

WAC 374-80-045 Environmental covenant. (1) **Consultation.** Where PLIA issues a written opinion under this program, and the remedial action requires an environmental covenant, PLIA must consult with and seek comment on the draft environmental covenant from a city or county department with land use planning authority for real property subject to the covenant. The consultation and opportunity for comment must take place before the property owner records the environmental covenant.

(2) **Periodic review.** Where PLIA has issued a written opinion under this program, and the remedial action requires an environmental covenant, PLIA must conduct a review of the effectiveness of the environmental covenant periodically. The agency must conduct the periodic review at least once every five years.

(3) **Violation.** If the terms of the environmental covenant are not complied with, the agency may rescind the no further action determination.

(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 must address the issues within sixty days. 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.

(4) **Termination.** If the conditions at the site requiring an environmental covenant no longer exist, the property owner may petition the agency to have the covenant terminated. PLIA will seek public comment on the proposed termination of the environmental covenant. If, after the public comment period, PLIA agrees to termination of the environmental covenant, the agency will seek termination by consent of the covenant.

(5) **Reimbursement.** The agency may recover costs related to environmental covenants from the applicant and/or the property owner. These costs are not covered by WAC 374-80-050.

[Statutory Authority: RCW 70.149.040. WSR 20-02-071, § 374-80-045, filed 12/26/19, effective 1/26/20.]