



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Pollution Liability Insurance Agency (PLIA)

Title of rule and other identifying information: (Describe Subject)

PLIA proposes to repeal chapter 374-60 WAC, the underground storage tank community assistance program, to correspond with the repeal of the statutes upon which it was based.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Cassandra Garcia

Agency: WA State Pollution Liability Agency

Address: PO Box 40930, Olympia, WA 98504

AND RECEIVED BY October 2, 2017

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

PLIA intends to repeal chapter 374-60 WAC to be consistent with the 2016 legislation (SHB 2357, section 24, chapter 161, Laws of 2016) which repealed PLIA's statutory authority in chapter 70.148 RCW. PLIA's proposed rulemaking will align the agency's rule with the change in state law. SHB 2357 became effective on June 9, 2016 at which time Chapter 374-60 WAC also became ineffective. See Attachment A.

Reasons supporting proposal:

Expedited repeal of rules is authorized by RCW 34.05.353(2)(a), as the statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule. The statutory authority for the underground storage tank community assistance program was established in Chapter 70.148 RCW. This authority was repealed by section 24, chapter 161, Laws of 2016. As PLIA no longer has statutory authority to implement the program, the rule should be repealed.

Statutory authority for adoption: RCW 70.148.120; RCW 70.148.130; RCW 70.148.140; RCW 70.148.150; RCW 70.148.160; RCW 70.148.170; section 24, chapter 161, Laws of 2016.

Statute being implemented: RCW 70.148.120; RCW 70.148.130; RCW 70.148.140; RCW 70.148.150; RCW 70.148.160; RCW 70.148.170; section 24, chapter 161, Laws of 2016.

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 01, 2017

TIME: 12:55 PM

WSR 17-16-147

DATE

August 1, 2017

NAME (TYPE OR PRINT)

Cassandra Garcia

SIGNATURE

TITLE

Deputy Director

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization) WA State Pollution Liability Insurance Agency

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Cassandra Garcia	Lacey, WA	(360)407-0512
Implementation....Cassandra Garcia	Lacey, WA	(360)407-0512
Enforcement.....		()

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

August 1, 2017

Attachment A

Chapter 374-60 WAC established the underground storage tank community assistance program, which awarded grants to qualifying privately owned and operated sources of petroleum products, local government entities, and rural hospitals which met vital government, public health, education, recreation, or safety needs. The grants were used for replacement or upgrading and, if required, clean up of underground petroleum storage tank sites.

In 2016, the Legislature repealed the statute which authorized the program: RCW 70.148.120 (Financial assistance for corrective actions in small communities – Intent); RCW 70.148.130 (Financial assistance – Criteria); RCW 70.148.140 (Financial assistance – Private owner or operator); RCW 70.148.150 (Financial assistance – Public owner or operator); RCW 70.148.160 (Financial assistance – Rural hospitals); and RCW 70.158.170 (Certification).