

RCW 70A.545.020 State financial assurance program. (Expires July 1, 2030.)

(1) The agency must establish and administer a state financial assurance program for owners and operators of petroleum underground storage tanks that meets the financial responsibility requirements established under chapter 70A.355 RCW.

(2) To participate in the program, an owner or operator must register a petroleum underground storage tank in accordance with procedures established by the agency and maintain compliance with the program eligibility requirements established by the agency. The agency may remove from the program any owner or operator who fails to maintain compliance with the program eligibility requirements.

(3) The agency may conduct an assessment of a registered petroleum underground storage tank facility and any release from the petroleum underground storage tank to determine program or cost eligibility. If an owner or operator does not allow an assessment, the agency may remove the owner or operator from the program or deny requests for payment under the program.

(4) Under the program, the agency may provide an eligible owner or operator of a registered petroleum underground storage tank the following financial assurances:

(a) For releases occurring after tank registration, up to \$2,000,000 per occurrence for taking remedial action and for compensating third parties for bodily injury and property damage caused by the release during the time the tank is registered by the owner or operator; and

(b) For releases occurring prior to tank registration, up to \$1,000,000 per occurrence for taking remedial action.

(5) Under the program, the agency may not expend more than \$3,000,000 per state fiscal year for multiple occurrences involving a single petroleum underground storage tank.

(6) The agency may prioritize funding for a release under the program based on the following factors:

(a) The threats posed by the release to human health and the environment;

(b) Whether the population threatened by the release may include a vulnerable population or an overburdened community as defined in RCW 70A.02.010; and

(c) Other factors specified by the agency.

(7) Claims for remedial action costs will receive priority over payment of a third-party claim. Before funding any third-party claim resulting from a release under the program, the agency must reserve the estimated cost of any remedial actions necessary to address the release, and if funding is remaining then payment may be made on an eligible third-party claim.

(8) Funding for remedial actions and third-party claims under the program is limited to the reasonable and necessary eligible costs established by the agency.

(a) For remedial actions, the agency may establish a range of eligible costs or base payment of eligible costs on criteria to be met by persons who contract to perform remedial actions.

(b) The agency is not liable for any costs for remedial actions or third-party claims under the program where no owner or operator exists.

(9) The agency may require an agency representative to be present during the removal of a registered petroleum underground storage tank. If an owner or operator does not allow an agency representative to be present during the removal or does not comply with procedures

established by the agency, the agency may deny requests for payment of tank removal costs under the program. [2023 c 170 § 3.]