

WAC 374-70-060 Coverage. (1) The effective date of coverage under the heating oil pollution liability insurance program is January 1, 1996. Corrective action for an accidental release occurring prior to this effective date will not be covered under the program.

(2) The heating oil pollution liability insurance program provides coverage for corrective action costs up to \$60,000 per occurrence, per site, per year, exclusive of other valid insurance or warranties.

(3) Corrective action costs covered under the heating oil pollution liability insurance program include:

(a) Corrective action if the accidental release occurs after the registration of a heating oil tank;

(b) Actions necessary to determine the extent and severity of an accidental release;

(c) Costs, not to exceed \$60,000 per occurrence, per site, per year;

(d) Costs in excess of other valid insurance or warranties;

(e) Third-party property damage restoration, including landscaping, limited to \$1,500 for each third-party claimant per occurrence, per site, per year;

(f) Excavation, treatment and/or removal and proper disposal of any soil or water contaminated by the accidental release and proper disposal of nonrepairable heating oil tank or tanks;

(g) Required soil and water sampling and testing to determine if corrective action standards have been met; and

(h) Reimbursement of new tank replacement costs in accordance with RCW 70A.330.100.

(4) Corrective action costs not covered under the heating oil pollution liability insurance program include:

(a) Corrective action if the accidental release occurred prior to the registration of a heating oil tank;

(b) Costs covered by other valid insurance or warranties;

(c) Costs in excess of \$60,000 per occurrence, per site, per year, exclusive of other valid insurance or warranties;

(d) Cleanup of contamination from other sources;

(e) Removal, repair or replacement of the heating oil tank, lines, or furnace, except reimbursement of new tank replacement costs in accordance with RCW 70A.330.100;

(f) Emergency heat restoration procedures;

(g) Cleanup of a site beyond the MTCA cleanup levels;

(h) Corrective action associated with an abandoned or decommissioned heating oil tank or site;

(i) Corrective action to address releases or damage to the heating oil tank or its system or surrounding property caused by a service provider or contractor;

(j) Corrective action performed by a service provider whose principal is also the named property owner of the registered heating oil tank;

(k) Costs associated with landscaping and surface restoration in excess of previous conditions for the property of the named insured;

(l) Costs associated with property restoration that are not deemed essential to personal safety or are in excess of previous conditions at the site;

(m) Third-party property damage restoration, including landscaping, in excess of \$1,500 for each third-party claimant per occurrence, per site, per year; and

(n) Defense costs, including the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

(i) The United States, the state of Washington, or a political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or

(ii) A third party for bodily injury or property damage caused by an accidental release.

(5) If a claim exceeds \$60,000 in total damages, coverage within the \$60,000 policy limit shall be on a pro rata basis between the insured heating oil tank owner and third-party claimant(s).

(6) A claim will be accepted for coverage only after the named insured provides PLIA with documentation which confirms the existence of an accidental release which is eligible for coverage under these rules. PLIA reserves the right to perform an investigation including, but not limited to, soil sample testing, to confirm a release.

[Statutory Authority: RCW 70A.330.040. WSR 23-05-006, § 374-70-060, filed 2/2/23, effective 3/5/23. Statutory Authority: RCW 70A.01.010 and 70A.01.020. WSR 22-01-069, § 374-70-060, filed 12/9/21, effective 1/9/22. Statutory Authority: RCW 70.149.040. WSR 08-20-013, § 374-70-060, filed 9/18/08, effective 1/1/09. Statutory Authority: Chapter 70.149 RCW. WSR 97-06-080, § 374-70-060, filed 3/3/97, effective 4/3/97; WSR 96-01-101, § 374-70-060, filed 12/19/95, effective 1/19/96.]