

**RCW 70A.388.090 Financial assurance—Generally.** (1) In making the determination of the appropriate level of financial assurance, the secretary shall consider: (a) Any report prepared by the department of ecology pursuant to RCW 70A.384.090; (b) the potential cost of decontamination, treatment, disposal, decommissioning, and cleanup of facilities or equipment; (c) federal cleanup and decommissioning requirements; and (d) the legal defense cost, if any, that might be paid from the required financial assurance.

(2) The secretary may establish different levels of required financial assurance for various classes of permit or license holders.

(3) The secretary shall establish by rule the instruments or mechanisms by which a person may demonstrate financial assurance as required by RCW 70A.388.080.

(4) To the extent that money in the site closure account together with the amount of money identified for repayment to the site closure account pursuant to RCW 70A.384.050 equals or exceeds the cost estimate approved by the department of health for closure and decommissioning of the commercial low-level radioactive waste disposal facility, the money in the site closure account together with the amount of money identified for repayment to the site closure account shall constitute adequate financial assurance for purposes of the department of health financial assurance requirements under RCW 70A.388.080. [2020 c 20 § 1266; 2012 c 19 § 11; 2003 1st sp.s. c 21 § 2; 1992 c 61 § 4; 1990 c 82 § 3. Formerly RCW 70.98.098.]

**Effective date—2012 c 19:** See note following RCW 70A.384.010.