

**RCW 70A.545.010 Definitions. (Expires July 1, 2030.)** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the pollution liability insurance agency.

(2) "Annual aggregate" means the maximum amount of money the program will pay for all of an owner's or operator's eligible costs associated with a petroleum underground storage tank in one year.

(3) "Bodily injury" means actual medically documented costs and medically documentable future costs of adverse health effects that have resulted from exposure to a release from a petroleum underground storage tank. The term does not include pain and suffering.

(4) "Director" means the director or designee of the state pollution liability insurance agency.

(5) "Loss declaration form" means a request for payment from the state financial assurance program filed by the owner or operator.

(6) "Loss reserve" means the amount set aside by the agency for cost and expenses related to requests that have been made by an owner or operator.

(7) "Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a release from a petroleum underground storage tank.

(8) "Operator" means a person in control of, or having responsibility for, the daily operation of a petroleum underground storage tank.

(9) "Owner" means a person who owns a petroleum underground storage tank.

(10) "Per occurrence" means the period of time from identification through remediation of a release from a petroleum underground storage tank.

(11) "Petroleum" means any petroleum-based substance, including crude oil or any fraction that is liquid at standard conditions of temperature and pressure. "Petroleum" includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, used oils, and heating oils. The term does not include propane, asphalt, or any other petroleum product that is not liquid at standard conditions of temperature and pressure. Standard conditions of temperature and pressure are at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute.

(12) "Petroleum underground storage tank" means an underground storage tank system regulated under chapter 70A.355 RCW or subtitle I of the solid waste disposal act (42 U.S.C. chapter 82, subchapter IX) that is used for storing petroleum.

(13) "Petroleum underground storage tank facility" means the location where the petroleum underground storage tank is located. The term encompasses all real property under common ownership associated with the operation of the petroleum underground storage tank.

(14) "Program" means the state financial assurance program created in this chapter.

(15) "Property damage" means a documented adverse physical impact to structures or property as a result of a release from a petroleum underground storage tank.

(16) "Release" has the same meaning as defined in RCW 70A.305.020.

(17) "Remedial action" has the same meaning as defined in RCW 70A.305.020.

(18) "Surplus reserve" means the amount set aside by the agency to provide financial protection from unexpected losses.

(19) "Third-party claim" means a civil action brought or asserted by an injured party against an owner or operator of a petroleum underground storage tank for bodily injury or property damages resulting from a release from a petroleum underground storage tank. The following entities are not considered a third party: A petroleum underground storage tank owner or operator; the owner of the property where the petroleum underground storage tank is located; a person to whom properties are transferred in anticipation of damage due to a release; employees or agents of an owner or operator; or employees or agents of the property owner. [2023 c 170 s 2.]