

WAC 374-80-040 Procedures. (1) **Application.** To receive advice and technical assistance under this program, a person who is conducting or otherwise interested in independent remedial actions where there is a suspected or confirmed release of petroleum or heating oil from a qualified petroleum storage tank system or a heating oil tank, must submit an application provided by the agency requesting advice and assistance and agreeing to the terms of the program.

(2) **Eligibility.** 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 are presumed eligible for the program unless a specific determination is made by PLIA or the department of ecology that the applicant does not have a qualified 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 sampling and testing, site characterization results, 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; and

(e) Other appropriate activities approved by the director.

(4) The applicant may select an independent contractor to perform site characterization, sampling and testing, or other remedial actions. 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, testing, and site characterization protocols.** The agency will provide requested advice and technical assistance only if sampling, testing, and site characterization are performed in accordance with protocols approved by the director.

(6) **Rescinding opinions.** The agency may rescind a no further action determination if PLIA's understanding of the conditions at the site change and 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 a notice of suspension detailing the issues to be addressed. The applicant will have sixty days to address the issues. If the issues are addressed to PLIA's satisfaction, the notice of suspension will be removed. If the issues are not addressed to PLIA's satisfaction, the agency will issue a letter rescinding the no further action determination. PLIA may notify the department of ecology of this action.

(b) Where the issues are substantive in nature, the agency will issue a letter rescinding the no further action determination. PLIA will notify the department of ecology of this action.

[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.]