

## **DRAFT Frequently Asked Questions (FAQs): Voluntary Cleanup Program and Petroleum Technical Assistance Program**

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*To:* Interested Persons

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## Table of Contents

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|   |           |
|---|-----------|
| <b>Acronyms and Abbreviations .....</b>             | <b>2</b>  |
| <b>1.0 Purpose and Applicability .....</b>          | <b>3</b>  |
| <b>2.0 Summary of Major Discussion Points .....</b> | <b>3</b>  |
| <b>3.0 Program Eligibility .....</b>                | <b>4</b>  |
| <b>4.0 Model Remedies .....</b>                     | <b>7</b>  |
| <b>5.0 Recordkeeping .....</b>                      | <b>8</b>  |
| <b>6.0 Initial Investigations (II) .....</b>        | <b>9</b>  |
| <b>7.0 General Questions .....</b>                  | <b>10</b> |
| <b>8.0 PLIA Specific Questions .....</b>            | <b>12</b> |
| <b>9.0 References .....</b>                         | <b>15</b> |

## Acronyms and Abbreviations

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| <b>Acronym or Abbreviation</b> | <b>Definition</b>                           |
|--------------------------------|---|
| Ecology                        | Washington State Department of Ecology      |
| EIM                            | Environmental Information Management System |
| FS                             | Feasibility Study                           |
| II                             | Initial Investigation                       |
| ISIS                           | Integrated Site Information System          |
| MTCA                           | Model Toxics Control Act                    |
| NFA                            | no further action                           |
| PCBs                           | polychlorinated biphenyls                   |
| PLIA                           | Pollution Liability Insurance Agency        |
| PTAP                           | Petroleum Technical Assistance Program      |
| RCW                            | Revised Code of Washington                  |
| RI                             | Remedial Investigation                      |
| TCP                            | Toxics Cleanup Program                      |
| TSP                            | Tacoma Smelter Plume                        |
| VCP                            | Voluntary Cleanup Program                   |
| WAC                            | Washington Administrative Code              |

## 1.0 Purpose and Applicability

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The Washington State Department of Ecology (Ecology) and the Pollution Liability Insurance Agency (PLIA) hosted a meeting on December 18, 2017, at the Embassy Suites Hotel in Bellevue, Washington.

The purpose of this meeting was to present an overview of PLIA's new Petroleum Technical Assistance Program (PTAP), which became effective January 2, 2018, and to give participants an opportunity to ask questions regarding implementation.

The meeting began with PLIA presenting a summary of PTAP and Ecology covering a number of routinely asked implementation related questions. The presentations are available on Ecology's [Voluntary Cleanup Program](https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program) webpage at <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program> and PLIA's webpage at [www.plia.wa.gov](http://www.plia.wa.gov) respectively.

## 2.0 Summary of Major Discussion Points

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Following Ecology's and PLIA's presentations, the meeting focused on audience questions and agency responses. This document summarizes the key discussion points, but does not represent a complete record of the meeting. Questions are grouped into comparable categories and, when possible, questions with similar answers have been combined. In some cases the responses given at the meeting have been supplemented to provide a more complete answer.

### 3.0 Program Eligibility

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**Question No. 1:**

What is the best way to determine if a site is eligible for PTAP?

**Answer:**

Washington now has three technical assistance programs:

1. Ecology's [Voluntary Cleanup Program](#) (VCP),
2. Pollution Liability Insurance Agency's (PLIA's) [Heating Oil Technical Assistance Program \(HOTAP\)](#), and
3. PLIA's [Petroleum Technical Assistance Program \(PTAP\)](#).

Use Ecology's Agency Determination Checklist to determine which program your site is eligible to use. It's available at <https://fortress.wa.gov/ecy/publications/SummaryPages/1709059.html>.

PLIA's online application also incorporates this checklist. For more information about PLIA's programs, please contact PLIA at [pliamail@plia.wa.gov](mailto:pliamail@plia.wa.gov) or 1-800-822-3905.

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**Question No. 2:**

Does a site need to be ranked to be eligible for PTAP?

**Answer:**

No, a site only needs to meet the eligibility criteria. Use Ecology's [Agency Determination Checklist](#) to determine which program your site is eligible to use.

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**Question No. 3:**

If a site has impacts from other contaminants besides petroleum (e.g. waste oil, metals such as arsenic, polychlorinated biphenyls (PCBs), or Stoddard solvents) are they eligible for PTAP?

**Answer:**

The site is eligible for PTAP if the other contaminants are related to the operation of the site (e.g. solvent contamination from a parts washer at a gas station). The site may not have commingled, non-petroleum contaminants migrating from another source at another property.

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**Question No. 4:**

What if the release is *not* from an underground tank system (e.g. a 55-gallon drum or an above ground storage tank) or if the source isn't known because the tanks were removed long ago?

**Answer:**

The legislation establishing this program expands PLIA's authority to **all** petroleum storage tank systems at low-risk sites. As a result, above ground storage tanks and 55-gallon drums would be eligible.

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**Question No. 5:**

If the site is eligible for PTAP, can I choose to enter the VCP instead?

**Answer:**

No.

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**Question No. 6:**

I'm a current VCP customer, but my site is eligible for PTAP. What are my options?

**Answer:**

You can finish your cleanup in the VCP. Because the VCP is voluntary, you may terminate your participation and apply to enter PTAP at any time. If your site terminates from the VCP for any reason, you will need to apply to PTAP. You will not have the option to return to the VCP.

**Question No. 7:**

My site is eligible for PTAP but used to be in the VCP. Can I return to the VCP?

**Answer:**

No. If you are not a current VCP customer, you need to apply to PTAP.

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**Question No. 8:**

My site is currently in the VCP and is eligible for PTAP, however I am working on selling the property. Can the new owner continue cleaning up the site in the VCP?

**Answer:**

Since the site has a current, active VCP customer, Ecology will make a site-specific determination. Termination of the VCP contract with you and submittal of the VCP application from the new customer must occur within a short timeframe.

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## 4.0 Model Remedies

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### **Question No. 9:**

Are model remedies applicable to PTAP sites?

### **Answer:**

Yes. It would be okay to use petroleum model remedies for the petroleum contamination, and Tacoma Smelter Plume (TSP) model remedies for the arsenic/lead contamination if you want to take care of that, too. Ecology and PLIA are not requiring sites with non-TSP contamination to address the TSP contamination at the same time. We only encourage it.

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### **Question No. 10:**

Does the statutory fee waiver for model remedies apply to sites in the PTAP?

### **Answer:**

No. Only Ecology is waiving fees when model remedies are used.

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### **Question No. 11:**

Are PTAP sites in the Tacoma Smelter Plume eligible to use the model remedies developed for that project?

### **Answer:**

Yes.

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## 5.0 Recordkeeping

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### **Question 12:**

Will there be a separate tracking number for sites in PTAP?

### **Answer:**

Yes.

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### **Question 13:**

What is the process for obtaining files when preparing a Phase I/II report?

### **Answer:**

Each agency will be responsible for maintaining files for their own sites.

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### **Question 14:**

Where will site information be stored for PTAP sites?

### **Answer:**

All basic site information will be entered into Ecology's Integrated Site Information System (ISIS) database. You can search sites in ISIS through our Cleanup Site Search at <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>

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### **Question 15:**

Does monitoring data from PTAP sites need to be entered into the Environmental Information Management System (EIM)?

### **Answer:**

Yes. Visit our EIM website to learn how to enter site data: <https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database>

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## **6.0 Initial Investigations (II)**

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### **Question 16:**

Is it still possible to obtain a No Further Action (NFA) from Ecology at the Initial Investigation (II) stage?

### **Answer:**

Yes, if the provisions contained in Ecology Policy 310A are met.

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### **Question 17:**

Can home heating oil tanks receive an NFA at the II stage?

### **Answer:**

Yes. PLIA can issue NFAs to home heating oil tanks following completion of the II.

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## 7.0 General Questions

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### **Question 18:**

Do sites in the PTAP process need to complete a Remedial Investigation (RI) / Feasibility Study (FS)?

### **Answer:**

The steps in the Model Toxics Control Act (MTCA) formal cleanup process need to be followed (see <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>). However, there are situations where an FS wouldn't be necessary. For example, sites using a model remedy are exempt from completing a FS. Also, sites that clean up to Method A levels typically do not need to complete an FS.

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### **Question 19:**

Which agency handles petroleum spills?

### **Answer:**

Spill cleanups are handled by Ecology.

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### **Question 20:**

Which agency is responsible for adding sites in PTAP to the Confirmed and Suspected Contaminated Sites List?

### **Answer:**

Ecology is responsible for this process. You can access the Confirmed and Suspected Contaminated Sites List through our web reporting portal at <https://fortress.wa.gov/ecy/tcpwebreporting/report.aspx>

If your site does not appear on the Confirmed and Suspected Contaminated Sites List, please visit our webpage to see how to [report an environmental issue](#).

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### **Question 21:**

What if my site is not ranked?

**Answer:**

We will look at the exposure pathways affected at the site (only air, groundwater, or soil).

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**Question 22:**

How will PTAP affect Ecology's workload and the VCP waitlist?

**Answer:**

Ecology is hopeful that the current waitlists can be significantly reduced. However, Washington State has more than 5,000 sites that need further remediation action. This, coupled with high staff vacancy rates, is likely to result in Ecology staff workload remaining high.

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**Question 23:**

What are some examples of petroleum sites that Ecology will still accept into the VCP?

**Answer:**

The following are a few examples of petroleum sites that are eligible for the VCP:

- Spills from the rollover of a tanker truck.
  - Petroleum spills that are not from a tank or associated piping system.
  - Leaking from a major pipeline used for regional transportation of petroleum products.
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## **8.0 PLIA-Specific Questions**

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### **Question 24:**

How was the \$7,500 review fee determined?

### **Answer:**

The \$7,500 fee was included in our Fiscal Note and approved by the Legislature.

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### **Question 25:**

Does the \$7,500 fee cover all the time necessary for the site to obtain an NFA determination, or is it limited to a certain number of hours?

### **Answer:**

The \$7,500 is a one-time, flat fee regardless of the time it takes to review.

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### **Question 26:**

Does the fee need to be paid before the intake meeting is held?

### **Answer:**

No. The fee is due at the intake meeting or within five business days after the meeting.

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### **Question 27:**

Are there any circumstances where the fee will be refunded?

### **Answer:**

The fee is non-refundable with the exception of a site that is accepted into the PTAP, and further site characterizations indicate that the site is not eligible for PTAP at the Director's discretion.

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**Question 28:**

How many site managers does PLIA currently have, and how many sites can each manager handle?

**Answer:**

PLIA has several site managers and the capability to hire more site managers to meet demand.

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**Question 29:**

Is a separate application needed for sites in the PLIA insurance program?

**Answer:**

PLIA will coordinate enrollment of reinsurance sites into PTAP.

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**Question 30:**

Does PLIA have rules for implementing PTAP?

**Answer:**

A PTAP guidance document is available on PLIA's website at <http://plia.wa.gov/wp-content/uploads/2017/12/PTAPGuidance.pdf> until the adoption of rules. We encourage you to provide rule-development feedback to [rules@plia.wa.gov](mailto:rules@plia.wa.gov).

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**Question 31:**

What are the implications for five-year reviews for sites in PTAP?

**Answer:**

PLIA will conduct periodic reviews for sites that have been issued an NFA that is dependent on an environmental covenant. If it is determined that the cleanup no longer meets the substantive requirements of MTCA, additional remedial actions may be required, or the NFA may be rescinded. Further groundwater monitoring may cease when the following requirements are met:

- Remaining soil contamination is contained on site;
  - Confirmation groundwater monitoring has demonstrated that groundwater meets cleanup levels at the point of compliance; and
  - The environmental covenant provides a mechanism to ensure the maintenance of the integrity of the containment.
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**Question 32:**

Will the PTAP application be available before January 2, 2018?

**Answer:**

The application is now available on our website at <http://plia.wa.gov/ptap/>

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**Question 33:**

Will technical feedback and recommendations on additional site investigation work be provided at the intake meetings?

**Answer:**

The purpose of the intake meeting is to verify the site's eligibility into PTAP, identify any data gaps, and establish a timeline commitment for cleanup. Technical assistance will be provided after PLIA has received the program fee.

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## 9.0 References

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