



PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 11, 2022

TIME: 2:17 PM

WSR 22-03-035

Agency: Pollution Liability Insurance Agency

Subject of possible rule making: The Pollution Liability Insurance Agency (PLIA) proposes to amend Chapter 374-70 WAC Heating Oil Pollution Liability Insurance Program to reflect statutory changes and to update how the agency administers the program.

Statutes authorizing the agency to adopt rules on this subject: RCW 70A.330.040

Reasons why rules on this subject may be needed and what they might accomplish: Under RCW 70A.330.040, Washington's Legislature authorized PLIA to establish the Heating Oil Pollution Liability Insurance Program to assist owners and operators of heating oil tanks. In 2020, the Legislature directed PLIA to transition the Heating Oil Insurance Program to the agency's Revolving Loan and Grant Program as described in Chapter 70A.345 RCW. PLIA has since made updates in how the Heating Oil Insurance Program is administered and requires these updates to be reflected in rules.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: PLIA provides advice and technical assistance to heating oil tank owners with a confirmed release as well as pay the cleanup costs for program registrants. PLIA's services ensure that cleanup efforts meet the substantive requirements of the Model Toxics Control Act, Chapter 70A.305 RCW and Chapter 173-340 WAC. The Department of Ecology regulates and enforces cleanup of hazardous waste sites such as heating oil contamination. PLIA will communicate with and inform The Department of Ecology of potential impacts.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) PLIA will follow the standard process for the adoption of rules under the Administrative Procedure Act (RCW 34.05).


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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(If necessary)

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Additional comments:

Date: January 11, 2022	Signature: 
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