



State of Washington
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April 23, 2020

TO: UST Revolving Loan Borrowers

FROM: Russell E. Olsen, Executive Director

SUBJECT: State Guidance on Agency Capital Budget Projects

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Our agency, and the rest of state government, must adjust and adapt business needs during the COVID-19 pandemic. As a recipient of a loan from the Pollution Liability Insurance Agency's Underground Storage Tank Revolving Loan and Grant Fund, the agency expects that the following requirements to address the risk of COVID-19 to your workers and the public will be met. Failure to meet these requirements may result in termination of your loan. To acknowledge that you have read and agreed to meet these requirements, please sign and submit the acknowledgement page by April 28, 2020.

1. *Determine if your Loan Project involves "Essential Critical Infrastructure Workers."*

Pursuant to Governor Inslee's Stay Home, Stay Healthy Proclamation¹, residents must immediately heed current state public health directives to stay home, except as outlined in the Governor's proclamation. The Governor has designated "Essential Critical Infrastructure Workers" to ensure the continuity of functions critical to public health and safety, as well as economic and national security. Depending on the needs at your loan project, the work may fall within one or more of these essential categories.

The Office of Financial Management (OFM) March 30, 2020 Memorandum² provides additional information received from the Governor's Office. There is an expectation that capital budget loan projects are immediately suspended unless the project work meets at least one of six criteria. OFM's April 7, 2020 Memorandum³ further clarifies that PLIA can continue to provide pass-through funding if Borrowers determine that their work is essential.

PLIA complies with orders from the Governor's Office and guidance directed by the OFM; therefore, PLIA is not authorized to advise you, your consultants or other regulated entities if they can continue to perform loan project work as "Essential Critical Infrastructure Workers." However, you are required to inform PLIA of your decision on continuing your loan project and under which of the six criteria you meet. If you have questions regarding

¹ See also Construction Guidance Memorandum (March 25, 2020).

² [Suspension of Capital Projects Memorandum \(March 30, 2020\)](#).

³ [Clarification on Suspension of Capital Projects Memorandum \(April 7, 2020\)](#).

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your status, please consult with your attorney or the Governor's office for additional information. That office can be reached at business@mil.wa.gov. More information is also available at <https://coronavirus.wa.gov>.

2. *Determine if you wish to suspend your Loan Project work, and prepare for a potential work stoppage.*

PLIA understands that with the COVID-19 pandemic, your loan project operation may have an adjusted timeline or you may wish to suspend the project. The Loan Agreement in Section 21 details the process for a Borrower to request the loan be suspended.

If you plan to continue with your Loan Project work, be aware that the impacts related to COVID-19 continue to evolve every day in Washington. If circumstances change you may wish to suspend your work in the future, or PLIA may require you to suspend the work to protect workers and the public. Therefore, your loan project work must have a contingency plan for how to address a work stoppage notice and close the project down, leaving it in a safe and maintainable condition. PLIA staff are available to work with you to ensure your work plan takes into account the potential need to suspend the project.

If you have a concern that any delay with your loan project remediation activity may cause harm to human health or the environment, please contact Carrie Pederson, PLIA Agency Planner at 360-407-0519 immediately so that she can assist you in determining appropriate next steps. PLIA business operations are continuing, and staff are teleworking and checking email and voicemail frequently.

3. *If your Loan Project work continues – provide PLIA with a COVID-19 protection plan.*

Pursuant to OFM's memorandum, if you plan to continue with loan project work, PLIA requires that:

- You evaluate each project and the associated risks to health and safety.
- You implement a COVID-19 protection plan that includes social distancing and remote work option whenever possible. You must submit this plan to PLIA.
- You are aware that OFM's guidance does not require authorities with jurisdiction to inspect, permit, or take other actions necessary for your project to progress.

All construction activity must comply with social distancing guidelines and applicable health and worker protection measures. All other contract provisions remain in force. Your COVID-19 protection plan must be in accordance with the Center for Disease Control, Department of Health, and Department of Labor and Industries guidelines and you (and any consultants or contractors) are required to follow this plan. Under Section 23 of the Loan Agreement, you agreed that all Loan Project work would be protective of public safety, welfare and human health and the environment. You also agreed that Loan Project

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work would be carried out in accordance with all applicable local, state, and federal laws and regulations. Therefore, you (or any consultant or contractor) are required to provide a safe workplace and adhere to all laws, rules and regulations, including the new safe workplace directives such as social distancing, providing COVID protection plans, etc. Failure to comply would be a violation of the Loan Agreement and result in termination of your loan.

PLIA does not regulate, or provide guidance on, COVID-19 protection plan development or content. Below are some resources that may provide you direction:

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

<https://www.doh.wa.gov/Coronavirus/Workplace>

<https://www.lni.wa.gov/agency/outreach/novel-coronavirus-outbreak-covid-19-resources>

<https://www.osha.gov/Publications/OSHA3990.pdf>

[Examples of COVID-19 Protection Plans Submitted to Department of Ecology](#)

During these times of uncertainty, it is important that we all work together, and communication is key to an appropriate response to COVID-19 pandemic issues. If you have any questions, please contact Carrie Pederson at 360-407-0519 or Carrie.Pederson@plia.wa.gov. Thank you and be safe.

By signing this document, you acknowledge that you have read and reviewed this document and determined that you will _____ your loan project.

Continue or Suspend

For continued projects, you must also submit, by email to Carrie.Pederson@plia.wa.gov information explaining what criteria your project meets and a copy of your COVID-19 protection plan.

Signature

Name

Project Name

Date