

WAC 173-360A-1015 Scope and amount of financial responsibility.

(1) **Scope.** Owners or operators of underground storage tanks must demonstrate financial responsibility for taking remedial action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of underground storage tanks.

(2) **Amount.**

(a) **Per occurrence amounts.** Owners or operators of underground storage tanks must demonstrate financial responsibility for the types of coverage specified in subsection (1) of this section in at least the following per-occurrence amounts:

(i) For owners or operators of underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than ten thousand gallons of regulated substances per month based on annual throughput for the previous calendar year, one million dollars; and

(ii) For all other owners or operators of underground storage tanks, five hundred thousand dollars.

(b) **Annual aggregate amounts.** Owners or operators of underground storage tanks must demonstrate financial responsibility for the types of coverage specified in subsection (1) of this section in at least the following annual aggregate amounts:

(i) For owners or operators of one to one hundred underground storage tanks, one million dollars; and

(ii) For owners or operators of one hundred one or more underground storage tanks, two million dollars.

(c) **Use of separate mechanisms for different types of coverage.** Except as provided in (d) of this subsection, if the owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for the following, then the amount of assurance provided by each mechanism or combination of mechanisms must be in the full amount specified in (a) and (b) of this subsection:

(i) Taking remedial action;

(ii) Compensating third parties for bodily injury and property damage caused by sudden accidental releases; or

(iii) Compensating third parties for bodily injury and property damage caused by nonsudden accidental releases.

(d) **Use of separate mechanisms for different tanks.** If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different underground storage tanks, then the annual aggregate amount required must be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.

(e) **Review of aggregate amounts.** Owners or operators must review the amount of aggregate assurance provided whenever additional underground storage tanks are acquired or installed. If the number of underground storage tanks for which assurance must be provided exceeds one hundred, the owner or operator must demonstrate financial responsibility in the amount of at least two million dollars of annual aggregate assurance by the anniversary of the date on which the mechanism demonstrating financial responsibility became effective. If assurance is being demonstrated by a combination of mechanisms, the owner or operator must demonstrate financial responsibility in the amount of at least two million dollars of annual aggregate assurance by the first-occurring effective date anniversary of any one of the mecha-

nisms combined (other than a financial test or guarantee) to provide assurance.

(f) **Amounts exclude legal costs.** The amounts of assurance required under this section exclude legal defense costs.

(g) For the purposes of (b) and (e) of this subsection only, "an underground storage tank" means a single containment unit and does not mean combinations of single containment units.

(3) **Liability of owner or operator.** The scope and amount of required financial responsibility specified in subsections (1) and (2) of this section do not in any way limit the liability of the owner or operator.

[Statutory Authority: Chapter 90.76 RCW. WSR 18-15-083 (Order 16-02), § 173-360A-1015, filed 7/18/18, effective 10/1/18.]