



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 25, 2022

TIME: 2:05 PM

WSR 22-08-021

Agency: Pollution Liability Insurance Agency

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-21-030 ; 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 374-80 WAC Advice and Technical Assistance Program.

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|--------------|----------------|-------------------------|--|
| May 11, 2022 | 11:30am-1:00pm | Virtual meeting. | Meeting link can be found on PLIA's website: www.plia.wa.gov |
| May 18, 2022 | 3:30pm-5:30pm | Virtual meeting. | |
| May 24, 2022 | 11:30am-1:30pm | Virtual meeting. | |

Date of intended adoption: June 3, 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:

By (date) May 31, 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) May 25, 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 financial responsibility and environmental cleanup requirements for underground storage tanks.

Under this program, the agency provides advice and technical assistance regarding a completed or proposed independent remedial action and application of chapters 70A.330 and 70A.305 RCW. The proposed changes to the rule language clarify program procedures for administering the program that include: (1) program eligibility, (2) services, (3) conditions when an opinion would be rescinded and (4) program termination.

Reasons supporting proposal: This chapter supports the state's cleanup rules by providing advice and technical assistance to owners and operators who are conducting independent cleanups of petroleum releases. The amended rule clarifies the process, procedures, and guidelines for how PLIA operates the program.

Statutory authority for adoption: RCW 70A.330.040 and chapter 70A.305 RCW.

Statute being implemented: N/A

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

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

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

Private

Public

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.

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)(e)
(Dictated by statute)

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

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

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

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: March 25, 2022

Name: Phi Ly

Title: Legislative and Policy Manager

Signature:

