
SENATE BILL 5328

State of Washington

60th Legislature

2007 Regular Session

By Senator Jacobsen

Read first time 01/17/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to preventing the release of petroleum products
2 into the environment; amending RCW 70.148.020; adding a new section to
3 chapter 70.148 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that protecting
6 the environment and human health and safety is a fundamental purpose of
7 government. To support this purpose the state has enacted laws
8 designed to limit and prevent environmental damage and risk to the
9 public health and safety caused by petroleum products being released
10 into the environment via storm water drains that are not constructed
11 properly so as to contain spills and prevent release of these products
12 into the environment. Damage caused by small spills to the environment
13 is often nearly irreversible and the cost to taxpayers to clean up and
14 remediate damage is extensive. Therefore, the legislature intends to
15 develop a financial assistance program to help prevent the release of
16 petroleum products into the environment by reconstructing storm water
17 drains and oil water separators at local gas stations.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.148 RCW
2 to read as follows:

3 (1) The director shall establish and manage a program for providing
4 financial assistance to public and private owners and operators of an
5 underground storage tank, whose on-site storm water drain and oil water
6 separator are of insufficient size and design to meet local
7 regulations. In order to implement the program, the director shall:

8 (a) Require owners and operators who are currently exempt from
9 meeting or are failing to meet local storm water drain regulations to
10 demonstrate financial need;

11 (b) Consult with the department of ecology and appropriate local
12 government staff in approving financial assistance for corrective
13 action to ensure compliance with regulations governing storm water
14 drains and oil water separators; and

15 (c) Approve or disapprove applications for financial assistance
16 within sixty days of receipt of a completed application that meets all
17 requirements as designated by statute or rule.

18 (2) The director may adopt all rules necessary to implement the
19 financial assistance program.

20 (3) No grant of financial assistance may be used for any purpose
21 other than for corrective action and repair, replacement,
22 reconstruction, or improvement of a storm water drain vault or oil
23 water separator. The director shall contract directly with a qualified
24 contractor for the work performed on either a storm water drain or
25 water oil separator, or both.

26 **Sec. 3.** RCW 70.148.020 and 2006 c 276 s 1 are each amended to read
27 as follows:

28 (1) The pollution liability insurance program trust account is
29 established in the custody of the state treasurer. All funds
30 appropriated for this chapter and all premiums collected for
31 reinsurance shall be deposited in the account. Expenditures from the
32 account shall be used exclusively for the purposes of this chapter
33 including payment of costs of administering the pollution liability
34 insurance, storm water drain and oil water separator, and underground
35 storage tank community assistance programs. Expenditures for payment
36 of administrative and operating costs of the agency are subject to the

1 allotment procedures under chapter 43.88 RCW and may be made only after
2 appropriation by statute. No appropriation is required for other
3 expenditures from the account.

4 (2) Each calendar quarter, the director shall report to the
5 insurance commissioner the loss and surplus reserves required for the
6 calendar quarter. The director shall notify the department of revenue
7 of this amount by the fifteenth day of each calendar quarter.

8 (3) Each calendar quarter the director shall determine the amount
9 of reserves necessary to fund commitments made to provide financial
10 assistance under RCW 70.148.130 to the extent that the financial
11 assistance reserves do not jeopardize the operations and liabilities of
12 the pollution liability insurance program. The director shall notify
13 the department of revenue of this amount by the fifteenth day of each
14 calendar quarter. The director may immediately establish an initial
15 financial assistance reserve of five million dollars from available
16 revenues. The director may not expend more than fifteen million
17 dollars for the financial assistance program.

18 (4) During the 2005-2007 fiscal biennium, the legislature may
19 transfer from the pollution liability insurance program trust account
20 to the state general fund such amounts as reflect the excess fund
21 balance of the account.

22 (5) This section expires June 1, 2013.

--- END ---