



Pollution Liability Insurance Agency

Proposed Rulemaking

The Pollution Liability Insurance Agency (PLIA) is conducting rulemaking on [Chapter 374-80 WAC Advice and Technical Assistance Program](#). The Advice and Technical Assistance Program (TAP) provides informal advice and technical review of proposed or completed independent cleanup work on releases from petroleum gasoline-diesel tank systems or heating oil tank systems.

Program details can be found in the TAP Guidance Document on PLIA's website at www.plia.wa.gov.

Public comment sessions will be held virtually by Zoom with links available on PLIA's rulemaking webpage. These sessions are open to the public, and there is no charge for attending or linking to Zoom.

Sessions are scheduled for:

- May 11, 2022, 11:30am – 1:00pm
- May 18, 2022, 3:30pm – 5:30pm
- May 24, 2022, 11:30am – 1:30pm

PLIA also accepts written public comments which can be sent by email to: rules@plia.wa.gov. Public comments are accepted until Friday, May 31, 2022, at 5:00pm.

The following **proposed changes** are intended to reflect current agency processes and procedures.

WAC 374-80-010 Authority and purpose.

- The term “qualified petroleum storage tank system” is replaced and referenced as “eligible storage tank system” throughout the chapter.

WAC 374-80-020 Definitions.

- (4) “Applicant” is updated to “party” to be inclusive of non-person site owners and operators.
- (7) “Eligible petroleum storage tank” is added to include heating oil tanks.
- (13) The program name is defined as authorized under statute.
- (16) “Sampling and testing” is updated to be more inclusive.

WAC 374-80-040 Procedures.

- (1) Application.
 - Clarifies application process.
- (2) Eligibility.
 - Clarifies eligibility requirements for program services.
- (3) Services.
 - Expands the types of technical review and clarifies that agency opinions are written.
- (5) Sampling and Testing.
 - Clarifies that sampling and testing are performed in accordance with agency approved methodology.



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- (6) Rescinding Opinions.
 - Clarifies that PLIA may rescind any written opinion if PLIA receives information that conditions at the site have changed.
 - Clarifies that PLIA will provide written notice of issues and provides an applicant the opportunity to address issues.
 - Clarifies that PLIA will notify the Department of Ecology if a No Further Action opinion is rescinded.

WAC 374-80-045 Environmental covenant.

- Clarifies the environmental covenant requirements.

WAC 374-80-050 Reimbursement

- (2) Updates to the program fee may be adjusted and are based on the agency's cost recovery. Fees are posted to the agency's website and Guidance in July of each year.
- (5) Clarifies that unless PLIA determines that the applicant has an ineligible tank system after enrollment the program fee is non-refundable.

WAC 374-80-060 Liability.

- Section (1): "Heating oil tank owner or operator" is changed to "applicant".

WAC 374-80-070 Termination

- New section that outlines the conditions of program termination.

For questions about rulemaking please contact:

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To request materials in an alternative format, call PLIA at 360-407-0520. Relay Service 711, or TTY at 1-800-833-6388.