

WSR 23-22-072  
PREPROPOSAL STATEMENT OF INQUIRY  
POLLUTION LIABILITY  
INSURANCE AGENCY

[Filed October 26, 2023, 10:26 a.m.]

Subject of Possible Rule Making: The pollution liability insurance agency (PLIA) proposes to adopt a new rule, chapter 374-10 WAC, pursuant to the authority established under chapter 70A.545 RCW. The new rule will establish the state financial assurance program and include the following:

- Program eligibility and enrollment requirements;
- Coverage and payment limits;
- PLIA lien and cost recovery authority;
- Fraud provisions;
- Review of agency decisions;
- Service provider requirements and procedures; and
- Program reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.545.100(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington's legislature directed PLIA to create and administer a state financial assurance program that: (1) Adequately protects public health and safety and the environment from impacts due to petroleum underground storage tank system releases; and (2) meets the federal requirements for financial assurance so that a petroleum release will be appropriately addressed. The program focuses on prevention of releases, responsiveness to any release, and emphasizes remediation of releases in areas of risk for drinking water impacts or to equitably protect human health and the environment in communities that are marginalized, overburdened, and underserved.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PLIA will administer the state financial assurance program to ensure that cleanup from petroleum releases meet the substantive requirements of the Model Toxics Control Act, chapter 70A.305 RCW and chapter 173-340 WAC.

Process for Developing New Rule: PLIA will follow the standard process for the adoption of rules under the Administrative Procedure Act, chapter 34.05 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phi Ly, P.O. Box 40930, Olympia, WA 98504, phone 800-822-3905, TTY 800-833-6388, email rules@pia.wa.gov, website www.pia.wa.gov.

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