Remedial Action Grant and Loan Program

Independent Remedial Action Grants

Guidelines for the 2025-27 Biennium

Toxics Cleanup Program
Washington State Department of Ecology
Olympia, Washington

November 2025
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DEPARTMENT OF ECOLOGY
State of Washington

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Related Information

EAGL Instructions for 2025-27 Remedial Action Grant Applications: Toxics Cleanup Program's guidelines for using Ecology's Adminitration of Grants & Loans System (EAGL) to apply for Remedial Action Grants (Ecology Publication No. 25-09-051):
https://apps.ecology.wa.gov/publications/summarypages/2509051.html

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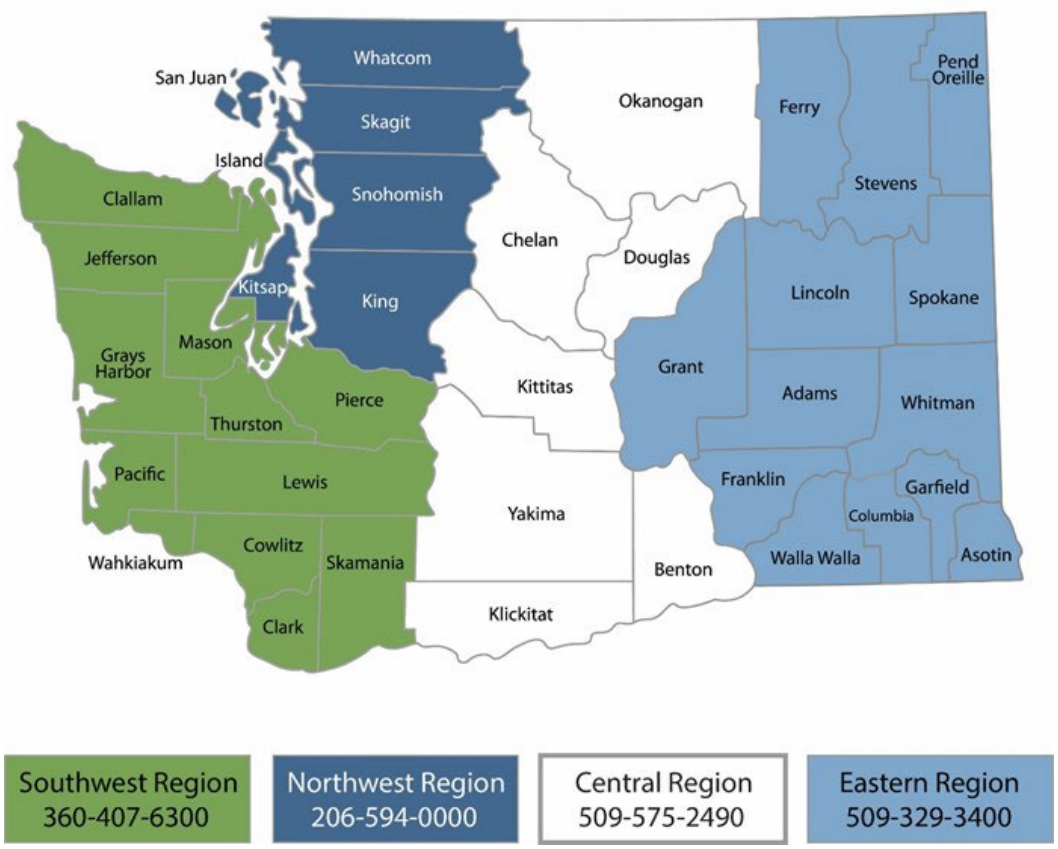
[1] www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
Headquarters	Statewide	P.O. Box 47600 Olympia, WA 98504	360-407-6000

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Acronyms & Abbreviations

Acronym or Abbreviation	Definition
ARARs	Applicable or Relevant and Appropriate Requirements
CAP	Cleanup Action Plan
CPM	Cleanup Project Manager
CSID	Cleanup Site Identification Number
EAGL	Ecology's Administration of Grants and Loans
Ecology	Washington State Department of Ecology
EDAT	Environmental Information Management Data Analysis Tool
EJ Screen	Environmental Justice Screening and Mapping Tool
ESSB	Engrossed Substitute Senate Bill
FS	Feasibility Study
IDP	Inadvertent Discovery Plan
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 and Progress Report
Pub. No.	Ecology Publication Number
RAG	Remedial Action Grants and Loans
RCW	Revised Code of Washington (statute)
ROZ	Redevelopment Opportunity Zone
RI	Remedial Investigation
SAW	Secure Access Washington
TCP	Toxics Cleanup Program
U.S. EPA	United States Environmental Protection Agency
VCP	Voluntary Cleanup Program
WAC	Washington Administrative Code (rule)

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Executive Summary

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

One mechanism Ecology uses to help advance cleanups is the Remedial Action Grant and Loan (RAG) Program. Under this Program, Ecology offers several types of grants and loans to local governments to investigate and clean up contaminated sites. The RAG Program is governed by the regulations in the RAG Rule, WAC 173-322A.[4]

An Independent Remedial Action Grant (IRAG)[5] is one type of Remedial Action Grant offered by Ecology to provide funding to local governments who independently clean up contamination under the Voluntary Cleanup Program (VCP).[6] This document provides guidance to local governments on how to apply for and manage an IRAG during the 2025-27 biennium, including eligibility and other regulatory requirements and limitations. You can find more information about other types of RAGs on Ecology's website.[7]

[2] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305 (Hazardous Waste Cleanup – Model Toxics Control Act)
[3] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010 (Declaration of policy.)
[4] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A
[5] https://ecology.wa.gov/grants-IRAG
[6] https://ecology.wa.gov/VCP
[7] https://ecology.wa.gov/cleanup-grants

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[8] for local governments under the Model Toxics Control Act (MTCA), chapter 70A.305 RCW.[9] The purpose of the RAG Program is to expedite the cleanup[10] and redevelopment of contaminated sites[11] while lessening the impact of cleanup costs on local ratepayers and taxpayers. Remedial action grants and loans supplement local government funding and other sources of funding.

This document provides guidance for the **2025-27 Biennium** on how to apply, meet program requirements, and manage funded projects for Independent Remedial Action Grants (IRAG), including eligibility and other regulatory requirements and limitations.

Independent Remedial Action Grants provide funding to local governments that investigate and clean up contaminated sites independently under Ecology's Voluntary Cleanup Program (VCP).[12] Currently, Ecology only provides such grants after the local government has completed the cleanup and obtained a No Further Action (NFA) determination.

During the 2025-27 biennium, Ecology will offer Independent Remedial Action Grants as an open and continuous solicitation. Please note that the EAGL system has been updated which caused a delay in opening the application solicitation. When soliciting applications, Ecology will provide notice through the Remedial Action Grant email list[13] the IRAG website[14] and the Department of Ecology's Site Register.[15]

Ecology offers additional types of Remedial Action Grants under the RAG program. This guidance document does not provide detailed information about these funding opportunities, however you can find more information on Ecology's webpage.[16]

1.1 Rules and Guidelines

The rules governing the RAG Program are found in chapter 173-322A WAC.[17] Appendix A of these guidelines include excerpts of the rule that apply to Independent Remedial Action Grants. Definitions of terms used in these guidelines can be found in the Appendix and in

[8] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Paying-for-cleanups
[9] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305
[10] As used in this guideline, the term "cleanup" means the same as "remedial action" under Chapters 173-322A and 173-340 WAC and includes both investigations and cleanup actions.
[11] As used in this guideline, the terms "contaminated site" and "site" mean the same as "hazardous waste site" under Chapters 173-322A and 173-340 WAC.
[12] https://ecology.wa.gov/VCP
[13] https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_110
[14] https://ecology.wa.gov/grants-IRAG
[15] https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data
[16] https://ecology.wa.gov/spills-cleanup/contamination-cleanup/cleanup-process/paying-for-cleanups
[17] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A

WAC 173-340,[18] Model Toxics Control Act Cleanup Regulations (also known as the MTCA Cleanup Rule). These guidelines summarize and explain the rule requirements specific to IRAGs. If any part of these guidelines is found to conflict with the rule language in chapters 173-322A or 173-340 WAC, the rule language governs.

Applicants and Recipients[19] should read and understand these guidelines, the applicable rules, and the applicable version of Ecology's "Yellow Book"[20] also known as *Administrative Requirements for Recipients of Ecology Grants and Loans* (2023).

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

[18] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340
[19] As used in these Guidelines, the term "Applicant" applies before receipt of the grant, and "Recipient" applies after the grant has been awarded.
[20] https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance

Chapter 2: Cleanup Process

This chapter provides background on the cleanup program established under Washington's environmental cleanup law, the Model Toxics Control Act (MTCA), chapter 70A.305 RCW[21]. It also provides an overview of the steps used to investigate and clean up contaminated sites in Washington State.

2.1 Toxics Cleanup Program

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

- chapter 173-340 WAC[22], MTCA Cleanup Regulations.
- chapter 173-204 WAC[23], Sediment Management Standards.

The law's declaration of policy calls for raising "sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's lands and waters" (RCW 70A.305.010[24]). To do this work – which includes providing funds for grants and loans – voters authorized a tax on the first possession on hazardous substances in Washington, including petroleum products and certain chemicals and pesticides. The law directs a portion of the revenue from the Hazardous Substance Tax to the Model Toxics Control Capital Account, which can be used by Ecology for grants to persons intending to remediate contaminated real property for development of affordable housing (RCW 70A.305.190(4)(a)(iv)[25]).

2.2 Steps in the Independent Cleanup Process

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

- **Remedial Investigation (RI).** The RI serves as the mechanism for collecting data to characterize site conditions, determine the magnitude and extent of contamination, and assess risk to human health and the environment.

- **Feasibility Study (FS).** The FS uses information from the RI for the development, screening, and evaluation of cleanup alternatives to enable selection of a cleanup action for the site.

[21] https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305
[22] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340
[23] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204
[24] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010
[25] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.190

- **Interim Actions.** At any time during the cleanup process, interim actions may be conducted to reduce the risk to human health or the environment or partially clean up contamination.

- **Cleanup Action Plan (CAP).** The CAP is developed using the information gathered during the previous phases. The CAP identifies preferred cleanup methods and specifies cleanup standards and other requirements at the site.

- **Design the Cleanup (Engineering Design).** Make detailed plans and specifications for the cleanup actions.

- **Cleanup Construction.** Actual cleanup begins when the CAP is implemented. This includes design, construction, operation, and monitoring of cleanup actions.

- **Monitoring.** During and after cleanup construction, the effectiveness of the cleanup action is monitored through sampling and reporting.

- **Controls.** If the cleanup action leaves contamination behind, institutional and engineered controls may be required to prevent or limit the movement of, or exposure to, hazardous substances remaining at the site. Ecology conducts periodic reviews of sites with institutional or engineering controls at least every five (5) years to evaluate the ongoing effectiveness and protectiveness of the cleanup action.

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

For more information about the MTCA cleanup process, visit Ecology's webpage, How the cleanup process works.[26]

The following diagram outlines the steps in this grant program from entering the Voluntary Cleanup Program (VCP) through the grant process. Chapters 3 – 7 in this guidance document contain information on eligibility requirements, cultural resources review, Ecology's Administration of Grants and Loans system (EAGL IGX), and the grant process from application through grant close out.

[26] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process

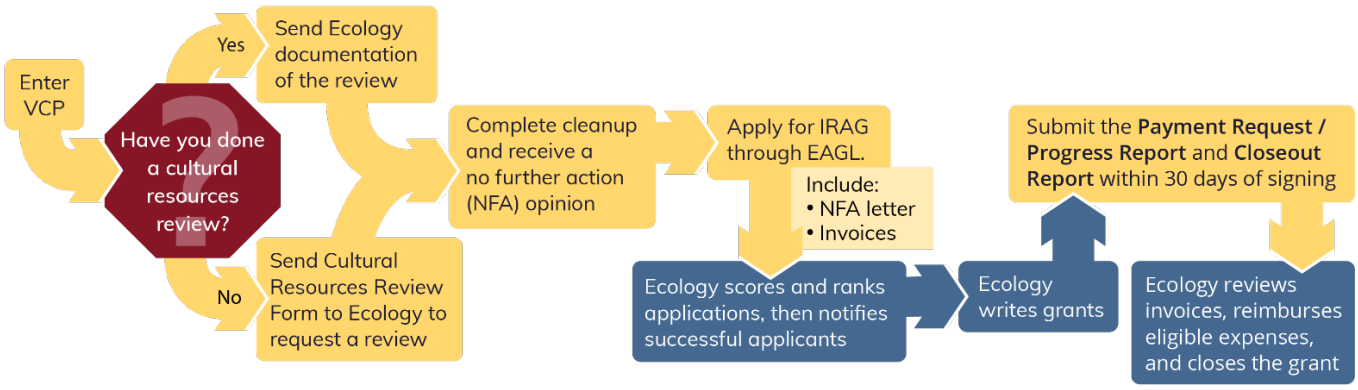

Figure 1: Steps to follow starting from entering into the Voluntary Cleanup Program through the Independent Remedial Action Grant process.

2.3 Options for Contaminated Site Cleanup

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

1. **Independent cleanup.** A local government may clean up a contaminated site independently unless Ecology is supervising the cleanup or is negotiating an order or decree to supervise the cleanup (WAC 173-340-515).[27]

   Local governments planning or conducting an independent cleanup may request technical assistance from Ecology under the Voluntary Cleanup Program,[28] including advice on how to clean up a site and written opinions on whether a planned or completed cleanup meets the substantive requirements of MTCA.

   For these types of cleanups, Ecology offers local governments Independent Remedial Action Grants (IRAGs)[29] which these guidelines apply to.

2. **Ecology-supervised cleanup.** Ecology may authorize or require a potentially liable local government to clean up a contaminated site under a consent decree, an agreed order, or an enforcement order (WAC 173-340-520[30] through 173-340-540).[31]

   For these types of cleanups, Ecology offers local governments Oversight Remedial Action Grants and Loans (ORAGs)[32]. Visit the Oversight webpage for guidelines and when the next solicitation will be held.

[27] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-515
[28] https://ecology.wa.gov/VCP
[29] https://ecology.wa.gov/grants-IRAG
[30] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-520
[31] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-540
[32] https://ecology.wa.gov/grants-ORAG

Table 1: Benefits and limitations of independent cleanups

Benefits	Limitations
• Customer controls the cleanup schedule and determines the level of Ecology involvement. • Customer can request an official opinion on sufficiency of cleanup from Ecology. A "No Further Action" (NFA) opinion from Ecology usually satisfies buyers and financial institutions' requirements.	• It does not settle liability with the state or provide protection from third party contribution claims. • It is designed for routine cleanup projects. Larger and more complex cleanups should be managed as an Ecology-supervised cleanup.

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Chapter 3: Independent Remedial Action Grants

Independent Remedial Action Grants provide funding to local governments who independently clean up contamination under the Voluntary Cleanup Program (VCP).[33] The purpose of IRAGs is to encourage and expedite independent cleanups and decrease the associated costs of cleanup for ratepayers and taxpayers.

3.1 Project eligibility

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

1. The Applicant must be a local government.

2. The Applicant must be potentially liable for contamination at the site, have an ownership interest in property at the site, or be a prospective purchaser of property at the site.

3. The Applicant must have completed independent remedial actions and received a No Further Action (NFA) determination from Ecology under the Voluntary Cleanup Program (VCP) for the site or a property at the site.

4. Upon enrollment in the VCP, the Applicant must request a cultural resources consultation from Ecology. As part of the consultation, Ecology may require a review of any activities conducted before VCP enrollment. See Chapter 5.5 for more information.

5. In addition, projects designed to address the restoration of Puget Sound must not be in conflict with the action agenda developed by the Puget Sound Partnership under RCW 90.71.310.[34]

6. Costs must be incurred within five (5) years of the date the grant application is submitted in EAGL.

    - For the 2025-27 biennium only: the EAGL system is being updated which is causing a delay in opening the application solicitation. ECOLOGY will consider up to an additional six (6) months of costs incurred past the five (5) years of the date the grant application if submitted in EAGL within 30 days of the application solicitation opening date.

Projects that received an initial investigation NFA (NFA II Site Status) without going through VCP and those that went through Pollution Liability Insurance Agency (PLIA)[35] are not eligible for this grant.

[33] https://ecology.wa.gov/VCP
[34] https://apps.leg.wa.gov/RCW/default.aspx?cite=90.71.310
[35] https://www.plia.wa.gov/

3.2 Grant funding

Under an Independent Remedial Action Grant, eligible costs are limited to a maximum of $600,000. Ecology may fund up to 50% state share of the eligible costs. Ecology may fund up to an additional 25% of the eligible costs if the Applicant is economically disadvantaged. See Chapter 5.1 for details on funding limits and match requirements.

For the 2025-27 biennium, Ecology is offering post-cleanup reimbursement grants (grants awarded after a cleanup). Ecology is not offering periodic reimbursement grants (grants awarded during a cleanup).

This means that, before applying for an IRAG, the local government must have completed the cleanup of a contaminated site or property and received a No Further Action (NFA) determination from Ecology under the Voluntary Cleanup Program. Cleanup project costs are eligible only if they were incurred within five (5) years of your EAGL application date (see previous section for exception in the 2025-27 biennium). To maximize cost eligibility, you should submit your application shortly after Ecology issues an NFA determination.

3.3 Eligible costs

Ecology's Grant Financial Manager has final approval authority for all grant-related costs. The grant agreement must be signed by both the Recipient and Ecology for any costs incurred under a grant agreement to be eligible for reimbursement. See Chapter 7 for Cost Eligibility.

Work conducted prior to completing a Cultural Resources Review is not eligible for reimbursement under an IRAG. See Chapter 5.5 for more information.

3.4 Scoring criteria

When an Applicant applies for a grant in EAGL, they'll complete "Project Eligibility" and "Scoring Criteria" forms that give Ecology information about the project. Ecology staff will consider this information when assessing grant eligibility and scoring those eligible projects. Ecology uses the applications' final scores to rank projects and determine funding priority. See Chapter 4.3 for scoring criteria.

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Chapter 4: Funding Cycle

This chapter describes the funding cycle for Independent Remedial Action Grants during the 2025-27 biennium (July 1, 2025, through June 30, 2027), including the process for soliciting and evaluating applications.

Ecology may evaluate applications for IRAGs periodically during a biennium when funding becomes available. Funding may become available when:

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

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

The ongoing solicitation process will allow Applicants to have greater control over their application date, which determines retroactive cost eligibility. To be eligible for reimbursement, costs must be incurred within five (5) years of the application date (WAC 173-322A-330(7)).[36] See chapter 3.1 for exception in the 2025-27 biennium. The EAGL application submitted date is considered the application date to determine eligible costs.

When soliciting applications, Ecology will provide notice through the email list,[37] the IRAG website,[38] and the Department of Ecology's Site Register[39] at least one month in advance of reviewing submitted applications for evaluation and making funding decisions.

4.1 Application submittal

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

[36] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-330
[37] https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_110
[38] https://ecology.wa.gov/grants-IRAG
[39] https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data

To access the EAGL IGX system, Applicants must first log in from the EAGL IGX Welcome page[40], select the Secure Access Washington (SAW) account link to log in, or for new users follow the steps prompted on the web page to create an account and complete the EAGL IGX registration form. The EAGL IGX account approval process can take up to three business days. Once Ecology has authorized the account, Applicants and Recipients can log in and use EAGL IGX to apply for and manage their grants. EAGL IGX only displays grant programs that are accepting applications.

EAGL instructions with screenshots and helpful tips:

- EAGL IGX Instructions for 2025–27 Independent Remedial Action Grant Applications (2025)[41]
- EAGL IGX External Users' Manual (2025)[42]

If you need help using EAGL or completing an application, contact information is listed at the bottom of the grant webpage[43].

4.2 Submitting eligible invoices

To increase the competitiveness of an application and for efficiency, applicants should submit all eligible invoices when applying for an Independent Remedial Action Grant. Applicants can now submit all project invoices on the EAGL form titled "Invoice Uploads." Since the grants are for only retroactive costs, the grants are typically written for the total eligible project costs (**up to the maximum of $600,000**), then closed out after the first payment request. All potentially eligible invoices should be uploaded in case some costs cannot be reimbursed due to eligibility or lack of backup documentation.

In preparation to apply for an IRAG, applicants need to organize and retain invoices that will be reviewed in the payment request. To ensure that backup documentation requirements are met, the invoice package should include all time accounting and project cleanup work invoices. Ecology may request contract copies for contractors and subcontractors and supplemental documentation to support invoiced cleanup work. See Chapter 7.1 for proper documentation.

4.3 Project evaluation and ranking

For the 2025-27 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.

[40] https://eagl.intelligrants.com/
[41] https://apps.ecology.wa.gov/publications/SummaryPages/2509051.html
[42] https://apps.ecology.wa.gov/publications/SummaryPages/2501005.html
[43] https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans/find-a-grant-or-loan/independent-remedial-action-grants

Ecology evaluates projects based on several criteria, which score from 0 to 3 points. Ecology groups those criteria into six (6) weighted categories, then scores each category as a percentage of the total possible points multiplied by the prescribed weight. Ecology determines a project's score by adding the weighted category scores. Ecology assigned category weights based on the purpose of the Independent Remedial Action Grant, which is post-cleanup reimbursement. Applicants request IRAGs when they have completed their cleanup and received a No Further Action determination from Ecology. As a result, Ecology has assigned more weight to the completed cleanup's impact on *improving and protecting human health and the environment*. Table 2 summarizes all categories, their scoring weights, and rationale.

Table 2: Independent Remedial Action Grant scoring categories and weights

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

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

Tables 3 through 8 (combined) contain the entire IRAG scorecard, separated by scoring category. The scorecard identifies each criterion, the maximum possible criteria score, and who provides the original score (either Ecology or Applicant).

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

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

Table 3: Independent Remedial Action Grant evaluation criteria - Category 1: Faster Cleanup

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
1.1	Applicant's prior grant and project performance.	Good prior grant performance or not applicable: 3 points Poor prior grant performance: 0 points	Ecology	3
1.2	Applicant's readiness to proceed: • Applicant uploaded a No Further Action Letter. • Applicant used an Ecology checklist.[44] • Final invoices for the project have been received. • All eligible cost invoices uploaded into EAGL.	Final criteria score determined by the number of affirmed sub-criteria as described below: • 0 sub-criteria: 0 points • 1 sub-criteria: 1 point • 2 sub-criteria: 2 points • 3-4 sub-criteria: 3 points	Applicant	3

[44] Remedial Investigation Checklist:
https://apps.ecology.wa.gov/publications/SummaryPages/1609006.html

Feasibility Study Checklist:
https://apps.ecology.wa.gov/publications/SummaryPages/1609007.html

Cleanup Action Plan Checklist:
https://apps.ecology.wa.gov/publications/SummaryPages/1609008.html

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
1.3	Leveraged other funds: • Project leveraged private funds (such as contributions, insurance, public-private partnerships). • Applicant submitted grant applications for other funding related to the site (including for economic development or other activities beyond cleanup). • Other grants they would receive are contingent upon this funding (including for economic development or other activities beyond cleanup). • Local investment expanded the scope of work beyond that funded by the grant.	Final criteria score determined by the number of affirmed sub-criteria as described below: • 0 sub-criteria: 0 points • 1 sub-criteria: 1 point • 2 sub-criteria: 2 points • 3-4 sub-criteria: 3 points	Applicant	3

Table 4: Independent Remedial Action Grant evaluation criteria - Category 2: Improve Human Health

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
2.1	Presence of extremely or very hazardous chemicals prior to cleanup as determined by Ecology. This includes any of the common contaminants listed below: • 1,1,2-Trichloroethane • 2-Methylnaphthalene • Aldrin • Antimony • Arsenic • Benzene • Benzo(a)pyrene (or cPAH toxic equivalency quotient) • Cadmium • Chromium VI • cis-1,2-Dichloroethene (cis-DCE) • Dieldrin • Dioxins • Lead • Mercury • Methylmercury • Naphthalene • Per- or polyfluoroalkyl substances (PFAS) • Polychlorinated biphenyls (PCBs) • Trichloroethene (TCE) • Vinyl chloride Ecology staff may also provide criteria points to sites with other extremely or very hazardous chemicals.[45]	Yes: 3 points No: 0 points	Ecology	3

[45] List based on data on the following EPA website: https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query.

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
2.2	Exposure routes of concern prior to cleanup: • Soil • Groundwater • Surface water • Vapor intrusion • Sediment	Final criteria score determined by the number of exposure routes of concern: • 0 exposure routes: 0 points • 1 exposure route: 1 point • 2-3 exposure routes: 2 points • 4-5 exposure routes: 3 points	Ecology	3
2.3	Use of property or adjacent use of property created potential exposure risk to a sensitive population before cleanup (such as daycare, nursing home, hospital).	Yes: 3 points	Ecology	3

Table 5: Independent Remedial Action Grant evaluation criteria - Category 3: Improve the Environment and Natural Resources

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
3.1	Cleanup prevented contamination from spreading.	Yes: 3 points No: 0 points	Ecology	3
3.2	A designated sensitive environment or fishery resource exists within one mile of the Site boundary.	Yes: 3 points No: 0 points	Ecology	3
3.3	Had potential exposure to sensitive wildlife or plant species (such as redband trout, migratory birds, orcas, salmon, monarch butterflies, and/or endangered species that might access the Site or be impacted by the contamination spreading) or potential exposure to priority habitat.[46]	Yes: 3 points No: 0 points	Ecology	3
3.4	Provided significant fish/wildlife habitat restoration and/or other conservation benefits.	Yes: 3 points No: 0 points	Applicant	3
3.5	Incorporated other sustainability measures (such as Leadership in Energy and Environmental Design (LEED) certification, stormwater/ flood management, low-water landscaping).	Yes: 3 points No: 0 points	Applicant	3

[46] 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 6: Independent Remedial Action Grant evaluation criteria - Category 4: Equitable Distribution

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
4.1	Grant helps ensure diverse distribution.	Site is east of the Cascades or the community is Economically Disadvantaged (see References and Resources, Table 9): 3 points No: 0 points	Ecology	3
4.2	Community immediately surrounding the site is a highly impacted community.[47] This criteria will be scored 0 for all applicants due to loss of federal tools.	Yes: 3 points No: 0 points	Ecology	3

Table 7: Independent Remedial Action Grant evaluation criteria - Category 5: Redevelopment and Reuse in Cleanups

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
5.1	Site contained a vacant, abandoned, or underutilized former industrial or commercial facility.	Yes: 3 points No: 0 points	Applicant	3

[47] See Chapter 5.5 in this Guidance for the criteria Ecology uses to define a highly impacted community.

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
5.2	Already identified a purchaser, developer, operator, or lessee for redevelopment.	Yes: 3 points No: 0 points	Applicant	3
5.3	Potential reuse considered climate change projections (such as sea-level rise, extreme weather events, and wildfires).	Yes: 3 points No: 0 points	Applicant	3

Table 8: Independent Remedial Action Grant evaluation criteria - Category 6: Meaningful Investment in Communities

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
6.1	Site is located within an incorporated city, town, or urban growth area designated under RCW 36.70A.110.	Yes: 3 points No: 0 points	Applicant	3
6.2	Urban infrastructure (water, sewer, other utilities, public transit) is available to the Site.	Yes: 3 points No: 0 points	Applicant	3
6.3	Meets the goals of the local government's planning documents at the time of redevelopment.	Yes: 3 points No: 0 points	Applicant	3
6.4	Local infrastructure project(s) are planned to serve the redeveloped area (public transit, roads, etc.).	Yes: 3 points No: 0 points	Applicant	3
6.5	Local government is a prospective purchaser of a brownfield property within a Redevelopment Opportunity Zone (ROZ).	Yes: 3 points No: 0 points	Applicant	3

#	Evaluation Criteria	Scoring	Score Provider	Maximum Score
6.6	Project provides or preserves affordable housing stock in the community.	Project provides some additional affordable housing stock: 3 points Project preserves affordable housing stock: 2 points No:0 points	Applicant	3
6.7	Project provides public access or other public benefit (such as park, museum, or library).	Project solely provides public access or other public benefit: 3 points Project provides some public access or other public benefit: 2 points No: 0 points	Applicant	3
6.8	Does this project demonstrate a clear vision for future use of the property?	Yes: 3 points No: 0 points	Ecology	3

4.4 Agreement development

After the biennial budget is enacted, Ecology verifies information as needed (such as a No Further Action letter and completion of the cultural resources review), scores and ranks the projects, and then notifies Applicants if their project received funding. Once funding notification is received, the expectation is that the grant will be written within three (3) months of the date of the letter. The first and only Payment Request/Progress Report and Recipient Close Out Report should be submitted within 30 days of grant activation in the EAGL system, and the grant is closed within 90 days.

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

4.5 Reapplying

If your project is eligible for funding, but not funded, you do not need to update or resubmit your application. Eligible projects will remain in their ranked order for the next funding cycle. For example, if ten projects were ranked and five were funded in one funding cycle, then the sixth ranked project would be the next project funded when additional money becomes available. All previously ranked and eligible projects will be considered for funding before scoring any new

applications. As provided in WAC 173-322A-220(2),[48] Ecology retains the discretion to not provide a grant for an eligible project or to provide less than the maximum allowed funding for an eligible project.

[48] https://app.leg.wa.gov/wac/default.aspx?cite=173-322A-220

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Chapter 5: Funding Policies and Criteria

This chapter highlights general funding policies and updates related to implementing the Independent Remedial Action Grant Program. For questions about these policies, please see contact information found on the Remedial Action Grants – Washington State Department of Ecology[49] webpage.

5.1 Match requirements

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

Ecology retains the discretion to not award a grant for an eligible project or to provide less funding for an eligible project than the maximum amount or percentage allowed, based on funding availability or other factors (WAC 173-322A-220(2)).[50]

For Independent Remedial Action Grants, Ecology may not fund more than the agency's allowed share of $600,000 in eligible project costs. Any project costs in excess of $600,000 are ineligible for funding in any amount (WAC 173-322A-330(8)).[51]

5.1.1 Standard match

Except as specified in Section 5.1.2 below, Ecology may fund only up to 50% of eligible costs up to a maximum of $300,000. For projects with eligible costs exceeding $600,000, this means that Ecology may fund only up to $300,000 (WAC 173-322A-330(8) and (9)(a)).[52]

5.1.2 Additional match reduction under certain conditions

Under certain conditions, the Director of Ecology may reduce the match requirement for an Independent Remedial Action Grant to as little as 10% to create an incentive for a local government to expedite a cleanup. For projects with eligible costs exceeding $600,000, this means that Ecology may fund up to $540,000 (WAC 173-322A-330(8) and (9)(a)(ii)).[53]

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

[49] https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans
[50] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-220
[51] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-330
[52] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-330
[53] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A-330

1. **The additional funding would prevent or mitigate unfair economic hardship imposed by cleanup liability.** For example, the cost of the normal match exceeds local funding that is typically dedicated for non-cleanup projects in the capital facilities plan; or the cost of the normal match would jeopardize other grants already awarded to the local government by eliminating the local government's ability to match those grants.

2. **The additional funding would create new substantial economic development that would not otherwise occur.** For example, the property pro-forma clearly shows that the normal match requirement makes redevelopment of a brownfield property economically infeasible. But the reduced match for the cleanup tips the scale so that not only is redevelopment economically feasible, it is also projected to result in significant, post-cleanup public or private investment at or near the site, which would create family wage jobs and significantly increase post-cleanup tax revenues.

3. **The additional funding would create public recreational opportunities that would not otherwise occur.** For example, the reduced match would free up local funds to create public access to a currently inaccessible shoreline area (provided that the new access was not normally required as part of the cleanup).

4. **The additional funding would provide habitat restoration opportunities that would not otherwise occur.** For example, the reduced match would free up local funds that would be used to restore shoreline habitat (provided that the restoration was not normally required as part of a cleanup or natural resource damage mitigation). Any restoration under this provision must be consistent with the Puget Sound Action Agenda, as well as any watershed plan, habitat conservation plan, salmon recovery plan, or similar regional or local habitat restoration plan.

5. **The additional funding would create an opportunity for acquisition and redevelopment of brownfield property that would not otherwise occur.** For example, the property pro-forma clearly shows that the normal match requirement makes acquisition and redevelopment of a brownfield property economically infeasible. But the reduced match tips the scale so that it is economically viable for the local government to enter into a prospective purchaser agreement under MTCA to acquire, cleanup, and redevelop the property.

5.2 Other funding sources

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

- Other grants.
- Matching funds.

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

In an effort to reduce the public's share of cleanup costs, Applicants should carefully search for relevant insurance policies, and search for and initiate contact with other PLPs or PRPs. Grant Recipients will also be required to report on any additional funding they might receive in connection to the cleanup or project. Ecology may condition a Remedial Action Grant on a requirement to have exhausted all means, including litigation if appropriate, to recover funds from these other sources.

5.3 Allowed use of other proceeds

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

- Recipient's grant match.
- Legal costs incurred by the Recipient as they pursue claims or actions that are not grant-eligible.
- Cleanup costs incurred by the Recipient at the site that were not grant-eligible, such as long-term operation and maintenance or monitoring costs and certain retroactive costs.
- With Ecology's approval, cleanup costs incurred by the Recipient at another contaminated site that was not the basis of the cleanup grant, insurance claim, contribution claim, or cost recovery claim for cleanup costs at the site.

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

1. All other funding sources, including from grants and litigation, are identified in the grant application.

2. Upon application for another grant, filing a lawsuit, or insurance claim to recover remedial action costs at the contaminated site, the Recipient notifies Ecology of the application or filing within 30 days.

3. Upon successful grant application, legal action, or insurance claim, the Recipient notifies Ecology within 30 days of the total amount of funds received to date for remedial action costs at the contaminated site. The report should include:

    a. The date of grant award, successful legal action, or insurance claim.

b. The specific amount of proceeds (or anticipated proceeds) received and the portion attributable to eligible costs.

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

5.4 Repayment of excess proceeds

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

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

5.5 Cultural resource review

Under WAC 173-340-815(3)[54] and Governor's Executive Order 21-02[55], projects that receive state funding must be reviewed for potential impacts to cultural resources. Examples of cultural resources include but are not limited to: archaeological sites or objects; buildings older than 45 years that are on or eligible for the historic register; or locations of significant events or pre-historic or historic occupation of activity, such as trails, petroglyphs, village sites, or battlefields.

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

5.5.1 Cultural resource consultation

Ecology will review all Independent Remedial Action Grant projects and consult with Washington State Department of Archaeology and Historic Preservation (DAHP)[56] and affected Tribes to assess potential impacts to cultural resources and historic places. To initiate an Ecology-led review, Applicants will need to complete Ecology's Cultural Resources Review Form[57], and submit it to tcpculturalresources@ecy.wa.gov. If a review has already been conducted, send documentation to the above address.

Based on the consultations, Ecology may require the development and implementation of a cultural resources work plan, such as a survey or monitoring plan, to identify cultural resources

[54] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-815
[55] https://www.governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf
[56] https://dahp.wa.gov/
[57] https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html

and to avoid, minimize, or mitigate adverse impacts to cultural resources at the site. See WAC 173-340-815(3)(b)(i).[58]

5.5.2 Inadvertent discovery

Recipients will also need to prepare an Inadvertent Discovery Plan (IDP)[59] An IDP lays out the procedures one would need to follow in the event of an unanticipated discovery of human remains, or historic or prehistoric resources. This plan must be onsite at all times and every field staff member should be familiar with its requirements. Recipients may use the Ecology-approved IDP template or draft their own. If you draft your own plan, please ensure it includes the same or more comprehensive information. See WAC 173-340-815(3)(b)(ii).[60]

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

5.6 Environmental justice evaluation criteria

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

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

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

> Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right (RCW 70A.305.010(1)).[61]

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

[58] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-815
[59] https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html
[60] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-815
[61] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.010

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

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)).[63]

While Environmental Justice is still a critical component to cleanup, due to the loss of federal tools previously used to score projects this criteria is removed for the 2025-27 biennium.

5.7 Climate resilience and green remediation

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." [64] The goals of green remediation are to increase the environmental benefit and reduce the environmental impacts throughout the cleanup process. Implementing green remediation best management practices can result in:

1. **Benefits to human health and the environment.** Reducing nitrogen/sulfur oxides and diesel particulate matter emissions benefits air quality and reducing greenhouse gas emissions decreases contributions to carbon in the atmosphere.

2. **Cost savings.** Conserving energy reduces fuel and electricity costs, and minimizing waste material reduces transportation costs and landfill tipping fees.

3. **Benefits to the local economy.** Using local goods and services can generate revenue and jobs for the community and limit the mileage from transporting people and materials. This, in turn, conserves energy and fuel and reduces air pollutant emissions.

[62] https://apps.leg.wa.gov/wac/default.aspx?cite=173-322A-310
[63] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-100
[64] EPA definition from Green Remediation: Incorporating Sustainable Environmental Practices into Remediation of Contaminated Sites | US EPA.

For more information on incorporating climate change considerations in cleanup, please review Ecology's guidance Sustainable Remediation: Climate Change Resiliency and Green Remediation (2017).[65] It is a guide for Cleanup Project Managers to increase resiliency of cleanup remedies to climate change impacts, and increase benefits and reduce impacts from the MTCA Cleanup Process.

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[65] https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html

Chapter 6: Grant Management

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

- Information contained in the applicable version of Ecology's "Yellow Book,"[66] the *Administrative Requirements for Recipients of Ecology Grants and Loans*.
- The project-specific terms and conditions specified in the grant agreement.
- The General Terms and Conditions for Ecology grants and loans. This document is included in each grant or loan agreement. Contact the appropriate Ecology Financial Grant Manager for the latest version. If the General Terms and Conditions are amended during the biennium, the version in effect on the date the agreement was signed or date of the most recent amendment applies. The General Terms and Conditions are not negotiable.

6.1 Roles and responsibilities

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

6.1.1 Grant Applicant and Recipient

The Recipient of the grant is responsible for managing the work funded by the grant, including compliance with cleanup and grant administration requirements. Remedial actions must be consistent with applicable rules. Final cost eligibility will be determined by the scope of work addressed in the NFA determination. Remedial actions must be completed within reasonable costs. The Recipient is responsible for ensuring that contractors or consultants are procured and act in accordance with all applicable federal and state laws.

Applicants are responsible for submitting accurate application materials including all elements of the grant application. Once the grant is executed, the Recipient is responsible for submitting the payment request and progress report with proper invoice backup documentation along with the Close Out Report. Recipients will be required to submit their Close Out Report with the final (and in most cases, first) payment request. This increases efficiency since IRAGs usually only have one payment.

While Ecology understands that the Recipient will hire consultants and contractors to conduct the work, the relationship for the grant is between Ecology and the Recipient. Questions

[66] https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance

regarding funding, grant eligibility, or other financial matters connected to the grant will need to be addressed by the Recipient and Ecology.

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

6.1.3 Ecology Cleanup Project Manager

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

6.3 Close Out

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

When the grant has been signed and is active, the Recipient will need to submit:

- **Payment Request and Progress Report**. Both of these EAGL forms will require the Recipient to identify it as the final payment request or progress report for the grant. Select "yes" using the radio button on the final payment request **and** progress report to enable closing out the grant.
- **Close Out Report**. This is an EAGL form found in the Payment Request Menu where the Recipient summarizes the final achievements of the activities funded by the grant. In most cases, we require the Close Out report with the final Payment Request and Progress Report. If you require more time or assistance completing your Close Out report, speak to your Ecology Grant Financial Manager. Ecology may withhold your final payment pending submittal of the Close Out report.

6.4 Audits

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

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Chapter 7: Cost Eligibility

The Recipient is responsible for understanding cost eligibility terms prior to incurring an expense and billing to the grant. For the purposes of these Guidelines, we also refer to "grant-eligible costs" as "eligible costs." While the grant agreement will include the scope of work, there are often specific issues related to eligible costs that may arise during grant implementation. When there is a question about what is an eligible cost, the Recipient should first review the terms of the agreement, the grant rules, and the applicable version of Ecology's "Yellow Book[67]" *Administrative Requirements for Recipients of Ecology Grants and Loans* and these guidelines.

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

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

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

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 required to obtain the NFA.** It is preferable for Ecology's Cleanup Project Manager to review or approve the planned independent scope of work to prevent unnecessary or additional cleanup work needed for the NFA.

- **Reasonable for the task.** Ecology reserves the right to reject costs as excessive, even when work is fully approved from a technical standpoint. As a result, Ecology may reimburse some expenses at less than the allowable amount or not at all. During the cleanup, local governments can reach out to the applicable Grant Financial Manager under the Voluntary Cleanup Program if they have questions about potential cost eligibility.

- **Timing**. The Recipient must incur costs after the effective date of the agreement and before the expiration date of the agreement. The effective date cannot be more than five (5) years

[67] https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance

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

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

  Eligible retroactive costs for an IRAG include:

  - The costs were incurred within five (5) years of the date of the grant application in EAGL.

- **Consistent.** Charged costs must be consistent with the standard business practices of the Recipient, contractor, or consultant. The Recipient, contractor, or consultant must compute the direct and indirect charges in the same way as those charges would be computed if the costs were related to any other activity. The Recipient should follow consistency with standard business practices, except when grant billing or other requirements necessitate variation. Ecology may request additional documentation or explanation of costs being billed.

7.1 Proper documentation

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

At a minimum, supporting documentation must include:

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

- Name of vendor.
- Date of cost incurred.
- Invoice number.
- Invoice date.
- Cost and quantity for each line item or service.
- Tax.
- Total cost.
- Notes associating the cost to the grant site can be handwritten on invoice by the Recipient.
- Grant task number for billing.
- If consultants are adding markup, the original cost, the markup percent, and total being billed should be identified.

Backup documentation should be uploaded directly behind the receipt or invoice to which it relates. It is a best practice to upload invoices individually by entered line item to EAGL rather than all invoices for the payment request lumped together in one Adobe Portable Document Format file (PDF). The Recipient should name PDFs by the associated consultant name and invoice number. EAGL has a 200-megabyte limit for each file, and it is more difficult to review large PDFs. Please save PDFs in a format that allows a search capacity. If the Recipient scans the PDF as a picture, Ecology cannot search them, and Ecology may return the Payment Request/Progress Report to the Recipient for rescanning and resubmittal.

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

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

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

Recipient salary and benefit costs must document the date work was performed, the hours worked per day, the hourly rate, total cost, and detail of project activities conducted for each staff

member by day. The hourly rate of staff will also have to be provided. Ecology reserves the right to limit or reduce hourly rate of Recipient time if deemed unreasonable. The Recipient may use an Excel spreadsheet, or a printout from their accounting system. All backup documentation must be uploaded into EAGL, along with a statement about where and how the backup information was collected (such as from a time accounting system or manual spreadsheet updates). If Recipient time is entered into an Excel spreadsheet, then a copy of the signed timesheet should be provided as additional backup. Documentation must be presented for each day worked, not only in a summary rolled up into pay periods. The backup documentation must include:

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

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

7.2 Eligible costs

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

For the purposes of these guidelines, "grant-eligible costs" are also called "eligible costs." While the grant agreement will identify the scope of work, there are often specific issues related to eligible costs that may arise during grant implementation. When there is a question about what is an eligible cost, the Recipient should first review the applicable version of Ecology's "Yellow Book[68]," *Administrative Requirements for Recipients of Ecology Grants and Loans*.

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

Examples of eligible activities and related costs include:

- Emergency or interim actions.
- Remedial investigations.

[68] https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Grant-loan-guidance

- Feasibility studies and selection of the remedy.
- Engineering design and construction of selected remedy.

Operation and maintenance or monitoring costs. Operation and maintenance or monitoring occurs after construction of a cleanup action component is complete. These actions are usually specified in an Operation and Maintenance Plan, required under WAC 173-340-400(4)(c)[69], or a Compliance Monitoring Plan, required under WAC 173-340-410.[70] However, these costs are not grant-eligible if they are incurred more than one year after completing construction (see Ineligible Costs in Chapter 7.3).

Ecology will only fund up to one (1) year of operation and maintenance or monitoring for each funded cleanup action component, including long-term actions such as monitored natural attenuation or monitored natural recovery. Any costs incurred performing such activities after the first year are the sole responsibility of the Recipient.

- Development of Independent Remedial Action plans or reports submitted to Ecology for review under VCP.
- 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 will be identified in the general terms and conditions of your grant agreement.)

The aforementioned tasks can consist of the following costs:

- **Administrative costs.** The Recipient incurs administrative costs as part of normal administrative processes for approval of contracts or payment of bills are eligible costs. For example, time spent reviewing invoices, preparing payment requests or progress reports, and other project-related documents, or participating in briefing meetings with elected officials or others who need to approve a contract related to the grant, are eligible costs. These costs are generally limited to 10 percent of the total grant amount.
- **Direct expenses.** Direct costs are eligible costs. These are costs that the Recipient can identify specifically with a particular task for the project, such as:
    - Compensation for employee time devoted to the project.
    - Cost of materials used specifically for the project.
    - Cost of goods or services furnished for the project by other entities such as consultants or other agencies or programs.
- **Overhead.** Overhead costs are those the Recipient incurs for a common purpose and not readily identifiable with a particular project. Examples of overhead include utilities for a

[69] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-400
[70] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-410

facility not specific to the project or support departments such as human resources, fiscal staff, or supervisory personnel.

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

- **Fleet costs and mileage.** The billing method for automobile or fleet costs needs to be clearly established and remain consistent throughout the grant. This method also needs to be consistent with how the Recipient typically manages their automobile or fleet expenses. It cannot be created specifically for purposes of the grant.
    - **For privately owned vehicles: Bill the state mileage rate.** The state mileage rate[71] in effect at the time the cost was incurred is applicable as a maximum for any mileage billed by the Recipient, consultants, or contractors. Markups may not be applied to mileage or any other travel expense, and a mileage log is required for grant reimbursement documentation. It is the Recipient's responsibility to correct mileage billed in excess of the state rate.
    - **For company vehicles:** A consultant includes a standard rate for use of their vehicle on their schedule of charges. This is the only cost that may be billed. In this case mileage or gasoline are not charged.
    - **For rental vehicles:** A receipt from a rental agency is required and Ecology will pay the rental amount and gasoline (with receipts).
- **Parking**. Parking is a grant-eligible expense. The Recipient must provide receipts for reimbursement. Absent a receipt, Ecology will not allow the cost.
- **Rental cars.** If the Recipient or a Recipient's contractor or consultant leases a rental car, the invoice should include the miles driven and the time period of the rental. Ecology may ask the Recipient to provide the project hours worked by the individual who used the car. If the employee or consultant did not work fulltime on grant activities during the period the car was leased, Ecology's Grant Financial Manager will only approve a prorated share of the rental or lease cost. Original gasoline receipts must be provided for fuel costs when a car is rented.
- **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

[71] https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables

company vehicle) the grant may reimburse the amount of the per day or week charge for the use of the contractor or consultant vehicle in lieu of a rental vehicle from a rental company. In this case, the gasoline and mileage would not be paid separately. The only eligible cost is the charge for the vehicle usage.

- **Travel – per diem**. When on travel status, a Recipient's and their consultant or contractor's travel costs are grant-eligible under certain circumstances. Ecology will only pay per diem costs at the state rate[72] determined by the Office of Financial Management. Travel costs are not eligible for markup by a contractor, consultant, or the Recipient. Ecology will not reimburse any markups over the state rate or other disallowed travel costs with grant funds.
    - Itemized receipts are always required for hotels. The room rate cannot be reimbursed in excess of the state rate. This does not include additional room fees and taxes. For example: if the state rate is $91, the room must cost $91 or less. However, the reimbursable hotel bill could be higher than $91 after the addition of taxes and room fees. This does not include room service or purchases.
    - Non-traditional lodging, such as Airbnb and VRBO, or other person-to-person rentals are not eligible for reimbursement.
    - Exceptions to state-approved hotel rates may be authorized by Ecology's Grant Financial Manager under limited circumstances. However, the approval must be provided in writing prior to the cost being incurred. Costs exceeding the state rate are not allowed if not requested or approved in advance. A request for a cost waiver form must be submitted to the grant manager and approved prior to incurring the cost. Because IRAG's are retroactive to costs incurred, a hotel waiver would not be applicable to this grant type.

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

[72] http://www.ofm.wa.gov/resources/travel.asp

project office with a project printer dedicated to use only on the grant-funded activities, the Recipient may direct bill printer supplies.

7.3 Ineligible costs

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

- **Contingencies, rising costs, and change orders.** Ecology writes grant agreements for a set amount. Any contingencies in separate contracts do not change the amount of the grant agreement.
- **Dispute resolution.** Technical, legal, and administrative expenses that the Recipient incurs to challenge an Ecology decision.
- **Ecology charges.** Costs that Ecology charges the Recipient for technical assistance under the terms of an agreement under the Voluntary Cleanup Program.
- **Grant application development.** Costs of preparing a grant application, including Recipient staff time, consultant, or contractor time.
- **Legal expenses or attorney fees.** Legal costs of any kind, including, but not limited to, the costs of seeking client advice (including Recipient time); pursuing cost recovery; contribution or insurance claims; administrative hearings; pursuing penalties or civil or criminal actions against persons; penalties the Recipient incurs; defending actions taken against the Recipient; drafting or filing covenants or liens; and any other attorney fees incurred by the Recipient.
- **Lobbying.** Any costs for entertaining; attempting to influence dignitaries or elected officials; discussing the project with elected officials who do not have contract approval authority, are not grant-eligible costs. This includes contacts with legislators to urge project funding.
- **Natural Resource Damage Assessment costs and Natural Resource Damages.** Costs related to development of Natural Resource Damage Assessments (NRDA), fees for damages to the environment or work required in lieu of fees under Natural Resource Damage (NRD) settlements, cleanup and habitat restoration work required under a state or federal NRD settlement.
- **Operation and maintenance or monitoring costs.** Operation and maintenance or monitoring costs incurred more than one year after completing construction of a cleanup action component, even if additional activities are necessary.
- **Penalties and late fees.** Penalties or late fees assigned to the Recipient or contractors. For example, the Recipient pays an invoice late and a contractor charges a late fee. This cost is not eligible for reimbursement. A penalty issued by Ecology for failure to comply with an order or decree is not a grant-eligible cost.
- **Overtime and Overtime differential.** Due to the retroactive nature of these grants, overtime and overtime differentials are not allowed. This is any increase in pay over the

standard pay rate that is provided to compensate an employee for hours worked in excess of the standard workday or week.

- **In-kind contributions.** Goods, services, and transactions not involving money.
- **Non-cleanup related activities.** Site development and mitigation costs not required as part of the remedial actions needed for the NFA.
- **Other party expenses.** Costs incurred by other parties, including broader project team members, for which the Recipient did not incur an expense.
- **Purchasing Property.** The cost of purchasing the property is not reimbursable.
- **Rush orders for lab costs, sampling and analysis results, unless required by Ecology.**
- **Per diem costs for subcontractors outside the allowed state per diem amounts**, even when your contract allows it.

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Glossary

Term	Definition
Applicant	A term that applies before receipt of the grant vs. "Recipient" that applies after the grant has been awarded.
Biennium	A period of two years. The state of Washington operates on a two-year (biennial) budget cycle that starts July 1 of each odd-numbered year and ends June 30 of the next odd-numbered year. The 2025–27 biennium starts July 1, 2025, and ends June 30, 2027.
Brownfield property	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 173-322A-100(6)).[73]
Cleanup actions	Also known as cleanups or remedial actions. The collective planning, investigative, and technical work needed to clean up contaminated sites.
Cleanup Site	Also known as a contaminated site or hazardous waste site. A site or property where Ecology has confirmed one or more releases (or threatened release) of a hazardous substance.
Consent decree or decree	A legal document issued under chapter 70A.305 RCW[74] or the federal cleanup law.
Contaminated site	Also known as a cleanup site or hazardous waste site.
EAGL IGX	Stands for Ecology's Administration of Grants and Loans. This is a comprehensive web-based grant and loan management system Ecology uses that allows Applicants and Recipients to develop and manage their agreements online.
Economically disadvantaged (city, town, or county)	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.
Eligible cost	A project cost that is eligible for funding under this chapter and the terms of the grant or loan agreement.
Fiscal year	A period of one year named for the year it ends. For example, Fiscal Year 2025 starts July 1, 2024, and ends June 30, 2025.
Hazardous substance	Means any hazardous substance as defined in WAC 173-340-200.
Hazardous waste site	Also known as a cleanup site or contaminated site. Defined in MTCA as any site that Ecology has confirmed a release or a threatened release of a hazardous substance requiring remedial action (WAC 173-340-200).[75]

[73] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A-100
[74] http://app.leg.wa.gov/RCW/default.aspx?cite=70A.305
[75] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-200

Term	Definition
Highly impacted community	A community that the department has determined is likely to bear a disproportionate burden of public health risks from environmental pollution.
Independent remedial action	Remedial actions conducted without department oversight or approval and not under an order or consent decree.
Independent Remedial Action Grant (IRAG)	Grants to local governments that investigate and clean up contaminated sites independently under Ecology's Voluntary Cleanup Program (VCP). Currently, Ecology only provides such grants after the local government has completed the cleanup and has obtained a No Further Action determination.
Local government	For purposes of this report, defined as a political subdivision, regional government unit, district, or municipal or public corporation, which includes cities, towns, counties, ports, and brownfield development authorities.
Model Toxics Control Act (MTCA statute)	Washington's environmental cleanup law, chapter 70A.305 RCW[76]
Model Toxics Control Act Regulations (MTCA Cleanup Rule)	Washington's regulations that set standards and procedures for cleaning up contaminated sites (chapter 173-340 WAC[77]). The MTCA Cleanup Rule is one of two cleanup rules in Washington adopted under the Model Toxics Control Act, chapter 70A.305 RCW. The other cleanup rule is the Sediment Management Standards (chapter 173-204 WAC[78]) known as the SMS Cleanup Rule.
MTCA Capital Account Ten-Year Financing Report	Ecology's financial report produced every even-numbered year that describes cleanup financing needs over the next ten fiscal years.
Order	A legal document that includes enforcement orders and agreed orders issued under MTCA, and unilateral administrative orders and administrative orders on consent issued under the federal cleanup law.
Potentially liable person (PLP)	Any person whom the department finds, based on credible evidence, to be liable under chapter 70A.305 RCW.
Prospective purchaser	A person who is not currently liable for remedial action at a facility and who proposes to purchase, redevelop, or reuse the facility.
RAG Program	Ecology's Remedial Action Grant program that provides grants and loans to local governments for site investigation and cleanup.
RAG Rule	Washington's regulations that govern the issuance of remedial action grants and loans to local governments (chapter 173-322A WAC).[79]
Recipient	A term that applies after the grant has been awarded vs. "Applicant" that applies after the grant has been awarded.
Redevelopment Opportunity Zone (ROZ)	A geographic area designated under chapter 70A.305.150 RCW.[80]

[76] http://app.leg.wa.gov/RCW/default.aspx?cite=70A.305
[77] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340
[78] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204
[79] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-322A
[80] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305&full=true#70A.305.150

Term	Definition
Remedial actions	Also known as cleanups or cleanup actions. The collective planning, investigative, and technical work needed to clean up contaminated sites.
Scope of work	The tasks and deliverables of the grant or loan agreement.
Secure Access Washington	A single sign-on application gateway created by Washington State Department of Information Services.
Sediment site	A contaminated site in riverbeds and seabed's where aquatic animals such as crabs and clams live. Sediment can include silt, sand, cobble, and beaches.
Site	Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a legal consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.
Voluntary Cleanup Program	The program authorized under RCW 70A.305.170[81] and WAC 173-340-515.[82]
Yellow Book	Ecology's administrative requirements common to all Ecology grants and loans that have an agreement effective date of July 1, 2023, or later (publication no. 23-01-002)[83]

[81] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170
[82] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-515
[83] https://apps.ecology.wa.gov/publications/UIPages/documents/2301002.pdf

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References and Resources

Table 9: Grant, loan, and EAGL IGX resources

Resource	Description	Link
EAGL IGX	Ecology's Administration of Grants and Loans system, where local governments and community groups can apply for funding opportunities including grants for cleanup.	Overview: https://ecology.wa.gov/About-us/How-we-operate/Grants-loans
EAGL IGX External Users' Manual	General EAGL IGX guideline when applying for all Ecology grant and loans (Pub. No. 25-01-005) .	https://apps.ecology.wa.gov/publications/SummaryPages/2501005.html
EAGL IGX Instructions for 2025–27 Independent Remedial Action Grant Applications	Specific EAGL IGX guidelines when applying for Independent Remedial Action Grant funding for the 2025–27 biennium (Pub. No. 25-09-051).	https://apps.ecology.wa.gov/publications/SummaryPages/2509051.html
Ecology's grants and loans since 2014	Interactive map of Ecology's grants and loans awarded since 2014. Displays information by project location or dollars per area and can be filtered by Ecology programs and funding programs.	https://apps.ecology.wa.gov/eaglmap/?CustomMap=y&BBox=-13962546,5698654,-13014726,6267345&AL=5&Opacity=0.8&Basemap=esriTopo&EP=5&FP=16
Independent Remedial Action Grants (webpage)	Grants to local governments that investigate and clean up contaminated sites independently under Ecology's Voluntary Cleanup Program.	https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants
Independent Remedial Action Grants Focus Sheet	An overview of the Independent Remedial Action Grant program and infographic illustrating steps in the independent cleanup process (Pub. No. 25-09-055)	https://apps.ecology.wa.gov/publications/SummaryPages/2509055.html
Per diem rate tables	Office of Financial Management's rates for lodging, meals, and mileage per day.	https://ofm.wa.gov/accounting/administrative-accounting-resources/travel/diem-rate-tables
Oversight Remedial Action Grants and Loans (webpage)	Funding for local governments to investigate and clean up contaminated sites under an order or decree overseen by Ecology under MTCA or by EPA under the federal cleanup law. Low interest loans to local governments that have an Oversight Remedial Action Grant to help fulfill their local match requirement.	https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Oversight-remedial-action-grants-loans
"Yellow Book"	Guidance for all Ecology grants and loans: *Administrative Requirements for Recipients of Ecology Grants and Loans* (Pub. No. 23-01-002).	https://apps.ecology.wa.gov/publications/UIPages/documents/2301002.pdf

Table 10: Environmental and technical resources

Resource	Description	Link
TCP Web Reporting Cleanup Site Search	Selection of reports and datasets that draws from two Ecology internal environmental databases: Integrated Site Information System (ISIS) and Underground Storage Tank System Database of 13,300-plus contaminated sites known to Ecology that draws from the internal Integrated Site Information System (ISIS) database.	https://apps.ecology.wa.gov/gsp/SiteSearchPage.aspx
Confirmed & Suspected Contaminated Sites List	List of sites undergoing cleanup and sites awaiting further investigation and/or cleanup Selection of reports and datasets that draws from two Ecology internal environmental databases: Integrated Site Information System (ISIS) and Underground Storage Tank System.	https://apps.ecology.wa.gov/tcpwebreporting/reports/cleanup/contaminated https://apps.ecology.wa.gov/tcpwebreporting/
Contaminated Site Register	Special edition of the Site Register published twice a year listing sites that have been assessed and ranked using the Washington Ranking Method, and sites on the National Priorities List.	https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter
How the cleanup process works	Steps in the MTCA formal cleanup process.	How the cleanup process works: https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process
Washington's Formal Cleanup Process Infographic: How the cleanup process works	Infographic illustrating steps in the MTCA formal cleanup process (Pub. No. 19-09-166) Steps in the MTCA formal cleanup process.	https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html How the cleanup process works: https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process
Site Hazard Assessment Ranking Process Tool	The SHARP tool asks a series of questions about a contaminated site, then uses the answers to score the potential contamination exposure and its severity in soil, groundwater, surface water, sediment, and indoor air. We use these scores to calculate a rating. The scores, rating, and other information about the site are displayed in a text report and a graphic summary.	https://ecology.wa.gov/spills-cleanup/contamination-cleanup/cleanup-process/assessing-contaminated-sites

TCP policies and guidance	Consolidated but not exhaustive list of TCP's policies, procedures, implementation memos, and major guidance documents for cleaning up hazardous sites and meeting the requirements of MTCA.	https://ecology.wa.gov/Regulations-Permits/Plans-policies/Toxics-cleanup-policies
TCP publications	Published focus sheets, frequently asked questions, guidance documents, and technical reports that describe cleanup sites across the state. Consolidated but not exhaustive list of TCP's policies, procedures, implementation memos, and major guidance documents for cleaning up hazardous sites and meeting the requirements of MTCA.	https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Publication
TCP Legislative reports	Recurring and one-time legislative reports produced by the Toxics Cleanup Program Published focus sheets, frequently asked questions, guidance documents, and technical reports that describe cleanup sites across the state.	http://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup/TCP-Legislative-reports
EIM, MyEIM and EPA's Superfund Chemical Data Matrix (SCDM) query	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. Query to generate lists of corresponding Hazard Ranking System factor values, benchmarks, and data elements.	**EIM:** https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database **MyEIM:** https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/Using-MyEIM https://www.epa.gov/superfund/superfund-chemical-data-matrix-scdm-query

Table 11: Environmental justice, climate change, and cultural resources

Resource	Description	Link
Washington State Department of Health's Environmental Justice	Web-based data on public health aspects of environmental justice.	https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/Resources/EnvironmentalJusticeIssues
Ecology's climate change guidance for cleanup sites	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 (Pub. No. 17-09-052).	https://apps.ecology.wa.gov/publications/SummaryPages/1709052.html
Ecology Cultural Resources Review Form	Form for gathering information when complying with National Historic Preservation Act or Executive Order 21-02 Archaeological and Cultural Resources (Pub. No. ECY 070-537).	https://apps.ecology.wa.gov/publications/SummaryPages/ECY070537.html
Economically Disadvantaged Cities, Towns, and Counties in Washington State (2025–27 biennium)	The tables in this document identify which counties, cities, and towns are economically disadvantaged and eligible for a reduced match for grants received in the 2025-27 biennium (Pub No. 25-09-045).	https://apps.ecology.wa.gov/publications/SummaryPages/2509045.html
Executive Order 21-02	Gov. Jay Inslee's executive order for Archaeological and Cultural Resources (replaced Executive Order 05-05)	https://www.governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf
Public Inadvertent Discovery Plan (IDP)	Plan and procedures for the unanticipated discovery of cultural resources and human skeletal remains (Pub. No. 070-560)	https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html

Table 12: Cleanup laws, regulations, and Legislative bills

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

Resource	Description	Link
Sediment Cleanup Rule	Sediment Management Standards, chapter 173-204 WAC	http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204

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

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

WAC Sections*

RAG Rule section	Section title
173-322A-010[84]	Purpose and authority.
173-322A-020[85]	Relation to other laws and rules.
173-322A-100[86]	Definitions.
173-322A-200[87]	Funding cycle.
173-322A-210[88]	Funding priorities.
173-322A-220[89]	Fiscal controls.
173-322A-330[90]	Independent remedial action grants.

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

173-322A-010 Purpose and authority

(1) This chapter recognizes that:

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

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

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

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

(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).[91]

(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

[84] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-010
[85] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-020
[86] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-100
[87] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-200
[88] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-210
[89] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-220
[90] https://app.leg.wa.gov/WAC/default.aspx?cite=173-322A&full=true#173-322A-330
[91] The MTCA Cleanup Rule refers to several statutes' previous codification numbers. For example, in 2020 the Washington State Legislature recodified the Model Toxics Control Act from Chapter 70.105D RCW to Chapter 70A.305 RCW.

the cleanup on ratepayers and taxpayers. The remedial action grants and loans shall be used to supplement local government funding and funding from other sources to carry out remedial actions.

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

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

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

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

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

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

173-322A-100 Definitions

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

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

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

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

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

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

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

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

(8) **"Cleanup action"** means the term as defined in WAC 173-340-200 or 173-204-505.

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

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

(11) **"Decree"** or **"consent decree"** means a consent decree issued under chapter 70.105D RCW or the federal cleanup law.

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

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

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

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

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

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

(18) **"Extended grant agreement"** means a grant agreement entered into under RCW 70.105D.070 (4)(e)(i).

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

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

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

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

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

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

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

(26) **"Initial investigation"** means a remedial action that consists of an investigation under WAC 173-340-310.

(27) **"In-kind contributions"** means property or services that benefit a project and are contributed to the recipient by a third party without direct monetary compensation. In-kind

contributions include interlocal costs, donated or loaned real or personal property, volunteer services, and employee services donated by a third party.

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

(29) **"Interim action"** means a remedial action conducted under WAC 173-340-430.

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

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

(32) **"No further action determination"** or **"NFA determination"** means a written opinion issued by the department under WAC 173-340-515(5) that the independent remedial actions performed at a hazardous waste site or property meet the substantive requirements of chapter 173-340 WAC and that no further remedial action is required at the hazardous waste site or property. The opinion is advisory only and not binding on the department.

(33) **"Order"** means an order issued under chapter 70.105D RCW, including enforcement orders issued under WAC 173-340-540 and agreed orders issued under WAC 173-340-530, or an order issued under the federal cleanup law, including unilateral administrative orders (UAO) and administrative orders on consent (AOC).

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

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

(36) **"Potentially liable person"** or "**PLP"** means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

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

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

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

(40) **"Public water system"** means a Group A water system as defined in WAC 246-290-020.

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

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

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

(44) **"Redevelopment opportunity zone"** means a geographic area designated under RCW 70.105D.150.

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

(46) **"Remedial investigation"** means the term as defined in chapter 173-340 or 173-204 WAC.

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

(48) **"Safe drinking water"** means water meeting drinking water quality standards set by chapter 246-290 WAC.

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

(50) **"Site"** means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a legal consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

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

(52) **"Voluntary cleanup program"** means the program authorized under RCW 70.105D.030 (1)(i) and WAC 173-340-515.

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

173-322A-200 Funding cycle

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

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

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

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

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

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

173-322A-300 through 173-322A-350, as applicable.

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

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

173-322A-220 Fiscal controls

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

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

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

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

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

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

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

(6) **Consideration of insurance, contribution, and cost recovery claims.** A recipient may use proceeds from an insurance claim or a contribution or cost recovery claim under RCW 70.105D.080 or the federal cleanup law seeking recovery of remedial action costs at a hazardous waste site to meet recipient share requirements, subject to the conditions in (a) through (f) of this subsection.

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

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

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

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

(i) Notify the department of the resolution;

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

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

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

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

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

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

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

(7) **Reimbursement request deadlines.**

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

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

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

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

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

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

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

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

173-322A-330 Independent remedial action grants

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

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

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

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

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

(a) The applicant must be a local government;

(b) The applicant must be a potentially liable person, potentially responsible party, or prospective purchaser at the hazardous waste site or have an ownership interest in the hazardous waste site;

(c) For post-cleanup reimbursement grants, the applicant must have completed independent remedial actions at the hazardous waste site or property and received a no further action determination for the site or property under the voluntary cleanup program;

(d) For periodic reimbursement grants, the applicant must:

(i) Enroll the hazardous waste site in the voluntary cleanup program before entering into a grant agreement for the site;

(ii) Conduct independent remedial actions at the hazardous waste site or property in accordance with work plans authorized by the department under the voluntary cleanup program; and

(iii) Have necessary access to conduct independent remedial actions at the hazardous waste site or obtain such access in accordance with a schedule in the grant agreement.

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

(a) The threat posed by the hazardous waste site to human health and the environment;

(b) Whether the applicant is a prospective purchaser of a brownfield property within a redevelopment opportunity redevelopment zone;

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

(d) Whether the hazardous waste site is located within a highly impacted community;

(e) The readiness of the applicant to start and complete the work to be funded by the grant and the performance of the applicant under prior grant agreements;

(f) The ability of the grant to expedite the cleanup of the hazardous waste site;

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

(h) The distribution of grants throughout the state and to various types and sizes of local governments; and

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

(5) **Application process.**

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

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

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

(i) Project eligibility under subsection (3) of this section; and

(ii) Funding priority under subsection (4) of this section.

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

(i) Funding priority under subsection (4) of this section;

(ii) Cost eligibility under subsections (6) and (7) of this section;

(iii) Allowable funding under subsections (8) and (9) of this section; and

(iv) Availability of state funds and other funding sources.

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

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

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

(i) Emergency or interim actions;

(ii) Remedial investigations;

(iii) Feasibility studies and selection of the remedy;

(iv) Engineering design and construction of the selected remedy;

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

(vi) Development of independent remedial action plans or reports submitted to the department for review under the voluntary cleanup program.

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

(i) The cost of developing the grant application or negotiating the grant agreement;

(ii) The cost of dispute resolution under the voluntary cleanup program or the grant agreement;

(iii) Retroactive costs, except as provided under subsection (7) of this section;

(iv) Cost of technical consultations provided by the department under the voluntary cleanup program, including reviews of reimbursement requests;

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

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

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

recipient, defending actions taken against the recipient, and any attorney fees incurred by the recipient; and

(viii) In-kind contributions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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