



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: January 05, 2022

TIME: 11:06 AM

WSR 22-02-070

**Agency:** Pollution Liability Insurance Agency

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** 20-07-029 ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_ ; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Chapter 374-45 WAC Reporting and Initial Investigations.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
February 9, 2022	11:30am-1:00pm	Virtual meeting.	<b>Meeting link can be found on PLIA's website:</b> <a href="http://www.plia.wa.gov">www.plia.wa.gov</a> .
February 10, 2022	11:30am-1:00pm	Virtual meeting.	

**Date of intended adoption:** March 12, 2022 (Note: This is NOT the effective date)

**Submit written comments to:**

Name: Phi Ly  
Address: PO Box 40930, Olympia, WA 98504-0930  
Email: rules@plia.wa.gov  
Fax:  
Other: 800-822-3905  
By (date) February 6, 2022

**Assistance for persons with disabilities:**

Contact Xyzlinda Marshall  
Phone: 360-407-0515  
Fax:  
TTY: 711 or 800-833-6388  
Email: rules@plia.wa.gov  
Other:  
By (date) February 6, 2022.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Pollution Liability Insurance Agency (PLIA) provides an effective and efficient government funding model to support owners and operators in meeting environmental cleanup requirements for releases from heating oil tanks.

Heating oil tank owners and operators are required to comply with the state's cleanup rules, the Model Toxics Control Act (MTCA), and the requirements established in Chapter 173-340 WAC when there is a suspected or known release from a heating oil tank. The proposed rules for Reporting and Initial Investigations codifies and provides the outline for reporting the release and conducting an initial investigation of the release.

This proposal does not require changes to existing rules found in Title 374 WAC Pollution Liability Insurance Agency.

**Reasons supporting proposal:** This chapter supports the state's cleanup rules by outlining the reporting and initial investigation requirements for heating oil tank owners and operators. This chapter also aligns with the purpose and authority of the agency's Advice and Technical Assistance Program and reflects existing process.

**Statutory authority for adoption:** RCW 70A.330.010 and RCW 70A.330.800.

**Statute being implemented:** N/A

**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:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) N/A

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Phi Ly	500 Columbia St NW, Olympia WA 98501	360-407-0517
Implementation:	Phi Ly	500 Columbia St NW, Olympia WA 98501	360-407-0517
Enforcement:	Phi Ly	500 Columbia St NW, Olympia WA 98501	360-407-0517

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:

TTY:  
Email:  
Other:

No: Please explain: Cost-benefit analysis is not required for an existing program. These proposed rules codify current program processes already established in interpretative guidance.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** January 5, 2022

**Name:** Phi Ly

**Title:** Legislative and Policy Manager

**Signature:**

