

WAC 374-90-130 Eligible and ineligible costs—Heating oil tanks.

(1) Program funding award must be used for improvements (e.g., heating oil tank) that have a useful life of at least 13 years.

(2) Loan funding. Eligible loan costs include, but are not limited to, the following:

(a) Remedial actions, including excavation, treatment, and/or removal and proper disposal of any soil or water contaminated by the petroleum release and proper disposal of heating oil tanks.

(b) Testing and assessments, including:

(i) Costs necessary to determine the nature and extent of the petroleum release.

(ii) Soil sampling, water sampling, soil vapor sampling, and testing to determine if cleanup standards are met.

(c) Replacement of some surface features, including surface asphalt and concrete, curbs or lanes, and stormwater drainage required by municipal law.

(d) Infrastructure upgrades, including:

(i) Replacement costs for a new heating oil tank that meets the current standards for such tanks, as specified in guidance policy.

(ii) Replacement of certain equipment related to the operation of the affected tank.

(e) Replacement of the heating oil tank and infrastructure with heating infrastructure including:

(i) Alternative energy heating systems.

(ii) Upgrades to existing home heating oil systems.

(f) Other costs included within an agency-approved scope of work.

(3) Grant funding. Eligible grant costs include, but are not limited to, the following:

(a) Remedial actions, including excavation, treatment, and/or removal and proper disposal of any soil or water contaminated by the petroleum release and proper disposal of heating oil tanks.

(b) Testing and assessments, including:

(i) Costs necessary to determine the nature and extent of the petroleum release.

(ii) Soil sampling, water sampling, soil vapor sampling, and testing to determine if cleanup standards are met.

(c) Replacement of some surface features, including surface asphalt and concrete, curbs or lanes, and stormwater drainage as required by municipal law.

(d) Other costs included within an agency-approved scope of work.

(4) Loan or grant funding. Ineligible costs will not be paid with program funds. The program is not responsible for paying any ineligible costs incurred by the participant. Ineligible costs include, but are not limited to, the following:

(a) Costs covered by other valid insurance or warranties.

(b) Remedial action that exceeds cleanup levels required by the agency or MTCA.

(c) Remedial action to address a release or damage to a heating oil tank or its system or surrounding property caused by the owner or operator, the owner/operator's contractor, or the prime consultant.

(d) Replacement of tanks that were decommissioned, temporarily out of service, or abandoned at the time of a release of petroleum.

(e) Any legal costs, including the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions.

(f) Costs not included in an agency-approved scope of work.

- (g) Costs incurred by the participant after the date the participant received a termination letter.
- (h) Temporary heat restoration.
- (i) Business related expenses, including:
 - (i) Costs needed to develop the application package.
 - (ii) Costs for a business to remain operational during remedial activities.
 - (iii) Costs for lost revenue.
 - (iv) Retroactive costs.

[Statutory Authority: RCW 70A.345.030. WSR 25-02-047, s 374-90-130, filed 12/20/24, effective 1/20/25.]