

RCW 70A.545.040 Return of payments to agency. (Expires July 1, 2030.) (1) The agency may require an owner or operator to return any cost overpayment made by the agency under this chapter. If the cost overpayment is not returned upon request by the agency:

(a) The agency may file a lien on the petroleum underground storage tank facility or other property owned by the owner or operator under RCW 70A.545.070 to recover the cost overpayment; and

(b) The attorney general, at the request of the agency, may commence a civil action against the owner or operator in superior court to recover the cost overpayment and the agency's administrative and legal expenses to recover the cost overpayment.

(2) The agency may require an owner or operator to return any cost payment made by the agency under this chapter if the owner or operator misrepresents or omits a fact relevant to a determination made by the agency under this chapter or if the owner or operator fails to complete the remedial action that the agency determined at the time of the cost payment to be necessary to adequately address the release. If the cost payment is not returned as required by the agency:

(a) The agency may file a lien on the petroleum underground storage tank facility or other property owned by the owner or operator under RCW 70A.545.070 to recover the cost payment; and

(b) The attorney general, at the request of the agency, may commence a civil action against the owner or operator in superior court to recover:

(i) The cost payment;

(ii) A civil penalty as determined by the court up to the full amount of the cost payment, if the agency's repayment request is based on willful actions of the owner or operator; and

(iii) The agency's administrative and legal expenses to recover the cost payment.

(3) If a person, with intent to defraud, submits a loss declaration form, or issues an invoice or other demand for payment under this chapter with knowledge that it is false in whole or in part, and with knowledge that it is being submitted to the agency for cost payment, the agency may require that the person return any cost payment received based on the false loss declaration form, invoice, or other demand for payment. If the cost payment is not returned as required by the agency:

(a) The agency may file a lien on the petroleum underground storage tank facility or other property owned by the owner or operator under RCW 70A.545.070 to recover the cost payment; and

(b) The attorney general, at the request of the agency, may commence a civil action against the person in superior court to recover:

(i) The cost payment;

(ii) A civil penalty as determined by the court up to the full amount of the cost payment; and

(iii) The agency's administrative and legal expenses to recover the cost payment. [2023 c 170 § 5.]