



# Voluntary Cleanup Program

## Washington State Department of Ecology Toxics Cleanup Program

### Agency Determination Checklist

#### How to use this checklist

This checklist helps you determine which Washington State technical assistance program to apply for:

- **Department of Ecology** (Ecology)
  - Voluntary Cleanup Program (VCP)
  
- **Pollution Liability Insurance Agency** (PLIA)
  - Petroleum Technical Assistance Program (PTAP)
  - Heating Oil Technical Assistance Program (HOTAP).

**Determination verification**  
(for use by Ecology)

- correct  
 incorrect

Ecology will not accept VCP applications for independent cleanup projects eligible for a PLIA program. PLIA provides technical assistance for releases of petroleum or heating oil from tank systems. PLIA is a separate agency and not an Ecology program.

This determination does not guarantee acceptance into the VCP. Ecology may decide to supervise remedial action at the site under an order or decree, based on site-specific conditions.

#### What these programs provide

Ecology and PLIA may provide informal, site-specific, technical consultations for independent cleanup actions. Each can provide such consultations under the Model Toxics Control Act (MTCOA), chapter 70A.305 RCW, and its implementing regulations chapter 173-340 WAC and RCW 70A.330.040(9).

#### Applying to Ecology's VCP

You can apply for one of two VCP processes: Standard VCP process and Expedited VCP process. The eligibility requirements for the Standard VCP process and Expedited VCP process are listed on the [Standard VCP webpage](#)<sup>1</sup> and the [Expedited VCP webpage](#),<sup>2</sup> respectively.

1. **Standard VCP process:** Complete your Standard VCP application, which **must** include all required materials listed in the VCP application form, following its instructions. Submit your completed application to the appropriate Ecology regional office, based on your site's [county](#).<sup>3</sup>
  
2. **Expedited VCP process:** Complete your Expedited VCP application, which **must** include all required materials listed in the VCP application form, following its instructions. Subscribe to the Expedited VCP [email list](#) to receive notices and updates of when Ecology opens or closes its application periods.

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<sup>1</sup> <https://ecology.wa.gov/VCP>

<sup>2</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/VCP-Expedited>

<sup>3</sup> <https://ecology.wa.gov/About-us/Get-to-know-us/Contact-us/Regional-contacts>

## Applying to PLIA's HOTAP or PTAP

Follow PLIA's application instructions on the [PLIA website](#)<sup>4</sup> when applying for HOTAP or PTAP.

### Part 1 - Administration

#### 1.A. Fill in the applicant name and application submission date:

Applicant name:

Application submission date:

#### 1.B. Final agency determination of eligibility

Complete this [Part 1.B](#), after reviewing site eligibility in **Parts 2 through 6** in this form:

- Apply for Ecology's VCP
- Apply for PLIA's PTAP or HOTAP

### Part 2 – Non-heating oil petroleum tank release sites

PLIA has responsibility for some non-heating-oil petroleum tank release sites (i.e., storage tank systems that contain petroleum or a mixture of petroleum with de minimus quantities of other substances) meeting inclusionary/exclusionary factors developed jointly by Ecology and PLIA, in accordance with RCW 70A.330.040(9).

Non-heating-oil petroleum includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used/waste oils.

Non-heating-oil petroleum does **not** include propane, asphalt, or other petroleum products that are not liquid at standard conditions of temperature and pressure.

- Site is a non-heating-oil petroleum storage tank release site.

If you checked this box, move to [Part 4](#). Otherwise, **STOP**. Apply for Ecology's VCP.

### Part 3 – Heating oil tank release sites

As of July 23, 2017, Ecology and PLIA policies dictate that independent remedial actions at heating oil tank release sites can best serve Washington residents, and provide greater flexibility and capacity for cleanup of contaminated sites, when conducted under PLIA's HOTAP.

Heating oil includes petroleum products used for space heating in oil-fired furnaces, heaters, and boilers, and includes stove oil, diesel fuel, or kerosene.

Heating oil does **not** include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or for industrial processing, or generating electrical energy.

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<sup>4</sup> [plia.wa.gov](http://plia.wa.gov)

### 3.A. Heating oil tank release sites

PLIA is responsible for heating oil tank release sites, with the exception of sites that meet both requirements in [Part 3.B](#).

- This site is an abandoned, active, or decommissioned heating oil tank release site (including tanks above ground, below ground, or in a basement).

If you checked this box, move to [Part 3.B](#). Otherwise, skip to [Part 4](#).

### 3.B. Comingled contamination

If comingled contamination exists at your site, your site is no longer considered a heating oil tank release site, but you may apply for Ecology's VCP or PLIA's PTAP.

- Comingled contamination exists at your site.

If you checked this box, move to [Part 4](#). Otherwise, skip to [Part 3.C](#).

### 3.C. Heating oil tank release site exemptions

Ecology and PLIA may agree to allow Ecology to make heating oil tank release site determinations for releases that involve sites already being cleaned up under Ecology's authority.

- The heating oil tank release occurred at a site already being cleaned up under Ecology's authority.
- Ecology and PLIA have agreed that Ecology can make a heating oil tank release site determination for this site.

If you checked either box, **STOP**. Apply for Ecology's VCP.

If you did **not** check either box, **STOP**. Visit [PLIA's website](#) to apply for HOTAP.

## Part 4 – Inclusionary factors

Ecology and PLIA have jointly developed inclusionary factors for non-heating-oil petroleum tank release sites. If a non-heating-oil petroleum tank release site meets any of the factors in [Parts 4.A](#) and [4.B](#), you may apply for PLIA's PTAP (depending on results from completing [Part 5](#)).

### 4.A. Ranking and inclusionary factors

The following inclusionary factors are based on the [Washington Ranking Method \(WARM\) Scoring Manual](#).<sup>5</sup>

- The site has been ranked a 3, 4, or 5, based on a WARM Site Hazard Assessment.
- The site has been ranked a 1 or 2, based on a WARM Site Hazard Assessment but does not include complete surface water or sediment contamination pathways.

If you checked either box, move to [Part 5](#).

If you did not check either box (site has not been ranked), move to [Part 4.B](#).

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<sup>5</sup>

<https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html>[https://fortress.wa.gov/ecy/publication s/SummaryPages/90014.html](https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html)

#### 4.B. Funding and site type factors

The following inclusionary factors represent applicable factors that may apply, regardless of a site's WARM ranking.

**1. Funding factors – the site is:**

- covered by PLIA insurance
- a recipient of a PLIA grant or loan.

**2. Site type factor**

- The site involves a release from non-heating-oil petroleum storage tank system(s) and does not include surface water or sediment contamination pathways.

If you checked any of these boxes, move to [Part 5](#).

If you did **not** check any of these boxes, **STOP**. Apply for Ecology's VCP.

### Part 5 – Exclusionary factors

Ecology and PLIA have jointly developed exclusionary factors for non-heating-oil petroleum release tank sites. If a non-heating-oil petroleum release tank site meets any of the exclusionary factors in [Part 5](#), apply for Ecology's VCP. Your project may not be eligible for PLIA's PTAP, unless the conditions stated in [Part 5.B](#) are met.

#### 5.A. Location, legal, funding, VCP, and site type factors

**1. Location factors – the site is within the bounds of or impacting:**

- a U.S. Environmental Protection Agency Superfund site
- an Ecology Nuclear Waste Program-managed site
- an Ecology Industrial Section site
- an Ecology Hazardous Waste Toxics Reduction Program Dangerous Waste site.

**2. Legal factors**

- A potentially liable party (PLP) dispute about liability is in progress.
- Other litigation regarding your site, such as court supervision or agreed order, is in progress.
- The site is being remediated under an active control between Ecology and the PLP.

**3. Funding factors**

- Site remediation is funded, with Ecology as the sole or leading funding agency.
- The applicant is a local government planning to apply for an Independent Remedial Action Grant from Ecology. For information about the grant program, including cultural resource consultation requirements, visit our [Independent remedial action grants webpage](#)<sup>6</sup>.

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<sup>6</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants>

- Other litigation regarding your site, such as court supervision or agreed order, is in progress.
- The site is being remediated under an active control between Ecology and the PLP.

#### 4. Site type factors

- The site has known impacts to surface water or sediment.
- The site consists of comingled non-petroleum and non-incidentals contaminants not related to the operations of the site (including contaminant migration from off site).

If you checked any of these boxes, move to [Part 5.B](#).

If you did **not** check any of these boxes, **STOP**. Visit [PLIA's website](#) to apply for PTAP.

#### 5.B. Site characterization exemption

Ecology and PLIA may jointly override other exclusionary factors, based on the results of site characterization, in accordance with MTCA.

- Exclusionary factors identified in [Part 5.A](#) have been overridden by a joint decision between Ecology and PLIA, based on the results of a site characterization, in accordance with MTCA. **If applicable, include supporting documentation.**

If you checked this box, **STOP**. Visit [PLIA's website](#) to apply for PTAP.

If you did not check this box, **STOP**. Apply for Ecology's VCP. This determination does not guarantee acceptance into the VCP. Based on site-specific information, we may decide to supervise remedial action at the site under an order or decree.

## Part 6 – Check that box

After completing all the required parts of this form, go back to the top of the form, and **check** the appropriate eligibility box in [Part 1.B](#).

#### Accommodation Requests

If you need this publication in an alternative format, please call the Toxics Cleanup Program at (360) 407-7170 or visit our [Toxics Cleanup Program webpage](#).<sup>7</sup> Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.

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<sup>7</sup> <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup>