that applies after the grant has been awarded vs. “Applicant” that applies after the grant has been awarded.
Remedial actions	Also known as cleanups or cleanup actions. The collective planning, investigative, and technical work needed to clean up contaminated sites.
Secure Access Washington	A single sign-on application gateway created by Washington State Department of Information Services.
Sediment site	A contaminated site in riverbeds and seabed’s where aquatic animals such as crabs and clams live. Sediment can include silt, sand, cobble, and beaches.
Scope of work	The tasks and deliverables of the grant or loan agreement.
Site	Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a legal consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.
Upland site	A contaminated site on land or in groundwater.
Voluntary Cleanup Program	The program authorized under RCW 70A.305.170 ¹⁵⁶ and WAC 173-340-515 . ¹⁵⁷
Yellow Book	Ecology’s administrative requirements common to all Ecology grants and loans that have an agreement effective date of July 1, 2023, or later (publication no. 23-01-002) ¹⁵⁸

¹⁵³ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

¹⁵⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

¹⁵⁵ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

¹⁵⁶ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

¹⁵⁷ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-515>

¹⁵⁸ <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance>

References and Resources

Resource	Description	Link
Remedial Action Grant and Loan Guidance: Integrated Planning Grants 2023–25 Biennium	Guidance when submitting applications for Integrated Planning Grants in the 2021-23 biennium (Pub. No. 23-09-054)	https://apps.ecology.wa.gov/publications/SummaryPages/2309054.html
Remedial Action Grant and Loan Guidance: Independent Remedial Action Grants for the 2023–25 Biennium	Guidance when submitting applications for Independent Remedial Action Grants in the 2021-23 biennium (Pub. No. 23-09-048)	https://apps.ecology.wa.gov/publications/SummaryPages/2309048.html
Economically Disadvantaged Cities, Towns, and Counties in Washington State (2023–25 biennium)	The tables in this document identify which counties, cities, and towns are economically disadvantaged and eligible for a reduced match for grants received in the 2023-25 biennium (Pub No. 23-09-045)	https://apps.ecology.wa.gov/publications/SummaryPages/2309045.html
“Yellow Book”	Guidance for all Ecology grants and loans: <i>Administrative Requirements for Recipients of Ecology Grants and Loans</i> (Pub. No. 23-01-002)	https://apps.ecology.wa.gov/publications/UIPages/documents/2301002.pdf
EAGL	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: https://ecology.wa.gov/About-us/How-we-operate/Grants-loans Secure Access Washington (SAW) log-in: https://secureaccess.wa.gov/ecy/eagl/
EAGL Instructions for 2025–27 Remedial Action Grant & Loan Applications	Specific EAGL guidance when applying for Oversight, Area-wide, and Safe Drinking Water funding for the 2025–27 biennium (Pub. No. 24-09-047)	https://apps.ecology.wa.gov/publications/SummaryPages/2409047.html
EAGL External Users’ Manual	General EAGL guidance when applying for all Ecology grant and loans (Pub. No. 17-01-015)	https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html
How to obtain a Secure Access Washington (SAW) account	YouTube video	https://www.youtube.com/watch?v=pj0EnIjG3RQ&feature=youtu.be
Applying for Ecology grants	YouTube video	https://www.youtube.com/watch?v=9B3gvb3QRBk

Resource	Description	Link
Oversight Remedial Action Grants (webpage)	Funding for local governments to investigate and clean up contaminated sites under an order or decree overseen by Ecology under MTCA or by EPA under the federal cleanup law	https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans
Oversight Remedial Action Loans (webpage)	Low interest loans to local governments that have an Oversight Remedial Action Grant to help fulfill their local match requirement	https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans
Area-wide Groundwater Investigation Grants (webpage)	Funding to facilitate redevelopment within a local government's jurisdiction by conducting a study of the groundwater in a limited geographic area known or suspected to be contaminated by multiple sites	https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Area-wide-groundwater-investigation-grants
Safe Drinking Water Grants (webpage)	Funding to local governments to ensure safe drinking water for communities where source of drinking water has been polluted by the release of a hazardous substance	https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Safe-drinking-water-grants
Independent Remedial Action Grants (webpage)	Grants to local governments that investigate and clean up contaminated sites independently under Ecology's Voluntary Cleanup Program	https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Safe-drinking-water-grants
Integrated Planning Grants (webpage)	Grants to local governments to assess and develop an integrated plan for cleaning up and redeveloping contaminated site(s)	https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Integrated-planning-grants
Ecology's grants and loans since 2014	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.	https://apps.ecology.wa.gov/ea-glmap/?CustomMap=y&BBox=-13962546,5698654,-13014726,6267345&AL=5&Opacity=0.8&Basemap=esriTopo&EP=5&FP=16
Per diem rate tables	Office of Financial Management's rates for lodging, meals, and mileage per day	https://www.ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables
Closeout Procedures for National Priority Sites	EPA's guidance to determine whether construction of a cleanup action has been completed	https://www.epa.gov/superfund/close-out-procedures-national-priorities-list-superfund-sites
Cleanup Site Search	Database of 13,300-plus contaminated sites known to Ecology that draws from the internal Integrated Site Information System (ISIS) database	https://apps.ecology.wa.gov/gsp/SiteSearchPage.aspx

Resource	Description	Link
TCP Web Reporting	Selection of reports and datasets that draws from two Ecology internal environmental databases: Integrated Site Information System (ISIS) and Underground Storage Tank System	https://apps.ecology.wa.gov/tcp/webreporting/
Confirmed & Suspected Contaminated Sites List	List of sites undergoing cleanup and sites awaiting further investigation and/or cleanup	https://apps.ecology.wa.gov/tcp/webreporting/reports/cleanup/contaminated
Hazardous Sites List	Special edition of the Site Register published twice a year listing sites that have been assessed and ranked using the Washington Ranking Method, and sites on the National Priorities List	https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter
How the cleanup process works	Steps in the MTCA formal cleanup process	How the cleanup process works: https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process
Washington's Formal Cleanup Process Infographic	Infographic illustrating steps in the MTCA formal cleanup process (Pub. No. 19-09-166)	https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html
Toxics Cleanup Program's (TCP's) policies and guidance	Consolidated but not exhaustive list of TCP's policies, procedures, implementation memos, and major guidance documents for cleaning up hazardous sites and meeting the requirements of MTCA.	https://ecology.wa.gov/Regulations-Permits/Plans-policies/Toxics-cleanup-policies
TCP publications	Published focus sheets, frequently asked questions, guidance documents, and technical reports that describe cleanup sites across the state	https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Publication
TCP Legislative reports	Recurring and one-time legislative reports produced by the Toxics Cleanup Program	http://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup/TCP-Legislative-reports
EPA's Superfund Chemical Data Matrix (SCDM) query	Query to generate lists of corresponding Hazard Ranking System factor values, benchmarks, and data elements	https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query

Resource	Description	Link
<p>EIM and MyEIM</p>	<p>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.</p>	<p>EIM: https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database</p> <p>MyEIM: https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/Using-MyEIM</p>

Table 12: Environmental justice, climate change, and cultural resources mentioned in these Guidelines.

Resource	Description	Link
Washington State Department of Health's EJ	Web-based data on public health aspects of environmental justice	https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/Resources/EnvironmentalJusticeIssues
Washington Tracking Network	Map-based tool used to facilitate searching for and displaying health concerns that have links to environmental health	https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/
EPA's environmental justice website	National environmental justice data and link to EJScreen	https://www.epa.gov/environmentaljustice
Ecology's climate change guidance for cleanup sites	<i>Adaptation Strategies for Resilient Cleanup Remedies: A guide for cleanup project managers to increase the resilience of toxic cleanup sites to the impacts from climate change</i> (Pub. No. 17-09-052)	https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html
EPA's green remediation for cleanup sites	Information for incorporating sustainable environmental practices into remediation of contaminated sites	https://www.epa.gov/remedytech/green-remediation-incorporating-sustainable-environmental-practices-remediation
Ecology Cultural Resources Review Form	Form for gathering information when complying with National Historic Preservation Act or Executive Order 21-02 Archaeological and Cultural Resources (Pub. No. ECY 070-537)	https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html
Public Inadvertent Discovery Plan (IDP)	Plan and procedures for the unanticipated discovery of cultural resources and human skeletal remains (Pub. No. 070-560)	https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html
Executive Order 21-02	Gov. Jay Inslee's executive order for Archaeological and Cultural Resources (replaced Executive Order 05-05)	https://www.governor.wa.gov/sites/default/files/execute_order/eo_21-02.pdf
Former Executive Order 05-05	Gov. Christine Gregoire's executive order for Archaeological and Cultural Resources	https://www.governor.wa.gov/sites/default/files/execute_order/eo_05-05.pdf

Table 13: Cleanup laws, regulations, and Legislative bills mentioned in these Guidelines.

Resource	Description	Link
MTCA (statute)	Hazardous Waste Cleanup—Model Toxics Control Act, Chapter 70A.305 RCW	https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305
MTCA Cleanup Rule	Model Toxics Control Act—Cleanup Regulations, Chapter 173-340 WAC	http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340
RAG Rule	Remedial Action Grants and Loans Regulations, Chapter 173-322A WAC	http://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A
SHARP Tool	Ecology's tool to assess contaminated sites.	https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Ranking-contaminated-sites
Sediment Cleanup Rule	Sediment Management Standards, Chapter 173-204 WAC	http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204
Group A Public Water Supplies	Section 310: Maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs), Chapter 246-290 WAC	https://apps.leg.wa.gov/WAC/default.aspx?cite=246-290-310
Waterworks Operator Certification	Chapter 246-292 WAC	https://apps.leg.wa.gov/WAC/default.aspx?cite=246-292
Water System Coordination Act	Chapter 246-293 WAC	https://apps.leg.wa.gov/WAC/default.aspx?cite=246-293
Drinking Water Operating Permits	Chapter 246-294 WAC	https://apps.leg.wa.gov/WAC/default.aspx?cite=246-294
Public Water System Coordination Act of 1977	Chapter 70.116 RCW	https://app.leg.wa.gov/rcw/default.aspx?cite=70.116
Planning Enabling Act	Chapter 36.70 RCW	https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70
Growth Management-Planning by Selected Counties and Cities	Chapter 36.70A RCW	https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A
ESSB 5993 (Chapter 422, Laws of 2019)	Engrossed Substitute Senate Bill 5993 Reforming the financial structure of the model toxics control program	https://app.leg.wa.gov/billsummary?BillNumber=5993&Year=2019&Initiative=false

Appendix A:

Chapter 173-322 WAC, Remedial Action Grants and Loans

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

WAC Sections*

RAG Rule section	Section title
173-322A-010 ¹⁵⁹	Purpose and authority.
173-322A-020 ¹⁶⁰	Relation to other laws and rules.
173-322A-100 ¹⁶¹	Definitions.
173-322A-200 ¹⁶²	Funding cycle.
173-322A-210 ¹⁶³	Funding priorities.
173-322A-220 ¹⁶⁴	Fiscal controls.
173-322A-320 ¹⁶⁵	Oversight remedial action grants.
173-322A-325 ¹⁶⁶	Oversight remedial action loans.
173-322A-340 ¹⁶⁷	Area-wide groundwater investigation grants.
173-322A-350 ¹⁶⁸	Safe drinking water action grants.

*WAC sections related to grants not covered by these Guidelines have been omitted.

173-322A-010 Purpose and authority

(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;

(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.

¹⁵⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-010>

¹⁶⁰ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-020>

¹⁶¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-100>

¹⁶² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-200>

¹⁶³ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-210>

¹⁶⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-220>

¹⁶⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-320>

¹⁶⁶ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-325>

¹⁶⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-340>

¹⁶⁸ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-350>

(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).¹⁶⁹

(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. 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

(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. WSR 14-18-060 (Order 13-09), § 173-322A-020, filed 8/29/14, effective 9/29/14.]

173-322A-100 Definitions

Unless otherwise defined in this chapter, words and phrases used in this chapter shall be defined according to WAC [173-340-200](#) and [173-204-505](#).

(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 1st of odd-numbered years to June 30th 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

¹⁶⁹ The MTCA Cleanup Rule refers to several statutes' previous codification numbers. For example, in 2020 the Washington State Legislature recodified the Model Toxics Control Act from Chapter 70.105D RCW to Chapter 70A.305 RCW.

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](#) or [173-204-505](#).

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

(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](#) WAC.

(11) **"Decree" or "consent decree"** means a consent decree issued under chapter [70.105D](#) RCW 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 1st 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 1st 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).

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

(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.

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

(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](#).

(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](#).

(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](#).

(32) **"No further action determination"** or **"NFA determination"** means a written opinion issued by the department under WAC [173-340-515](#)(5) that the independent remedial actions performed at a hazardous waste site or property meet the substantive requirements of chapter [173-340](#) WAC 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, including enforcement orders issued under WAC [173-340-540](#) and agreed orders issued under WAC 173-340-530, 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](#).

(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](#).

(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.

(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](#).

(45) **"Remedial action"** means any action or expenditure consistent with the purposes of chapter [70.105D](#) RCW 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](#) or [173-204](#) WAC.

(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.

(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) and WAC 173-340-515.

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

173-322A-200 Funding cycle

(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 multiannual 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 multiannual 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](#).

(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](#);
- (b) Cost eligibility;
- (c) Allowable funding of eligible costs; and
- (d) Availability of state funds and other funding sources.

(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. WSR 14-18-060 (Order 13-09), § 173-322A-200, filed 8/29/14, effective 9/29/14.]

173-322A-210 Funding priorities

(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](#) through [173-322A-350](#), 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. WSR 14-18-060 (Order 13-09), § 173-322A-210, filed 8/29/14, effective 9/29/14.]

173-322A-220 Fiscal controls

(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.

(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](#) 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.

(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, 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](#).

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

173-322A-320 Oversight remedial action grants

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

(2) **Project eligibility.** For the purposes of this grant, a project consists of remedial actions conducted under one or more orders or decrees at a single hazardous waste site. A project may

extend over more than one biennium. To be eligible for a grant, a 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;

(c) The project must meet one of the following criteria:

(i) The applicant is required to conduct remedial actions at the hazardous waste site under an order or decree; or

(ii) A person other than the applicant is required to conduct remedial actions at the hazardous waste site under an order or decree and the applicant has:

(A) Signed the order or decree; and

(B) Entered into a written agreement with the other person to reimburse the person for a portion of the remedial action costs incurred under the order or decree;

(d) If the order or decree is issued under the federal cleanup law, it must be signed or acknowledged in writing by the department as a sufficient basis for funding under this chapter; and

(e) The project must be included in the department's ten-year financing plan required under RCW [70.105D.030](#)(5).

(3) **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 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.

(4) **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. For multibiennial 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.

(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. For multibiennial 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.

(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 (2) of this section; and
- (ii) Funding priority under subsection (3) 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 (3) of this section;
- (ii) Cost eligibility under subsections (5) and (6) of this section;
- (iii) Allowable funding under subsections (7) and (8) 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.

(5) **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 oversight 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; and

(v) Operation and maintenance or monitoring of a cleanup action component for up to one year after construction completion of the component.

(b) **Ineligible costs.** Ineligible costs for an oversight 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 order or decree or the grant agreement;

(iii) The costs incurred under an order or decree by a potentially liable person, potentially responsible party, or prospective purchaser other than the recipient, except as provided under subsection (2)(c)(iii) of this section;

- (iv) Retroactive costs, except as provided under subsection (6) of this section;

(v) The remedial action costs of the department or the U.S. Environmental Protection Agency reasonably attributable to the administration of an order or decree for remedial action at the hazardous waste site, including reviews of reimbursement requests;

(vi) Natural resource damage assessment and restoration costs and liability for natural resource damages under chapter 70.105D RCW or the federal cleanup law;

(vii) Site development and mitigation costs not required as part of a remedial action;

(viii) 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

(ix) In-kind contributions.

(6) **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 under the order or decree between the effective date of the order or decree and the agreement signature date;

(b) Costs incurred under the order or decree during the period of a prior grant agreement that have not been reimbursed by the department;

(c) Costs incurred negotiating the order or decree, provided that the costs are not legal costs and were incurred within:

(i) Sixty days after starting negotiations for an order; or

(ii) One hundred twenty days after starting negotiations for a decree; and

(d) Costs incurred before the effective date of the order or decree conducting independent remedial actions, provided that:

(i) The actions are:

(A) Conducted within five years before the start of negotiations for the order or decree;

(B) Consistent with the remedial actions required under the order or decree;

(C) Compliant with the substantive requirements of chapter 173-340 WAC; and

(D) Incorporated as part of the order or decree; and

(ii) Costs incurred before the start of negotiations for the order or decree do not exceed six hundred thousand dollars.

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

(a) **Department share.** The department may fund up to fifty percent of the eligible costs. Except for extended grant agreements, the department may fund a higher percentage of the eligible costs as follows.

(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 an additional fifteen percent of the eligible costs if the applicant uses innovative technology.

(iii) The department may fund up to a total of ninety percent of the eligible costs if the eligible costs for the project are less than five million dollars and the director or designee determines the additional funding would:

(A) Prevent or mitigate unfair economic hardship imposed by 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.

(8) Cash management of grants.

(a) The department may not 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.

(b) The department may not 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.

(9) **Administration of multiple grants.** Except for extended grant agreements, the department may provide oversight remedial action grants to a local government for more than one project under a single grant agreement.

(10) Extended grant agreements.

(a) **Project eligibility.** The department may provide an oversight remedial action grant to a local government for a hazardous waste site under an extended grant agreement if, in addition to meeting the eligibility requirements in subsection (2) of this section, the project extends over multiple biennia and the eligible costs for the project exceed twenty million dollars.

(b) **Agreement duration.** The initial duration of an extended grant agreement may not exceed ten years. The department may extend the duration of the agreement upon finding substantial progress has been made on remedial actions at the site.

(c) **Department share.** Under an extended grant agreement, the department may not fund more than fifty percent of the eligible costs.

[Statutory Authority: Chapter 70.105D RCW. WSR 14-18-060 (Order 13-09), § 173-322A-320, filed 8/29/14, effective 9/29/14.]

173-322A-325 Oversight remedial action loans

(1) **Purpose.** The purpose of oversight remedial action loans is to supplement local government funding and funding from other sources to meet the recipient share requirements for oversight remedial action grants under WAC [173-322A-320](#). The loans are intended to encourage and expedite the cleanup of hazardous waste sites and to lessen the impact of the cleanup cost on ratepayers and taxpayers.

(2) **Types of loans.** There are two different types of oversight remedial action loans, a standard loan and an extraordinary financial hardship loan. The two types of loans have different project eligibility requirements and different terms and conditions for repayment based upon the applicant's ability to repay the loan.

(a) **Standard loan.** A standard loan is a loan that includes the terms and conditions for repayment.

(b) **Extraordinary financial hardship loan.** An extraordinary financial hardship loan is a loan that includes deferred terms and conditions for repayment. Deferred terms and conditions may not be indefinite. Any such loan must be approved by the director or designee.

(3) **Project eligibility.** For the purposes of this loan, a project consists of remedial actions conducted under an order or decree at a single hazardous waste site. A project may extend over more than one biennium. To be eligible for a loan, a project must meet all of the following requirements:

(a) The applicant must have an oversight remedial action grant for the project under WAC [173-322A-320](#); and

(b) The applicant must demonstrate the following to the department's satisfaction. The department may require an independent third-party financial review to support the demonstration:

(i) For a standard loan, the applicant's financial need for the loan and ability to repay the loan; or

(ii) For an extraordinary financial hardship loan, the applicant's financial need for the loan, inability to repay the loan under present circumstances, and ability to repay the loan in the future.

(4) **Funding priority.** The department will assign an oversight remedial action loan the same priority as the associated oversight remedial action grant.

(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. For multibiennial 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.

(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. For multibiennial 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.

(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. If the department determines the applicant meets the eligibility requirements for an extraordinary financial hardship loan, then the department may, upon the approval by the director, provide such a loan to the applicant instead of a standard loan; 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 loan 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 subsection (8) 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.** The eligible costs for oversight remedial action loans shall be the same as the eligible costs for oversight remedial action grants under WAC [173-322A-320](#)(5).

(7) **Retroactive cost eligibility.** The eligibility of retroactive costs for oversight remedial action loans shall be the same as the eligibility of retroactive costs for the oversight remedial action grants under WAC [173-322A-320](#)(6).

(8) **Funding by department.** The department may provide the recipient of an oversight remedial action loan for up to one hundred percent of the recipient share under WAC [173-322A-320](#) (7)(b). The loan shall be used by the recipient to supplement local government funding and funding from other sources to meet the recipient share requirement.

(9) **Repayment by recipient.** The terms and conditions for repayment of a loan shall be specified in the loan agreement.

(a) **Standard loans.** For a standard loan, the following terms and conditions shall apply. Additional terms and conditions may be specified in the loan agreement.

(i) **Repayment periods and interest rates.**

(A) If the repayment period is less than or equal to five years, the interest rate shall be thirty percent of the average market rate.

(B) If the repayment period is more than five years and less than or equal to twenty years, the interest rate shall be sixty percent of the average market rate.

(ii) **Interest accrual.** Interest shall accrue on each disbursement as it is paid to the recipient.

(b) **Extraordinary financial hardship loans.** For an extraordinary financial hardship loan, the repayment terms and conditions specified in (a) of this subsection may be adjusted or deferred. Deferred terms and conditions are dependent on periodic review of the recipient's ability to pay. Terms and conditions may not be deferred indefinitely.

[Statutory Authority: [Chapter 70.105D](#) RCW. WSR 14-18-060 (Order 13-09), § 173-322A-325, filed 8/29/14, effective 9/29/14.]

173-322A-340 Area-wide groundwater investigation grants

(1) **Purpose.** The purpose of area-wide groundwater investigation grants is to provide funding to local governments that investigate known or suspected areas of area-wide groundwater contamination. The investigations are intended to facilitate the cleanup and redevelopment of properties affected by area-wide groundwater contamination.

(2) **Project eligibility.** For the purposes of this grant, a project consists of an investigation of area-wide groundwater contamination in a single study area. A project may extend over more than one biennium. To be eligible for a grant, a project must meet all of the following requirements:

- (a) The applicant must be a local government;

(b) The project must involve the investigation of known or suspected area-wide groundwater contamination;

(c) The applicant must not be required to conduct the investigation under an order or decree;

(d) The applicant must have the necessary access to conduct the investigation or obtain such access in accordance with a schedule in the grant agreement; and

(e) The project must be included in the ten-year financing plan required under RCW [70.105D.030](#)(5).

(3) **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 sites to human health and the environment;

(b) Whether the hazardous waste site is within a redevelopment opportunity zone;

(c) The land reuse potential of the hazardous waste sites;

(d) Whether the hazardous waste sites are 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 sites;

(g) The ability of the grant to leverage other public or private funding for the cleanup and reuse of the hazardous waste sites;

(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.

(4) 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 (2) of this section; and

(ii) Funding priority under subsection (3) 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 (3) of this section;
- (ii) Cost eligibility under subsections (5) and (6) of this section;
- (iii) Allowable funding under subsections (7) and (8) 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.

(5) **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 area-wide groundwater investigation grant include, but are not limited to, the reasonable costs for the following:

- (i) Identifying the sources of the area-wide groundwater contamination;
- (ii) Determining the nature and extent of the area-wide groundwater contamination;
- (iii) Identifying the preferential groundwater contaminant migration pathways;
- (iv) Identifying area-wide geologic and hydrogeologic conditions; and
- (v) Establishing area-wide natural groundwater quality, including aquifer classification under WAC [173-340-720](#).

(b) **Ineligible costs.** Ineligible costs for an area-wide groundwater investigation 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 grant agreement;
- (iii) Retroactive costs, except as provided under subsection (6) of this section;
- (iv) Natural resource damage assessment and restoration costs and liability for natural resource damages under chapter [70.105D](#) RCW or the federal cleanup law;
- (v) Site development and mitigation costs not required as part of the remedial action;
- (vi) Legal costs 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, the cost of defending actions taken against the recipient, and any attorney fees incurred by the recipient; and
- (vii) In-kind contributions.

(6) **Retroactive cost eligibility.** Retroactive costs are eligible for reimbursement if the costs are incurred during the period of a prior grant agreement, the costs are eligible under subsection (5) of this section, and the costs have not been reimbursed by the department.

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

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

(a) **Department share.** The department may fund up to one hundred percent of the eligible costs.

(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.

[Statutory Authority: Chapter 70.105D RCW. WSR 14-18-060 (Order 13-09), § 173-322A-340, filed 8/29/14, effective 9/29/14.]

173-322A-350 Safe drinking water action grants

(1) **Purpose.** The purpose of safe drinking water action grants is to assist local governments, or a local government applying on behalf of a purveyor, in providing safe drinking water to areas contaminated by, or threatened by contamination from, hazardous waste sites.

(2) **Project eligibility.** For the purposes of this grant, a project consists of safe drinking water actions at a single hazardous waste site. A project may extend over more than one biennium. To be eligible for a grant, a project must meet all of the following requirements:

(a) The applicant must be a local government;

(b) The applicant must be a purveyor or the applicant must be applying on behalf of a purveyor;

(c) The applicant or purveyor must be in substantial compliance, as determined by the department of health, with applicable rules of the state board of health or the department of health, including chapter [246-290](#) WAC (Group A public water supplies), chapter [246-292](#) WAC (Waterworks operator certification), chapter [246-293](#) WAC (Water System Coordination Act), and chapter [246-294](#) WAC (Drinking water operating permits);

(d) The drinking water source must be affected or threatened by one or more hazardous substances originating from a hazardous waste site;

(e) The department of ecology has determined that the drinking water source:

(i) Exhibits levels of hazardous substances that exceed the maximum contaminant levels (MCLs) established by the state board of health and set forth in WAC [246-290-310](#);

(ii) Exhibits levels of hazardous substances that exceed the cleanup levels established by the department of ecology under Part VII of chapter [173-340](#) WAC; or

(iii) Is threatened to exceed the levels of hazardous substances identified in (e)(i) or (ii) of this subsection;

(f) If the safe drinking water action includes water line extensions, the extensions must be consistent with the coordinated water system plan prepared under chapter [70.116](#) RCW and any plans for new development prepared under chapter [36.70](#) or [36.70A](#) RCW for the geographic area containing the affected water supplies; and

(g) The applicant must not be required to conduct the safe drinking water action under an order or decree.

(3) **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 drinking water;

(b) Whether the drinking water serves a highly impacted community;

(c) The per capita cost of providing safe drinking water;

(d) The ability of the grant to expedite the provision of safe drinking water;

(e) The ability of the grant to leverage other public or private funding for the provision of safe drinking water;

(f) 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; and

(g) Other factors as determined and published by the department.

(4) 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 (2) of this section; and
- (ii) Funding priority under subsection (3) 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 (3) of this section;
- (ii) Cost eligibility under subsections (5) and (6) of this section;
- (iii) Allowable funding under subsection (7) 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.

(5) **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 a safe drinking water action grant include, but are not limited to, reasonable costs for the following, if needed:

- (i) Water supply source development and replacement, including pumping and storage facilities, source meters, and reasonable appurtenances;
- (ii) Transmission lines between major system components, including interties with other water systems;
- (iii) Treatment equipment and facilities;
- (iv) Distribution lines from major system components to system customers or service connections;
- (v) Bottled water, as an interim action;
- (vi) Fire hydrants;
- (vii) Service meters;

(viii) Project inspection, engineering, and administration;

(ix) Individual service connections, including any connection fees and charges;

(x) Drinking water well decommissioning under WAC [173-160-381](#); and

(xi) Other costs identified by the department of health as necessary to provide a system that operates in compliance with federal and state standards.

(b) **Ineligible costs.** Ineligible costs for a safe drinking water 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 grant agreement;

(iii) Retroactive costs, except as provided under subsection (6) of this section;

(iv) The cost of oversizing or extending a water system for future development;

(v) The cost of individual service connections for undeveloped lots;

(vi) Local improvement district assessments;

(vii) Operation and maintenance costs;

(viii) Natural resource damage assessment and restoration costs and liability for natural resource damages under chapter [70.105D](#) RCW or the federal cleanup law;

(ix) Legal costs 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; and

(x) In-kind contributions.

(6) **Retroactive cost eligibility.** Retroactive costs are eligible for reimbursement if the costs are incurred during the period of a prior grant agreement, the costs are eligible under subsection (5) of this section, and the costs have not been reimbursed by the department.

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

(a) **Department share.** The department may fund up to ninety percent of the eligible costs.

(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.

[Statutory Authority: Chapter [70.105D](#) RCW. WSR 14-18-060 (Order 13-09), § 173-322A-350, filed 8/29/14, effective 9/29/14.]