



# Technical Assistance Program GUIDANCE



*Valley of Clouds (Source: National Park Service)*

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## Definitions

<b>Abandoned Tank</b>	A consumptive use heating oil tank system or underground storage tank system that has been abandoned and is no longer in service or use.
<b>Agency</b>	The Washington State Pollution Liability Insurance Agency (PLIA).
<b>Applicant</b>	The property owner seeking advice and assistance from the Technical Assistance Program, whose application has been accepted by the agency. The environmental consultant or service provider cannot be the applicant.
<b>Contaminants of Concern</b>	A hazardous substance for which the data indicate a significant tendency to persist, bioaccumulate, or be highly toxic to terrestrial ecological receptors. <a href="#">WAC 173.340.7494</a> . Contaminants are listed at <a href="#">WAC 173-340-900</a> , Table 749-2.
<b>Decommissioned Heating Oil Tank</b>	A heating oil tank system that is no longer connected to an oil-fired furnace used for space heating of human living or working space on the premises where the tank is located and that has been taken out of operation in accordance with the International Fire Code and any pertinent local government requirements.
<b>Ecology</b>	Washington State Department of Ecology.
<b>Further Action (FA)</b>	An opinion letter issued by PLIA that indicates further action is needed to meet the substantive cleanup requirements of the Model Toxics Control Act (MTCA), <a href="#">Chapter 173-340 WAC</a> .
<b>Feasibility Study (FS)</b>	Development and evaluation of cleanup action alternatives to enable a cleanup action selected for the Site. <a href="#">WAC 173-340-350(8)</a> .
<b>Hazard Ranking (WARM Score)</b>	The results of the Site Hazard Assessment (SHA) are used in the Washington Ranking Method (WARM) to yield a WARM score. This is a number between 1 and 5 where a “1” represents the highest level of risk and a “5” the lowest <a href="#">WAC 173-340-330(2)</a> .
<b>Hazardous Sites List (HSL)</b>	A <a href="#">semi-annual list</a> of contaminated sites published by Ecology that shows sites ranked and slated for cleanup under MTCA. <a href="#">WAC 173-340-330(5)</a> .

**Hazardous Substance** Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter. [RCW 70A.300.010\(10\)](#).

Any dangerous or extremely hazardous waste as defined in [RCW 70A.300.010\(1\)](#) and (11), or any dangerous or extremely dangerous waste as designated by rule under [Chapter 70A.300 RCW](#); any hazardous substance as defined in [RCW 70A.300.010\(10\)](#) or any hazardous substance as defined by rule under [Chapter 70A.300 RCW](#); any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, [42 U.S.C., Sec. 9601\(14\)](#); petroleum or petroleum products; and any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment. [WAC 173-340-200](#).

**Heating Oil** Any petroleum product used for space heating in oil-fired furnaces, heaters and boilers, including stove oil, diesel fuel, or kerosene. "Heating oil" does not include petroleum products used as fuel in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or the generation of electrical energy or waste oil, hoists, pipelines, spills from transportation or a form of transport.

**Heating Oil Tank** A consumptive use heating oil tank system that is in use.

**Heating Oil Tank System** A tank and its connecting pipes, whether above or below ground, or in a basement, that is connected to a furnace for space heating of human living or working space on the premises where the tank is located.

**Model Toxics Control Act (MTCA)** Washington State's cleanup law under, [Chapter 70A.305 RCW](#) and its implementing regulations in [Chapters 173-340](#) and [173-204 WAC](#).

**No Further Action (NFA)** A determination PLIA that indicates no further action is needed to meet the substantive cleanup requirements of MTCA.

**Petroleum** Any petroleum-based substance, including crude oil or any fraction that is liquid at standard conditions of temperature and

pressure. The term petroleum includes, but is not limited to, petroleum and petroleum-based substances comprising a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, used oils, mineral spirits, Stoddard solvents, waste oils and heating oils. The term petroleum does not include propane, asphalt, or any other petroleum product that is not liquid at standard conditions of temperature and pressure. Standard conditions of temperature and pressure are at sixty degrees Fahrenheit and 14.7 pounds per square inch absolute.

**Petroleum Storage Tank System (PSTS)** A storage tank system that contains petroleum or a mixture of petroleum with *de minimis* quantities of other substances. The systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, used oils, and heating oils. "Petroleum storage tank system" does not include any storage tank system regulated under [Chapter 70A.305 RCW](#).

**PLIA** Pollution Liability Insurance Agency.

**Program** Pollution Liability Insurance Agency Technical Assistance Program.

**Project Manager** The service provider managing the cleanup. The Project Manager must be the Applicant or hired or designated by the Applicant.

**Qualified Tank System** A storage tank system that has been identified as eligible for services under the technical assistance program by PLIA and the Department of Ecology based on the relative risk posed by the release to human health and the environment. [WAC 374-80-020](#).

**Release** Any intentional or unintentional entry of petroleum into the environment including, but not limited to, a spill, leak, emission, escape, or leaching into the environment.

**Remedial Action** Any action or expenditure consistent with the purposes of the state's cleanup law or regulation to identify, eliminate, or minimize any threat or potential 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.  
[70A.305.020\(33\) RCW](#).

**Remedial Investigation (RI)** The process in which site-specific data on contamination in the soil , groundwater, and air is collected to determine the full extent of contamination in an area. This process may determine that a site crosses property lines. This process consists of activities under [WAC 173-340-350\(7\)](#).

**Sampling and Testing** A recognized industry-standard technique or procedure for measuring or determining the presence and concentrations of hydrocarbons in soil, water and/or air.

**Site** Any area where a hazardous substance, other than a consumer product in consumer use, has been released, deposited, stored, disposed of, placed, or otherwise come to be located.

**Site Characterization** An investigation of the nature and extent of the release.

**Site Manager** PLIA designated staff assigned as the primary contact for site-specific questions who will provide the technical advice and assistance and written opinion letter for the site remediation.

**Technical Assistance Program (TAP)** PLIA Program to provide technical assistance regarding a release or suspected release from an eligible petroleum storage tank system. [Chapter 374-80 WAC](#).

**Uniform Environmental Covenants Act (UECA)** [Chapter 64.70 RCW](#) ensures that environmental covenants, recorded use restrictions negotiated in connection with hazardous waste site cleanups, and other environmental response projects are legally valid and enforceable.

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## I. Introduction

The Washington State Pollution Liability Insurance Agency (PLIA) provides an effective and efficient government funding model to support owners and operators in meeting environmental cleanup requirements for petroleum storage tank systems. PLIA's Advice and Technical Assistance Program expands Washington State's ability to provide technical assistance and written opinion letters on independent cleanups of petroleum sites. [Chapter 374-80 WAC Advice and Technical Assistance Program](#).

PLIA administers the Advice and Technical Assistance Program under the authority of [RCW 70A.330.040\(7\)](#). The Technical Assistance Program (TAP) assists tank owners, operators, and property owners with the cleanup of releases from a heating oil or gasoline/diesel underground storage tank.

This Guidance Document (Guidance) supports the program rules, [Chapter 374-80 WAC](#), by outlining program procedures and providing additional information. This Guidance may be updated at any time to reflect policy changes or to address unanticipated issues. PLIA recommends that you review this Guidance before enrolling into TAP. For additional questions about the program or this Guidance, you may contact PLIA by phone at (800) 822-3905 or by email at [pliamail@plia.wa.gov](mailto:pliamail@plia.wa.gov).

## II. Purpose

The TAP is a voluntary program where services are provided when requested. We offer informal technical advice and assistance regarding petroleum cleanup activities and provide a written opinion on whether a cleanup meets the state's requirements. We help you understand the state's cleanup law, the Model Toxics Control Act (MTCA), [Chapter 70A.305 RCW](#) and its regulations, [Chapter 173-340 WAC](#).

PLIA provides advisory technical assistance. This means that you are conducting cleanup activities at your own risk. If your cleanup activities do not meet the substantive requirements of MTCA then you may need to take additional action. PLIA's opinion letter is not binding on us or another state agency such as the Department of Ecology (Ecology). This letter may list additional action(s) you will need to perform to meet MTCA requirements. Ecology may also determine that additional activities are necessary to meet MTCA.

In accordance with [WAC 173-340-300](#), leaks from petroleum storage tank systems must be reported to Ecology through the [Environmental Report Tracking System \(ERTS\)](#). You have 90 days from the time PLIA receives the report from Ecology to show that either no release has occurred or to submit a cleanup report showing the release meets MTCA



cleanup standards. By enrolling in the TAP, you will work directly with PLIA to gain technical assistance on cleanup actions with a final written opinion on the result of those actions.

If your leaking heating oil tank was reported to Ecology through ERTS you will receive an initial investigation letter from PLIA. Reporting the release to Ecology is not necessary if you elect to enroll in TAP.

In performing cleanup activities, it may be necessary to hire a service provider or environmental consultant with experience in performing this work. Their services should include completing the site characterization and cleanup work and documenting this work in written reports. The reports must support your proposed or completed cleanup activities. PLIA reviews this information before issuing a written opinion. The opinion letter will either (1) inform you that further action is needed to meet MTCA requirements, or (2) inform you that we believe the substantive requirements of MTCA have been met. Additional technical meetings may be scheduled with PLIA at the discretion of the Site Manager.

### III. Eligibility

As a voluntary program, the TAP is open to anyone who submits a completed application, pays the enrollment fee(s), and is cleaning up a release from a qualified petroleum storage tank system.

#### 1. Application

The TAP application is available in our [Online Community](#). Before you can access the Online Community, you will need to create a Secure Access Washington (SAW) account. You can find instructions on how to create a SAW account and log in to PLIA’s Community in our [How-to Guide](#). You or your service provider or environmental consultant can fill it out and submit the application online.

**Accessing the TAP Application in PLIA’s Online Community**

The diagram illustrates the process of accessing the TAP application through PLIA's Online Community. It is divided into three panels:

- Step 1: Select the TAP button.** This panel shows the 'ONLINE COMMUNITY FOR PLIA PROGRAMS' with four main categories: 'COMMUNITY', 'TAP', 'TECHNICAL ASSISTANCE', and 'CONTACT US'. An arrow points to the 'TAP' button.
- Step 2 (for customers): Click the "Enroll in TAP" button.** This panel shows the 'PLIA TECHNICAL ASSISTANCE PROGRAM COMMUNITY' with four sub-sections: 'APPLICATIONS', 'PROJECTS', 'REGISTRATION', and 'CONTACT US'. Below these, under 'PROJECTS - TECHNICAL ASSISTANCE', there is a 'Pending Approval Status' section with buttons for 'ENROLL IN TAP' and 'ENROLL AS TAP'.
- Step 2 (for consultants applying on behalf of a client): Click the "Enroll a Client in TAP" button.** This panel shows the same 'PLIA TECHNICAL ASSISTANCE PROGRAM COMMUNITY' interface. In the 'Pending Approval Status' section, there is a button for 'ENROLL AS TAP' and another for 'ENROLL A CLIENT IN TAP'.

## 2. Enrollment Fee

The fee must be paid before we can provide you with advice or assistance. We collect the fee as a one-time reimbursement for our costs. Note: if the site is enrolled as a Heating Oil site and gasoline or other chemicals are later located, an additional fee may be required. The fee is:

- Heating Oil: \$1,500 per site.
- Gasoline/Diesel: \$10,000 per site (See 3B).

You may pay the fee [online](#). If you are enrolled in another PLIA program, you may choose to pay the fee using those funds. The fee does not cover costs associated with soil sampling, site assessment, and remediation. Enrollment fees are subject to change. The Enrollment fee is non-refundable. You are encouraged to attend an intake meeting and determine your eligibility prior to paying the enrollment fee.

## 3. Qualified Tank Systems

**A. Heating Oil Tank System.** This system includes a tank and its connecting pipes, whether above or below ground, or in a basement, with pipes connected to the tank for space heating of a structure on the premises where the tank is located. The system can be decommissioned or abandoned in place. [WAC 374-80-020\(5\)](#). Any heating oil tank system cleanup under Ecology funding or management is not eligible for TAP.



[Heating Oil Tank \(source: Michigan.gov\).](#)

**B. Gasoline/Diesel Tank System.** This is a storage tank system associated with a gas or fueling station. It contains petroleum or a mixture of petroleum with *de minimis* quantities of other substances. This does not include any storage tank system regulated under [Chapter 70A.300 RCW Hazardous Waste Management](#).



[Underground Storage Tanks \(source: EPA\).](#)

We work with Ecology to determine when a petroleum site is eligible for TAP services. In general, the site qualifies if the release or contamination meet all of the following criteria:

- Only affects soil, groundwater, or air.
- Is not mixed with large amounts of other non-petroleum contamination.
- Is not part of any Ecology-supervised site.

#### 4. Other PLIA Program Funds

Your site is also eligible for TAP if your site is enrolled in or participates in another PLIA program. Funds from other PLIA programs can pay for cleanup activities.



A site may be enrolled in more than one PLIA Program.

#### 5. Exclusionary Factors

Contaminated petroleum sites are generally **not eligible** for TAP enrollment if any one of the following factors apply.

- Contamination occurs from a surface spill not from a tank or tank system.
- The site is currently enrolled in Ecology’s [Voluntary Cleanup Program \(VCP\)](#). You may apply for TAP, however withdrawal from VCP is required prior to program enrollment.
- Some commingled, non-petroleum contaminants (other than incidental) may not be eligible, such as a commercial dry cleaner release.
- The site is a Dangerous Waste site per [WAC 173-303-070](#).
- Surface water or sediment are impacted.
- The site is in litigation concerning the potentially liable person (PLP), site, court supervision, agreed order, or active contracts between Ecology and the PLP.
- The site is part of or classified as a [National Priorities List Site](#).

Exclusionary factors will be assessed on a case-by-case basis and should be discussed during an intake meeting with PLIA staff.

If your Site qualifies for TAP, then [Ecology’s VCP](#) may not accept the Site. However, ineligible sites may be reviewed for enrollment in [Ecology’s VCP](#).

#### Does your site Qualify for the Technical Assistance Program (TAP)?

\*PLIA and Ecology may exclude some factors after review of site characterization.

<ul style="list-style-type: none"> <li>• You have a qualified tank system.</li> <li>• You have a known release reported to Ecology.</li> <li>• The release does not impact sediment or surface water.</li> <li>• You have funding from another PLIA program to pay for cleanup activities.</li> </ul> <p style="text-align: center;"><b>YES</b></p>
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<ul style="list-style-type: none"> <li>• You do not have a qualified tank system(s).</li> <li>• The release impacts sediment or surface water.</li> <li>• Petroleum is co-mingled with non-petroleum contaminants.</li> <li>• The site is part of a larger cleanup site.</li> <li>• The site is enrolled in VCP.</li> <li>• The site is in litigation.</li> </ul> <p style="text-align: center;"><b>NO</b></p>
--

#### IV. Services Provided by PLIA

You will receive advice on how to conduct your cleanup to meet the statutory requirements of the Model Toxics Control Act, [Chapter 70A.305 RCW](#), and its regulations [Chapter 173-340 WAC](#).

##### 1. Informal Technical Assistance

After receiving an opinion letter, you may call or email your designated PLIA Site Manager to request a technical assistance meeting. Additional technical meetings may be scheduled with PLIA at the discretion of the Site Manager. To best provide assistance, an accompanying opinion request or technical memorandum is necessary before scheduling a meeting. Your Site Manager can advise you on whether or not the planned cleanup or construction meets the requirements of the MTCA cleanup regulation.

##### 2. Written Technical Assistance

Request a written opinion by submitting an opinion request and uploading documents through the [Online Community](#). Reporting requirements are described in section *IX. Reporting* of this Guidance.

PLIA's goal is to provide a written opinion letter within 70 days of receiving your request. If additional information is required, this review process will be delayed.

##### A. Opinion Letters

The type of opinion letter issued depends on whether the proposed or completed cleanup actions at the site or property meet the substantive requirements of MTCA.

Opinion Type	Typical Cleanup Reports	Why
No Further Action (NFA)	Closure Report	The cleanup meets the substantive requirements of MTCA.
No Further Action Likely	Cleanup Action Plan	The proposed cleanup <i>likely</i> meets the substantive requirements of MTCA once completed. Additional work may be required to receive an NFA.

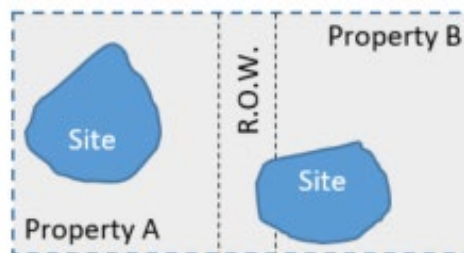
Opinion Type	Typical Cleanup Reports	Why
Further Action (FA)	Work Plans Remedial Investigation Feasibility Study Cleanup Action Plan Closure Report	Further action is needed to meet the substantive requirements of MTCA.
Further Action Likely	Remedial Investigation Feasibility Study Cleanup Action Plan	It is <i>likely</i> that further action is needed to meet the substantive requirements of MTCA based on proposed work described in the cleanup reports.
Approval	Interim Actions Work Plans Remedial Investigation Feasibility Study Cleanup Action Plan	The proposed work will meet the substantive requirements of MTCA.

## B. Site vs. Property

A site includes everywhere the contamination is located regardless of the property boundary. The site may include multiple properties or portions of properties.

If you are unable to clean up all of the contamination (site) and just cleanup the contamination within your property boundary (property), then a property NFA determination means that contamination remains elsewhere at the site and the site will remain on Ecology’s [Confirmed and Suspected Contaminated Sites List \(CSCSL\)](#).

For example, the site on Property A is entirely located within the property boundary. If the contamination is cleaned up to meet the substantive requirements of MTCA, a Site NFA would be issued.



However, the site on Property B extends beyond the property boundary into the right-of-way (ROW). If the owner of Property B cleans up the contamination on their property and is denied access to clean up the ROW, a Property-specific NFA could be issued.

In order for us to consider issuing a property-specific opinion, you must demonstrate a reasonable effort to gain access to all other impacted properties or parties with a fee interest in the ROW. Demonstration is made on a case-by-case basis and includes any of the following.

- Documentation of attempts to resolve the access issues with the easement holder or adjacent property owner(s).
- Written documentation from the easement holder or adjacent property owner(s) rejecting any remedial actions necessary under MTCA.

PLIA will attempt to facilitate discussions or property access as a neutral third-party. We can educate easement holders and other related entities on MTCA and the cleanup process and encourage efforts to clean up the site (where contamination has come to be located). We don't have the regulatory authority to require any party to characterize or remediate a site through a Consent Order or Consent Decree issued by the Attorney General of the State of Washington.

## V. Procedures

### 1. Submit an Application – Gasoline/Diesel or Heating Oil Site.

Applications are accepted at any time. Eligible sites are admitted to the program at any stage during the cleanup process.

Applications can be submitted through PLIA's Online Community linked on [PLIA's website](#). You will need a [Secure Access Washington](#) account to submit an online application. Guides for using the Online Community can be found at <https://plia.wa.gov/online-community-help-guides/>. A paper copy or translated version is available upon request by emailing [pliamail@plia.wa.gov](mailto:pliamail@plia.wa.gov) or by calling PLIA at 1-800-822-3905, Relay Service 711 or TTY 1-800-833-6388.

The TAP application is complete when the following items are submitted:

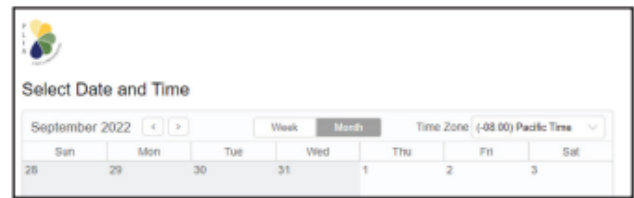
- A completed application.
- Electronic copies of environmental reports, if any.

- A scheduled intake meeting for gasoline/diesel sites. Intake meetings are not required for heating oil sites.
- Payment of the applicable enrollment fee.

## 2. Attend an Intake Meeting – Gasoline/Diesel Site.

The intake meeting provides you with the opportunity to discuss your site cleanup goals. You may ask technical questions regarding cleanup procedures and determine if you want to enroll in the TAP. There is no fee obligation to attend the 45-minute intake meeting. **Intake meetings are required for all gasoline/diesel sites.**

Intake meetings are held virtually and are self-scheduled with PLIA’s [online scheduling tool](#). You will receive meeting login instructions by email.



*PLIA's online scheduling tool for intake meetings.*

During the intake meeting, we will discuss what remedial actions may be necessary to meet MTCA requirements at the site or how to prevent additional contamination. Topics can include any of the following.

- Your site’s program eligibility.
- A brief history of the site and the proposed or performed cleanup activities.
- Any data gaps with respect to the contamination exposure pathways, direct contact, groundwater, and air.
- The future use of the site.
- The projected timeline for cleanup and establishing project Milestones. Milestones include completion of the Remedial Investigation, Feasibility Study, Cleanup Action Plan and site closure.

PLIA’s technical staff will provide an overview of the process needed to meet the requirements of MTCA. [Chapter 173-340 WAC](#). You must attend an intake meeting with PLIA before your gasoline/diesel site is accepted into the program. We will review the information you provided prior to the meeting. Electronic copies of relevant technical reports must be provided at least five days in advance of the meeting. Reports can be uploaded by following the directions on our website at <https://plia.wa.gov/ptap/files/>.

Prior to the intake meeting, provide PLIA with the following information.

- Date and circumstances of release.
- Contaminants of concern (COCs) at the site.

- Site map with sampling locations.
- The known horizontal and vertical extents of site COCs.
- Local and regional groundwater information.

### 3. Pay Enrollment Fee

The enrollment fee for each gasoline/diesel tank system is \$10,000.

The enrollment fee for each heating oil tank system is \$1,500.

- The fee can be paid by credit card online at [https://www.billerpayments.com/app/simplepayui/?bsn=swaplia#/simplepay/ayment](https://www.billerpayments.com/app/simplepayui/?bsn=swaplia#/simplepay/payment)
- You may also mail a check payable to Pollution Liability Insurance Agency and send it to:

Pollution Liability Insurance Agency  
P.O. Box 40930  
Olympia, WA 98504-0930

**Please include the tax parcel ID on the check.** You will receive written notice of acceptance after payment processing which may take up to ten business days once we receive your check.

- If you have filed an insurance claim, the enrollment fee may be paid by insurance funds.

### Portfolios

If you plan to enroll 10 or more gasoline/diesel sites into TAP, you qualify for PLIA's Portfolio Management Process. The program enrollment fee is still \$10,000 per site included in the portfolio. The Portfolio Management Process entitles you to a designated Site Manager who will coordinate with you regarding the review of your sites. The Site Manager will work with you to ensure an efficient review process.

### 4. Program Acceptance

You will receive an email from PLIA notifying you of acceptance into the program and a link to login to the [Online Community](#). The Online Community is a web-based portal where you can view your site status, upload reports, and request opinions.



## 5. Program Ineligibility

If your site does not qualify for TAP, we will inform you, usually at the intake meeting or after by emailing you directly.

## 6. Submit Opinion Requests – Gasoline/Diesel Site

Written opinions may be requested at any point in the cleanup process by submitting an Opinion Request in the Online Community. After the request is submitted you can review the status of your request in the Online Community. If you need assistance using the Online Community please contact PLIA.

The screenshot shows a web form titled "New Opinion Request". It contains several sections with checkboxes and text input fields. The checked options are "Remedial Investigation (RI)" and "Feasibility Study (FS)". Below these are "Cleanup Action Plan (CAP)", "Interim Action", and "Cleanup Complete (NFA)", all with unchecked checkboxes. There is also an "Other Opinion" checkbox which is unchecked. A text field labeled "Other Opinion Requested" is present with a help icon. Below that is a text field labeled "Relevant Report(s)" with the placeholder text "Name of Report.pdf". At the bottom right of the form are two buttons: "Cancel" (blue) and "Save" (yellow).

*Submit an Opinion Request in the Online Community.*

## VI. Program Roles and Responsibilities

### 1. The Applicant or Project Manager

The Applicant is the property owner, or a person/ organization with an ownership or legal interest in the property, requesting services from PLIA under TAP and is responsible for paying the enrollment fee. The Project Manager can be the service provider or environmental consultant managing the cleanup. The Project Manager must be the Applicant or hired by the Applicant. The responsibilities of the Applicant or Project Manager include the following.

- Submitting a complete application.
- Conducting a site characterization and remedial action consistent with MTCA.
- Communicating site status and any setbacks with the Site Manager.
- Requesting Opinions and uploading all relevant site data and documentation into the Online Community.
- Submitting Milestone Deviation Reports in the Online Community.
- Uploading environmental monitoring data for petroleum sites into Ecology's [Environmental Information Management System \(EIM\)](#). Updating the Project Page on the Online Community to indicate the EIM upload date, etc.
- Completing a Terrestrial Ecological Evaluation, [WAC 173-340-7492](#), as applicable.
- Notifying PLIA in writing if there is a change in Project Manager or Property Owner so we can update our records.

- Submitting progress reports into the Online Community if ongoing monitoring is required.

## 2. PLIA

We administer the TAP and provide technical advice and written opinion letters as to whether the proposed or completed cleanup actions meet the substantive requirements of the state's cleanup law. [Chapter 70A.305 RCW](#). PLIA Staff will:

- Answer questions regarding the application process.
- Review the application for eligibility.
- Host the intake meeting.
- Facilitate a required public comment period prior to requesting that Ecology remove a ranked site from the Hazardous Sites List. (Please see section X. *Project Termination, (1) De-listing of Site.*)
- Be responsive and aim to reply to emails and phone calls within 24 hours.
- Collaborate with you to come up with the most efficient and cost-effective way to obtain site closure.
- Schedule site visits as resources allow and when necessary to facilitate cleanup of the site.

PLIA designates a Site Manager for each project. The Site Manager serves as your primary point of contact for site-specific questions and provides technical advice and written opinion letters for the site remediation. The Site Manager assignment may change throughout the project if needed to assist with efficient and timely responses from PLIA.

Our goal is to provide a written opinion for each request within seventy (70) days of receiving an opinion request and all necessary documentation.

## VII. Remedial Action

Cleanup at a contaminated petroleum site must comply with the following:

- Model Toxics Control Act, [Chapter 70A.305 RCW](#).
- Model Toxics Control Act Cleanup Regulation, [Chapter 173-340 WAC](#).
- All other applicable federal, state, and local requirements.

MTCA requires multiple steps to clean up a contaminated site. Below are steps the Project Manager should expect to complete for petroleum releases. Some steps may be combined to expedite the cleanup process.

## 1. Project Scoping

Review the project documents to ensure that the site is adequately defined per [WAC 173-340-200](#). Preliminary project planning and scoping are conducted at this stage.

## 2. Site Characterization

Complete and/or ensure that the Remedial Investigation and Feasibility Study meet the substantive requirements of [WAC 173-340-350](#). The Remedial Investigation should delineate the areal and vertical extent of contamination in their respective media (e.g., soil, groundwater, and air), and all associated risks and receptors should be identified and addressed through a conceptual site model.

## 3. Cleanup Action Plan (CAP)

Develop and/or Review the CAP to ensure it meets the substantive requirements of [WAC 173-340-360 through 450](#) for cleanup action implementation and monitoring. Additionally, review the cleanup standards to ensure they have been appropriately set and applied, incorporating all potential pathways and receptors, in accordance with [WAC 173-340-700 through 760](#).

## 4. Report

The Project Manager writes a report after completing (1) through (3) in a way that meets the requirements of the MTCA described in [WAC 173-340-350\(7\)](#) and [WAC 173-340-840](#). Maps and cross-sections outlining the areal and vertical extents of site COCs must be included in the report.

# VIII. Reporting

## 1. Technical Reports

When requesting written opinions, the Project Manager must comply with the following reporting requirements:

- Documents submitted with geologic, hydrologic, or engineering work must be under seal of a licensed professional as required by [Chapter 18.43 RCW](#) and [Chapter 18.220 RCW](#).
- Environmental sampling data for gasoline/diesel sites must be transferred into [Ecology's Environmental Information Management \(EIM\) system](#). For instructions on how to submit the data, please refer to Ecology's [EIM Help Center](#).

- **All requests for a written opinion must be accompanied by supporting data or documentation submitted through the Online Community.**

## **2. Milestone Updates**

The Project Manager must submit a Milestone Deviation Report in the Online Community if there is a deviation from the project timeline as documented in the project milestones. The report should include all of the following.

- A detailed description of any deviations from required tasks not otherwise documented in project plans.
- A plan for recovering lost time and maintaining compliance with the schedule, due to any deviations.
- A list of upcoming deliverables.
- A proposed completion dates.

## **IX. Project Termination**

The project is terminated when a No Further Action (NFA) opinion letter is issued. If PLIA determines that Further Action (FA) is necessary to remediate the site, you may submit a revised report for review.

Unless otherwise directed by PLIA, an NFA opinion, either for the site or for a portion of the real property located within the site, constitutes notice of program termination.

PLIA may terminate the Agreement for other reasons that can include, but are not limited to, any of the following.

- Failure to meet applicant established project Milestones by more than six months. PLIA does allow Milestones to be updated as necessary.
- Discovery of COCs outside of PLIA's authority.
- The site is referred to Ecology for enforcement.
- Development of an extremely hostile working relationship between PLIA Staff and the Applicant or their representative.

The date of termination is the date PLIA either:

- Sends the NFA opinion letter to you; or
- You fail to adhere to program requirements and milestones; or
- You terminate the TAP Agreement.

The enrollment fee is non-refundable. A termination notice will be sent to you and available to the public on PLIA's [Gasoline/Diesel TAP Project Public Search](#) web page.

Termination notices will not be publicly available for Sites in the Heating Oil Insurance Program.

### **1. De-listing of Site**

Ecology's Hazardous Sites List (HSL) is a list of sites that are ranked using the Washington Ranking Method (WARM). WARM assigns a number between 1 and 5 where a "1" represents the highest level of risk and a "5" the lowest. [WAC 173-340-330](#). The list is published twice a year to reflect additions, removals and changes in site status.

A 30-day public comment period is required before removing a site from the HSL. A public comment period provides the community with the opportunity to give written comments on the cleanup of the site.

We provide notice to the public by posting a fact sheet on our website, publishing a notice in the Site Register (Ecology's biweekly newsletter), and posting a legal ad in the largest newspaper in the city or county where the site is located. We may also mail out fact sheets. Once the site has undergone a public comment period, we will either make revisions based on feedback from public comments or issue an NFA determination under TAP.

PLIA will review all public input received during the public comment period. If, based on public feedback, the decision to remove the site is reconsidered, we may hold a second comment period. If no further comments are received, we will request that Ecology remove the site from the HSL, and we will issue the NFA opinion letter. [WAC 173-340-330 \(10\)](#) and [WAC 173-340-600](#).

## **X. Post-TAP Termination**

This section offers guidance for actions which may be necessary after an NFA opinion is issued and the project has been terminated.

### **1. Periodic Review of Cleanup**

A periodic review consists of a review of post-cleanup site conditions and monitoring data to ensure that the site conditions are still protective of human health and the environment. If a periodic review is required, it must be conducted at least every five years following the initiation of the cleanup. [RCW 70A.330.040\(14\)](#).

We will conduct a periodic review when there is an NFA opinion issued, and an institutional control is required as part of the cleanup action. An institutional control

is a measure that limits activities that may impede or interfere with clean up actions. [WAC 173-340-440](#). Institutional controls are recorded in an environmental covenant. Pending the periodic review, PLIA may determine that an environmental covenant is no longer required, or that additional actions are required.

A periodic review may consist of any the following.

- Review of data collected during the confirmation monitoring period.
- Evaluation of institutional controls used at the site.
- Review of new and updated technologies available.
- Review of site-specific information.
- A site visit and evaluation.

PLIA requires an additional fee to cover the expenses associated with a periodic review.

- Gasoline/diesel: 25% of the enrollment fee paid at program acceptance.
- Heating oil: 25% of the enrollment fee paid at program acceptance.

## **2. Environmental Covenants**

Environmental covenants are legal agreements between the property owner and PLIA that describe the restrictions or requirements on how the property can be used. Additional information on environmental covenants is available on our website.

If an environmental covenant is required, we must consult with the city or county department with land use planning authority for the site before approving the environmental covenant. The property owner or service provider is required to perform a title search and provide a title report.

The covenant is recorded in every county where the subject property is located. This provides future owners notice of the restrictions or requirements imposed on the property. The covenant attaches to the property and is said to “run with the land” because it can be enforced against both current and future owners.

You may request approval from PLIA to remove the covenant if the conditions requiring the environmental covenant no longer exist. If PLIA agrees with the removal, PLIA will conduct a public comment period and seek termination in accordance with covenant requirements. PLIA may recover costs related to the removal of the environmental covenant which may include expenses incurred for

the public comment period. You will be responsible for terminating the covenant with the county or responsible authority.

The execution, amendment, and termination of covenants are governed by [Chapter 64.70 RCW Uniform Environmental Covenants Act \(UECA\)](#).

### **3. Rescinding an Opinion**

We may rescind an opinion if it is determined that additional or different remedial action is necessary at the site to protect human health and the environment.

Instances where an opinion will be rescinded may include:

- The information upon which the opinion is based is materially false or misleading.
- The opinion is not an accurate reflection of current site conditions based on new information or a review of existing information.
- A periodic review reveals that post-cleanup site conditions are not protective of human health and the environment.

## **XI. Limitations of Opinions**

A site may impact more than one property or multiple properties. PLIA's written opinion only applies to the site or property described in the opinion letter. We will indicate in the opinion letter if parcels other than the source property are impacted by the release.

PLIA opinion letters do not resolve a person's liability to the state or protect a liable person from third party contribution claims. Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the petroleum release at the site.

Washington State, PLIA, and its officers and employees accept no liability, nor portion of liability, from the Applicant. Furthermore, Washington State, PLIA, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing or failing to provide advice, opinion, conclusion, or assistance under this program.

## **XII. Disputes and Appeal Process**

If you disagree with a written determination provided by PLIA, you may follow this process to resolve the dispute.

1. **Informal Dispute Notice.** Notify PLIA’s Site Manager in writing of the dispute. The parties should attempt to resolve the dispute informally. The parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice.
2. **Informal Dispute Decision.** If the dispute cannot be resolved within those fourteen (14) calendar days, then, within thirty (30) calendar days, PLIA’s Site Manager will issue a written decision. The Informal Dispute Decision will state:
  - The nature of the dispute.
  - The Recipient’s position with regard to the dispute.
  - PLIA’s position with regard to the dispute.
  - The extent of resolution reached by informal discussion.
3. **Formal Dispute Notice.** The decision of the PLIA Site Manager will be final, unless you direct a written appeal to the Director within seven calendar days of receipt of the Informal Dispute Decision. The Formal Dispute Notice must include a written statement of the dispute setting forth:
  - The nature of the dispute.
  - The disputing party’s position with respect to the dispute.
  - The information relied upon to support the disputing party’s position.
4. **Decision on Dispute.** PLIA’s Director will conduct a review of the dispute and issue a written decision within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute will be PLIA’s final decision on the disputed matter.

### XIII. Helpful Links

- Pollution Liability Insurance Agency: [www.plia.wa.gov](http://www.plia.wa.gov)
- Online Community:  
<https://secureaccess.wa.gov/FIM2MFA/sps/sawmfaidp/saml20/logininitial?RequestBinding=HTTPPost&NameIdFormat=Email&PartnerId=https://wa-plia-gov.my.site.com/s/>
- Technical Assistance Program: [www.plia.wa.gov/technical-assistance-program/](http://www.plia.wa.gov/technical-assistance-program/)
- Model Toxics Control Act: <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A.305>
- Department of Ecology: [www.ecology.wa.gov](http://www.ecology.wa.gov)
- Environmental Information Management Database:  
<https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database>
- ERTS: <https://ecology.wa.gov/Footer/Report-an-environmental-issue/Statewide-reporting-form-ERTS>



- Voluntary Cleanup Program: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>
- National Priorities List: <https://www.epa.gov/superfund/superfund-national-priorities-list-npl>