

WAC 374-70-050 Eligibility. Owners and operators of heating oil tanks in the state of Washington are eligible for coverage under the heating oil pollution liability insurance program.

(1) Participation in the heating oil pollution liability insurance program is optional for heating oil tank owners. If a heating oil tank owner wishes to participate in the heating oil pollution liability insurance program, the heating oil tank owner must register the heating oil tank by submitting to PLIA a completed registration form to be provided by PLIA.

(2) Abandoned or decommissioned heating oil tanks are not eligible for coverage under the heating oil pollution liability insurance program, except as described in WAC 374-70-080(4) and 374-70-090(4).

(3) Registration in the heating oil pollution liability insurance program must be in the name of the current owner of the property where the registered heating oil tank is located. In the event of a property transfer, the new property owner must submit a new registration form within one hundred eighty calendar days of the property transfer in order to avoid a lapse in coverage from the prior registered owner. The date of the property transfer will be considered the first day of the one hundred eighty calendar days. If the new owner does not register within one hundred eighty calendar days, the registration will be considered a new registration and coverage will start on the date the registration was received. Property transfers include, but are not limited to, sales, gifting, and inheritances. If a claim for coverage under WAC 374-70-080 or 374-70-090 is submitted within one hundred eighty calendar days after the property is transferred, and before the new owner has submitted a new registration, the new owner will be deemed to be the named insured for the purposes of this chapter.

(4) PLIA reserves the right to perform an independent investigation to verify the eligibility of a heating oil tank. All investigative costs will be the responsibility of PLIA.

(5) Accidental releases occurring prior to heating oil tank registration are not eligible for coverage under the heating oil pollution liability insurance program.

(6) Owners and operators of heating oil tanks, or sites containing heating oil tanks where an accidental release has been identified or where the owner or operator knows of an accidental release prior to heating oil tank registration are eligible for coverage under the heating oil pollution liability insurance program; however, if the owner or operator files a claim with PLIA, the owner or operator has the burden of proving, to the satisfaction of the director, that the claim is not related to an accidental release occurring prior to the heating oil tank registration.

[Statutory Authority: RCW 70.149.040. WSR 08-20-013, § 374-70-050, filed 9/18/08, effective 1/1/09. Statutory Authority: Chapter 70.149 RCW. WSR 96-01-101, § 374-70-050, filed 12/19/95, effective 1/19/96.]