

**WAC 374-10-020 Definitions.** Unless the context requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Agency" means the Washington state pollution liability insurance agency and may be referred to as PLIA throughout this chapter. For purposes of chapter 70A.545 RCW, agency or PLIA shall also mean staff or employees of the pollution liability insurance agency.

(2) "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.

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

(4) "Enrollment" or "enrolled" means the status of a petroleum underground storage tank where it has been accepted by the agency into the state financial assurance program, the enrollment agreement has been signed and payment for the program has been made by the owner or operator of the eligible petroleum underground storage tank.

(5) "Facility" means the property where the enrolled tank is located, including any infrastructure within that property. For purposes of this program, facility does not have the same meaning as WAC 173-340-200.

(6) "Facility assessment" means an evaluation of a petroleum underground storage tank, its system, or the facility.

(7) "Financial assurance request" means a request for payment from the state financial assurance program filed by an owner or operator of an enrolled petroleum underground storage tank.

(8) "MTCA" means the Model Toxics Control Act (chapter 70A.305 RCW).

(9) "Online community" means the cloud-based application and data system used by the agency to submit documentation and to report, process, and look up project information.

(10) "Owner or operator" means the entity in control of, or having a responsibility for, the daily operation of 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, and used 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 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. This includes tanks owned or operated on property under the direct jurisdiction of either the federal government or governments other nonstate regulating agency. This term does not include any:

(a) Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

(b) Tank used for storing heating oil for consumptive use on the premises where stored;

(c) Septic tank;

- (d) Pipeline facility (including gathering lines):
  - (i) Which is regulated under 49 U.S.C. chapter 601; or
  - (ii) Which is an intrastate pipeline facility regulated under state laws as provided in 49 U.S.C. chapter 601, and which is determined by the Secretary of Transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;
  - (e) Surface impoundment, pit, pond, or lagoon;
  - (f) Storm water or wastewater collection system;
  - (g) Flow-through process tank;
  - (h) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;
  - (i) Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor;
  - (j) Tank owned by the federal government or located on a federal military installation or federal military base; or
  - (k) Tank located within the Hanford Site.

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

(14) "Petroleum underground storage tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

(15) "Prime consultant" means an environmental consultant or business contracted by the agency to perform remediation under the program.

(16) "Program" means the state financial assurance program established by chapter 70A.545 RCW.

(17) "Property damage" means a documented adverse physical impact to structures or property resulting from a release from a petroleum underground storage tank. The term does not include business income whose loss is related to the petroleum release or remediation activities.

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

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

(20) "Site" has the same meaning as "facility" as defined in RCW 70A.305.020.

(21) "Third-party claim" means a claim for funds from the program by an injured party for bodily injury or property damages resulting from a release from an enrolled petroleum underground storage tank. The following entities are not considered a third party: A petroleum underground storage tank owner or operator from which the release occurred; 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 the operator; or employees or agents of the property owner.

[Statutory Authority: RCW 70A.545.100(1). WSR 24-18-050, § 374-10-020, filed 8/27/24, effective 9/27/24.]