

WAC 374-80-040 Procedures. (1) **Application.** To request services under this program, an applicant must submit an application and agree to the terms specified by the agency.

(2) **Eligibility.**

(a) To be eligible to request services for a site under the technical assistance program, the applicant must demonstrate the following:

(i) A release from an eligible petroleum storage tank system is suspected or confirmed at the site;

(ii) The release has been reported to the department of ecology in accordance with WAC 173-340-310; and

(iii) The applicant is conducting or otherwise interested in conducting independent remedial actions at the site.

(b) An applicant that has received funding from the PLIA underground storage tank loan and grant program; the heating oil pollution liability insurance program; or the commercial underground storage tank reinsurance program is presumed eligible for the technical assistance program unless the agency or the department of ecology determines that the applicant does not have an eligible petroleum storage tank system.

(3) **Services.** The agency may provide the following advice and technical assistance under the program:

(a) Observe and/or interpret the results of site investigation including, but not limited to, sampling and testing, or other appropriate assessments conducted by the applicant;

(b) Provide technical assistance on how to meet the substantive requirements of MTCA;

(c) Review planned independent remedial actions for a site or property and provide written opinions on whether further remedial action is likely necessary to meet the substantive requirements of MTCA;

(d) Review completed independent remedial actions for a site or property and provide written opinions on whether further remedial action is necessary to meet the substantive requirements of MTCA;

(e) Work with the applicant to monitor progress towards milestones and provide written opinions upon request at each stage of cleanup; and

(f) Other appropriate activities approved by the director.

(4) The applicant may select an independent contractor to perform remedial actions at the site. The independent contractor is not to be considered for any purpose an employee or agent of PLIA. The applicant will enter into an agreement with the contractor regarding scope or extent of work and fees for services.

(5) **Sampling and testing protocols.** The agency will provide requested advice and technical assistance only if sampling and testing are performed in accordance with agency-approved methodology.

(6) **Rescinding opinions.** The agency may rescind any written opinion if the agency received information that conditions at the site changed or the site no longer meets the substantive requirements of MTCA.

(a) Where the issues are minor or administrative in nature, the agency will provide the applicant with written notice detailing the issues to be addressed. The applicant will have 60 days to respond to the agency with how the issues are addressed. If the issues are not addressed to PLIA's satisfaction, the agency may issue a letter rescinding the written opinion. PLIA will notify the department of ecology if PLIA rescinds a no further action opinion.

(b) Where the issues are substantive in nature, the agency may issue a letter rescinding the written opinion. PLIA will notify the department of ecology if PLIA rescinds a no further action opinion.

[Statutory Authority: RCW 70A.330.040 and chapter 70A.305 RCW. WSR 22-13-035, § 374-80-040, filed 6/6/22, effective 7/7/22. Statutory Authority: RCW 70.149.040. WSR 20-02-071, § 374-80-040, filed 12/26/19, effective 1/26/20. Statutory Authority: Chapter 70.148 RCW. WSR 03-06-015, § 374-80-040, filed 2/21/03, effective 3/24/03. Statutory Authority: Chapter 70.149 RCW. WSR 97-20-094, § 374-80-040, filed 9/29/97, effective 10/30/97.]