



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Pollution Liability Insurance Agency

Subject of possible rule making:

The Pollution Liability Insurance Agency (PLIA) proposes to amend Chapter 374-80 WAC to expand the program for providing technical assistance to the owners and operators of petroleum storage tanks. See Attachment A.

Statutes authorizing the agency to adopt rules on this subject:

RCW 70.149.040(5), (9); Chapter 23, section 7, Laws of 2017

Reasons why rules on this subject may be needed and what they might accomplish:

In 2017, Washington's Legislature adopted a bill which revised RCW 70.149 to expand the advice and technical assistance provided by PLIA and add additional responsibilities to the agency's work. See Attachment B.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

PLIA will provide advice and technical assistance to owners and operators of petroleum storage tanks identified by the Washington State Department of Ecology based on the relative risk posed to human health and the environment by the release. The Department of Ecology also regulates cleanup of hazardous waste sites under the Model Toxics Control Act. Because the Department of Ecology may be impacted by PLIA's work in these areas, throughout the rulemaking process PLIA will communicate with, and seek input from, the Department of Ecology.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

X Other (describe) PLIA will follow the standard process for the adoption of rules under the Administrative Procedure Act (RCW 34.05).

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested parties can participate by:

1. Accessing a webpage where PLIA posts updates.
2. Contacting the PLIA staff at: rules@plia.wa.gov or 1-800-822-3905
3. Participating in a public meeting(s) during development of the rule proposal.

DATE
August 1, 2017

NAME (TYPE OR PRINT)
Cassandra Garcia

SIGNATURE


TITLE
Deputy Director

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 01, 2017

TIME: 12:37 PM

WSR 17-16-144

Attachment A

The amendment to WAC 374-80 will expand the scope of advice and technical assistance provided by PLIA to include petroleum storage tanks identified by the Department of Ecology. The rule amendment will also clarify the process for the owner or operator of a heating oil tank to notify PLIA of suspected or confirmed releases; detail how PLIA will conduct an initial investigation of a heating oil tank release; describe the use of environmental covenants where PLIA is the holder; and identify the process by which PLIA will issue an opinion on whether independent remedial actions to address a release from a heating oil tank or a petroleum storage tank meets the substantive requirements of the Model Toxics Control Act.

August 1, 2017

Attachment B

Consistent with the directive from the Legislature, PLIA is using its authority to amend its existing rule to expand the scope of advice and technical assistance provided by PLIA to include petroleum storage tanks identified by the Department of Ecology; clarify the process for the owner or operator of a heating oil tank to notify PLIA of suspected or confirmed releases; detail how PLIA will conduct an initial investigation of a heating oil tank release; describe the use of environmental covenants where PLIA is the holder; and identify the process by which PLIA will issue an opinion on whether independent remedial actions to address a release from a heating oil tank or a petroleum storage tank meets the substantive requirements of the Model Toxics Control Act.