



# Remedial Action Grant and Loan Guidance

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## **Integrated Planning Grants 2021–23 Biennium**

### **Toxics Cleanup Program**

Washington State Department of Ecology  
Olympia, Washington

June 2021, Publication No. 21-09-049

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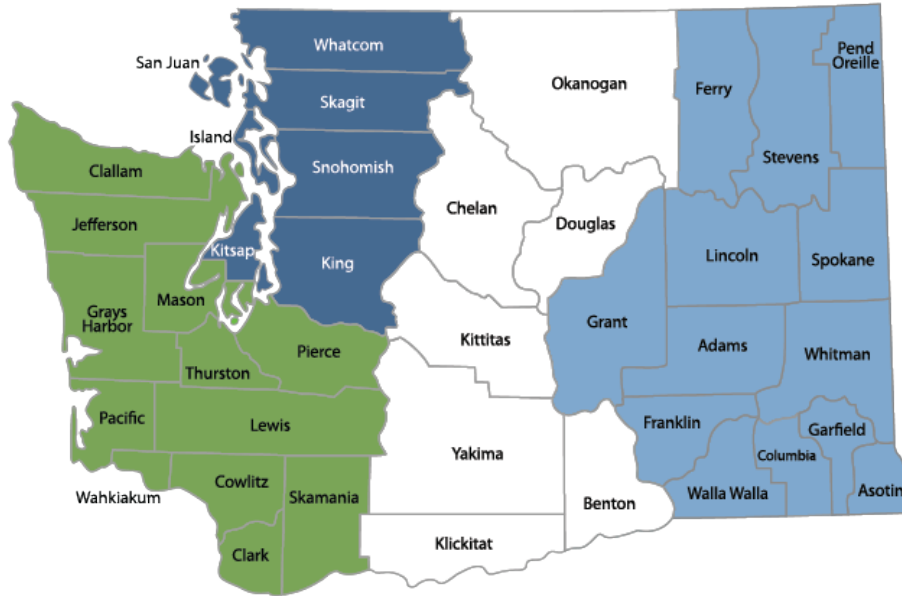
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<sup>1</sup> <https://ecology.wa.gov/About-us/Get-to-know-us/Contact-us>

# Department of Ecology's Regional Offices

## Map of Counties Served



**Southwest Region**  
360-407-6300

**Northwest Region**  
425-594-0000

**Central Region**  
509-575-2490

**Eastern Region**  
509-329-3400

Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	3190 160th Ave SE Bellevue, WA 98008	425-649-7000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
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## Acronyms & Abbreviations

Acronym or Abbreviation	Definition
ARARs	Applicable, relevant and appropriate requirements
CAP	Cleanup Action Plan
CPM	Cleanup project manager
DUNS	Data Universal Numbering System
EAGL	Ecology's Administration of Grants and Loans
Ecology	Washington State Department of Ecology
EIM	Environmental Information Management
FS	Feasibility Study
FY	Fiscal Year
GAAP	Generally accepted accounting principles
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
SAAM	State Administrative & Accounting Manual
SAW	Secure Access Washington

<b>Acronym or Abbreviation</b>	<b>Definition</b>
SEPA	State Environmental Policy Act
SWV	Statewide Vendor Number
TCP	Toxics Cleanup Program
TIN	Taxpayer Identification Numbers
U.S. EPA	United States Environmental Protection Agency
VCP	Voluntary Cleanup Program
VIN	Vehicle Identification Number
WAC	Washington Administrative Code (Rule)

## Program Contacts

**For questions about Integrated Planning Grants**, contact the Integrated Planning Grant Project Manager assigned to the project. This person is specified in the grant agreement or associated correspondence with the site (Table 1).

**For questions related to project solicitation, grant application, grant agreement, eligible costs, EAGL database, and general grant administration**, contact the Ecology Grant Financial Manager assigned to the region where the contaminated site is located (Table 2).

**For questions about remedial action grant availability**, contact the Toxics Cleanup Program Section Manager for the region where the contaminated site is located (Table 3).

**Table 1: Toxics Cleanup Program’s Integrated Planning Grant Project Managers**

Region	Counties	IPG Project Manager
<b>Eastern and Central</b>	Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Yakima, Walla Walla, and Whitman	<b>Ali Furmall</b> 509-329-3436 <a href="mailto:Ali.Furmall@ecy.wa.gov">Ali.Furmall@ecy.wa.gov</a>
<b>Northwest and Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Lewis, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom	<b>Margo Thompson</b> 360-480-9301 <a href="mailto:Margo.Thompson@ecy.wa.gov">Margo.Thompson@ecy.wa.gov</a>

**Table 2: Toxics Cleanup Program’s Grant Financial Managers by region.**

Region	Counties	Grant Financial Manager
<b>Central and Eastern</b>	Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Yakima, Walla Walla, and Whitman	<b>Shanyese Trujillo</b> 360-407-7199 <a href="mailto:Shanyese.Trujillo@ecy.wa.gov">Shanyese.Trujillo@ecy.wa.gov</a>
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom	<b>Lydia Lindwall</b> 360-407-6210 <a href="mailto:Lydia.Lindwall@ecy.wa.gov">Lydia.Lindwall@ecy.wa.gov</a>
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and Wahkiakum	<b>Dan Koroma</b> 360-407-7187 <a href="mailto:Daniel.Koroma@ecy.wa.gov">Daniel.Koroma@ecy.wa.gov</a>

**Table 3: Toxics Cleanup Program's Section Managers by region.**

<b>Region</b>	<b>Counties</b>	<b>Section Manager</b>
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima	<b>Valerie Bound</b> 509-454-7886 <a href="mailto:Valerie.Bound@ecy.wa.gov">Valerie.Bound@ecy.wa.gov</a>
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman	<b>Kathy Falconer</b> 509-329-3568 <a href="mailto:Kathy.Falconer@ecy.wa.gov">Kathy.Falconer@ecy.wa.gov</a>
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom	<b>Bob Warren</b> 425-649-7054 <a href="mailto:Bob.Warren@ecy.wa.gov">Bob.Warren@ecy.wa.gov</a>
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum	<b>Rebecca Lawson</b> 360-407-6241 <a href="mailto:Rebecca.Lawson@ecy.wa.gov">Rebecca.Lawson@ecy.wa.gov</a>

## Executive Summary

The Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW,<sup>2</sup> governs the cleanup of contaminated sites in Washington state. Voters passed the law in November 1988 as Initiative 97. The law became effective on March 1, 1989. One of the main purposes of MTCA is to raise “sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state’s lands and waters” (RCW [70A.305.010](#)).<sup>3</sup>

One mechanism Ecology uses to help advance cleanups is the Remedial Action Grant and Loan (RAG) Program. Under this Program, Ecology offers several types of grants and loans to local governments to investigate and clean up contaminated sites. The RAG Program is governed by the regulations in the RAG Rule, Chapter [173-322A](#) WAC.<sup>4</sup> An [Integrated Planning Grant](#)<sup>5</sup> (IPG) is one type of Remedial Action Grant offered by Ecology.

This document provides guidance to local governments when they are applying for and managing an Integrated Planning Grant during the 2021–23 biennium, including eligibility and other regulatory requirements and limitations. You can find more information about other types of RAGs on Ecology’s [paying for cleanups webpage](#).<sup>6</sup>

Integrated Planning Grants provide funding to local governments to assess one or more contaminated sites, and to develop integrated project plans for cleaning up and redeveloping brownfield properties at those sites. Brownfield properties are previously developed properties that are currently abandoned or underused because of actual or perceived historic contamination. IPGs are intended to help local governments make informed decisions when considering whether to purchase or redevelop such properties.

During the 2021–23 biennium, Ecology plans to periodically solicit and evaluate applications for IPGs, based on funding availability. Each evaluation is a separate funding cycle. Under an IPG, Ecology may fund up to 100% of eligible project costs. Project funding is limited to \$200,000 for a single contaminated site and \$300,000 for a study area involving two or more contaminated sites (WAC [173-322A-310](#)(7) and (8)).<sup>7</sup>

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

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

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

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

<sup>6</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Paying-for-cleanups>

<sup>7</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-310> (Integrated planning grants.)

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## 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](#)<sup>8</sup> for local governments under the Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW.<sup>9</sup> The purpose of the RAG Program is to expedite the cleanup<sup>10</sup> and redevelopment of contaminated sites<sup>11</sup> 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.

An [Integrated Planning Grant](#) (IPG)<sup>12</sup> is one type of Remedial Action Grant offered by Ecology. This Guidance helps local governments learn how to apply for and manage an IPG during the 2021–23 biennium, including eligibility and other regulatory requirements and limitations.

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

During the 2021–23 biennium, Ecology will periodically offer Integrated Planning Grants as funding becomes available. When soliciting applications, Ecology will provide notice through the Remedial Action Grant [listserv](#),<sup>13</sup> the IPG website, and the Department of Ecology’s [Site Register](#).<sup>14</sup>

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<sup>8</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Paying-for-cleanups>

<sup>9</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305> (Hazardous Waste Cleanup – Model Toxics Control Act)

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Integrated-planning-grants> (IPG website)

<sup>13</sup> <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=RAGRANT-NEWS&Y=elhe461%40ecy.wa.gov> (RAGrantNews Listserv)

<sup>14</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data>



## 1.1 Rules and Guidance

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The rules governing the RAG Program are found in Chapter [173-322A WAC](#).<sup>15</sup> Appendix A of this Guidance includes excerpts of the rule that apply to Integrated Planning Grants. Definitions of terms used in this Guidance can be found in that Appendix and in Chapter [173-340 WAC](#),<sup>16</sup> Model Toxics Control Act Cleanup Regulations.

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

Applicants and Recipients<sup>17</sup> should read and understand this Guidance, the applicable rules, and the applicable version of Ecology’s [“Yellow Book”](#)<sup>18</sup> also known as *Administrative Requirements for Recipients of Ecology Grants and Loans* (2017).

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

## 1.2 Other Remedial Action Grant Opportunities

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Under the RAG program, Ecology offers additional types of grants listed below. Although this Guidance does not provide detailed information about these funding opportunities, you can learn more about them on Ecology’s [paying for cleanups webpage](#).<sup>19</sup>

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<sup>15</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A> (RAG Rule)

<sup>16</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340> (MTCA Cleanup Rule)

<sup>17</sup> As used in this Guidance, the term “Applicant” applies before receipt of the grant, and “Recipient” applies after the grant has been awarded.

<sup>18</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html>

<sup>19</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Paying-for-cleanups>

### 1.2.1 Ongoing solicitations

Ecology will solicit applications for the following remedial action grant throughout the 2021–23 biennium, depending on availability of eligible projects and funding:

- [Independent Remedial Action Grants \(IRAG\)](#).<sup>20</sup> These grants help local governments investigate and clean up contaminated properties under our [Voluntary Cleanup Program](#),<sup>21</sup> which allows independent cleanup of a contaminated site with fee-based assistance from Ecology. Ecology is currently accepting applications only for post-cleanup Independent Remedial Action Grants. To be eligible, a local government must have obtained a No Further Action determination for the site or property.

### 1.2.2 Biennial solicitations

In the spring of each even-numbered year, Ecology solicits applications for several remedial action grants and loans. This also helps us prepare our biennial budget request and estimate our ten-year cost of cleanup work in Washington. For the 2021–23 biennium, the solicitation process was open from February through March 2020. Ecology plans to solicit applications for the 2023–25 biennium in the **first quarter of 2022**.

- [Oversight Remedial Action Grants and Loans](#).<sup>22</sup> These grants and loans help local governments investigate and clean up contaminated sites under the supervision of Ecology or the U.S. Environmental Protection Agency, under a legal order or consent decree. The low-interest loans help local governments fulfill their match requirement for the grants.
- [Area-wide Groundwater Investigation Grants](#).<sup>23</sup> These grants help local governments facilitate cleanup and redevelopment within their jurisdiction by investigating areas of groundwater contamination that result from multiple releases of hazardous substances.
- [Safe Drinking Water Action Grants](#).<sup>24</sup> These grants help local governments provide safe drinking water to people living in areas affected by environmental contamination.

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<sup>20</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants>

<sup>21</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>

<sup>22</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans>

<sup>23</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Area-wide-groundwater-investigation-grants>

<sup>24</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Safe-drinking-water-grants>

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## Chapter 2: Cleanup Process

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

### 2.1 Cleanup Program

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

- Chapter [173-340](#) WAC,<sup>25</sup> MTCA Cleanup Rule.
- Chapter [173-204](#) WAC,<sup>26</sup> Sediment Management Standards.

The law also calls for raising “sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state’s lands and waters” (RCW 70A.305.010). To do this work – which includes providing funds for grants and loans – voters authorized a tax on the first possession on hazardous substances in Washington, including petroleum products and certain chemicals and pesticides. The law as amended by [Engrossed Substitute Senate Bill 5993](#)<sup>27</sup> (ESSB 5993) in 2019, directs a portion of the revenue from the Hazardous Substance Tax to the Model Toxics Control Capital Account, which can be used by Ecology for remedial action grants and loans to local governments (RCW [70A.305.190](#)(4)(a)(i) and (ii) and (5))<sup>28</sup>.

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

<sup>26</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204> (Sediment Management Standards Rule)

<sup>27</sup> <http://lawfilesexternal.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/Senate/5993-S.L.pdf?cite=2019%20c%20422%20%20C2%A7%20203>

<sup>28</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.190> (Model toxics control account)

## 2.2 Steps in the Cleanup Process

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

- **Site Discovery & Initial Investigation.** Sites can be discovered through reports from property owners, employees, neighbors, or other agencies. Ecology conducts an Initial Investigation to determine if the site needs further investigation. Property or tank owners may clean up the site at this stage. If not, Ecology adds it to the [Confirmed & Suspected Contaminated Sites List](#).<sup>29</sup>
- **Site Hazard Assessment (SHA).** Ecology evaluates the potential risk to human health and the environment from the site based on exposure potential and severity of hazard.
- **Interim Actions.** At any time during the cleanup process, interim actions may be conducted to reduce the risk to human health or the environment or partially clean up contamination.
- **Remedial Investigation (RI).** The RI serves as the mechanism for collecting data to characterize site conditions, determining the magnitude and extent of contamination, and assessing risk to human health and the environment.
- **Feasibility Study (FS).** The FS uses information from the RI for the development, screening, and evaluation of cleanup alternatives to enable selection of a cleanup action for the site.
- **Cleanup Action Plan (CAP).** The CAP is developed using the information gathered during the previous phases. The CAP identifies preferred cleanup methods and specifies cleanup standards and other requirements at the site.
- **Cleanup Construction.** Actual cleanup begins when the CAP is implemented. This includes design, construction, operation, and monitoring of cleanup actions.
- **Monitoring.** During and after cleanup construction, the effectiveness of the cleanup action is monitored through sampling and reporting.
- **Controls.** If the cleanup action leaves contamination behind, institutional and engineered controls may be required to prevent or limit the movement of, or exposure to, hazardous substances remaining at the site. Ecology conducts periodic reviews of

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<sup>29</sup> <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

sites with institutional or engineering controls at least every five years to evaluate the ongoing effectiveness and protectiveness of the cleanup action.

- **De-list the Site.** Ecology removes the site from its contaminated site lists after it meets all cleanup standards and requirements.

For more information about the MTCA cleanup process, visit Ecology’s webpage, [How the cleanup process works](#).<sup>30</sup>

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

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## Chapter 3: Project Eligibility

This chapter defines Integrated Planning Grants, provides information about determining a project’s eligibility, and lists program staff’s contact information.

### 3.1 What is an Integrated Planning Grant?

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Integrated Planning Grants help local governments make informed decisions when they are considering purchasing a brownfield property, and when they are developing plans for cleaning up and redeveloping it. Brownfield properties are previously developed properties that are currently abandoned or underused because of actual or perceived historic contamination.

Under an IPG, Ecology may fund up to one hundred percent (100%) of eligible project costs. Project funding is limited to \$200,000 for a single contaminated site and \$300,000 for a study area involving multiple contaminated sites (WAC [173-322A-310](#)(7) and (8)).<sup>31</sup>

### 3.2 Is my project eligible for a grant?

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A “project” consists of integrated planning for a single contaminated site or for multiple sites within a defined study area. A project may extend over multiple biennia. To be eligible for a grant, the project must meet the following requirements:

1. The Applicant must be a local government.
2. The Applicant must have an ownership interest in the property or have a demonstrated interest in purchasing property affected by a contaminated site.
3. The Applicant must have the necessary access to complete the project or obtain such access in accordance with a schedule in the grant agreement.
4. The scope of work must not be required under an order or decree.

In addition, projects designed to address the restoration of Puget Sound must not be in conflict with the action agenda developed by the Puget Sound Partnership under [RCW 90.71.310](#).<sup>32</sup>

The Toxics Cleanup Program Regional Manager (or their designee) and Ecology’s Grant Financial Manager must review and approve the application and scope of work before the funded work

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<sup>31</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-310>

<sup>32</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=90.71.310>



begins. The Recipient is responsible for any costs incurred prior to signing the grant agreement and Ecology approval of any required work plans.

### **3.3 Do I need to own or have access to the property?**

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The Applicant must either have an ownership interest in the property or have a demonstrated interest in acquiring it, such as any of the following:

- Signing an option to purchase property for public use or resale.
- Signing a prospective purchaser agreement.
- Developing a capital facilities plan, parks plan, or planning document indicating the site is a planned location for a public facility.
- Declaring its intent to locate a public facility on the property.

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

## Chapter 4: Funding Cycle

The chapter describes the funding cycle for Integrated Planning Grants during the 2021–23 biennium (July 1, 2021 through June 30, 2023). It also describes Ecology’s process for soliciting and evaluating the applications.

### 4.1 What is the funding cycle?

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Ecology will periodically solicit and evaluate applications for IPGs during the biennium based on funding availability. Each evaluation is a separate funding cycle. Funding may become available when:

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

### 4.2 When may I apply?

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You may apply in response to Ecology’s solicitation for IPG applications, which can happen throughout the biennium whenever funding becomes available. Each time Ecology solicits applications, we provide notice through the [Remedial Action Grant listserv](#),<sup>33</sup> on the [IPG webpage](#),<sup>34</sup> and in Ecology’s [Site Register](#)<sup>35</sup> at least one month in advance.

Before you apply for an IPG, you are encouraged to consult with Ecology’s [IPG Project Managers](#). They offer technical assistance for developing an IPG-ready project and help you identify whether an IPG is the best funding source.

### 4.3 How do I apply?

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You can apply through Ecology’s Administration of Grants and Loans (EAGL) online system. All Ecology grants and loans are administered through EAGL, a comprehensive web-based grant

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<sup>33</sup> <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=RAGRANT-NEWS&X=OA8748F5231673CBD0D&Y> (RAGgrantNews)

<sup>34</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Integrated-planning-grants>

<sup>35</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data>

and loan management system. EAGL allows Applicants to complete grant applications and Recipients to submit payment requests with progress reports, submit closeout and equipment reports, and request amendments online.

To gain access to the EAGL system, an Applicant must first create a [Secure Access Washington \(SAW\) account](#).<sup>36</sup> Once a SAW account has been set up, Applicants can log in and request access to EAGL. The EAGL account approval process can take up to three business days. Once Ecology authorizes the account, Applicants and Recipients can log in and use EAGL to apply for and manage their grants. EAGL will only display those grant programs that are accepting applications.

**SAW and EAGL video tutorials:**

- [How to obtain a Secure Access Washington \(SAW\) account](#)<sup>37</sup>
- [Applying for Ecology grants](#)<sup>38</sup>

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

- [EAGL Instructions for 2021–23 IPG Remedial Action Grant Applications](#)<sup>39</sup> (2021)
- [EAGL External Users' Manual](#)<sup>40</sup> (2017)

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

- Contact the appropriate Ecology Grant Financial Manager listed in the [Program Contacts](#) of this Guidance

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

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For projects submitted through an IPG solicitation during the 2021–23 biennium, Ecology will use a scoring methodology to prioritize (that is, rank) projects. Rankings will determine which projects Ecology will award grants to during each funding cycle. The availability of, and demand for, funding will determine if Ecology can fund all projects during that cycle. IPG rankings only apply to the current funding cycle.

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<sup>36</sup> <https://secureaccess.wa.gov/ecy/eagl> (SAW account)

<sup>37</sup> <https://www.youtube.com/watch?app=desktop&v=pj0EnljG3RQ&feature=youtu.be>

<sup>38</sup> <https://www.youtube.com/watch?app=desktop&v=9B3gvb3QRBk>

<sup>39</sup> <https://apps.ecology.wa.gov/publications/summarypages/2109044.html> (EAGL instructions)

<sup>40</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html> (EAGL external users' manual)

Ecology evaluates projects based on several criteria, which score from 0 to 3 points. Ecology groups those criteria into six weighted categories, then scores each category as a percentage of the total possible points multiplied by the prescribed weight. Ecology determines a project's score by adding the weighted category scores.

Ecology assigned category weights based on the purpose of Integrated Planning Grants, which is to assess brownfield properties and plan for their reuse. Applicants usually request IPGs at the beginning of the investigation, when little is known about the environmental problems at the property. As a result, Ecology assigned more weight to categories that include planning and reuse potential criteria, and assigned less weight to the known environmental issues at the property. Ecology assigned the greatest weight to categories that demonstrate an Applicant's readiness to proceed and that ensure equitable distribution. Table 4 summarizes all categories, their scoring weights, and rationale.

**Table 4: Integrated Planning Grant scoring categories and weights.**

Scoring Category	Scoring Weight	Rationale
<b>Category #1:</b> Faster Cleanup	22%	Process emphasizes readiness to proceed.
<b>Category #2:</b> Improve Human Health	10%	Lack of information on threat to human health during early phases of cleanup.
<b>Category #3:</b> Improve the Environment and Natural Resources	10%	Lack of information on threat to the environment and natural resources during early phases of cleanup.
<b>Category #4:</b> Equitable Distribution	22%	Regional and Environmental Justice considerations.
<b>Category #5:</b> Redevelopment and Reuse in Cleanups	18%	Focus of grant type.
<b>Category #6:</b> Meaningful Investment in Communities	18%	Focus of grant type.

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

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

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

**Table 5: Integrated Planning Grant scorecard evaluation criteria – Category 1: Faster Cleanup**

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
1.1	Applicant's prior grant and project performance	Earns 3 criteria points for good prior performance or not applicable; 0 criteria points earned for poor past grant performance.	Ecology	3
1.2	Applicant's readiness to proceed sub-criteria: <ul style="list-style-type: none"> <li>• Obtained written proof of legal access to the site.</li> <li>• Engaged with Ecology staff (such as pre-application or consultations).</li> <li>• Completed a draft scope of work.</li> <li>• Demonstrated action by elected officials (such as approvals from city council or port commission).</li> <li>• Identified a local government/staff project manager.</li> </ul>	Final criteria score determined by the number of affirmed sub-criteria as described below: <ul style="list-style-type: none"> <li>• 0 sub-criteria earns 0 criteria points</li> <li>• 1 sub-criteria earns 1 criteria point</li> <li>• 2-3 sub-criteria earns 2 criteria points</li> <li>• 4-5 sub-criteria earns 3 criteria points.</li> </ul>	Applicant	3
1.3	Leveraging other funds: <ul style="list-style-type: none"> <li>• Project can leverage private funds (such as contributions, insurance, public-private partnerships).</li> <li>• Applicant submitted grant applications for other funding related to the site (including for economic development or other activities beyond cleanup).</li> <li>• Other grants Applicant would receive are contingent upon this funding (including for economic development or other activities beyond cleanup).</li> <li>• Local investment will expand scope of work beyond that funded by the grant.</li> </ul>	Final criteria score determined by the number of affirmed sub-criteria <sup>41</sup> as described below: <ul style="list-style-type: none"> <li>• 0 sub-criteria earns 0 criteria points.</li> <li>• 1 sub-criteria earns 1 criteria point.</li> <li>• 2 sub-criteria earns 2 criteria points.</li> <li>• 3-4 sub-criteria earns 3 criteria points.</li> </ul>	Applicant	3

<sup>41</sup> Applicants are encouraged to submit applicable documentation with the grant application wherever possible to support applicant scores.

**Table 6: Integrated Planning Grant scorecard evaluation criteria – Category 2: Improve Human Health**

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
2.1	Contamination of any medium, to any extent is confirmed or suspected on the Site based on Site specific knowledge.	Earns 3 criteria points if yes, 0 criteria points if no.	Ecology	3
2.2	<p>Potential presence of extremely or very hazardous chemicals as determined by Ecology. This includes any of the common contaminants listed below:</p> <ul style="list-style-type: none"> <li>• 1,1,2-Trichloroethane</li> <li>• 2-Methylnaphthalene</li> <li>• Aldrin</li> <li>• Antimony</li> <li>• Arsenic</li> <li>• Benzene</li> <li>• Benzo(a)pyrene (or cPAH toxic equivalency quotient)</li> <li>• Cadmium</li> <li>• Chromium VI</li> <li>• cis-1,2-Dichloroethene (cis-DCE)</li> <li>• Dieldrin</li> <li>• Dioxins</li> <li>• Lead</li> <li>• Mercury</li> <li>• Methylmercury</li> <li>• Naphthalene</li> <li>• Polychlorinated biphenyls (PCBs)</li> <li>• Trichloroethene (TCE)</li> <li>• Vinyl chloride</li> </ul> <p>Ecology staff may also provide criteria points to sites with other extremely or very hazardous chemicals <sup>42</sup>.</p>	Earns 3 points for yes or unknown, or 0 criteria points for no.	Ecology	3

<sup>42</sup> List based on data on EPA’s website at <https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query>. As of February 2020, the Washington Department of Health is reviewing five PFAS compounds to establish state action levels for drinking water.

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

**Table 7: Integrated Planning Grant scorecard evaluation criteria – Category 3: Improve the Environment and Natural Resources**

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
3.1	Potential for contamination to spread.	Earns 3 criteria points for yes or unknown, or 0 points for no.	Ecology	3
3.2	A designated sensitive environment or fishery resource exists within one mile of the Site's boundary <sup>8</sup> .	Earns 3 criteria points for yes, or 0 points for no.	Ecology	3
3.3	The project has potential exposure to sensitive wildlife or plant species (such as redband trout, migratory birds, orcas, salmon, monarch butterflies, and/or endangered species that might access the site or be impacted by the contamination spreading) or potential exposure to priority habitat. <sup>43</sup>	Earns 3 criteria points for yes, or 0 criteria points for no.	Ecology	3
3.4	The project has opportunity for significant fish/wildlife habitat restoration and/or other conservation benefits.	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
3.5	The project incorporates other sustainability measures (such as Leadership in Energy and Environmental Design (LEED) certification, stormwater/flood management, low-water landscaping).	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3

<sup>43</sup> You can look up the proximity of the site to a priority or sensitive habitat by using the priority habitat mapping system at <https://geodataservices.wdfw.wa.gov/hp/phs/>. Note that the map can take several minutes to load.



**Table 8: Integrated Planning Grant scorecard evaluation criteria – Category 4: Equitable Distribution**

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
4.1	Grant would help ensure diverse funding distribution.	Earns 3 points if the Site is east of the Cascades or if the community is Economically Disadvantaged (see Appendix B), otherwise earns 0 points.	Ecology	3
4.2	Community immediately surrounding the site is a highly impacted community, as defined in Section 1.7 of this Guidance. <sup>44</sup>	Earns 3 points for yes, or 0 points for no.	Ecology	3

**Table 9: Integrated Planning Grant scorecard evaluation criteria – Category 5: Redevelopment and Reuse in Cleanups**

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
5.1	Site contains a vacant, abandoned, or underutilized former industrial or commercial facility.	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
5.2	Project already identified a purchaser, developer, operator, or lessee when redeveloped.	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
5.3	Potential reuse considers climate change projections (such as sea-level rise, extreme weather events, and wildfires).	Earns 3 criteria points for yes, or 0 criteria points for no.	Applicant	3
5.5 <sup>45</sup>	Has the 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?	Earns 3 criteria points for yes, or 0 criteria points for no.	Ecology	3

<sup>44</sup> See Section 5.2 of this Guidance for criteria Ecology uses to define a highly impacted community.

<sup>45</sup> Please note that the numbering convention on the application is off – there is no “5.4 criteria.”

**Table 10: Integrated Planning Grant scorecard evaluation criteria – Category 6: Meaningful Investment in Communities**

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

## **4.5 If my project is eligible but not funded, do I need to fill out another application during the next solicitation?**

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Yes. If your project is eligible, but not funded, you will need to resubmit your application in EAGL during the next solicitation. If you would like a copy of your previous application, you can contact one of the Ecology Financial Managers to assist you with this process (see [Program Contacts](#) in this Guidance). You need to submit a new application to confirm the continued viability and readiness of the project to proceed.

When the solicitation closes, Ecology will score and rank all submitted applications. Ecology will not give preference to resubmitted projects.

## **4.7 What are Ecology's funding limits?**

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Under an Integrated Planning Grant, Ecology may fund up to one hundred percent (100%) of eligible project costs. When Ecology funds less than 100% of eligible project costs, the Recipient must fund that portion of the eligible costs not funded by Ecology.

Project funding is limited to \$200,000 for a single contaminated site and \$300,000 for a study area involving two or more contaminated sites. A site can only be included once in an Integrated Planning Grant.

The total number of IPGs awarded during a funding cycle and award amounts are dependent upon the availability of funds.

## **4.8 Are retroactive costs eligible?**

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No. Retroactive costs are not eligible for reimbursement under Integrated Planning Grants. Costs may not be incurred prior to the signature date of the agreement.

## **4.9 What will Ecology do after awarding funding?**

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Ecology will assign an Ecology Grant Financial Manager, an IPG Project Manager, and an Ecology Technical Advisor (Cleanup Project Manager). Ecology staff will then work with the Recipient to ensure the grant scope of work meets the project planning and site investigation needs.

## Chapter 5: Funding Policies and Criteria

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

### 5.1 Cultural Resource Review

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Projects funded by an Integrated Planning Grant must be reviewed for potential impacts to cultural resources. Examples of cultural resources include archaeological sites or objects; buildings older than 50 years that are on the historic register or eligible for the historic register; or locations of significant events or pre-historic or historic occupation of activity, such as trails, petroglyphs, village sites, or battlefields.

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

#### 5.1.1 Cultural resource consultation<sup>46</sup>

Ecology will review all Integrated Planning Grant projects for potential impacts to cultural resources and historic places. Ecology will consult with the Department of Archaeology and Historic Preservation and tribes. Applicants will need to complete our [Cultural Resources Review Form](#)<sup>47</sup> to initiate this consultation.

For all projects involving potentially ground-disturbing activities, including sampling, Applicants will also need to complete a [Public Inadvertent Discovery Plan \(IDP\)](#)<sup>48</sup> in the event of an unanticipated discovery of human remains, or historic or prehistoric resources. The plan must be onsite at all times. Applicants may use the Ecology-approved IDP template or draft their own. If you draft your own plan, please make sure it includes all necessary and relevant information.

Applicants are encouraged to request a cultural resources consultation from Ecology as soon as possible. Ecology may not reimburse otherwise grant-eligible costs if a cultural resources

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<sup>46</sup> [Governor's Executive Order 21-02](#) (Gov. Inslee in 2021) replaced Executive Order 05-05 (Gov. Gregoire in 2005)

<sup>47</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html>

<sup>48</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html>

consultation was not completed prior to ground-disturbing activity. **Ecology will discuss the cultural resources consultation with the Recipient during scope of work negotiations.**

## 5.2 Environmental Justice Evaluation Criteria

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

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

This principle is consistent with MTCA’s key policy, which states:

Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right (RCW [70A.305.010\(1\)](#)).<sup>49</sup>

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

Whether the [contaminated] site is located within a highly impacted community (see, for example, WAC [173-322A-310\(3\)\(d\)](#)).<sup>50</sup>

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

[A] community that [Ecology] has determined is likely to bear a disproportionate burden of public health risks from environmental pollution (WAC [173-322A-100\(24\)](#)).<sup>51</sup>

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

1. Low income

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<sup>49</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010> (Declaration of policy.)

<sup>50</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-322A-310> (Integrated planning grants.)

<sup>51</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-100> (Definitions.)

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

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

You can find more data on the public health aspects of environmental justice on the [Department of Health’s website](#).<sup>52</sup> The Department of Health also maintains the [Washington Tracking Network](#),<sup>53</sup> which is a map-based tool used to facilitate searching for and displaying health concerns that have links to environmental health. The EPA has other information on their [environmental justice webpage](#).<sup>54</sup>

### 5.3 Climate Resilience and Green Remediation

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

According to the EPA, green remediation is the “practice of considering all environmental effects of remedy implementation and incorporating options to maximize net environmental benefit of cleanup actions.”<sup>55</sup> The goals of green remediation are to increase the

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<sup>52</sup> <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/Resources/EnvironmentalJusticeIssues>

<sup>53</sup> <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN>

<sup>54</sup> <https://www.epa.gov/environmentaljustice>

<sup>55</sup> U.S. EPA definition from <https://www.epa.gov/remedytech/green-remediation-incorporating-sustainable-environmental-practices-remediation>

environmental benefit and reduce the environmental impacts throughout the cleanup process. Implementing green remediation best management practices can result in:

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

For more information on incorporating climate change considerations in cleanup, please review Ecology’s climate change guidance, [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](#)<sup>56</sup> (2017), Publication No. 17-09-052.

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<sup>56</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html>

## Chapter 6: Grant Management

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

- Information contained in the applicable version of Ecology’s “[Yellow Book](#),”<sup>57</sup> the *Administrative Requirements for Recipients of Ecology Grants and Loans*;
- The project-specific terms and conditions specified in the grant agreement; and
- The General Terms and Conditions for Ecology grants and loans. Ecology includes this language in each grant or loan agreement. Contact the appropriate Ecology Financial Grant Manager for the latest version. If Ecology amends the General Terms and Conditions during the biennium, the version in effect on the date the agreement was signed or date of the most recent agreement amendment applies. The General Terms and Conditions are not negotiable. Ecology reserves the right to add Special Terms as the need arises.

### 6.1 Roles and Responsibilities

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The Integrated Planning Grant process involves several key individuals: the grant Applicant or Recipient, the Ecology Grant Financial Manager, the IPG Project Manager, and the Ecology Technical Advisor (Cleanup Project Manager).

#### 6.1.1 Grant Applicant or Recipient

The local government staff who are applying for the grant are responsible for managing the work funded by the grant, including compliance with both cleanup and grant administration requirements. Remedial actions and planning activities must be consistent with applicable rules and the approved work plan in the grant. Remedial actions and planning activities must also be completed within reasonable costs. The Recipient is responsible for ensuring that contractors or consultants are procured and act in accordance with all applicable federal and state laws.

Applicants are responsible for submitting accurate application materials including all elements of the grant application, and preparing the initial draft proposal for the scope of work. Once the grant is executed, the Recipient is responsible for submitting quarterly payment request

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<sup>57</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html>



and progress reports, and providing timely notification to Ecology staff of any changes to the scope of work, work schedule, or other changes to the grant budget.

### **6.1.2 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.

### **6.1.3 IPG Project Manager and Ecology Technical Advisor (Cleanup Project Manager)**

The IPG Project Manager and Technical Advisor (Cleanup Project Manager) are the primary points of contact for the planning and site work, and are responsible for developing the scope of work in the agreement, managing the site investigations and cleanup, and responding to questions or concerns about remedial actions and planning activities.

IPG Project Managers review the Applicant's information prior to project ranking and funding decisions by the Toxics Cleanup Program Management Team. Once the grant is active, the Technical Advisor and IPG Project Manager may conduct site visits, review planning or technical documents, and review quarterly progress reports and payment requests. The Technical Advisor reviews any technical documents to ensure compliance with MTCA and other applicable requirements, and for completeness and data quality. When a grant is active, the IPG Project Manager and Technical Advisor 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 work plan or grant agreement.

## **6.2 Audits**

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

## Chapter 7: Cost Eligibility

The Recipient is responsible for understanding cost eligibility terms prior to incurring an expense and billing to the grant. Cost eligibility is outlined in the terms of the agreement, the grant rules, Ecology's "[Yellow Book](#),"<sup>58</sup> and this Guidance.

Only Ecology's Grant Financial Manager can determine if a cost is eligible under the grant. Ecology Grant Financial Managers work with Ecology Technical Advisors and IPG Project Managers, who oversee the actual site work and related activities, to ensure the costs are reasonable, necessary, and applicable to the project. If there are any questions about whether a specific cost may be billed to the grant, the Recipient must ask the Ecology Grant Financial Manager responsible for the agreement.

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

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

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

- **Necessary to complete the scope of work.** Ecology's Grant Financial Manager, the Technical Advisor, and the IPG Project Manager must approve the scope of work. Eligible costs must be consistent with this scope of work defined in the grant.
- **Reasonable for the task.** Ecology reserves the right to reject costs as excessive, even when work is fully approved from a technical standpoint. As a result, some expenses may be reimbursed at less than the submitted amount or not at all. It is important to communicate project needs, especially equipment, with Ecology's Grant Financial Manager before making large expenditures to ensure the expenditure will be reimbursed.
- **Timing.** Costs must be incurred after the effective date of the agreement and before the expiration date of the agreement.

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<sup>58</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html>

- **Retroactive costs.** Costs incurred prior to the grant being signed are at the sole expense of the Recipient.
- **Consistent.** Costs being billed must be consistent with the standard business practices of the Recipient, contractor, or consultant. The Recipient, contractor, or consultant must compute the direct and indirect charges in the same way as those charges would be computed if the costs were related to any other activity. Receipt and use of state funding for reimbursement should not impact how costs are billed, calculated, or determined. Ecology may request additional documentation or explanation of costs being billed.

## 7.1 Proper Documentation

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All costs must be properly documented to be considered eligible for reimbursement. The Recipient must upload all supporting documentation to EAGL for each payment request and progress report. This includes documentation for all expenses, 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 must be itemized. A charge card receipt with only a total payment amount is not acceptable documentation. Backup documentation requirements are the same for recipients, contractors and their subcontractors.

At a minimum, supporting documentation must include:

1. Description of the item or services purchased. “Supplies” is not an adequate description. The invoice must include a list of the individual items purchased with the quantity and price.
2. Name of vendor.
3. Date of cost incurred.
4. Invoice number.
5. Invoice date.
6. Serial or other identifying numbers (for equipment costing \$5,000 or more).
7. Cost and quantity for each line item or service.
8. Tax.

9. Total cost.
10. Notes associating the cost to the grant site, which can be handwritten by the Recipient on the invoice.
11. Grant task number to which that cost is being billed.
12. If consultants are billing markup, the original cost, the markup percent, and total being billed should be identified.

Backup documentation should organizationally follow the receipt or invoice to which it relates. The Recipient must organize and label documentation in such a manner that Ecology's Grant Financial Manager can determine 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 still 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 to be uploaded to EAGL as backup.

**Withholding** is not billable to the grant until it has been paid to a consultant or contractor and the Recipient can provide proper documentation. Costs must have been incurred to be reimbursable. 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. Documentation also acceptable are an invoice from the consultant or contractor billing for the withholding, and a warrant from the Recipient showing payment of the withholding.

**Recipient salary and benefit costs** should document the date work was performed and the hours worked per day. The Recipient may use an Excel spreadsheet, or a printout from their accounting system. The Recipient must upload all backup documentation 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's time is entered into an Excel spreadsheet, a copy of the signed timesheet should be provided as additional backup. Documentation must be presented for each day worked, not only in a summary rolled up into pay periods. The backup documentation must include:

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

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

## 7.2 Eligible Costs

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Ecology's Grant Financial Manager has final approval authority for all grant-related costs. Both the Recipient and Ecology must have signed the grant agreement for any costs incurred under the agreement to be eligible for reimbursement. Ecology will only reimburse Recipients for the costs of implementing Ecology-approved work plans. All costs must be properly documented and any conditionally eligible costs pre-approved by the Grant Financial Manager.

Eligible costs for Integrated Planning Grants include reasonable and necessary costs for preparing an integrated project plan. Examples of eligible activities and related costs often included in an IPG scope of work include:

- Environmental site assessment (ASTM 1527 Phase I environmental site assessment (ESA); Phase II ESAs; title report; preliminary testing for contamination).
- Remedial investigation (boundary survey; detailed testing to define the extent and degree of contamination; habitat survey and assessment).
- Human health assessment (evaluation of potential human exposures and health related issues at the site).
- Feasibility study (engineering evaluation and cost estimate of cleanup alternatives).
- Site planning (opportunities for habitat restoration, recreational uses, and conceptual post-cleanup redevelopment plan).
- Community involvement (informational mailings, public workshops).

- Land use and regulatory analysis (comprehensive plan and zoning analysis and update; permits needed for site redevelopment; cultural review under Executive Order Number 21-02).
- Building and infrastructure assessment (evaluation of the condition of onsite buildings; availability and condition of utilities; transportation limitations to redevelopment).
- Economic and fiscal analysis (cost of cleanup and redevelopment pro forma; return on investment analysis; property appraisal).
- Environmental analysis under Chapter [43.21C](#) RCW,<sup>59</sup> State Environmental Policy Act.
- Technical support related to the above activities.
- Grant administration consistent with the applicable version of Ecology’s “[Yellow Book](#)”, the Administrative Requirements for Recipients of Ecology Grants and Loans Managed in EAGL. (The applicable version is the one identified in the general terms and conditions of your grant or loan agreement.)
- Staff salaries and benefits; development of a scope of work; budget; consultant fees; report preparation and production; materials and equipment related to the above activities.

Integrated Planning Grants have a maximum amount of \$200,000 for one site or \$300,000 if there are two or more sites. For many of these activities, the costs could easily exceed the grant dollar limit. Applicants should carefully assess their needs and focus funds where they will do the most to move redevelopment or cleanup forward. Any amount over the grant total is the sole responsibility of the Recipient.

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

For the purposes of this Guidance, “grant-eligible costs” are also called “eligible costs.” While the grant agreement will identify the scope of work, there are often specific issues related to eligible costs that may arise during grant implementation. When there is a question about

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<sup>59</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=43.21C> (State Environmental Policy)

what is an eligible cost, the Recipient should first review the applicable version of Ecology’s [“Yellow Book,”](#) *Administrative Requirements for Recipients of Ecology Grants and Loans*.

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

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

- **Fleet costs and mileage.** The billing method for automobile or fleet costs needs to be clearly established and remain consistent throughout the grant. This method also needs to be consistent with how the Recipient typically manages their automobile or fleet expenses. It cannot be created specifically for purposes of the grant. The [state mileage rate](#)<sup>60</sup> in effect at the time the cost was incurred is applicable as a maximum for any

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<sup>60</sup> <https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables>

mileage billed by the Recipient, consultants, or contractors. Markups may not be applied to mileage unless the final rate is equal to or less than the state mileage rate in effect at the time the travel occurred. It is the Recipient's responsibility to correct mileage billed in excess of the state rate.

- **Parking.** Parking is a grant-eligible expense. Receipts must be provided for reimbursement. Absent a receipt, the cost will not be allowed.
- **Rental cars.** If the Recipient or a Recipient's contractor or consultant leases a rental car, the invoice should include the miles driven and the time period of the rental. Ecology may ask the Recipient to provide the project hours worked by the individual who used the car. If the employee or consultant did not work fulltime on grant activities during the period the car was leased, Ecology's Grant Financial Manager will only approve a prorated share of the rental or lease cost. Original gasoline receipts must be provided for fuel costs when a car is rented, unless otherwise approved by Ecology's Grant Financial Manager.
- **Consultant or contractor list of reimbursable expenses.** For vehicle expenses charged based on a list of their Reimbursable Expenses (example: \$100/day for use of their company vehicle) the grant may reimburse the amount of the per day or week charge for the use of the contractor 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 and a contract or schedule of charges must be provided.
- **Travel – per diem.** When on travel status, a Recipient's and their consultant or contractor's travel costs are grant-eligible under certain circumstances. Per diem costs will only be paid at the [state rate](#)<sup>61</sup> determined by the Office of Financial Management. Travel costs are not eligible for markup by a contractor, consultant, or the Recipient, unless the total cost remains at or below the state travel rate in effect at the time of travel. Any markups over the state rate or other disallowed travel costs are the sole responsibility of the Recipient.
  - Itemized receipts are always required for 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

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



the addition of taxes and room fees. This does not include room service.

Non-traditional lodging, such as Airbnb and VRBO, are subject to approval of the Ecology Grant Financial Manager. In general, nontraditional lodging will be reimbursed at the state rate and further taxes or room fees are likely to be disallowed since they are typically higher for this type of lodging.

- 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 in excess of the state rate are not allowed if not requested or approved in advance.
- **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 redevelopment of a site are not eligible costs.
- **Supplies.** Supplies are tangible personal property other than tools or equipment. Supplies are either direct billed or are considered an overhead expense. Supplies or materials needed to perform the scope of work in the agreement are a grant-eligible cost. Under most grant agreements, these costs are part of overhead expenses but they can be directly billed if they are used only for grant-related activities. Receipts for supplies must be detailed and identify the specific items purchased.

**Example:** If toner, paper, or ink are purchased for an office printer used by multiple programs or projects, this is an overhead expense. If the Recipient has a project office with a project printer dedicated to use only on the grant funded activities, the printer supplies may be direct billed.

### 7.3 Conditionally Eligible Costs

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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. The following section discusses specific issues related to conditionally eligible costs that often arise during the administration of Integrated Planning Grants. There may be other conditionally eligible costs in addition to those listed below. Recipients should consult with their Grant Financial Manager prior to incurring costs for activities that are not listed in Section 6.2.

- **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 because of cleanup construction. Recipients must provide up-front documentation about why these amenities need to be removed and replaced.
- **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.”](#) If a Recipient will want reimbursement for equipment purchases, the Recipient should inform 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:

1. Written request that contains an explanation for the purpose of the meeting;
2. Meeting agenda or description of purpose; and
3. 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:

1. Sign-in sheet or attendance list; and
2. 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 and approved 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 work day 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.

Ecology 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”](#) for more information.

## 7.4 Ineligible Costs

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Ineligible costs are costs that are not eligible for reimbursement under the grant. Invoices or other documentation for these costs should not be submitted for reimbursement. This section discusses specific issues related to ineligible costs that often come up in administration of Integrated Planning Grants.

- **Contingencies, rising costs, and change orders.** Grant agreements are written for a set amount. Any contingencies in separate contracts do not change the amount of the grant agreement.
- **Dispute resolution.** Technical, legal, and administrative expenses incurred by the Recipient to challenge an Ecology decision, such as the costs of dispute resolution under an order or decree or grant agreement.
- **Ecology and EPA charges.** Costs that Ecology or EPA charge the Recipient for site management oversight (cost recovery).
- **Grant application development and agreement.** Costs of preparing a grant application, including Recipient staff time, consultant, or contractor time.
- **Legal expenses or attorney fees.** Legal costs of any kind, including, but not limited to, the costs of seeking client advice; pursuing cost recovery, contribution, or insurance claims; participating in administrative hearings; pursuing penalties or civil or criminal actions against persons; penalties incurred by the Recipient;

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

- **Lobbying.** Any costs for entertaining; attempting to influence dignitaries or elected officials; discussing the project with elected officials who do not have contract approval authority, are not grant-eligible costs. This includes contacts with legislators to urge project funding.
- **Natural Resource Damage Assessment costs and Natural Resource Damages.** Costs related to development of Natural Resource Damage Assessments (NRDA), fees for damages to the environment or work required in lieu of fees under Natural Resource Damage (NRD) settlements, cleanup and habitat restoration work required under a state or federal NRD settlement.
- **Penalties and late fees.** Penalties or late fees assigned to the Recipient or contractors. For example, the Recipient pays an invoice late and a contractor charges a late fee. This cost is not eligible for reimbursement under an Integrated Planning Grant.
- **In-kind contributions.** Goods, services, and transactions not involving money.
- **Purchasing Property.** The cost of purchasing the property.<sup>62</sup>

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<sup>62</sup> While grant funds cannot be used to purchase property, they can be used for a title search, appraisal, Phase I site assessment, and other non-legal costs associated with purchasing property.

## Chapter 8.0 References and Resources

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

Resource	Description	Link
“Yellow Book”	Guidance for all Ecology grants and loans: <i>Administrative Requirements for Recipients of Ecology Grants and Loans</i> (Pub. No. 17-01-004)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html">https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html</a>
EAGL	Ecology’s Administration of Grants and Loans system, where local governments and community groups can apply for funding opportunities including grants for cleanup and safe drinking water	Overview: <a href="https://ecology.wa.gov/About-us/How-we-operate/Grants-loans">https://ecology.wa.gov/About-us/How-we-operate/Grants-loans</a> Secure Access Washington (SAW) log-in: <a href="https://secureaccess.wa.gov/ecy/eagl/">https://secureaccess.wa.gov/ecy/eagl/</a>
EAGL Instructions for 2021–23 IPG Remedial Action Grant Applications	EAGL guidance when applying for Integrated Planning Grant funding for the 2021–23 biennium (Pub. No. 21-09-044)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/2109044.html">https://apps.ecology.wa.gov/publications/SummaryPages/2109044.html</a>
EAGL External Users’ Manual	General EAGL guidance when applying for all Ecology grant and loans (Pub. No. 17-01-015)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html">https://apps.ecology.wa.gov/publications/SummaryPages/1701015.html</a>
How to obtain a Secure Access Washington (SAW) account	YouTube video	<a href="https://www.youtube.com/watch?v=pj0EnljG3RQ&amp;feature=youtu.be">https://www.youtube.com/watch?v=pj0EnljG3RQ&amp;feature=youtu.be</a>
Applying for Ecology grants	YouTube video	<a href="https://www.youtube.com/watch?v=9B3gvb3QRBk">https://www.youtube.com/watch?v=9B3gvb3QRBk</a>
Integrated Planning Grants (webpage)	Grants to local governments to assess and develop an integrated plan for cleaning up and redeveloping contaminated site(s)	<a href="https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Integrated-planning-grants">https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Integrated-planning-grants</a>
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.	<a href="https://apps.ecology.wa.gov/eaglmapp/?CustomMap=y&amp;Box=-13962546,5698654,-13014726,6267345&amp;AL=5&amp;Opacity=0.8&amp;Basemap=esriTopo&amp;EP=5&amp;FP=16">https://apps.ecology.wa.gov/eaglmapp/?CustomMap=y&amp;Box=-13962546,5698654,-13014726,6267345&amp;AL=5&amp;Opacity=0.8&amp;Basemap=esriTopo&amp;EP=5&amp;FP=16</a>

Resource	Description	Link
Per diem rate tables	Office of Financial Management's rates for lodging, meals, and mileage per day	<a href="https://www.ofm.wa.gov/accouting/administrative-accounting-resources/travel/diem-rate-tables">https://www.ofm.wa.gov/accouting/administrative-accounting-resources/travel/diem-rate-tables</a>

Table 12: Environmental and technical resources mentioned in this guidance.

Resource	Description	Link
Contaminated Site Search	Database of 13,300-plus contaminated sites known to Ecology that draws from the internal Integrated Site Information System (ISIS) database	<a href="https://apps.ecology.wa.gov/gsp/SiteSearchPage.aspx">https://apps.ecology.wa.gov/gsp/SiteSearchPage.aspx</a>
Confirmed & Suspected Contaminated Sites List	List of sites undergoing cleanup and sites awaiting further investigation and/or cleanup	<a href="https://apps.ecology.wa.gov/tcpwebreporting/reports/cleanup/contaminated">https://apps.ecology.wa.gov/tcpwebreporting/reports/cleanup/contaminated</a>
EIM and MyEIM	Ecology's Environmental Information Management System (EIM) and MyEIM database tools that contain environmental data for air, water, soil, sediment, aquatic animals, and plants used for cleaning up sites. Data is collected by Ecology and partners, including local governments.	<b>EIM:</b> <a href="https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database">https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database</a>  <b>MyEIM:</b> <a href="https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/Using-MyEIM">https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/Using-MyEIM</a>
EPA's Superfund Chemical Data Matrix (SCDM) query	Query to generate lists of corresponding Hazard Ranking System factor values, benchmarks, and data elements	<a href="https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query">https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query</a>
How the cleanup process works	Steps in the MTCA formal cleanup process	<a href="https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process">https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process</a>
Toxics Cleanup Program's (TCP's) Cleanup and Tank Search	Selection of reports and datasets that draws from two Ecology internal environmental databases: Integrated Site Information System (ISIS) and Underground Storage Tank System	<a href="https://apps.ecology.wa.gov/tcpwebreporting/">https://apps.ecology.wa.gov/tcpwebreporting/</a>
TCP's policies and guidance	Consolidated but not exhaustive list of TCP's policies, procedures, implementation memos, and major guidance documents for cleaning up hazardous sites and meeting the requirements of MTCA.	<a href="https://ecology.wa.gov/Regulations-Permits/Plans-policies/Toxics-cleanup-policies">https://ecology.wa.gov/Regulations-Permits/Plans-policies/Toxics-cleanup-policies</a>

Resource	Description	Link
<b>TCP publications</b>	Published focus sheets, frequently asked questions, guidance documents, and technical reports that describe contaminated sites across the state	<a href="https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&amp;NameValue=Toxics+Cleanup&amp;DocumentTypeName=Publication&amp;yearDate=2021">https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&amp;NameValue=Toxics+Cleanup&amp;DocumentTypeName=Publication&amp;yearDate=2021</a>
<b>TCP Legislative reports</b>	Recurring and one-time legislative reports produced by the Toxics Cleanup Program	<a href="http://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup/TCP-Legislative-reports">http://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup/TCP-Legislative-reports</a>
<b>Washington’s Formal Cleanup Process Infographic</b>	Infographic illustrating steps in the MTCA formal cleanup process (Pub. No. 19-09-166)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html">https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html</a>



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

Resource	Description	Link
<b>Washington State Department of Health's EJ</b>	Web-based data on public health aspects of environmental justice	<a href="https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/Resources/EnvironmentalJusticeIssues">https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/Resources/EnvironmentalJusticeIssues</a>
<b>Washington Tracking Network</b>	Map-based tool used to facilitate searching for and displaying health concerns that have links to environmental health	<a href="https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/">https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/</a>
<b>EPA's environmental justice website</b>	National environmental justice data and link to EJScreen	<a href="https://www.epa.gov/environmentaljustice">https://www.epa.gov/environmentaljustice</a>
<b>Ecology's climate change guidance for contaminated sites</b>	<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)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html">https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html</a>
<b>EPA's green remediation for contaminated sites</b>	Information for incorporating sustainable environmental practices into remediation of contaminated sites	<a href="https://www.epa.gov/remedytech/green-remediation-incorporating-sustainable-environmental-practices-remediation">https://www.epa.gov/remedytech/green-remediation-incorporating-sustainable-environmental-practices-remediation</a>
<b>Executive Order 05-05 or Section 106 of the National Historic Preservation Act Project Review Sheet</b>	Form for gathering information when complying with National Historic Preservation Act or Executive Order 05-05 Archaeological and Cultural Resources (Pub. No. ECY 070-537)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html">https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html</a>
<b>Public Inadvertent Discovery Plan (IDP)</b>	Plan and procedures for the unanticipated discovery of cultural resources and human skeletal remains (Pub. No. 070-560)	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html">https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html</a>
<b>Executive Order 21-02</b>	Governor Jay Inslee's executive order for Archaeological and Cultural Resources	<a href="https://www.governor.wa.gov/sites/default/files/execute_order/eo_21-02.pdf">https://www.governor.wa.gov/sites/default/files/execute_order/eo_21-02.pdf</a>
<a href="#">Remedial Action Grant Applications (2021–23): Economically Disadvantaged Cities, Towns, and Counties in Washington State</a> , Pub. No. 21-09-045	List of economically disadvantaged cities, towns, and counties in Washington state for 2021–23 biennium.	<a href="https://apps.ecology.wa.gov/publications/SummaryPages/2109045.html">https://apps.ecology.wa.gov/publications/SummaryPages/2109045.html</a>
United States Census Bureau	U.S. Census Bureau website with filters to search geographies, topics, etc.	<a href="https://data.census.gov/cedsci/">https://data.census.gov/cedsci/</a>

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

Resource	Description	Link
<b>MTCA (statute)</b>	Hazardous Waste Cleanup—Model Toxics Control Act, Chapter 70A.305 RCW	<a href="https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010">https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010</a>
<b>MTCA Cleanup Rule</b>	Model Toxics Control Act—Cleanup Regulations, Chapter 173-340 WAC	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340</a>
<b>RAG Rule</b>	Remedial Action Grants and Loans Regulations, Chapter 173-322A WAC	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A</a>
<b>Sediment Cleanup Rule</b>	Sediment Management Standards, Chapter 173-204 WAC	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204</a>
<b>Planning Enabling Act</b>	Chapter 36.70 RCW	<a href="https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70">https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70</a>
<b>Growth Management-Planning by Selected Counties and Cities</b>	Chapter 36.70A RCW	<a href="https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A">https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A</a>
<b>ESSB 5993 (Chapter 422, Laws of 2019)</b>	Engrossed Substitute Senate Bill 5993, Reforming the financial structure of the model toxics control program	<a href="https://app.leg.wa.gov/bills/summary?BillNumber=5993&amp;Year=2019&amp;Initiative=false">https://app.leg.wa.gov/bills/summary?BillNumber=5993&amp;Year=2019&amp;Initiative=false</a>

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## Glossary

Term	Definition
<b>Applicant</b>	A term that applies before receipt of the grant vs. “Recipient” term that applies after the grant has been awarded.
<b>biennium</b>	A period of two fiscal years. The state of Washington operates on a two year (biennial) budget cycle that starts July 1 <sup>st</sup> of each odd-numbered year, and ends June 30 <sup>th</sup> of the next odd-numbered year. The 2021–23 biennium starts July 1, 2021, and ends June 30, 2023.
<b>Brownfield property</b>	A previously developed and currently abandoned or underutilized real property and adjacent surface waters and sediment where environmental, economic, or community reuse objectives are hindered by the release or threatened release of hazardous substances that Ecology or the United States Environmental Protection Agency has determined requires remedial action (WAC <a href="#">173-322A-100(6)</a> ).
<b>consent decree or decree</b>	A legal document issued under Chapter <a href="#">70A.305</a> RCW or the federal cleanup law.
<b>contaminated site</b>	Same as “hazardous waste site.”
<b>EAGL</b>	A comprehensive web-based grant and loan management system that allows Applicants and Recipients to complete grant applications, submit payment requests with progress reports, submit close out and equipment purchase reports, and request amendments online.
<b>economically disadvantaged (city, town, or county)</b>	When a city, town, or county’s per capita income is equal to or below its median per capita income as determined on July 1st of each odd numbered year, based on the latest official American Community Survey five-year estimates of the United States Department of Commerce
<b>Federal cleanup law</b>	The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9601 et seq. (WAC <a href="#">173-340-200</a> ).
<b>fiscal year</b>	A fiscal period of one year named for the year it ends. The period starts July 1 <sup>st</sup> of a calendar year, and ends June 30 <sup>th</sup> of the next calendar year. For example, Fiscal Year 2021 starts July 1, 2020, and ends June 30, 2021.
<b>hazardous waste site</b>	Any site that Ecology has confirmed a release or a threatened release of a hazardous substance requiring remedial action (WAC <a href="#">173-340-200</a> ). Also known as a contaminated site.
<b>Integrated Planning Grant (IPG)</b>	Grant to local governments to assess and develop an integrated plan for cleaning up and redeveloping a contaminated site or group of sites.
<b>Model Toxics Control Act (MTCA statute)</b>	Washington’s environmental cleanup law, Chapter <a href="#">70A.305</a> RCW.

Term	Definition
<b>Model Toxics Control Act Regulations (MTCA Cleanup Rule)</b>	Washington’s regulations that set standards and procedures for cleaning up contaminated sites Chapter <a href="#">173-340 WAC</a> . This is one of two cleanup rules in Washington adopted under the Model Toxics Control Act, Chapter <a href="#">70A.305 RCW</a> . The other rule is the Sediment Management Standards (Chapter <a href="#">173-204 WAC</a> ), known as the SMS Cleanup Rule.
<b>order</b>	A legal document that includes enforcement orders and agreed orders issued under MTCA, and unilateral administrative orders and administrative orders on consent issued under the federal cleanup law (WAC <a href="#">173-322A-100(33)</a> ).
<b>RAG Program</b>	Ecology’s Remedial Action Grant program that provides grants and loans to local governments for site investigation and cleanup.
<b>RAG Rule</b>	Washington’s regulations that govern the issuance of remedial action grants and loans to local governments (Chapter <a href="#">173-322A WAC</a> ).
<b>Recipient</b>	A term that applies after the grant has been awarded vs. “Applicant” that applies before the grant has been awarded.
<b>remedial actions</b>	Any action or expenditure consistent with the purposes of MTCA to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment (WAC <a href="#">173-322A-100(45)</a> ).
<b>Secure Access Washington</b>	A secure single sign-on application portal that allows external users to access a variety of government web applications.
<b>Yellow Book</b>	Ecology’s administrative requirements common to all Ecology grants and loans that have an agreement effective date of August 11, 2017, or later ( <a href="#">publication no. 17-01-004</a> )

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

(Excerpted for sections applicable to Integrated Planning Grants.)

[Chapter Listing](#)<sup>63</sup> [From Code Reviser’s website, last updated 8/29/2014]

### **WAC Sections\***

<u><a href="#">173-322A-010</a></u>	Purpose and authority.
<u><a href="#">173-322A-020</a></u>	Relation to other laws and rules.
<u><a href="#">173-322A-100</a></u>	Definitions.
<u><a href="#">173-322A-200</a></u>	Funding cycle.
<u><a href="#">173-322A-210</a></u>	Funding priorities.
<u><a href="#">173-322A-220</a></u>	Fiscal controls.
<u><a href="#">173-322A-310</a></u>	Integrated planning grants.

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

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

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

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(1) This chapter recognizes that:

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

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

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

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

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

[70.105D.070](#) (4) and (8).

(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.**

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

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

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

[Statutory Authority: Chapter

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

## 173-322A-100 Definitions.

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

[173-340-200](#) 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 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.**

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

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

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

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

[173-322A-210](#).

(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.**

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

- (a) Oversight remedial action grants and loans under an existing extended grant agreement;
- (b) Site assessment grants and other remedial action grants and loans for previously funded projects, provided that substantial progress has been made; and
- (c) Remedial action grants and loans for new projects.

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

[173-322A-300](#) 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.**

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

(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-310 Integrated planning grants.**

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(1) **Purpose.** The purpose of integrated planning grants is to provide funding to local governments to conduct assessments of brownfield properties and develop integrated projects plans for their cleanup and adaptive reuse. The grants are intended to encourage and expedite the cleanup of brownfield properties and to lessen the impact of the cleanup cost on ratepayers and taxpayers.

(2) **Project eligibility.** For the purposes of this grant, a project consists of integrated planning for a single hazardous waste site or for an area affected by multiple hazardous waste sites. A project may extend over more than one biennium. To be eligible for a grant, the project must meet the following requirements:

- (a) The applicant must be a local government;
- (b) The applicant must have an ownership interest in property or have a demonstrated interest in purchasing property affected by the hazardous waste site;
- (c) The applicant must have the necessary access to complete the project or obtain such access in accordance with the schedule in the grant agreement; and
- (d) The applicant must not be required to conduct the actions 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 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 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



## **Appendix B: Remedial Action Grant Applications (2021–23): Economically Disadvantaged Cities, Towns, and Counties in Washington State**

In August 2021, Ecology will publish a separate document called [Remedial Action Grant Applications \(2021–23\): Economically Disadvantaged Cities, Towns, and Counties in Washington State](#), Publication No. 21-09-045. It will be available online by August 31, 2021.

The information identifies which cities, town, and counties are eligible for reduced local match from July 1, 2021, through June 30, 2023.

A city, town, or county is “economically disadvantaged” if its per capita income is equal to or below its median per capita income as determined on July 1st of each odd numbered year, based on the latest official American Community Survey five-year estimates of the United States Department of Commerce (WAC [173-322A-100](#)(15) and (16)).<sup>64</sup> If the eligible project costs of the applicant are considered “economically disadvantaged,” some grants may be funded up to 75% or 90%.

Ecology retrieves this data from the United States Census Bureau’s website at <https://data.census.gov/cedsci/>.

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<sup>64</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-100>

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