AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-010 Applicability of this chapter. ((~~The requirements in~~)) (1) This chapter ((~~apply~~)) applies to all classes of oil handling facilities. This includes transfer operations involving any size nonrecreational vessel.

(2) This chapter does not apply to vacuum trucks when used to remove waste oil, bilge slops, contaminated ballast or fuel, or excess fuels for shoreside disposal.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-015 Purpose. This chapter establishes minimum standards for safe oil transfer operations to meet a zero spill goal established by the legislature. This chapter emphasizes:

(1) Using a scaled approach to protect people and the environment;

(2) Preventing oil spills from occurring and emphasizing that oil spill prevention is the top priority strategy for reaching the legislature's goal of zero spills;

(3) Providing improved protection of Washington waters and natural resources from the impacts of oil spills caused by operational errors, human errors, and improper ((~~oil-handling~~)) oil handling equipment, design, and operations;

(4) Minimizing the size and impacts of those oil spills which do occur; and

(5) Facilitating coordination of local, state, regional, tribal, and other prevention and contingency plans.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-020 Authority. The legislature granted ecology the authority to adopt and enforce these rules under the following statutes:

(1) RCW 88.46.160 and 88.46.165 provide statutory authority for regulating the transfer of oil on or over waters of the state.

(2) RCW 90.56.220 provides statutory authority for developing equipment, operations, and design standards for the transfer, storage, and handling of oil to ensure best achievable protection and ((~~implementing~~)) to implement a compliance program established by this chapter.

(3) RCW 90.56.230 provides statutory authority for operations manual preparation and review requirements established by this chapter.

(4) RCW 90.56.220 provides statutory authority for the personnel training and certification requirements established by this chapter.

(5) RCW 90.56.200, 90.56.300, and 90.56.310 provide statutory authority for the prevention plan preparation and review requirements established by this chapter.

AMENDATORY SECTION (Amending WSR 07-22-119, filed 11/7/07, effective 12/8/07)

WAC 173-180-025 Definitions. (1) "American Petroleum Institute (API) gravity" is a measure of how heavy or light a petroleum liquid is compared to water.

(2) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection available. ((~~The director's~~)) Ecology's determination of best achievable protection must be guided by the critical need to protect the state's natural resources and waters, while considering:

(a) The additional protection provided by the measures((~~,~~));

(b) The technological achievability of the measures((~~,~~)); and

(c) The cost of the measures.

((~~(2)~~)) (3) "Best achievable technology" means the technology that provides the greatest degree of protection ((~~taking~~)). Ecology's determination of best achievable technology will take into consideration:

(a) Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; ((~~and~~))

(b) Processes that are currently in use((~~.~~)); and

(c) In determining what is best achievable technology ((~~is, the director~~)), ecology must consider the effectiveness, engineering feasibility, and commercial availability of the technology.

((~~(3) "Boatyard" means a Class 4 facility which builds, repairs, or refurbishes nonrecreational vessels under three hundred gross tons, regardless of fuel capacity.~~))

(4) "Boom" means flotation boom or other effective barrier containment material suitable for containment, protection, or recovery of oil that is discharged onto the surface of the water. Boom will be classified using criteria found in the ASTM International F 1523-94 (2018) and ASTM International ASTM F625/F625M-94 (2022), and the *Resource Typing Guidelines* found in the Worldwide Response Resource List (WRRL) user manual.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, ((~~three hundred~~)) 300 or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(7) "Certification" means the documentation that a facility employee has met all requirements of an oil transfer training and certification program that meets the requirements of this chapter.

(8) "Class 1 facility" means a facility as defined in RCW 90.56.010 as:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) ((~~A Class 1~~)) For the purposes of oil spill contingency planning in RCW 90.56.210, facility also means a railroad that is not owned by the state that transports oil as bulk cargo.

(c) Except as provided in (b) of this subsection, a facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter ((~~90.76~~)) 70A.355 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than ((~~three thousand~~)) 3,000 gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(9) "Class 2 facility" means a railroad car, motor vehicle, portable device or other rolling stock, while not transporting oil over the highways or rail lines of the state, used to transfer oil to a nonrecreational vessel.

(10) "Class 3 facility" means a structure that:

(a) Transfers oil to a nonrecreational vessel with a capacity of ((~~ten thousand five hundred~~)) 10,500 or more gallons of oil whether the vessel's oil capacity is used for fuel, lubrication oil, bilge waste, or slops or other waste oils;

(b) Does not transfer oil in bulk to or from a tank vessel or pipeline; and

(c) Does not include any: Boatyard, railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by ecology or a local government under chapter ((~~90.76~~)) 70A.355 RCW; or a motor vehicle motor fuel outlet; or a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330.

(11) "Class 4 facility" means a structure that:

(a) Is a marina, boatyard, marine fueling outlet, and other fueling installation((~~s~~)) that transfers to a nonrecreational vessel with a capacity to hold less than ((~~ten thousand five hundred~~)) 10,500 gallons of oil whether the vessel's oil capacity is used for fuel, lubrication oil, bilge waste, or slops or other waste oil;

(b) Does not transfer oil in bulk to or from a tank vessel or pipeline; and

(c) Does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by ecology or a local government under chapter ((~~90.76~~)) 70A.355 RCW; or a motor vehicle motor fuel outlet; or a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330.

(12) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(13) ((~~"Director" means the director of the department of ecology.~~

~~(14)~~)) "Crude oil" means any naturally occurring hydrocarbons coming from the earth that are liquid at 25 degrees Celsius and one

atmosphere of pressure including, but not limited to, crude oil, bitumen and diluted bitumen, synthetic crude oil, and natural gas well condensate.

(14) "Decommission" means to take specific actions to prevent spills from out of service storage tanks and transfer pipelines.

(15) "Demise charter" means the owner gives possession of the vessel to the charterer and the charterer hires its own captain and crew.

(16) "Directly impact" means without treatment.

((~~(15)~~)) (17) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping ((~~regardless of quantity~~)).

((~~(16)~~)) (18) "Ecology" means the state of Washington department of ecology.

((~~(17)~~)) (19) "Gross tons" means a vessel's approximate volume as defined ((~~in Title 46, United States Code of Federal Regulations (~~)) under 46 C.F.R.((~~),~~)) Part 69.

((~~(18)~~)) (20) "Innage" means the difference from the surface of the liquid to the tank bottom.

((~~(19)~~)) (21) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

((~~(20)~~)) (22) "Nonrecreational vessel" means any vessel that is not a recreational vessel as defined in this section.

((~~(21)~~)) (23) "Offshore facility" means any class facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(24) "Oil" or "oils" means oil of any kind that is liquid at ((~~atmospheric temperature and~~)) 25 degrees Celsius and one atmosphere of pressure and any fractionation thereof((~~,~~)) including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, ((~~biological oils and blends,~~)) and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section ((~~101(14)~~)) 102(a) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

((~~(22) "Offshore facility" means any class facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.~~

~~(23)~~)) (25) "Onshore facility" means any class facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

((~~(24)~~)) (26) "Owner" or "operator" means:

(a) In the case of a vessel, ((~~a~~)) any person ((~~who owns, operates, or charters~~)) owning, operating, or chartering by demise, ((~~a~~)) the vessel;

(b) In the case of an onshore or offshore facility, ((~~a~~)) any person ((~~who owns or operates this type of~~)) owning or operating the facility;

(c) In the case of an abandoned vessel or ((~~abandoned~~)) onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment; and

(d) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

((~~(25)~~)) (27) "Out of service" means:

(a) For storage tanks, no oil has been added to or removed from the storage tank in one year or more;

(b) For transfer pipelines, no oil has been transferred through the transfer pipeline in one year or more.

(28) "Passenger vessel" means a ship of ((~~three hundred~~)) 300 or more gross tons with a fuel capacity of at least ((~~six thousand~~)) 6,000 gallons carrying passengers for compensation.

((~~(26)~~)) (29) "Permeability" means the intrinsic permeability, (k), which is a measure of the ability of a porous material or soil to allow fluids to pass through it, in square feet.

(30) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

((~~(27)~~)) (31) "Person in charge (PIC)" means a person qualified and designated as required under 33 C.F.R. Part 155 for vessels, 33 C.F.R. Part 154 for Class 1, 2, or 3 facilities, or if not designated, the person with overall responsibility for oil transfer operations.

(32) "Personnel" means individuals employed by, or under contract with a facility or vessel.

((~~(28) "Person in charge" or "PIC" means a person qualified and designated as required under 33 C.F.R. 155, for vessels, 33 C.F.R. 154 for Class 1, 2, or 3 facilities, or if not designated, the person with overall responsibility for oil transfer operations.~~

~~(29)~~)) (33) "Primary response contractor (PRC)" means a response contractor that has been approved by ecology and is directly responsible to a contingency plan holder, either by a contract or other approved written agreement.

(34) "Process ((~~pipelines~~)) piping" means ((~~a pipeline~~)) piping used to carry oil within the oil refining/processing units of a Class 1 facility, process unit to tankage piping, and tankage interconnecting piping (tank to tank). Process ((~~pipelines do~~)) piping does not include transfer pipelines used to transport oil to or from a tank vessel or transmission pipeline.

((~~(30) "Public vessel" means a vessel that is owned, or demise chartered, and is operated by the United States government, or a government of a foreign country, and is not engaged in commercial service.~~

~~(31)~~)) (35) "Qualified individual (QI)" means a person who meets the requirements under 33 C.F.R. Part 154.1026.

(36) "Recreational vessel" means a vessel owned and operated only for pleasure with no monetary gain involved, and if leased, rented, or chartered to another for recreational use, is not used for monetary gain. This definition applies to vessels such as house boats, ski boats, and other small craft on a rental or lease agreement.

((~~(32)~~)) (37) "Secondary containment" means containment systems, which prevent the discharge of oil from reaching the waters of the state.

((~~(33)~~)) (38) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

((~~(34)~~)) (39) "Spill" means an unauthorized discharge of oil into the waters of the state.

((~~(35)~~)) (40) "State" means the state of Washington.

((~~(36)~~)) (41) "Storage tank" means all aboveground containers connected to transfer pipelines or any aboveground containers greater than ((~~ten thousand gallons (two hundred thirty-eight barrels)~~)) 10,000 gallons (238 barrels), including storage and surge tanks, used to store bulk quantities of oil. Storage tanks do not include those tanks regulated by chapter ((~~90.76~~)) 70A.355 RCW, rolling stock, wastewater treatment equipment, process pressurized vessels or other tanks used in the process flow through portions of the facility.

((~~(37)~~)) (42) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

((~~(38) "Transmission pipeline" means an interstate or intrastate pipeline subject to regulation by the United States Department of Transportation under 49 C.F.R. 195 in effect on the effective date of this section, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.~~

~~(39)~~)) (43) "Transfer" means any movement of oil in bulk to or from a nonrecreational vessel or transmission pipeline.

((~~(40)~~)) (44) "Transfer pipeline" is a buried or aboveground pipeline used to carry oil to or from a tank vessel or transmission pipeline, or to a vessel and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process ((~~pipelines~~)) piping, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel, or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis by ecology.

((~~(41)~~)) (45) "Transmission pipeline" means all parts of a pipeline whether interstate or intrastate, through which oil moves in transportation, including mainline, laterals, valves, and other appurtenances such as pumping units, and fabricated assemblies associated with pumping units metering and delivery stations and fabricated assemblies therein, and breakout tanks.

(46) "Topping off" means the receipt of oil into the last ((~~ten~~)) 10 percent of available tank capacity in any tank.

((~~(42)~~)) (47) "Ullage" means the depth of space above the free surface of the liquid to the reference datum of that tank.

((~~(43)~~)) (48) "Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(49) "Worst case spill" means:

(a) For a Class 1 facility, the entire volume of the largest storage tank on the facility site complicated by adverse weather conditions, unless ecology determines that a larger or smaller volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity; or

(b) For a Class 2 facility, the entire contents of the container(s) in which the oil is stored or transported.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-030 Compliance with federal rule or law. (1) Any person with oil handling and transfer duties must comply with applicable provisions of federal law and regulation governing licensing and documentation, equipment, operations, and oil transfers.

(2) The following Code of Federal Regulations (C.F.R.) ((~~in effect on the effective date of this chapter~~)) are incorporated by reference:

(a) 33 C.F.R. Parts 156.120, ((~~33 C.F.R.~~)) 156.150, ((~~33 C.F.R.~~)) and 156.170;

(b) 33 C.F.R. Parts 154.300, 154.310, 154.570, 154.710, 154.1050, and 154.1055((~~, and Subpart F~~));

(c) 40 C.F.R. Part 112; and

(d) 49 C.F.R. Part 195.

(3) All federal regulations incorporated in this chapter are available through the National Archive and Records Administration website ((~~located here: http://www.gpoaccess.gov/cfr/index.html~~)).

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-035 Inspections. (1) Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with ((~~RCW 90.56.050, 90.56.410, and 88.46.167~~)) chapters 90.56 and 88.46 RCW.

(2) ((~~To ensure compliance with this chapter, ecology may ask for the following during inspections and the facility is required to:~~

~~(a) Provide proof of compliance by producing all required records and documents;~~

~~(b) Provide proof of compliance of the ability to meet the spill prevention equipment and procedures of this chapter;~~

~~(c) Provide proof of compliance of the ability to meet the transfer containment and recovery standards in WAC 173-180-221 and 173-180-222; and~~

~~(d) Provide proof of training and certification, if applicable.~~

~~(3)~~)) Ecology will provide an inspection report to ((~~the facility at the conclusion of the~~)) Class 1 and 4 facilities after each inspection.

(3) Ecology will notify the facility owner or operator of any deficiencies identified during the inspection.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-040 Recordkeeping. (1) Records required by this chapter must be maintained and available to ecology for a minimum of three years, except for the following:

(a) Preload plans and declaration of inspection (DOI) must be kept for at least ((~~thirty~~)) 30 days from the date of the oil transfer operation.

(b) ((~~The~~)) Design, construction, inspection, testing, and repair records for storage tanks((~~,~~)) and transfer pipelines((~~, and all oil transfer equipment testing and repair records~~)) must be kept for the life of the equipment.

(c) Inspection, maintenance, and repair records for pumps, valves, manifolds, and other ancillary equipment used in oil transfers must be kept for ((~~ten~~)) 10 years.

((~~(c)~~)) (d) Inspection, maintenance, and repair records for secondary containment must be kept for five years.

(e) Oil transfer personnel training and certification records, as applicable, for Class 1 ((~~and~~)), 2, and 4 facilities must be kept for five years from the date the persons were trained and/or certified.

(2) All records required in this chapter must be available to ecology ((~~for photocopying~~)) upon request.

(3) A copy of each ASTM, API, ASCE, and ASME Standard, NFPA Code, IBC, IFC, and UL No. 142 referenced in this rule are available for inspection at 300 Desmond Drive S.E., Lacey, Washington 98503.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-045 Threat of a spill. (1) Ecology may determine that immediate action is necessary to suspend or delay transfer operations from a facility if there is a condition posing a substantial threat of discharge of oil on or over waters of the state, or harm to public health and safety, or both.

(2) Ecology may coordinate with the United States Coast Guard to:

(a) Issue an administrative order that may require immediate suspension of oil transfers;

(b) Specify each condition requiring immediate action to eliminate the condition; and

(c) Notify the persons in charge (PICs) that oil transfers may resume once ecology is satisfied the threat is no longer substantial.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-050 Oil spills. (1) Facility personnel involved with the oil transfer must immediately stop an oil transfer operation whenever oil could originate from the current oil transfer operation and is:

(a) Observed or spilled into the water or on the shoreline adjoining the transfer area;

(b) Discharged into oil spill containment or on the vessel deck.

(2) The facility person in charge (PIC) must make notifications as required in RCW 90.56.280.

(3) The facility PIC may resume an oil transfer once the following conditions are met:

(a) The source of the spill is controlled, contained, and a proper response is underway; and

(b) The PICs must agree there is no further threat of a spill.

(4) After a spill to water, the facility PIC may resume a transfer if:

(a) The conditions in subsection (3) of this section are met; and

(b) Approval is received from the state on-scene coordinator ((~~in conjunction with~~)). Facilities and vessels involved in a spill may also need approval to resume a transfer from the federal on-scene coordinator.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-055 Work hours. (1) Personnel with oil transfer duties may not work more than ((~~sixteen~~)) 16 hours in any ((~~twenty-four-hour~~)) 24-hour period, nor more than ((~~forty~~)) 40 hours in any ((~~seventy-two-hour~~)) 72-hour period, except in an emergency or spill response operation. For the purposes of this section, "emergency" means an unforeseen situation that poses an imminent threat to human safety, or the environment, or substantial loss of property.

(2) The owner or operator of a Class 1, 2, or 3 facility must maintain records such as maintenance records or payroll records demonstrating compliance with work hour restrictions for three years.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-060 Personnel qualifications. (1) The owner or operator of a Class 1, 2, or 3 facility must designate a person in charge (PIC) in writing.

A designated PIC must supervise all oil transfer operations.

(2) All Class 1 and 2 facility personnel designated as a PIC must have completed a training and certification program established by the operator and approved under ((~~Part E of this chapter~~)) WAC 173-180-500 through 173-180-525.

(3) All personnel assigned responsibilities related to an oil transfer operation must be qualified to perform those duties as required by federal law ((~~or~~)), rule, or both.

(4) Each PIC must carry or have readily available evidence of designation as a PIC when engaged in an oil transfer operation.

(5) All Class 1 and 2 personnel involved in a transfer must carry or have readily available evidence of completion of the facility's training and certification program.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-065 Noncompliance. (1) Any violation of this chapter may be subject to enforcement and ((~~penalty sanctions of~~)) penalties under chapters 90.56, 90.48, and 88.46 RCW.

(2) If an owner or operator of a facility fails to comply with the requirements in approved plans, reports, manuals, or programs, as applicable, or otherwise fails to comply with requirements of this chapter, ecology may, at its discretion:

(a) Place conditions on approval; or

(b) Revoke its approval.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-075 Severability. If any provision of this chapter is held invalid, the remainder of ((~~this~~)) the chapter is not affected.

NEW SECTION

WAC 173-180-080 Compliance schedule. (1) Owners and operators of all facilities in operation at the time this rule is effective must meet the requirements in this rule on the effective date of this rule, except where specified below.

(a) Within 30 calendar days from rule effective date, all delivering facilities must meet advance notice requirements in WAC 173-180-215.

(b) Within 60 calendar days from rule effective date, any delivering facility conducting Rate A transfers must meet prebooming requirements in WAC 173-180-221.

(c) By the current safe and effective threshold determination report's expiration date, any delivering facility conducting Rate A transfers must meet report requirements in WAC 173-180-224.

(d) Within 10 years from rule effective date or by the next scheduled internal API Standard 653 (2014 with Addendum 1 (2018) and 2 (2020)) inspection, whichever is later, any Class 1 facility storage tank constructed before the effective date of this rule must meet seismic protection measures in WAC 173-180-330.

(e) Within 10 years from rule effective date or by the next scheduled API Standard 570 (2016 with Addendum 1 (2017) and 2 (2018), and Errata 1 (2018)) inspection, whichever is later, any Class 1 facility transfer pipeline constructed before the effective date of this rule must meet seismic protection measures in WAC 173-180-340.

(f) By the current operations manual's expiration date, all Class 1 and 2 facilities must meet manual requirements in WAC 173-180-420 and 173-180-421.

(g) By the current training and certification program's expiration date, all Class 1 and 2 facilities must meet program requirements in WAC 173-180-510 and 173-180-511.

(h) By the current prevention plan's expiration date, all Class 1 facilities must meet plan requirements in WAC 173-180-630.

(i) Within 12 months from rule effective date, all Class 2 facilities must meet oil transfer response plan requirements in WAC 173-180-730.

(j) The triennial cycle of the drill program, as required in WAC 173-180-810 and 173-180-815, will begin once the oil transfer response plan for the Class 2 facility has been approved.

(2) Owners and operators of new facilities must meet requirements in this chapter prior to beginning operations in the state, including submittal deadlines outlined in this chapter.

(3) When there is a change in the owner or operator of a facility, the new owner or operator of the facility must meet the requirements in this chapter prior to beginning operations in the state, including submittal deadlines outlined in this chapter.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-205 Oil transfer equipment at Class 1, 2, 3, and 4 facilities. (1) All hoses, pipelines, or piping used in an oil transfer operation must meet the following criteria:

(a) Hoses, pipelines, or piping must be supported so as to avoid crushing or excessive strain. Flanges, joints, hoses, and piping must be visually checked prior to the transfer for cracks and signs of leakage.

(b) All hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on any component of the oil transfer equipment.

(c) Each hose must have no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil or hazardous material through the hose material, and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement ((~~(~~"~~)~~)). For the purposes of this section, reinforcement((") means the strength members of the hose, consisting of fabric, cord, and/or metal((~~)~~)).

(d) Hoses, pipelines, or piping must not be permitted to chafe on the dock or vessel or be in contact with any source that might affect the integrity of the hoses or piping.

(e) Hose or loading arm ends must be blanked tightly when ((~~hoses are~~)) moved into position for connection((~~, also~~)) and immediately after they are disconnected((~~, and~~)). Residue must be drained either into ((~~the~~)) vessel tanks or ((~~into~~)) suitable ((~~shore~~)) shoreside receptacles before ((~~they~~)) the hose or loading arm ends are moved away from their connections.

(2) Testing of all oil transfer equipment, including, but not limited to, pumps, valves, piping, manifolds, connections, and hoses, must be done annually, and must be conducted by using one of the following methods:

(a) In accordance with manufacturers' recommendations and industrial standards; ((~~or~~))

(b) Procedures identified in 33 C.F.R. Part 156.170; or

(c) Another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-210 Requirements for Class 4 facilities only. (1) Response and recovery equipment((~~:~~)). The owner or operator of each Class 4 facility must ensure that cleanup of at least a ((~~twenty-five~~)) 25 gallon spill can occur by having ((~~all of the following:~~)) response and recovery equipment maintained in a standby condition and available to the receiving vessel, including:

(a) Sufficient and appropriate boom of no less than ((~~two hundred~~)) 200 feet available in the standby position;

(b) Oil spill sorbent materials appropriate for use in water and on land;

(c) Nonsparking hand scoops, shovels, and buckets;

(d) Containers suitable for holding the recovered oil and oily water; and

(e) Protective clothing and other appropriate personal protective gear necessary to safely respond to oil spills.

(2) Trained personnel((~~:~~)). The owner or operator of each ((~~Class 4~~)) facility must:

(a) Provide annual training for employees involved in an oil transfer operation((~~,~~)) that at a minimum includes:

(i) Dangers and safe practices regarding the petroleum products transferred at that location;

(ii) Safe and effective use and handling of response and recovery equipment; and

(iii) Spill notification procedures((~~:~~)).

(b) Train all employees with oil transfer duties within ((~~ninety~~)) 90 calendar days of the date of hire. No employee may be in charge of an oil transfer operation at the ((~~Class 4~~)) facility without proper training((~~:~~)).

(c) Keep a record of oil transfer training at the facility and make the record available to ecology upon request pursuant to WAC 173-180-040.

(3) Spill notification information((~~:~~)). The owner or operator of each ((~~Class 4~~)) facility must provide spill notification information on a wallet-sized card for each employee and posted at the dock for fueling customers. The notification information must include:

(a) Required notifications in RCW 90.56.280;

(b) A phone number for a spill response contractor; and

(c) If the ((~~Class 4~~)) facility is not always staffed, a ((~~twenty-four-hour~~)) 24-hour phone number where someone designated by the owner or operator of the facility can be reached to start the spill response. The contact phone number must be posted on the dock or transfer location in a location that is easy to see.

(4) The owner or operator of each ((~~Class 4~~)) facility must ensure all oil transfer equipment is properly inspected and maintained in accordance with WAC 173-180-205.

(5) ((~~Class 4~~)) Facilities((~~, also known as marine fueling outlets,~~)) that are transferring less than ((~~three thousand~~)) 3,000 gal-

lons of oil in a single transaction, are exempt from advance notice requirements for oil transfer operations as described in RCW 88.46.165.

(6) Semiannual reporting((~~: Class 4~~)). Facilities must report all bulk oil transfers conducted at the facility.

(a) The report must include types of oil transferred and total volume of transfers by oil type.

(b) The facility must submit the report to ecology each year by January ((~~15 and July 15 of each year.~~

~~(c) The facility must submit the report either by email or by U.S. mail to the following address:~~

~~Email: oiltransfernotifications@ecy.wa.gov~~
~~U.S. mail:~~
~~Department of Ecology~~
~~Spill Prevention, Preparedness, and Response Program~~
~~P.O. Box 47600~~
~~Olympia, WA 98504-7600~~

~~(7) **Compliance schedule:** Class 4 facilities must implement the requirements in subsections (1) and (2) of this section within one hundred twenty calendar days from the effective date of this chapter. Class 4 facilities must implement the remaining requirements on the effective date of this chapter~~)) 15th for the period July 1st through December 31st of the previous year, and by July 15th for the period January 1st through June 30th.

(c) The report must be submitted to ecology by email. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-215 Advance notice of transfer for Class 1, 2, and 3 facilities. (1) The delivering facility (or designee) involved in an oil transfer of more than ((~~one hundred~~)) 100 gallons must notify ecology at least ((~~twenty-four~~)) 24 hours prior to an oil transfer operation((~~; except:~~)). If the deliverer cannot meet the notification requirements in this section, notice must be provided as soon as possible prior to the oil transfer.

Advance notice information must be updated if the start time of the oil transfer operation in subsection (2)(b) of this section changes from the original reported time by more than six hours.

(2) The notice of transfer must be submitted ((~~to ecology on the "Advanced~~)) on ecology's "Advance Notice of Oil Transfer" ((~~form provided by ecology or a facsimile, and~~)) website or by email. Form number ECY 070-175 must be used. The notice must contain the following information ((~~in the order provided~~)):

(a) Company name, address, contact person, and telephone number of organization delivering the oil;

(b) Date of transfer operation, estimated starting time, and duration of the oil transfer operation;

(c) Documented name of delivering facility and receiving vessel ((~~involved in the oil transfer and the~~)). If a vessel's ((~~Lloyds Registry/International Maritime Organization (LR/IMO) number or~~)) docu-

mented name is not available, include the official number ((~~if available~~));

(d) City name and either the address or location/anchorage where the oil transfer operation will occur;

(e) Transfer type;

(f) Oil product type ((~~and~~)), and if crude oil, include:

(i) Region of origin as stated on the bill of lading;

(ii) Gravity, as measured by standards developed by the American Petroleum Institute, or specific gravity;

(iii) Sulfur content of the oil, percent by weight; and

(iv) Viscosity.

(g) Quantity in gallons or barrels; and

((~~(f)~~)) (h) Whether or not prebooming will take place? (yes or no).

((~~(3) Notification may be made by the deliverer's agent or other contracted representative.~~

~~(4) The notification form may be submitted via internet website that ecology established, by email, or by facsimile. The notification form and contact information is found on ecology's website: http://www.ecy.wa.gov/programs/spills/spills.html~~

~~(5) Compliance schedule: All Class 1, 2, and 3 facilities must begin submitting advance notice within thirty calendar days of the effective date of this chapter.~~))

NEW SECTION

WAC 173-180-217 Equivalent compliance plan. (1) Any owner or operator may submit a plan for equivalent compliance for the alternative measures required in WAC 173-180-221 and 173-180-222. Any owner or operator who submits a plan must preboom or meet the applicable alternative measures until the equivalent compliance plan is approved.

(a) Rate A deliverers may only submit a plan for alternative measures in WAC 173-180-221(9).

(b) Rate B deliverers may only submit a plan for alternative measures in WAC 173-180-222(2).

(2) Format requirements. The plan must include the following:

(a) Cover sheet with name of company submitting the plan and seeking equivalent compliance, and point of contact information; and

(b) Table of contents including supporting documents and appendices.

(3) Content requirements. The plan must include the following:

(a) Executive summary of the plan;

(b) A detailed description of the equipment, personnel, operating procedures, and maintenance systems and any other alternatives that are being proposed; and

(c) A detailed analysis of how the plan offers equivalent or greater level of protection as compared to the requirements in this chapter. This includes:

(i) Methodology of the analysis;

(ii) Detailed results with supporting data, references, graphs, tables, pictures, and other relevant information; and

(iii) Technical feasibility of the plan versus current requirements.

(4) Submittal requirements. The owner or operator must submit the plan to ecology at least 120 calendar days prior to their planned date for beginning operations under that plan in Washington state.

One electronic copy of the plan must be submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(5) Review and approval process. The owner or operator must submit the plan to ecology for reapproval at least 120 calendar days prior to the plan's expiration date. The owner or operator may request ecology review the plan currently on file at ecology.

(a) If the plan is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of plan approval.

(b) Upon receipt of the plan, ecology will determine whether the plan is complete. If ecology determines that the plan is not complete, the owner or operator will be notified of any deficiencies.

Ecology may request additional information for the plan such as site specific meteorological, water current velocity, and other monitoring data to support the plan.

(c) Once the plan is determined complete, ecology will make the plan available for a 30 calendar day public review and comment period, which will occur within ecology's 120 calendar day review period. Ecology will accept comments on the plan no later than 30 calendar days after the plan has been made publicly available.

(d) Before the plan's expiration date, ecology will respond with a letter approving, conditionally approving, or disapproving the plan.

Ecology may approve the plan if, based upon the documents submitted and other information available to ecology, it finds that:

(i) The plan is complete and accurate; and

(ii) The plan would provide an equivalent or greater level of environmental protection as the alternative measures required in WAC 173-180-221 and 173-180-222.

(e) If the plan receives approval, the letter will describe the terms of approval, including an expiration date. Plan approval expires five years from the date on the approval letter.

After approval, the owner or operator must ensure the facility's training and certification program are updated to include this plan.

(f) If the plan is conditionally approved, ecology may require the facility to operate with specific restrictions until acceptable components of the plan are revised, resubmitted, and approved.

(i) In the conditional approval, ecology will describe:

(A) Each specific restriction and the duration for which they apply; and

(B) Each required item to bring the plan into compliance.

(ii) Restrictions may include, but are not limited to:

Meeting some or all of the alternative measure requirements in WAC 173-180-221 or 173-180-222, as applicable.

(iii) The owner or operator has 30 calendar days after notification of conditional approval to submit revisions and implement required changes. An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(iv) Owners or operators who fail to meet conditional requirements or provide required changes in the time allowed may lose conditional approval status. Ecology may revoke its conditional approval prior to the expiration date if the owner or operator fails to meet the terms of the conditional approval.

(g) If the plan is disapproved, the owner or operator must receive an explanation of the factors for disapproval and must preboom or meet the applicable alternative measures requirements.

(6) Plan updates. Ecology may review and require changes to the plan following any spill, inspection, or drill.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-220 Transfer containment and recovery requirements. (1) These ((~~standards~~)) requirements apply to all oil transfers ((~~that involve any jet fuels, diesels, heating oils, and any other oils that are recoverable when spilled to water. These standards do not apply to facilities delivering~~)) regulated by this chapter with the exception of transfers of gasoline, aviation gasoline, ethanol, nonene, and other highly volatile products with similar characteristics.

(2) The deliverer must first determine the rate at which oil is to be transferred and then follow the applicable ((~~standards~~)) requirements outlined in this chapter:

(a) Rate A means oil transfer operations at a rate over ((~~five hundred~~)) 500 gallons per minute. Rate A requirements are found in WAC 173-180-221.

(b) Rate B means oil transfer operations at a rate of ((~~five hundred~~)) 500 gallons per minute or less. Rate B requirements are found in WAC 173-180-222.

(3) To meet the requirements of this chapter, the deliverer must have personnel trained in the proper use and maintenance of boom and associated deployment and oil recovery equipment.

(4) All boom and associated equipment, including the equipment used to deploy the boom, must be of the appropriate size and design for safe and effective deployment in the expected environmental conditions encountered in the transfer area(s) ((~~based on the manufacturers' specifications~~)) as described in the approved safe and effective threshold determination report including, but not limited to:

(a) Wave height;

(b) Water currents;

(c) Wind; and

(d) Other conditions that may affect booming operations.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-221 Rate A prebooming ((~~requirements~~)) and ((~~Rate A~~)) alternative measures requirements. This section generally applies to delivering facilities; however, any Class 1 facility receiving oil from a Rate A delivering vessel must provide the facility's approved safe and effective threshold values to the vessel.

(1) The Rate A deliverer must preboom oil transfers when it is safe and effective to do so. When prebooming is not safe and effective, the deliverer must meet the alternative measures requirements

found in subsection ((~~(7)~~)) (9) of this section and submit the *Ecology Boom Reporting Form* pursuant to subsection (4) of this section.

(2) The determination of safe and effective must be made prior to starting a transfer ((~~or,~~)) and reevaluated if conditions change before or during a transfer. To make this determination, the deliverer must use the safe and effective threshold values found in their operations manual. The safe and effective ((~~threshold values are determined using the safe and effective threshold~~)) determination ((~~report - see WAC 173-180-224~~)) must be based on the conditions at the transfer location.

(3) When water currents are 1 knot or less, facilities must consider prebooming if it is safe to do so, even if the boom may be less than fully effective. When water currents are greater than 1 knot, facilities may consider prebooming based on the expected performance of the boom.

(4) When it is not safe and effective to preboom, or when conditions develop during a preboomed transfer that require removal of the boom, the Rate A deliverer must report this finding to ecology ((~~and meet the alternative measures found in subsection (7) of this section. The *Ecology Boom Reporting Form* must be used for this purpose, and submitted by email or facsimile~~)) through the *Ecology Boom Reporting Form*. The form must include all observed and forecasted conditions that exceed the weather and safety values in the safe and effective threshold determination report. The form must be submitted on ecology's website or by email. Form number ECY 070-215 must be used. The form must be submitted prior to the transfer and/or immediately when conditions have changed.

((~~(4)~~)) (5) If a transfer is not preboomed due to conditions exceeding the safe and effective values, or if the boom is removed due to changing environmental conditions during the transfer, the Rate A deliverer must boom the transfer if it becomes safe and effective to do so. If environmental conditions continue to exceed safe and effective values, follow-up *Ecology Boom Reporting Forms* must be submitted every six hours for a transfer at a terminal.

(6) If multiple oil transfers are occurring simultaneously with a single vessel, and one product transferred is not appropriate to preboom, such as gasoline, aviation gasoline, ethanol, nonene, and other highly volatile products with similar characteristics, then that portion of the transfer where it is ((~~unsuitable~~)) not appropriate to preboom must ((~~use~~)) meet the alternative measures found in subsection ((~~(7)~~)) (9) of this section. The portion of the transfer that is appropriate to preboom must be preboomed if:

(a) It is safe and effective to do so;

(b) Pumping is complete for the product that is not appropriate to preboom; and

(c) There are at least three hours remaining in the transfer.

((~~(5)~~)) (7) For the purposes of this section, the deliverer must be able to quickly disconnect all boom in the event of an emergency.

((~~(6)~~)) (8) Rate A prebooming requirements.

(a) In order to preboom transfers, the deliverer must have, prior to the transfer, access to boom four times the length of the largest vessel involved in the transfer or ((~~two thousand~~)) 2,000 feet, whichever is less.

(i) The deliverer must deploy the boom such that it completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or ((~~the deliverer may preboom~~))

the portion of the vessel and transfer area ((~~which will~~)) that provides for maximum containment of any oil spilled ((~~into the water~~)).

((~~(i)~~)) (ii) The boom must be deployed with a minimum stand-off of five feet away from the sides of a vessel, measured at the waterline. This stand-off may be modified for short durations needed to meet a facility or ((~~ship's~~)) vessel's operational needs.

((~~(ii)~~)) (iii) The deliverer must periodically check the boom positioning and adjust as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events.

(b) In addition to prebooming, the deliverer must have the following ((~~recovery equipment~~)) available on-site:

(i) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

((~~(ii)~~)) (iii) Nonsparking hand scoops, shovels, and buckets((~~; and~~

~~(iii) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land~~)).

(c) For preboomed transfers, within one hour of being made aware of a spill, the deliverer must be able to complete deployment of the remaining boom as required in (a) of this subsection, should it be necessary for containment, protection, or recovery purposes.

((~~(7)~~)) (9) Rate A alternative measures. Rate A deliverers must use these alternative measures when it is not safe and effective to meet the prebooming requirements((~~.~~)):

(a) ((~~To meet the alternative measures requirements~~)) Prior to starting the oil transfer operation, the deliverer must have access to boom four times the length of the largest vessel involved in the transfer((~~,~~)) or ((~~two thousand~~)) 2,000 feet, whichever is less.

(b) ((~~In addition to the boom,~~)) The deliverer must have the following available on-site:

(i) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

((~~(ii)~~)) (iii) Nonsparking hand scoops, shovels, and buckets((~~; and~~

~~(iii) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land~~)).

(c) The deliverer must have the ability to safely track the spill in low visibility conditions. The tracking system must be on-scene and ready to be deployed within ((~~thirty~~)) 30 minutes of being made aware of a spill.

(d) ((~~For alternative measures:~~)) Within one hour of being made aware of a spill, the deliverer must be able to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation with boom, or ((~~the deliverer may preboom~~)) the portion of the vessel and transfer area ((~~which will~~)) that provides for maximum containment of any oil spilled ((~~into the water~~)).

(e) ((~~For alternative measures:~~)) Within two hours of being made aware of a spill, the deliverer must have the following:

(i) Additional boom four times the length of the largest vessel involved in the transfer((~~,~~)) or ((~~two thousand~~)) 2,000 feet, whichever is less, available for containment, protection, or recovery; and

(ii) A skimming system must be on-site((~~. The skimming system must be~~)), in stand-by status, and be capable of ((~~fifty~~)) 50 barrels recovery and ((~~one hundred~~)) 100 barrels of storage.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-222 Rate B prebooming ((~~requirements~~)) and ((~~Rate B~~)) alternative measures requirements. (1) Rate B prebooming requirements. The Rate B deliverer must choose to meet either the following prebooming requirements ((~~in this section~~)) or the alternative measures found in subsection (2) of this section. If prebooming is chosen, then:

(a) Prior to starting the oil transfer operation, the deliverer must deploy boom so that it completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the deliverer may preboom the portion of the vessel and transfer area which will provide for maximum containment of any oil spilled into the water.

(i) The deliverer must deploy the boom with a minimum stand-off of five feet away from the sides of a vessel, measured at the waterline. This stand-off may be modified for short durations needed to meet a facility or ((~~ship's~~)) vessel's operational needs;

(ii) The deliverer must periodically check boom positioning and adjust the boom as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events((~~;~~)).

(b) ((~~In addition,~~)) The deliverer must have the following ((~~recovery equipment~~)) available on-site:

(i) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

((~~(ii)~~)) (iii) Nonsparking hand scoops, shovels, and buckets((~~; and~~

~~(iii) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land~~)).

(c) For prebooming: Within one hour of being made aware of a spill, the deliverer must be able to completely deploy an additional ((~~five hundred~~)) 500 feet of boom. This boom may be used for containment, recovery, or protection.

(2) Rate B alternative measures requirements. If a Rate B deliverer chooses alternative measures, then:

(a) Prior to starting the oil transfer operation, the deliverer must have access to boom sufficient to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the deliverer may preboom the portion of the vessel and transfer area which will provide for maximum containment of any oil spilled into the water.

(b) ((~~In addition,~~)) The deliverer must have the following ((~~recovery equipment~~)) available on-site:

(i) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

((~~(ii)~~)) (iii) Nonsparking hand scoops, shovels, and buckets((~~; and~~

~~(iii) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land~~)).

(c) ((~~For alternative measures:~~)) Within one hour of being made aware of a spill, the deliverer must be able to complete deployment of an additional ((~~five hundred~~)) 500 feet of boom for containment, protection, or recovery.

(d) ((~~For alternative measures:~~)) Within two hours of being made aware of a spill, the deliverer must have an additional ((~~five hundred~~)) 500 feet of boom available on-scene for containment, protection, or recovery.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-224 Safe and effective threshold determination report. This section applies to delivering facilities conducting Rate A transfers. The owner or operator of a delivering facility conducting Rate A transfers must prepare a safe and effective threshold determination report that meets the requirements of this chapter. This report provides the threshold values that delivering facilities will use to determine when prebooming an oil transfer is safe for personnel and when the boom is likely to be effective at containing a spill.

(1) ((~~Report~~)) Format requirements. The report must include ((~~at a minimum~~)) the following((~~, in the order presented~~)):

(a) Cover sheet with name of company submitting the report and point of contact((~~.~~)) information; and

(b) Table of contents including supporting documents and appendices.

((~~(c)~~)) (2) Content requirements. The report must include the following, at a minimum:

(a) Summary of safe and effective threshold values((~~.~~

~~(d) The body of the report must include the following:~~

~~(i) The~~)) that includes each location at which a Rate A transfer occurs;

(b) Information used to support these values ((~~which~~)) must be based ((~~upon~~)) on on-site environmental monitoring data recorded at specific times, dates, and locations((~~.~~

~~(ii)~~));

(c) These values and the supporting data must address, at a minimum, the following ((~~site specific~~)) site-specific information:

((~~(A)~~)) (i) Personnel safety;

((~~(B)~~)) (ii) Sea state values in feet including typical wave periods;

((~~(C)~~)) (iii) Water current velocity such as peak currents, sustained currents in hourly increments, and direction of flow, during typical oil transfer operations;

((~~(D)~~)) (iv) Wind speed in knots, and prevailing directions;

((~~(E)~~)) (v) Other conditions such as vessel traffic, fishing activities, and other factors that influence the oil transfer operation((~~.~~

~~(iii)~~)); and

(vi) Types of oil transfer operations, including fueling, cargo, and others (e.g., lube oil transfers, hydraulic oil transfers), and the transfer rates involved.

(d) The facility must provide a detailed analysis of the proposed threshold values for the transfer location including:

((~~(A)~~)) (i) Methodology of the analysis;

((~~(B)~~)) (ii) Equipment used to ((~~measure~~)) collect data ((~~collected~~)); and

((~~(C)~~)) (iii) Supporting data, references, graphs, tables, pictures, and other relevant information. Supporting data must cover multiple years, including data recent enough to reflect existing conditions and collected no more than 10 years from the date of the safe and effective threshold determination report.

(e) Boom specifications for preboomed transfers:

(i) Type of boom (e.g., internal flotation, fence, inflatable), and total height; and

(ii) Accepted industry standards regarding the performance of boom and associated deployment equipment in various operating environments.

(f) Description of the deliverer's ability to safely deploy and retrieve boom at the transfer location in all conditions up to and including the upper limits of the approved safe and effective thresholds;

(g) Description of how the safe and effective determination will be made for each transfer based on the conditions at the transfer location, including:

The equipment or technology used to measure on-site environmental monitoring data before and during transfers, including weather and water current conditions. Include weather stations, buoys, and other instruments used.

(h) Description of how the safe and effective threshold determination will consider whether to preboom when it is safe to do so, even if the boom is less than fully effective;

(i) Description of how the safe and effective threshold determination will be reevaluated based on changes in environmental conditions; and

(j) Description of how alternative measures will be met in the event of a spill if conditions exceed safe and effective values, including transit to the transfer location and deployment.

((~~(2)~~)) (3) Submittal requirements. The owner or operator of a Rate A deliverer((~~s~~)) must submit a safe and effective threshold determination report to ecology ((~~for review and approval for each location at which a Rate A transfer occurs~~)) at least 120 calendar days prior to their planned date for conducting an oil transfer operation in Washington state.

One ((~~paper and one~~)) electronic copy of the ((~~safe and effective threshold determination~~)) report and appendices must be ((~~delivered to:~~

~~The Department of Ecology~~
~~Spill Prevention, Preparedness, and Response Program~~
~~Safe and Effective Threshold Determination Report~~
~~P.O. Box 47600~~
~~Olympia, WA 98504-7600~~
~~Or~~
~~The Department of Ecology~~

~~Spill Prevention, Preparedness, and Response Program~~
~~Safe and Effective Threshold Determination Report~~
~~300 Desmond Drive~~
~~Lacey, WA 98503~~

~~(3)~~)) submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(4) Review and approval process. The owner or operator of a Rate A deliverer must submit the report to ecology for reapproval at least 120 calendar days prior to the report's expiration date. The owner or operator may request ecology review the report currently on file at ecology.

(a) If the report is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of report approval.

((~~(a) When reviewing threshold determination reports, ecology must consider the following:~~

~~(i) Personnel safety;~~

~~(ii) Operating environment of the transfer location(s) such as site specific meteorological, water current velocity, and other monitoring data to support the threshold values determination;~~

~~(iii) Accepted industry standards regarding the performance of boom and associated response equipment in various operating environments;~~

~~(iv) Types of oil transfer operations including bunkering, cargo operations, transfer rates, and other factors that influence oil transfers.~~))

(b) Upon receipt of the report, ecology will determine whether the report is complete. If ecology determines that the report is not complete, the owner or operator will be notified of any deficiencies.

Ecology may request additional information for the report such as site specific meteorological, weather current velocity, and other monitoring data to support the report.

(c) Once the report is determined complete, ecology will make the report available for a ((~~thirty~~)) 30 calendar day public review and comment period, which will occur within ecology's 120 calendar day review period. Ecology will accept comments on the report no later than 30 calendar days after the report has been made publicly available.

((~~(c)~~)) (d) Before the report's expiration date, ecology will respond ((~~to the facility within ninety calendar days of receipt of the report~~)) with a letter approving, conditionally approving, or disapproving the report.

((~~(d) The~~)) (e) If the report receives approval, the letter will describe the terms of approval, including expiration date. Report approval ((~~of this report will be valid for no more than~~)) expires five years from the date on the approval letter.

((~~(e)~~)) (f) If the report is conditionally approved, ecology may require the facility to operate with specific restrictions until acceptable components of the report are revised, resubmitted, and approved.

(i) In the conditional approval, ecology will describe:

(A) Each specific restriction and the duration for which they apply; and

(B) Each required item to bring the report into compliance.

(ii) Restrictions may include, but are not limited to:

(A) Reducing oil transfer rates;

(B) Increasing personnel levels;

(C) Restricting operations to daylight hours or favorable weather conditions; or

(D) Additional requirements to ensure availability of response equipment.

(iii) The owner or operator has 30 calendar days after notification of conditional approval to submit revisions and implement required changes. An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(iv) Owners or operators who fail to meet conditional requirements or provide required changes in the time allowed may lose conditional approval status. Ecology may revoke its conditional approval prior to the expiration date if the owner or operator fails to meet the terms of the conditional approval.

(g) If the report is disapproved, the owner or operator must receive an explanation of the factors for disapproval. The facility must not engage in Rate A transfers until the report has been approved or conditionally approved.

(5) Report updates. Ecology may review and require ((~~a new review and approval process for this report after a spill by the facility.~~

~~(4) **Compliance and submittal schedule.**~~

~~(a) The safe and effective threshold determination report must be submitted one hundred eighty calendar days after the effective date of this chapter.~~

~~(b) For facilities starting operation after the effective date of this chapter, the report must be submitted at least one hundred twenty calendar days prior to the first oil transfer operation~~)) changes to the report following any spill, inspection, or drill.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-225 Providing safe vessel access. (1) A Class 1 or 3 facility must provide safe access for personnel if the vessel cannot provide ((~~the~~)) safe access.

((~~(1)~~)) (2) The access must be secured both top and bottom to prevent movement of the access platform.

((~~(2)~~)) (3) The entire ladder and the portion of the facility and ((~~ship's~~)) vessel's deck where access is provided must be illuminated during low light or low visibility situations and without glare to the persons using the access.

((~~(3)~~)) (4) In the event weather conditions make the access unsafe, the persons in charge (PICs) may elect to use radio communication.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-230 Preloading or cargo transfer plan requirement. Prior to any oil transfer, a transfer plan must be filled out and dis-

cussed between the delivering and receiving persons in charge (PICs). A facility must not begin a transfer until this plan has been discussed during the pretransfer conference described in WAC 173-180-235. The plan must((~~, at a minimum,~~)) include:

(1) Identification, location, and capacity of the vessel's tanks receiving or discharging oil;

(2) Level and type of liquid in all bunker or cargo oil tanks prior to the oil transfer, including those not receiving or discharging oil;

(3) Final ullage or innage, and percent of each tank to be filled;

(4) Sequence in which the tanks are to be filled; and

(5) The facility or vessel's procedures to regularly monitor ((~~all receiving~~)) tank levels and valve alignments during the transfer operation.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-235 Pretransfer conference. (1) Before the start of an oil transfer operation, the persons in charge (PICs) must hold a face-to-face pretransfer conference. If the PICs determine weather conditions prevent safe access, PICs may communicate via radio.

(2) The PICs must discuss and agree upon:

(a) The preloading or cargo transfer plan;

(b) The contents of the declaration of inspection (DOI) required under 33 C.F.R. Part 156.150;

(c) Procedures for communicating soundings, changing over tanks, and beginning topping off;

(d) Shift change procedures;

(e) Emergency shutdown procedures and identify all means to shut down the oil transfer operation in an emergency; and

(f) Expected weather and/or sea conditions and threshold values for weather and sea conditions above which oil transfer operations must cease.

(3) During a pretransfer conference that involves a covered vessel, the point-of-transfer watch and deck-rover watch must be identified to PICs.

(4) An oil transfer operation will not begin unless a person proficient in both English and a language common to the vessel's officers and crew is present at the pretransfer conference.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-240 Communications. (1) The facility person in charge (PIC) must ensure continuous two-way voice communication is usable and available in all weather conditions ((~~as well as~~)) and all phases of the transfer operation between the PICs.

(2) The facility PIC must ensure at least the following are available for use during the oil transfer operation:

(a) Two portable communication devices that are intrinsically safe; and

(b) An air horn for emergency signals.

(3) The PICs must ensure personnel involved in the oil transfer operation know and use English phrases and hand signals to communicate the following instructions during the oil transfer: "Stop," "hold," "wait," "fast," "slow," and "finish."

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-245 Oil transfer procedures. ((~~For all transfer operations involving Class 1, 2, or 3 facilities must comply with the transfer procedures in 33 C.F.R. 156 and 154 and the following:~~))

(1) All oil transfer operations for Class 1 and 2 facilities must be conducted in accordance with the facility's approved operations manual.

(2) All transfer operations involving Class 1, 2, or 3 facilities must comply with the transfer procedures in 33 C.F.R. Parts 154 and 156 and the following:

(a) Ensure that transfer connections ((~~have been made according to the operations manual~~)):

((~~(a)~~)) (i) Use appropriate material in joints and couplings to ensure a leak-free seal;

((~~(b)~~)) (ii) Use either:

((~~(i)~~)) (A) A bolted or full threaded connection; or

((~~(ii)~~)) (B) A quick-connected coupling with a means of securing the coupling to prevent accidental release.

((~~(c)~~)) (iii) Use a new compressible gasket appropriate for the product and transfer pressure;

((~~(d)~~)) (iv) Use a bolt in every available hole;

((~~(e)~~)) (v) Use bolts of the correct size in each bolted connection;

((~~(f)~~)) (vi) Ensure that each bolt is properly torqued to distribute the load to ensure a leak-free seal; and

((~~(g)~~)) (vii) Do not use any bolt that shows signs of strain or is elongated or deteriorated.

((~~(3)~~)) (b) Have the means to contain and recover any drips from connections within the oil transfer system.

((~~(4)~~)) (c) Deliverers providing oil to vessels without fixed containment must ((~~use automatic back pressure shutoff nozzles and also~~)) provide enough portable containment for each tank vent on the vessel.

((~~(5)~~)) (d) Conduct a pretransfer conference as defined in WAC 173-180-235.

((~~(6)~~)) (e) Ensure that the available capacity in the receiving tank(s) is ((~~are~~)) greater than the volume of oil to be transferred and all other valves, which could influence the routing of the transferred oil, are properly aligned.

((~~(7)~~)) (f) The persons in charge (PICs) must verify at the start of the transfer that the tanks designated in the preload or cargo transfer plan are receiving or discharging oil at the expected rate, and no other tanks are receiving or discharging oil.

((~~(8)~~)) (g) Each PIC must ensure that the means of operating the emergency shutdown system is immediately available while oil is transferred between the deliverer and receiver.

((~~(9)~~)) (h) A PIC must refuse to initiate or must cease transfer operations with any vessel which:

((~~(a)~~)) (i) Has not provided complete information as required by the declaration of inspection (DOI);

((~~(b)~~)) (ii) Has refused to correct deficiencies identified by the PIC during the pretransfer conference; or

((~~(c)~~)) (iii) Does not comply with the operations manual or does not respond to concerns identified by the PIC.

((~~(10)~~)) (i) When a PIC shift change occurs the departing PIC must:

((~~(a)~~)) (i) Discuss the preload or cargo transfer plan and transfer rate with the arriving PIC;

((~~(b)~~)) (ii) Notify the PIC at the other side of the transfer that a shift change is taking place; and

((~~(c)~~)) (iii) Ensure the relieving PIC reads and signs the DOI.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-250 Emergency shutdown. (1) Class 1, 2, or 3 facilities must have an emergency shutdown capable of stopping the flow of oil from the fixed or mobile facility to a vessel.

(2) The emergency shutdown must be located at the persons in charge (PICs) usual operating station and at the dock manifold if not the same location.

(3) For oil transfers, the emergency shutdown must stop the flow:

(a) Within ((~~sixty~~)) 60 seconds for any facility or portion of the facility that started transferring oil on or before November 1, 1980.

(b) Within ((~~thirty~~)) 30 seconds for any facility or portion of the facility that ((~~transfers~~)) started transferring oil after November 1, 1980.

(4) Both PICs must be capable of ordering or activating an emergency shutdown.

(5) If a PIC orders an emergency shutdown, the shutdown must be activated immediately.

(6) To meet the requirements of subsection (3) of this section, the emergency shutdown must be either of the following:

(a) An electrical, pneumatic, or mechanical linkage to the facility; or

(b) An electronic voice communications system continuously operated by a person on the facility who can stop the flow of oil.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-300 Applicability of Part C. Part C applies to Class 1 facilities ((~~only. Ecology has not adopted design standards for Class 2, 3, or 4 facilities~~)).

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-310 Transmission pipeline transfer requirements. (1) For the purposes of this section:

(a) "Appropriate person" means a person designated by the facility as being competent and trained to implement a designated function.

(b) "Pipeline operator" means the operator of a transmission pipeline.

(2) General requirements. Transfer operations must be supervised by an appropriate person and conducted in accordance with operations manuals approved under this chapter. No person may conduct an oil transfer operation to or from a transmission pipeline unless the appropriate person and the pipeline operator have conducted pretransfer communications which identify:

(a) Type of oil;

(b) Transfer volume;

(c) Flow rates; and

(d) Transfer startup or arrival time.

(3) Class 1 facilities which receive oil from a transmission pipeline must:

(a) Confirm that the proper manifold and valves are open and ready to receive product;

(b) Notify the transmission pipeline operator when a storage tank has less than one foot of oil above the inlet nozzle;

(c) Coordinate arrival time of oil with the pipeline operator;

(d) Confirm the available storage capacity for transfers to a facility;

(e) Ensure that only the designated tank(s) is ((~~(are)~~)) receiving oil;

(f) Ensure that proper transfer alignment of the pipeline, valves, manifolds, and storage tanks have been made;

(g) Establish adequate communication in English between the facility and pipeline operator;

(h) For the purpose of scheduling inspections, ecology may require a ((~~twenty-four-hour~~)) 24-hour notification to ecology in advance of any transfer of bulk oil by a facility operator. Ecology must request notification ((~~in writing~~)) when this procedure is required;

(i) ((~~Transfer operations must be supervised by an appropriate person;~~

~~(j)~~)) Each facility operator must ensure that the means of operating or requesting emergency shutdown is immediately available while oil is being transferred between the facility and the pipeline; and

((~~(k)~~)) (j) If startup, shutdown, and/or emergency shutdown are controlled by the pipeline operator directly using instrumentation and

control devices, the accuracy of these devices must be checked at least annually((~~; and~~

~~(l) All transfer operations must be conducted in accordance with operations manuals approved under this chapter~~)).

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-320 Secondary containment requirements for ((~~above-ground~~)) storage tanks. (1) ((~~Aboveground oil~~)) Storage tanks must be located within secondary containment areas. Secondary containment systems must be:

(a) Designed, constructed, maintained, and operated to prevent discharged oil from entering waters of the state at any time during use of the tank system;

(b) Capable of containing ((~~one hundred percent of the capacity of the largest storage tank within the secondary containment area~~)) oil throughout the entire containment system, including walls and floor;

(c) Constructed to prevent any discharge from a primary containment system (e.g., tank) from escaping the secondary containment system before cleanup occurs;

(d) Constructed with materials that are compatible with stored material to be placed in the tank system;

((~~(d)~~)) (e) Soil may be used for the secondary containment system, provided that any spill onto the soil will be sufficiently contained, readily recoverable, and will be managed in accordance with ((~~the provisions under WAC 173-303-145 spills and discharges and any other applicable regulation~~)) chapter 173-303 WAC;

((~~(e)~~)) (f) Constructed with sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the fluid stored in the storage tank, climatic conditions, and the stresses of daily operations (including stresses from nearby vehicular traffic);

((~~(f)~~)) (g) Placed on a base or foundation capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

((~~(g)~~)) (h) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked oil and accumulated precipitation must be removed from the secondary containment system in a manner which will provide the best achievable protection of public health and the environment; and

((~~(h)~~)) (i) Visually inspected monthly to confirm secondary containment integrity. Items requiring attention as determined by the visual inspection must be documented. ((~~Records must be kept on-site for a minimum of three years.~~))

(2) The secondary containment system must be maintained to prevent a breach of the dike by controlling burrowing animals and weeds.

(3) The secondary containment system must be maintained free of debris and other materials which may interfere with the effectiveness of the system, including excessive accumulated precipitation.

(4) The facility must maintain at least ((~~one hundred~~)) 100 percent of the ((~~working~~)) entire capacity of the largest storage tank within the secondary containment area at all times.

(5) All secondary containment pumps, siphons, and valves must be properly maintained and kept in good working order.

(6) Drainage of water accumulations from secondary containment areas that discharge directly to the land or waters of the state must be controlled by locally operated, positive shutoff valves or other positive means to prevent a discharge. Valves must be kept closed except when the discharge from the containment system is in compliance with chapter 90.48 RCW((~~, Water pollution control~~)). Valves must be locked closed when the facility is unattended. Necessary measures must be taken to ensure secondary containment valves are protected from inadvertent opening or vandalism. There must be some means of readily determining valve status by facility personnel such as a rising stem valve or position indicator.

(7) The owner or operator must inspect or monitor accumulated water before discharging from secondary containment to ensure that no oil will be discharged to the waters of the state. All water discharges must comply with state water quality ((~~program~~)) regulations as described in chapter 90.48 RCW.

(8) Ecology may require oil containers less than ((~~ten thousand gallons (two hundred thirty-eight barrels)~~)) 10,000 gallons (238 barrels) capacity to have secondary containment when the container is located less than ((~~six hundred~~)) 600 feet from navigable waters of the state or a stormwater or surface drains which may impact navigable waters of the state.

(9) A secondary containment system constructed after May 1994 must be constructed as follows:

(a) Secondary containment systems must be capable of containing 100 percent of the capacity of the largest storage tank within the secondary containment area including sufficient freeboard for stormwater;

(b) Secondary containment systems must be designed to withstand seismic forces;

(c) Drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements; and

(d) Secondary containment systems must be designed and constructed in accordance with sound engineering practice and in conformance with the provisions of this section.

(10) A secondary containment system ((~~constructed after the adoption date of this rule~~)) must be installed ((~~as follows:~~

~~(a)~~)) in accordance with:

(a) The 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, section 2-3.4.3((~~:~~

~~(b) Secondary containment systems must be capable of containing one hundred percent of the capacity of the largest storage tank within the secondary containment area;~~

~~(c) Secondary containment systems must be designed to withstand seismic forces;~~

~~(d) Drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements; and~~

~~(e) Secondary containment systems must be designed and constructed in accordance with sound engineering practice and in conformance~~

~~with the provisions of this section~~)), if constructed after May 1994 and before the effective date of this rule; or

(b) The 2021 version of the NFPA, Flammable and Combustible Code, No. 30, section 22.11.2, Impounding Around Tanks by Open Diking, if constructed after the effective date of this rule.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-330 Storage tank requirements. (1) Storage tanks constructed after ((~~the adoption date of this section~~)) May 1994 and before the effective date of this rule must meet or exceed the 1993 version of the National Fire Protection Association (NFPA No. 30) requirements and one of the following design and manufacturing standards:

(a) UL No. 142, Steel Aboveground Tanks for Flammable and Combustible Liquids ((~~dated April~~)) (1993);

(b) API Standard 650, Welded Steel Tanks for Oil Storage ((~~dated November~~)) (1988);

(c) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks ((~~dated June~~)) (1990); or

(d) Another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

(2) Storage tanks constructed before the effective date of this rule must include protective measures that are designed, installed, and maintained to reduce risk from seismic events and that include one or more of the following:

(a) Flexible mechanical device(s) between storage tank and piping or sufficient piping flexibility to protect the tank and pipe connection and prevent the release of product;

(b) Foundation driven pilings;

(c) Anchored storage tanks; or

(d) Another seismic protection measure proposed by the facility and approved by ecology, as long as such protection measure equals or exceeds those required in this section. This may include demonstrating the storage tank meets API Standard 650 (2020) seismic design requirements, including Annex E and section E.7.3 Piping Flexibility.

(3) Storage tanks constructed after the effective date of this rule must meet the following requirements:

(a) Meet or exceed the 2021 version of the NFPA No. 30 requirements and one of the following design and manufacturing standards:

(i) UL No. 142, Steel Aboveground Tanks for Flammable and Combustible Liquids (2019);

(ii) API Standard 650, Welded Steel Tanks for Oil Storage (2020);

(iii) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks (2013 with Addendum 1 (2014), 2 (2018), and 3 (2021)); or

(iv) Another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

(b) Must be designed to meet the following seismic design requirements:

(i) API Standard 650 (2020) seismic design requirements, including Annex E and section E.7.3 Piping Flexibility;

(ii) American Society of Civil Engineers (ASCE) 7-22 Risk Category III or IV, including Site Class A, B, C, D, E, or F based on on-site soil properties, and meet seismic design requirements under chapter 16 of the 2021 International Building Code (IBC) and WAC 51-50-1613 and 51-50-1615; and

(iii) Resist tsunamis based on the facility's risk area using a tsunami hazard tool or a tsunami design zone map, and meet tsunami requirements under chapter 16 of the 2021 IBC and WAC 51-50-1613 and 51-50-1615.

(4) Storage tanks must be inspected under the seismic design requirements of API Standard 653 (2014 with Addendum 1 (2018) and 2 (2020)) and applicable requirements of 2021 IBC. The results of these inspections must be included in the facility's spill risk analysis as required under WAC 173-180-630.

((~~(2)~~)) (5) The owner or operator must ensure that the means of preventing storage tank overfill comply with the ((~~1993~~)) 2021 version of the ((~~National Fire Protection Association (~~))NFPA((~~)~~)), Flammable and Combustible Code, No. 30, Chapter ((~~2~~)) 21, section ((~~2-10~~)) 21.7.1, Prevention of Overfilling of Storage Tanks.

((~~(3)~~)) (6) Storage tanks must be maintained, repaired, and inspected in accordance with the requirements of API Standard 653 ((~~dated January 1991~~)) (2014 with Addendum 1 (2018) and 2 (2020)), unless the operator proposes an equivalent inspection strategy which is approved by ecology.

((~~(4) A record of all inspection results and corrective actions taken must be kept for the service life of the tank and must be available to ecology for inspection and copying upon request.~~))

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-340 Transfer pipeline requirements. (1) Pipelines replaced, relocated, or constructed after ((~~the adoption date of this~~)) May 1994 and before the effective date of this rule, which are located in areas not controlled by the facility, must be installed in accordance with 49 C.F.R. Parts 195.246 through ((~~49 C.F.R.~~)) 195.254 ((~~as amended on October 8,~~)) (1991), where feasible. Facility control is established by fencing, barriers, or ((~~other~~)) another method ((~~accepted~~)) approved by ecology which protects the pipe right of way and limits access to personnel authorized by the facility.

(2) Pipelines constructed after May 1994 and before the effective date of this rule must be designed and constructed in accordance with the American Society of Mechanical Engineers (ASME) Standard for pressure piping ASME B31.3 or B31.4 (1993), or another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

(3) All pipelines constructed before the effective date of this rule must include protective measures that are designed, installed, and maintained to reduce risk from seismic events and include one or more of the following, and are also installed under the provisions of chapter 57 of the 2021 International Fire Code (IFC), where applicable:

(a) Flexible mechanical device(s) between storage tank and piping or sufficient piping flexibility to protect the tank and pipe connection and prevent the release of product;

(b) Flexible mechanical device(s) or adequate pipeline flexibility between pipes;

(c) Pipeline supports that protect against seismic motion;

(d) Automatic emergency isolation shutoff valves that are triggered to close during seismic events; or

(e) Another seismic protection measure proposed by the facility and approved by ecology, as long as such protection measure equals or exceeds those required in this section.

(4) Pipelines replaced, relocated, or constructed after the effective date of this rule, which are located in areas not controlled by the facility, must be installed in accordance with 49 C.F.R. Parts 195.202 (1981), 195.204 (2015), 195.205 (2015), 195.206 (1981), 195.207 (2015), 195.208 (1998), 195.210 (1998), 195.212 (1998), 195.214 (2017), 195.216 (1981), 195.222 (2017), 195.224 (1981), 195.226 (1981), 195.228 (2015), 195.230 (1983), 195.234 (2015), 195.246 (2004), 195.248 (2017), 195.250 (1998), 195.252 (2003), 194.254 (1981), and 195.256 (1981), where feasible.

(5) Pipelines constructed after the effective date of this rule must also:

(a) Be designed and constructed in accordance with the ASME Standard for pressure piping ASME B31.3 - 2022 (2023) or B31.4 - 2022 (2022), or another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section;

(b) Be designed to API Standard 650 (2020), Annex E, section E.7.3 Piping Flexibility when connected to storage tanks;

(c) Be installed under the provisions of chapter 57 of the 2021 IFC, where applicable, and include one or more of the following:

(i) Flexible mechanical device(s) or adequate pipeline flexibility between pipes;

(ii) Pipeline supports that protect against seismic motion;

(iii) Automatic emergency isolation shutoff valves that are triggered to close during seismic events; or

(iv) Another seismic protection measure proposed by the facility and approved by ecology, as long as such protection measure equals or exceeds those required in this section.

(d) Resist tsunamis based on the facility's risk area using a tsunami hazard tool or a tsunami design zoning map.

(6) All pipelines must be protected from third party damage in a reasonable manner and be able to withstand external forces exerted upon them. This must be done by:

(a) Registering all underground pipelines located in public right of way areas in the local one call system if available;

(b) Maintaining accurate maps for all underground ((~~piping~~)) pipelines located outside the facility. The maps must identify ((~~pipe~~)) pipeline size and location. The approximate depths of pipelines must be identified for pipelines which do not comply with 49 C.F.R. ((~~195.248 as amended on October 8, 1991~~)) Parts 195.202 through 195.234, 195.248, and 195.256;

(c) Marking all piping located in areas not controlled by the facility in accordance with 49 C.F.R. Parts 195.202 through 195.234, 195.256, and 195.410 ((~~as amended on October 8, 1991~~));

(d) Providing easement inspections of areas identified ((~~by~~)) in (b) of this subsection on a weekly basis to determine if there is any

uncommon activity occurring which may affect the integrity of the pipeline; and

(e) Ensuring that pipelines at each railroad, highway, or road crossing are designed and installed to adequately withstand the dynamic forces exerted by anticipated traffic loads.

((~~(3) Pipelines constructed after the adoption date of this section must be designed and constructed in accordance with the American Society of Mechanical Engineers (ASME) Standard for pressure piping ASME B31.3 or B31.4 issued March 15, 1993, in effect during the time of construction or any other standard accepted by ecology.~~

~~(4)~~)) (7) Pipelines must be inspected in accordance with API Standard 570((~~, 1993~~)), Piping Inspection Code (2016 with Addendum 1 (2017) and 2 (2018), and Errata (2018)) or another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section. As an alternative to complying with API Standard 570, the facility must comply with the following requirement: Buried pipelines constructed after ((~~the adoption date of this rule~~)) May 1994 must be coated. Coatings must be designed and inspected to meet the following conditions consistent with the definition of best achievable protection:

(a) Coatings must effectively electrically isolate the external surfaces of the pipeline system from the environment.

(b) Coatings must have sufficient adhesion to effectively resist underfilm migration of moisture.

(c) Coatings must be sufficiently ductile to resist cracking.

(d) The coating must have sufficient impact and abrasion resistance or otherwise be protected to resist damage due to soil stress and normal handling (including concrete coating application, installation of river weights, and anode bracelet installation, where applicable).

(e) The coating must be compatible with cathodic protection.

(f) The coating must be compatible with the operating temperature of the pipeline.

(g) Coatings must be inspected immediately before, during, or after ((~~pipe~~)) pipeline installation to detect coating faults. Faults in the coating must be repaired and reinspected.

((~~(5)~~)) (8) All buried coated pipelines must have properly operated cathodic protection which is maintained during the operational life of the pipeline system. Cathodic protection must be maintained on pipeline systems which are out-of-service but not abandoned unless the operator can show that the pipeline integrity has been properly monitored and secured as approved by ecology prior to operation of the abandoned pipeline. Pipeline owners or operators may perform a corrosion study to demonstrate that cathodic protection is not required as an option to installing cathodic protection. Corrosion studies must follow the following guidelines ((~~as~~)) at a minimum:

(a) Corrosion studies must be completed by a professional engineer with experience in corrosion control of buried pipelines, a NACE certified corrosion specialist, or by a person knowledgeable and qualified to perform the required testing and inspection who is approved by ecology.

(b) Corrosion studies for pipelines must include at a minimum, the following:

(i) Pipeline thickness and corrosion rate for existing pipelines;

(ii) Presence of stray DC currents;

(iii) Soil resistivity/conductivity;

(iv) Soil moisture content;

(v) Soil pH;

(vi) Chloride ion concentration; and

(vii) Sulfide ion concentration.

((~~(6)~~)) (9) All pipelines with cathodic protection are subject to the following requirements where applicable:

(a) Cathodic protection systems must be tested to determine system adequacy on an annual basis.

(b) Impressed current cathodic protection rectifiers must be inspected every two months.

(c) Where insulating devices are installed to provide electrical isolation of pipeline systems to facilitate the application of corrosion control, they must be properly rated for temperature, pressure and electrical properties, and must be resistant to the commodity carried in the pipeline system.

(d) Buried pipeline systems must be installed so that they are not in electrical contact with any metallic structures. This requirement must not preclude the use of electrical bonding to facilitate the application of cathodic protection.

(e) Tests must be carried out to determine the presence of stray currents. Where stray currents are present, measures must be taken to mitigate detrimental effects.

((~~(7)~~)) (10) Buried bare pipelines must be inspected in accordance with ((~~section 7 of API 570 dated June 1993~~)) API Standard 570, section 7 (2016 with Addendum 1 (2017) and 2 (2018), and Errata 1 (2018)). Pipeline thickness and corrosion rates must be determined at an interval of no more than half of the remaining life of the pipeline as determined from corrosion rates or every five years, whichever is more frequent. Pipeline thickness and corrosion rate must be initially established ((~~within thirty-six months after the adoption date of this section~~)) by May 1997. The pipeline must be operated and inspected in accordance with ((~~American Society of Mechanical Engineers (~~))ASME((~~)~~)) supplement to ASME ((~~B31G-1991~~)) B31G-2012 (R2017) entitled *Manual for Determining the Remaining Strength of Corroded Pipe* for transmission pipelines ((~~issued June 27, 1991, API 570 dated June 1993 or a~~)), API Standard 570 (2016 with Addendum 1 (2017) and 2 (2018), and Errata 1 (2018)), or another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

((~~(8)~~)) (11) Whenever any buried ((~~pipe~~)) section of pipeline is exposed for any reason, the operator must provide a nondestructive examination of the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, the extent of that corrosion must be determined and if necessary repaired.

((~~(9)~~)) (12) Each facility must maintain all pumps and valves that could affect waters of the state in the event of a failure. Transfer pipeline pumps and valves and storage tank valves must be inspected annually and maintained in accordance with the manufacturers' recommendations or an industrial standard approved by ecology to ensure that they are functioning properly. Valves must be locked when the facility is not attended. Necessary measures must be taken to ensure that valves are protected from inadvertent opening or vandalism if located outside the facility or at an unattended facility.

((~~(10) A written record must be kept of all inspections and tests covered by this section.~~

~~(11)~~)) (13) Facilities must have the capability of detecting a transfer pipeline leak equal to eight percent of the maximum design flow rate within ((~~fifteen~~)) 15 minutes for transfer pipelines connected to tank vessels. Leak detection capability must be determined by

the facility using best engineering judgment. Deficiencies with leak detection systems such as false alarms must be addressed and accounted for by the facility. Facilities may meet these requirements by:

(a) Visual inspection provided the entire pipeline is visible and inspected every ((~~fifteen~~)) 15 minutes; ((~~or~~))

(b) Instrumentation; ((~~or~~))

(c) Completely containing the entire circumference of the pipeline provided that a leak can be detected within ((~~fifteen~~)) 15 minutes; ((~~or~~))

(d) Conducting an acceptable hydrotest of the pipeline immediately before the oil transfer with visual surveillance of the exposed pipeline every ((~~fifteen~~)) 15 minutes; ((~~or~~))

(e) A combination of the above strategies; or

(f) A method approved by ecology which meets the standard identified in this section((~~; or~~

~~(g)~~)).

(14) Leak detection system operation and operator response must be described in the facility operations manual.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-400 Applicability of Part D. (1) Part D applies to ((~~both~~)) Class 1 and ((~~Class~~)) 2 facilities. ((~~Ecology has not adopted operation manual requirements for Class 3 or 4 facilities.~~

~~(a) WAC 173-180-405 through 173-180-440 covers Class 1 facilities.~~

~~(b) WAC 173-180-445 through 173-180-475 covers Class 2 facilities.~~

~~(2) Class 1 and 2 facilities must prepare, submit, and implement an operations manual pursuant to the requirements in this chapter.~~

~~(3)~~)) (2) All oil transfer operations at Class 1 and 2 facilities must be conducted in accordance with the ((~~facilities~~)) facility's operations manual. The owner or operator and person in charge (PIC) for Class 1 and 2 facilities transferring oil with a nonrecreational vessel must ensure that the receiving vessel's personnel comply with the ((~~facility~~)) facility's operations manual.

((~~(4)~~)) (3) Class 1 and 2 facilities must maintain all equipment and perform operations in accordance with the operations manual.

((~~(5) All operations manuals will be valid for no more than five years from the date on the approval letter. Ecology will review the facility operations manual to ensure compliance with this chapter.~~))

NEW SECTION

WAC 173-180-406 Class 1 and 2 facilities—Operations manual preparation. (1) Each Class 1 and 2 facility must prepare, submit, and implement an operations manual, which at a minimum meets the requirements of this chapter.

(2) The operations manual must be thorough and contain enough information and documentation, and analyses and supporting data for Class 1 facilities, to demonstrate the manual holder's ability to meet the requirements of this chapter.

(3) The manual must describe equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills.

NEW SECTION

WAC 173-180-411 Class 1 and 2 facilities—Operations manual maintenance and use. (1) Each Class 1 and 2 facility must keep the operations manual in an immediately accessible location.

(2) Facilities must ensure that all employees involved in oil transfer operations, or storage operations for Class 1 facilities, are familiar with the manual provisions through regular and new employee training.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-415 Class 1 ((~~facility~~)) and 2 facilities—Operations manual format requirements. Operations manuals must:

(1) Have a detailed table of contents based on chapter, section, ((~~and~~)) appendix numbers and titles, ((~~as well as~~)) and tables and figures((~~.~~));

(2) Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 C.F.R. ((~~154~~)) Part 154.300 provided that a copy of the ((~~*Coast Guard Operations Manual* has been~~)) documents are submitted to ecology;

((~~(2)~~)) (3) Allow replacement of ((~~chapter and appendix~~)) pages with revisions, without requiring replacement of the entire ((~~operations~~)) manual; and

((~~(3) Have~~)) (4) Include a log sheet to record amendments to the ((~~operations~~)) manual. The log sheet must((~~:~~

~~(a)~~)) be placed at the front of the ((~~operations manual;~~

~~(b) Provide for a record of the~~)) manual. The log sheet must identify each section amended, the date ((~~the old section was replaced with the amended section~~)) of the amendment, and the ((~~initials~~)) name of the authorized individual making the change((~~;~~

~~(c) Include~~)). A description of the amendment((~~;~~)) and ((~~(d) Include a description of the amendment's~~)) its purpose ((~~or filed in the form of an amendment letter immediately following~~)) must also be included in the log sheet.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-420 Class 1 facility—Operations manual content requirements. (1) ((~~The operations manual must describe equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills.~~

~~(2) The~~)) Each operations manual submitted to ecology must contain a ((~~submittal~~)) written statement binding the manual submitter to its use. In the binding agreement ((~~which~~)), the signatory will:

(a) Include((~~s~~)) the name, address, ((~~and~~)) phone number, and email address of the submitting party;

(b) ((~~Verifies~~)) Verify acceptance of the ((~~operations~~)) manual by the owner or operator of the Class 1 facility by either signature of ((~~the~~)) an authorized owner, ((~~or~~)) operator, or ((~~signature by a person~~)) a designee with ((~~the~~)) authority to bind the ((~~corporation which owns such~~)) owners and operators of the facility;

(c) ((~~Commits execution of the operations manual by the owner or operator of the Class 1 facility, and verifies authority for the operations manual holder to make appropriate expenditures in order to execute operations manual provisions~~)) Commit to the implementation and use of the manual;

(d) Verify the person(s) signing the agreement is authorized to make expenditures to implement the requirements of the manual; and

((~~(d)~~)) (e) Include((~~s~~)) the name, location, and address of the facility, type of facility, and starting date of operations of the facility covered by the ((~~operations~~)) manual.

(2) The facility may submit their United States Coast Guard operations manual required under 33 C.F.R. Part 154.300 to satisfy manual requirements under this chapter if:

(a) Ecology deems that such federal requirements equal or exceed those required in this section; or

(b) The facility modifies or appends the manual to meet requirements as described in WAC 173-180-415(2).

(3) ((~~Operations~~)) Manuals must address at a minimum the following topics for oil transfer operations to or from Class 1 facilities:

(a) General facility information including:

(i) The geographic location of the facility shown on a topographic map;

(ii) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(iii) A statement identifying facility operation hours;

(iv) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(v) Recordkeeping procedures and sample forms which are associated with the requirements in this chapter;

(vi) Overfill prevention procedures must be described for transfers to storage tanks ((~~and tank vessels~~)) in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. ((~~30-1993~~)) 30-2021, Chapter ((~~2~~)) 21, section ((~~2-10~~)) 21.7.1 Prevention of Overfilling of Storage Tanks;

(vii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preven-

tative maintenance, replacement criteria for transfer pipelines, pumps, and valves;

(viii) A description of all oil types transferred to or from the facility including:

(A) Generic and chemical name;

(B) A description of the appearance of the oil;

(C) The hazards involved in handling the oil; and

(D) Instructions for safe handling of oil((~~;~~)).

(ix) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil;

(x) A list of firefighting procedures and extinguishing agents effective with fires involving the oil;

(xi) A description of each communication system and instructions in the use of each ((~~communication system~~));

(xii) Detailed procedures for:

(A) Operating each hose system and loading arm including the limitations of each loading arm;

(B) Transferring oil, including startup, topping off, and shutdown;

(C) Completion of pumping; and

(D) Quantity, types, locations, and instructions for use of all transfer monitoring devices;

(xiii) A discussion of the leak detection system and/or procedures implemented by the facility;

(xiv) The location and facilities of each personnel shelter, if any; and

(xv) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system.

(b) Facility procedures for oil transfers to or from nonrecreational vessels including, at a minimum:

(i) Discussion of the sizes, types, and number of vessels that the facility can transfer oil to or from, including simultaneous transfers;

(ii) Discussion of equipment and procedures required for all vessels which transfer oil to or from the facility;

(iii) Procedures for verifying that vessels meet facility requirements and operations manual procedures;

(iv) Discussion of the minimum number of persons or equipment required to perform transfer operations and their duties((~~, including transfer watchmen~~));

(v) ((~~A~~)) Description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;

(vi) If applicable, procedures for shielding portable lighting;

(vii) Description of the facility's requirements or actions taken regarding unexpected weather and sea conditions and the threshold values developed by the facility which may impact oil transfers to or from vessels. ((~~The~~)) Supporting data for oil transfer weather and sea restrictions must be ((~~made~~)) available to ecology ((~~if requested~~)) upon request and include at a minimum:

(A) Instrumentation or methodology for accurately measuring and recording this information in the facility's dock operations log book;

(B) Measuring current velocity, weather, and sea conditions before and during the oil transfer operation;

(C) Monitoring forecasted weather and sea;

(D) Procedures for communicating weather and sea conditions to the persons in charge (PICs) at regular intervals;

(E) Threshold values for weather and sea conditions above which transfer operations must cease; and

(F) Procedures for communicating with the vessel and shutting down the oil transfer should weather or seas exceed threshold values.

(c) Safe and effective threshold determination. ((~~The threshold values which personnel will use to determine when a facility will not preboom under Part B of this chapter, must be in the operations manual and easily found by the PIC. The analysis, data, and supporting documents are not required to be in the operations manual but must be submitted separately in a report to ecology. See~~)) If a facility conducts Rate A transfers, then the manual must include the safe and effective threshold values identified in the safe and effective threshold determination report under WAC 173-180-224.

(d) Facility emergency ((~~procedures~~)) information must include, at a minimum:

(i) Procedures for reporting spills to the appropriate agencies and initial response actions taken in the event of an oil discharge;

(ii) The names and telephone numbers of facility, federal, state, local, and other personnel who may be called by the employees of the facility in case of an emergency;

(iii) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(iv) Quantity, types, locations, instructions for use, and time limits for gaining access to containment equipment; and

(v) Quantity, types, locations, and instructions for use of fire extinguishing equipment.

(e) For facilities that transfer to or from transmission pipelines the operations manual must address, ((~~at a minimum~~)) in addition to the requirements in (a) of this subsection, the following topics:

(i) ((~~The geographic location of the facility shown on a topographic map;~~

~~(ii) A physical description of the facility including a plan of the facility showing transfer locations, control stations, oil flow patterns, and locations of safety equipment;~~

~~(iii) A statement identifying facility operation hours;~~

~~(iv) A description of all oil types transferred to or from the facility including:~~

~~(A) Generic and chemical name;~~

~~(B) The name of the oil;~~

~~(C) A description of the appearance of the oil;~~

~~(D) A description of the odor of the oil;~~

~~(E) The hazards involved in handling the oil; and~~

~~(F) Instructions for safe handling of oil;~~

~~(v) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil;~~

~~(vi) A list of firefighting procedures and extinguishing agents effective with fires involving the oil;~~

~~(vii) A discussion of the minimum number of persons required to perform transfer operations and their duties;~~

~~(viii) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;~~

~~(ix)~~)) The duties of the facility operator and/or PIC;

((~~(x)~~)) (ii) A description of each associated communication system;

((~~(xi) The location and facilities of each personnel shelter, if any;~~

~~(xii)~~)) (iii) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

((~~(xiii) Quantity, types, locations, and instructions for use of monitoring devices;~~

~~(xiv) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;~~

~~(xv) Quantity, type, location, and instructions for use of fire extinguishing equipment;~~

~~(xvi) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;~~

~~(xvii) Detailed procedures for reporting and initial containment of oil discharges;~~

~~(xviii) A brief summary of applicable federal, state, and local oil pollution laws and regulations;~~

~~(xix)~~)) (iv) A description of the training and qualification program for ((~~persons in charge~~)) the facility operator and/or PICs; and

((~~(xx)~~)) (v) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns((~~;~~

~~(xxi) Recordkeeping procedures and sample forms to be used;~~

~~(xxii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance replacement criteria for transfer pipelines, pumps and valves; and~~

~~(xxiii) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures must be described for transfers to storage tanks and tank vessels~~)).

NEW SECTION

WAC 173-180-421 Class 2 facility—Operations manual content requirements. (1) Each operations manual submitted to ecology must contain a written statement binding the manual submitter to its use. In the binding agreement, the signatory will:

(a) Include the name, address, phone number, and email address of the submitting party;

(b) Verify acceptance of the manual by the owner or operator of the Class 2 facility by either signature of an authorized owner, operator, or designee with authority to bind the owners and operators of the facility;

(c) Commit to the implementation and use of the manual;

(d) Verify the person(s) signing the agreement is authorized to make expenditures to implement the requirements of the manual; and

(e) Include the name and location for the base of operations for the mobile fleet, and the starting date of operations.

(2) The facility may submit their United States Coast Guard operations manual required under 33 C.F.R. Part 154.300 to satisfy manual requirements under this chapter if:

(a) Ecology deems that such federal requirements equal or exceed those required in this section; or

(b) The facility modifies or appends the manual to meet requirements as described in WAC 173-180-415(2).

(3) Manuals must address at a minimum the following topics for oil transfer operations from Class 2 facilities:

(a) General information including:

(i) A brief summary of applicable federal, state, and local oil or hazardous material pollution laws and regulations;

(ii) A physical description of the fleet of mobile vehicles or rolling stock including capabilities;

(iii) List all cities where the facility conducts oil transfers;

(iv) Instructions in the use of each communication system;

(v) A description and instructions for the use of drip and release containment for all hose connections;

(vi) The maximum allowable working pressure (MAWP) of each hose assembly required to be tested by 33 C.F.R. Part 156.170, including the maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each transfer system, if any;

(vii) Recordkeeping procedures and sample oil transfer forms which are associated with the requirements in this chapter;

(viii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance, replacement criteria for hose assemblies, pumps, and valves;

(ix) A copy of the safety data sheets (SDS) for each type of oil transferred. The SDS must be in the driver's possession or available at the transfer; and

(x) Discussion of the minimum number of persons or equipment required to perform transfer operations and their duties.

(b) Facility procedures for oil transfers to or from nonrecreational vessels including:

(i) Detailed procedures for transferring oil which will include, at a minimum:

(A) Number of truck/trailer combinations needed;

(B) Transferring oil, including startup, topping off, and shutdown; and

(C) Shift-change procedures;

(ii) Discussion of equipment and procedures required for all vessels which receive oil from the Class 2 facility;

(iii) Overfill prevention procedures must be described for transfers to vessels;

(iv) Discussion regarding the times, hours, or location conditions that could limit deliveries;

(v) If applicable, procedures for shielding portable lighting;

(vi) Procedures for observing or detecting leaks from the vessel during oil transfer operations; and

(vii) Discussion of the facility's requirements regarding weather and sea conditions at the facility which may impact oil transfers to or from vessels including, at a minimum:

(A) Monitoring current weather and sea conditions;

(B) Monitoring forecasted weather and sea conditions;

(C) Procedures for communicating weather and sea conditions to the persons in charge (PICs) at regular intervals;

(D) Threshold values for weather and sea conditions above which transfer operations must cease; and

(E) Procedures for communicating with the vessel and shutting down the oil transfer should weather or seas exceed threshold values.

(c) Facility emergency information must include, at a minimum:

(i) Procedures for reporting and initial containment of oil discharges;

(ii) The name and telephone number of the driver's supervisor or dispatcher and telephone number of the United States Coast Guard, state, local, and other personnel who may be called by the employees of the facility in an emergency;

(iii) Emergency plans and procedures including a description of and location of each emergency shutdown system;

(iv) Quantity, types, locations, and instructions for use of fire extinguishing equipment; and

(v) Means of protecting nearby surface water from impact of discharge of oil, i.e., permanent or temporary drainage structures or devices to protect water at delivery site.

(d) If a facility conducts Rate A transfers, then the manual must include the safe and effective threshold values identified in the safe and effective threshold determination report under WAC 173-180-224. These values must be for each location where a Rate A transfer occurs.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-425 Class 1 ((~~facility~~)) and 2 facilities—Operations manual submittal requirements. (1) The owner or operator of ((~~an existing facility must submit the operations manual to ecology within one hundred twenty calendar days from the effective date of this chapter.~~

~~(a) Existing Class 1 facilities that have an ecology approved operations manual, on the date this chapter becomes effective, may submit only the new changes to the operations manual instead of resubmitting the entire operations manual.~~

~~(b) For Class 1 facilities that begin operations after the effective date of this chapter, the owner or operator must submit an operations manual to ecology at least one hundred twenty calendar days prior to conducting an oil transfer operation~~)) a Class 1 or 2 facility must submit an operations manual to ecology at least 120 calendar days prior to their planned date for conducting an oil transfer operation in Washington state.

(2) One ((~~paper and one~~)) electronic copy of the ((~~operations~~)) manual and appendices must be ((~~delivered to:~~

~~The Department of Ecology~~
~~Spill Prevention, Preparedness, and Response Program~~
~~Operations Manual~~
~~P.O. Box 47600~~
~~Olympia, WA 98504-7600~~
~~Or~~
~~The Department of Ecology~~
~~Spill Prevention, Preparedness, and Response Program~~
~~Operations Manual~~
~~300 Desmond Drive~~
~~Lacey, WA 98503~~)) submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(3) The ((~~operations~~)) manual submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-430 Class 1 ((~~facility~~)) and 2 facilities—Operations manual review and approval process. (1) The owner or operator of a Class 1 or 2 facility must submit the operations manual to ecology for reapproval at least 120 calendar days prior to the manual's expiration date. The facility may request ecology review the manual currently on file at ecology or submit amended page(s) of the manual to ecology.

If the manual is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of manual approval.

(2) Upon receipt of ((~~an operations~~)) the manual, ecology will determine whether the ((~~operations~~)) manual is complete. If ecology determines that ((~~an operations~~)) the manual is ((~~incomplete, ecology must notify~~)) not complete, the facility will be notified of ((~~the~~)) any deficiencies.

((~~(2) When reviewing operations manuals ecology must consider the following:~~

~~(a) The ability of the operations manual to provide best achievable protection from damages caused by the discharge of oil into waters of the state;~~

~~(b) The volume and type of oil(s) addressed by the facility operations manual;~~

~~(c) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;~~

~~(d) Inspection reports;~~

~~(e) The presence of operating hazards;~~

~~(f) The sensitivity and value of natural resources within the geographic area covered by the operations manual; and~~

~~(g) Any pertinent local, state, federal agency, public comments received on the operations manual.~~

~~(3) Ecology must endeavor to notify the facility owner or operator within five working days after completing the review whether ecology approves the operations manual.~~

~~(4) If the operations manual receives approval, ecology must send the Class 1 facility owner or operator an approval letter describing the terms of approval, including an expiration date.~~

~~(5) Conditional approval:~~

~~(a) Ecology may approve an operations manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the operations manual are resubmitted and approved by ecology.~~

~~(b) Precautionary measures may include, but are not limited to:~~

~~(i) Reducing oil transfer rates;~~

~~(ii) Increasing personnel levels;~~

~~(iii) Restricting operations to daylight hours; or~~

~~(iv) Additional requirements to ensure availability to response equipment.~~

~~(6) After receiving notification of conditional status from ecology, a Class 1 facility must submit and implement required changes to ecology within thirty calendar days. Ecology may issue an extension at ecology's discretion. Operations manual holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.~~

~~(7) If the operations manual approval is denied, ecology must send an explanation of the factors for disapproval and a list of deficiencies to the Class 1 facility owner or operator.~~

~~(a) The owner or operator of the facility must resubmit the operations manual within ninety calendar days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.~~

~~(b) The facility must not continue oil storage, transfer, production, or other operations until ecology approves an operations manual for that facility.~~

~~(8) Approval of a manual by ecology does not constitute an express assurance regarding the adequacy of the operations manual nor constitute a defense to liability imposed under state law.~~

~~(9) A facility may conduct operations if the facility properly submitted an operations manual to ecology and ecology has not provided the facility with a formal response.~~)) Ecology may request additional information for the manual.

(3) Before the manual's expiration date, ecology will respond with a letter approving, conditionally approving, or disapproving the manual.

(a) The facility may continue to conduct operations if the facility properly submitted the manual to ecology and ecology has not provided the facility with a formal response.

(b) When reviewing manuals for approval, ecology must consider the following:

(i) The ability of the manual to provide best achievable protection from damages caused by the discharge of oil into waters of the state;

(ii) The volume and type(s) of oil addressed by the manual;

(iii) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(iv) Inspection reports;

(v) The presence of operating hazards; and

(vi) The sensitivity and value of natural resources within the geographic area covered by the manual.

(4) If the manual receives approval, the letter will describe the terms of approval, including expiration date. Manual approval expires five years from the date on the approval letter.

(5) If the manual is conditionally approved, ecology may require the facility to operate with specific restrictions until unacceptable components of the manual are revised, resubmitted, and approved.

(a) In the conditional approval, ecology will describe:

(i) Each specific restriction and the duration for which they apply; and

(ii) Each required item to bring the manual into compliance.

(b) Restrictions may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting operations to daylight hours or favorable weather conditions; or

(iv) Additional requirements to ensure availability of response equipment.

(c) The owner or operator has 30 calendar days after notification of conditional approval to submit revisions and implement required changes. An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(d) Facilities which fail to meet conditional requirements or provide required changes in the time allowed may lose conditional approval status. Ecology may revoke its conditional approval prior to the expiration date if the facility fails to meet the terms of the conditional approval.

(6) If the manual is disapproved, the facility must receive an explanation of the factors for disapproval. The owner or operator has 90 calendar days after notification of disapproval to submit revisions and implement required changes.

(a) Class 1 facilities must not continue oil storage, transport, transfer, production, or other operations until the manual has been approved or conditionally approved.

(b) Class 2 facilities must not continue oil transfer or other operations until the manual has been approved or conditionally approved.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-435 Class 1 ((~~facility~~)) and 2 facilities—Operations manual updates. (1) At any point during the five-year approval period, if there is a significant change as defined in subsection (4) of this section, the owner or operator must ((~~notify~~)):

(a) Submit an electronic notification to ecology ((~~in writing~~)) prior to any significant ((~~changes to the operations manual that could affect implementation of the operations manual.~~

~~(2)~~)) change;

(b) Within 30 calendar days of the significant change, amend the manual to incorporate the significant change and submit the amended page(s) to ecology; and

(c) If a significant change will reduce the facility's ability to implement the manual, provide a schedule for the return of the manual to full implementation capability.

(2) Failure to notify ecology of significant changes in the manual is considered noncompliance and could result in the loss of manual approval.

(3) If ecology finds, as a result of the significant change, the manual no longer meets approval criteria, then ecology will notify the facility owner or operator of the change in approval status. Ecology may place conditions on approval or disapprove the manual.

(4) A significant change includes((~~, but is not limited to~~)):

(a) ((~~A change in the owner or operator of the facility;~~

~~(b)~~)) A change in the type(s) of oil handled at the facility;

((~~(c) A substantial~~)) (b) A five percent or greater change in the Class 1 facility's ((~~oil-handling~~)) oil handling capacity;

((~~(d) Noncompliance with the federal Oil Pollution Act of 1990;~~

~~(e) A substantial~~)) (c) A change in oil spill prevention technology installed at the Class 1 facility or equipment in use by the Class 2 facility, or other ((~~substantial~~)) changes to facility technology, operations, or personnel procedures ((~~based on requirements of amended or new rules adopted by ecology; and~~

~~(f) Any other changes that would require modification of the operations manual.~~

~~(3) If a significant change will reduce the facility's ability to implement the operations manual, the operations manual holder must also provide a schedule for the return of the operations manual to full implementation capability.~~

~~(4) The facility may submit a facsimile to provide written notice for the purposes of this section.~~

~~(5) If ecology finds, because of the significant change, the operations manual no longer meets approval criteria, ecology may, at its discretion, place conditions on approval, or revoke approval. Ecology may also require the operations manual holder to amend its operations manual to incorporate the change.~~

~~(6) Within thirty calendar days of making a significant change to the operations manual, the facility owner or operator must distribute the amended page(s) of the operations manual to ecology and other operations manual holders~~)).

((~~(7)~~)) (5) A significant change does not include minor variations (less than five percent for Class 1 facilities) in oil handling capacity, maintenance schedules, and operating procedures, provided that none of these changes will increase the risk of a spill.

(6) Ecology may review ((~~an operations manual~~)) and require changes to the manual following any spill, inspection, or drill ((~~for which the operations manual holder is responsible~~)).

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-500 Applicability of Part E. (1) Part E applies to Class 1 and 2 facilities. ((~~All Class 1 and Class 2 facilities must have training and certification programs that are developed, approved, and implemented, pursuant to requirements in this chapter.~~

~~Class 1 and 2 facilities training and certification program will be valid for no more than five years from the date on the approval letter. Ecology will review Class 1 and 2 facilities training and certification program to ensure compliance with this chapter.~~))

(2) Class 3 facilities must meet the person in charge (PIC) training requirements in 33 C.F.R. ((~~154~~)) Part 154.710.

(3) Class 4 facilities must meet the training requirements in WAC 173-180-210(2).

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-510 Class 1 facility—Training requirements. (1) Each Class 1 facility must develop ((~~and~~)), implement, and maintain oil transfer training and written materials, such as training manuals or checklists, for ((~~key~~)) supervisory, operations, maintenance, management, and indirect operations personnel identified ((~~pursuant to~~)) in subsection ((~~(3)~~)) (4) of this section.

((~~(a)~~)) If the facility has an approved equivalent compliance plan, all personnel must be trained on this plan.

(2) The ((~~Class 1~~)) facility must design a training program, which will to the maximum extent practicable, ((~~to~~)) promote job competency for oil transfer operations and environmental awareness for the purpose of preventing oil spills.

((~~(b)~~)) (3) Non-English speaking personnel subject to the facility's training requirements must be trained in a manner that allows comprehension by such personnel.

((~~(2) Oil transfer training programs must be approved by ecology under WAC 173-180-525.~~

~~(3)~~)) (4) The ((~~Class 1~~)) facility must identify, in writing, the specific position titles which the facility has identified to be subject to its oil transfer training requirements. In making this determination, the facility must evaluate the functions of facility personnel positions using the following definitions:

(a) ((~~"Key" means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where typical human factors present the probability of a spill occurring.~~

~~(b)~~)) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes, but is not limited to, the ((~~person-in-charge~~)) person in charge (PIC), storage tank operators, pipeline operators, and oil transfer monitors.

((~~(c)~~)) (b) "Supervisory" means direct involvement in ((~~directly~~)) supervising personnel engaged in the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

((~~(d)~~)) (c) "Maintenance" means direct involvement in maintaining and repairing the equipment used for the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state.

(d) "Management" means a general manager or other individual who exercises operational or managerial control over day-to-day operations of a facility's oil handling, transfer, storage, and monitoring/leak detection operations and oil spill prevention.

(e) "Indirect operations" means involvement in on-site activities, such as new construction, in a capacity that indirectly involves the risk of an oil spill to waters of the state due to potential impacts to nearby ((~~oil-handling~~)) oil handling operations (e.g., operating digging equipment next to an active transfer pipeline). For cases where certain job titles associated with indirect operations ((~~can not~~)) cannot be identified in advance, the facility must identify the

types of job orders or work sites which may involve the need for indirect operations oil transfer training.

((~~(4)~~)) (5) The facility must identify, in writing, the specific initial classroom and/or on-the-job oil transfer training requirements for each position, including minimum hours that are appropriate for each position given the facility's training needs and human factor risks.

For the purposes of this section, "human factors" means human conditions, such as inadequate knowledge or fatigue, which can lead to incompetency or poor judgment, and "human factor risks" means risks of causing an oil spill due to the effects of human factors on competency and judgment.

((~~(5)~~)) (6) Operations and supervisory personnel training: Requirements for training of operations and supervisory personnel must focus on building personnel competency in operating procedures and spill prevention systems specific to the facility. Oil transfer training requirements must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Operating procedures and checklists specific to the trainee's job function;

(c) Problem assessment, including recognition of human factor risks and how they can be minimized;

(d) Awareness of preventative maintenance procedures;

(e) Awareness of local environmental sensitivity and oil spill impacts;

(f) Major components of the facility's oil spill prevention plan;

(g) Major components of the facility's operations manual;

(h) Major components of the facility's oil spill contingency plan;

(i) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;

(j) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(k) Routine and emergency communication((~~s~~)) procedures;

(l) Overview of applicable oil spill prevention and response laws and regulations; and

(m) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

((~~(6)~~)) (7) Management personnel training: Requirements for initial oil transfer training of management personnel must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

(b) Management role in operations and oil spill prevention;

(c) Recognition of human factor risks and how they can be minimized;

(d) Awareness of local environmental sensitivity and oil spill impacts;

(e) Major components of the facility's oil spill prevention plan;

(f) Major components of the facility's operations manual;

(g) Major components of the facility's oil spill contingency plan;

(h) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(i) Overview of applicable oil spill prevention and response laws and regulations; and

(j) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

((~~(7)~~)) (8) Maintenance personnel training: Requirements for initial oil transfer training of maintenance personnel must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at applicable maintenance work sites within the facility;

(b) Equipment problem assessment and preventative maintenance procedures;

(c) Awareness of local environmental sensitivity and oil spill impacts;

(d) Major components of the facility's oil spill prevention plan;

(e) Major components of the facility's operations manual;

(f) Major components of the facility's oil spill contingency plan;

(g) Emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(h) Overview of applicable oil spill prevention and response laws and regulations; and

(i) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

((~~(8)~~)) (9) Indirect operations personnel training: Requirements for initial oil transfer training of indirect operations personnel must incorporate the following training topics at a minimum:

(a) Overview of oil handling, transfer, storage, and monitoring/leak detection operations at specific indirect operations work sites within the facility;

(b) Awareness of local environmental sensitivity and oil spill impacts;

(c) Notification procedures for emergency spill prevention actions; and

(d) For facility employees, drug and alcohol use awareness, pursuant to WAC 173-180-630.

((~~(9)~~)) (10) Training topics identified in subsections ((~~(5)~~)) (6) through ((~~(8)~~)) (9) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the applicable personnel training program.

((~~(10)~~)) (11) The facility must identify, in writing, the specific oil spill prevention continuing education and hazardous material training requirements for each affected position, including minimum hours, which are appropriate given the facility's training needs and human factor risks. Ongoing training must occur at least annually, and at a minimum address:

(a) Any changes in the core topics identified in subsections ((~~(5)~~)) (6) through ((~~(8)~~)) (9) of this section, unless affected personnel have already been informed about the change after its occurrence;

(b) Refresher awareness training on environmental sensitivity and oil spill impacts;

(c) Review and analysis of oil spills ((~~which have~~)) that occurred during the past year for causal factors and lessons learned;

(d) Refresher training on emergency spill prevention procedures; and

(e) For ((~~key~~)) supervisory, operations, and management personnel, a practice exercise of the facility's procedures for preventing a spill during a particular abnormal operations event.

((~~(11)~~)) (12) Facilities are encouraged to apply or modify existing training programs required under federal Process Safety Management requirements ((~~(~~)) in 29 C.F.R. Part 1910((~~)~~)), United States Coast Guard ((~~person-in-charge~~)) person in charge (PIC) requirements ((~~(~~)) in 33 C.F.R. Part 154.710((~~)~~)), and other federal/state training requirements in order to meet the above oil transfer training requirements.

((~~(12) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's initial oil transfer training requirements if:~~

~~(a) The facility has documented that those personnel have received the required training in the past; or~~

~~(b) The facility attests in writing and in detail, how those personnel have had on-the-job training or other experience equivalent to the facility's initial training requirements including type and frequency of past training when known.~~))

(13) Facilities must ((~~develop follow up remedial~~)) provide follow-up training for personnel ((~~clearly~~)) responsible for causing an oil spill while functioning in their position, unless such personnel no longer occupy a position identified under subsection ((~~(3)~~)) (4) of this section. The training must address the causes of the spill and measures to prevent a reoccurrence and must be incorporated into the continuing education training program.

(14) Contractors hired by the facility to perform ((~~key~~)) supervisory, operations, maintenance, management, or indirect operations functions, as identified by the facility under subsection ((~~(3)~~)) (4) of this section, are considered "personnel" for the purposes of this chapter, and must be subject to the same oil transfer training requirements as facility employees. The facility ((~~is responsible to validate that such~~)) must confirm contractors have met the facility's oil transfer training requirements before they perform a ((~~key~~)) supervisory, operations, maintenance, management, or indirect operations function.

(15) Facilities must develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

((~~(16) Facilities must develop and maintain written oil transfer training materials, such as training manuals or checklists.~~

~~(17) Oil transfer training must be documented, and records must be kept at the facility in a central and accessible location for at least five years from the date of training completion.~~))

NEW SECTION

WAC 173-180-511 Class 2 facility—Training requirements. (1) Each Class 2 facility must develop, implement, and maintain oil transfer training and written materials, such as training manuals or check-

lists, for supervisory and operations personnel identified in subsection (4) of this section.

If the facility has an approved equivalent compliance plan, all personnel must be trained on this plan.

(2) The facility must design a training program, which will to the maximum extent practicable, promote job competency for oil transfer operations.

(3) Non-English speaking personnel subject to the facility's training requirements must be trained in a manner that allows comprehension by such personnel.

(4) The facility must identify, in writing, the specific position titles which the facility has identified to be subject to its oil transfer training requirements. In making this determination, the facility must evaluate the functions of facility personnel positions using the following definitions:

(a) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes, but is not limited to, the person in charge (PIC), truck drivers and operators, and oil transfer monitors.

(b) "Supervisory" means direct involvement in supervising personnel engaged in the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(5) The facility must identify, in writing, the specific initial classroom and/or on-the-job oil transfer training requirements for each position, including minimum hours that are appropriate for each position given the facility's training needs and human factor risks as defined in WAC 173-180-510 (5)(a).

(6) Operations and supervisory personnel training: Requirements for training of operations and supervisory personnel must focus on building personnel competency in operating procedures specific to the facility. Oil transfer training requirements must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, and monitoring operations at the facility;

(b) Operating procedures and checklists specific to the trainee's job function;

(c) Awareness of preventative maintenance procedures;

(d) Awareness of oil spill impacts;

(e) Major components of the facility's operations manual;

(f) Major components of the facility's response plan;

(g) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;

(h) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(i) Routine and emergency communication procedures;

(j) Overview of applicable oil spill response laws and regulations; and

(k) Drug and alcohol use awareness.

(7) Training topics identified in subsection (6) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the oil transfer training program.

(8) The facility must identify, in writing, the specific oil spill prevention continuing education and hazardous material training requirements for supervisory and operations personnel, which are appropriate given the facility's training needs and human factor risks. Ongoing training must occur at least annually, and at a minimum:

(a) Review and analyze oil spills that occurred during the past year for causal factors and lessons learned;

(b) Refresher training on emergency spill prevention procedures; and

(c) Refresher training on spill cleanup and recovery operations.

(9) Facilities must provide follow-up training after any spill to all supervisory and operations personnel. The training must address the causes of the spill and measures to prevent a reoccurrence must be incorporated into the continuing education training program.

(10) Contractors hired by the facility to perform supervisory and operations functions, as identified by the facility under subsection (4) of this section, are considered "personnel" for the purposes of this chapter, and must be subject to the same oil transfer training requirements as facility employees. The facility must confirm contractors have met the facility's oil transfer training requirements before they perform a supervisory or operations function.

(11) Facilities must develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-515 Class 1 ((~~facility~~)) and 2 facilities—Certification program. (1) Each Class 1 and 2 facility must develop and implement a program to certify ((~~that key~~)) supervisory and operations personnel identified ((~~pursuant to~~)) in WAC 173-180-510 and 173-180-511, as applicable, have met the facility's oil transfer training program requirements, and are competent to perform the operations or supervisory functions associated with their position. The facility is not required to certify personnel other than ((~~key~~)) supervisory and operations personnel.

(2) The certification program must be designed, to the maximum extent practicable, to ensure job competency for oil transfer operations, and environmental awareness for the purpose of preventing oil spills.

((~~(2)~~)) (3) Certification programs must meet minimum criteria ((~~pursuant to~~)) in WAC 173-180-520.

((~~(3) Certification programs must be approved by ecology pursuant to WAC 173-180-525.~~))

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-520 Class 1 ((~~facility~~)) and 2 facilities—Minimum criteria for certification programs. (1) The Class 1 and 2 facility ((~~oil spill prevention~~)) certification programs must address all ((~~key~~)) supervisory and operations personnel identified ((~~pursuant to~~)) in WAC 173-180-510 and 173-180-511, as applicable.

(2) The ((~~Class 1~~)) facility must develop and maintain written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to develop and test competency ((~~in key~~)) for supervisory and operations personnel((~~;~~

~~(c) The process to issue and track certificates; and~~

~~(d) Policies regarding loss or lack of certified status.~~

~~(3) The Class 1~~)), including:

(i) Documented written or oral examinations, which test general knowledge about training topics identified under WAC 173-180-510 and 173-180-511, as applicable, with an appropriate passing score established by the facility;

(ii) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(A) Observation of performance of each oil handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and

(B) Practice exercises involving procedures to prevent a spill during abnormal operations events;

(c) The facility must maintain ((~~a~~)) written ((~~certificate or other~~)) records for supervisory and operations personnel, which have met the facility's certification requirements. ((~~This~~)) These records must document:

((~~(a)~~)) (i) The certified individual's name and position;

((~~(b)~~)) (ii) Types and hours of training completed;

((~~(c)~~)) (iii) Name of ((~~trainer~~)) the training course and signature of the trainer upon completion of the course;

((~~(d)~~)) (iv) Results of performance tests and evaluations; and

((~~(e) Signatures of the trainee and trainer.~~

~~(4) The Class 1 facility must keep copies of certification records at the facility in a central and accessible location for at least five years from the date of certification.~~

~~(5) The Class 1 facility certification program must incorporate methods to evaluate and confirm job competency, including:~~

~~(a) A written examination, or oral examination documented in writing, which tests general knowledge about training topics identified under WAC 173-180-510, with an appropriate passing score established by the facility;~~

~~(b) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:~~

~~(i) Observation of performance of each oil handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and~~

~~(ii) Practice exercises involving procedures to prevent a spill during abnormal operations events.~~

~~(6) The Class 1 facility's program must only provide for certification of an individual who has:~~

~~(a) Met the facility's oil spill prevention initial training requirements tied to the individual's position, as developed pursuant to WAC 173-180-510; and~~

~~(b) Passed a competency evaluation developed under subsection (5) of this section.~~

~~(7)~~)) (v) A copy of the certificate demonstrating the individual is certified.

(d) The process to issue and track certificates; and

(e) Policies regarding how the facility will manage supervisory or operations personnel who lose or lack certification.

(3) Recertification of personnel must occur at least once every three years, based on:

(a) Successful completion of continuing education requirements; and

(b) Satisfactory performance in a reevaluation of competency as developed under subsection ((~~(5)~~)) (2) of this section.

((~~(8) All certified personnel must carry a proof of certification during oil transfer operations.~~))

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-525 Class 1 ((~~facility~~)) and 2 facilities—Training and certification program approval process. (1) ((~~Existing Class 1 facilities:~~

~~(a) Must modify their training and certification program to meet requirements in this chapter and must implement the program within ninety calendar days from the approved date of the operations manual.~~

~~(b) Must train and certify all personnel under the facility's modified training and certification program within ninety calendar days of the approved date of the operations manual.~~

~~(2)~~)) Class 1 and 2 facilities ((~~that begin operations after the effective date of this chapter:~~

~~(a)~~)) must develop ((~~or modify their~~)), implement, and coordinate with ecology for training and certification program ((~~to meet the requirements of this chapter and must implement the program within one hundred twenty~~)) approval at least 120 calendar days prior to oil transfer operations.

((~~(b) Must train and certify all personnel under the facility's training and certification program before any oil transfer operation occurs at the facility.~~

~~(3) All new facility employees with oil transfer duties must be trained and certified within ninety calendar days from the date of hire.~~)) (2) The facility must train and certify, if required, all personnel under this program before they conduct an oil transfer operation.

(3) The facility must coordinate with ecology for program reapproval at least 120 calendar days prior to the program's expiration date.

If the facility does not coordinate with ecology within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in loss of program approval.

(4) To receive approval, ecology ((~~must review the Class 1 facility's training and certification program after the date that facilities must meet rule criteria pursuant to subsection (1) or (2) of this section. This review must be accomplished by a general~~)) will conduct an on-site ((~~inspection by ecology through~~)) evaluation of the ((~~Class 1~~)) facility's training materials, testing ((~~records~~)) and certification records, and ((~~consultation~~)) will consult with personnel.

((~~(5) Ecology will notify Class 1 facilities regarding approval status within thirty calendar days from completing inspections performed under subsection (4) of this section.~~

~~(6) Class 1 facilities that do not receive approval will have ninety calendar days to address deficiencies in their training and certification program, with options for a time extension based on ecology's discretion. For those personnel that were trained or certified after the deadlines established in subsection (1) of this section but prior to program approval, retraining or recertification of such personnel due to changes required by ecology's approval process can be postponed until the next retraining or recertification cycle as established by the facility pursuant to this chapter.~~

~~(7) Training and certification program approval is valid for five years. Significant changes to the Class 1 facility's program must be documented through an update of the facility's prevention plan pursuant to chapter 173-180 WAC Part F requirements. Minor upgrades in training and certification programs, such as expansion of training hours or updates to testing materials, are not required to be submitted to ecology through a prevention plan update.~~

~~(8) Ecology may perform announced and unannounced inspections at facilities to verify compliance.~~

~~(9) A training and certification program must be approved if, in addition to meeting criteria in this section and WAC 173-180-520, the Class 1 facility demonstrates that when implemented, the facility can, to the maximum extent practicable:~~

~~(a) Provide protection from human factor oil spill risks identified in the risk analysis required by WAC 173-180-630;~~

~~(b) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those facility oil spills which do occur;~~

~~(c) Provide effective oil transfer training to key supervisory, operations, maintenance, management, and indirect operations personnel;~~

~~(d) Ensure proper evaluation of job competency; and~~

~~(e) Provide an effective system to clearly document and track personnel training and certification.~~

~~(10) When reviewing programs, ecology must, in addition to the above criteria, consider the following at a minimum:~~

~~(a) The volume and type of oil(s) handled by the facility, and frequency of oil-handling operations;~~

~~(b) Number of facility personnel;~~

~~(c) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;~~

~~(d) Inspection reports;~~

~~(e) The presence of hazards unique to the facility, such as seismic activity or production processes; and~~

~~(f) The sensitivity and value of natural resources that could be affected by a spill from the facility.~~

~~(11) Ecology may approve a program with an expedited review as set out in this section if that program has been approved by a federal agency or other state which ecology has deemed to apply approval criteria which equal or exceed those of ecology.~~

~~(12)~~)) Ecology may request additional information for the program.

(5) Before the program's expiration date, ecology will respond with a letter approving, conditionally approving, or disapproving the program.

(a) The training and certification program must be approved if, in addition to meeting criteria in this section and WAC 173-180-520, the facility demonstrates that when implemented, the facility can, to the maximum extent practicable:

(i) Provide protection from human factor oil spill risks identified in the risk analysis required by WAC 173-180-630 for Class 1 facilities;

(ii) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those spills which do occur;

(iii) Provide effective oil transfer training to personnel described in WAC 173-180-510 and 173-180-511, as applicable;

(iv) Ensure proper evaluation of job competency; and

(v) Provide an effective system to clearly document and track personnel training and certification.

(b) If the program receives approval, the ((~~facility owner or operator must receive a certificate of approval describing~~)) letter will describe the terms of approval, including expiration ((~~dates pursuant to subsection (6) of this section.~~

~~(a) Ecology may conditionally approve a program by requiring a facility owner or operator~~)) date. Program approval expires five years from the date on the approval letter.

(c) If the program is conditionally approved, ecology may require the facility to operate with specific ((~~precautionary measures~~)) restrictions until unacceptable components of the program are ((~~resubmitted~~)) revised, reevaluated, and approved.

((~~(b) Precautionary measures~~)) (i) In the conditional approval, ecology will describe:

(A) Each specific restriction and the duration for which they apply; and

(B) Each required item to bring the program into compliance.

(ii) Restrictions may include, but are not limited to:

((~~(i)~~)) (A) Reducing oil transfer rates;

((~~(ii)~~)) (B) Increasing personnel levels;

((~~(iii)~~)) (C) Restricting operations to daylight hours or favorable weather conditions; or

((~~(iv)~~)) (D) Additional requirements to ensure availability of response equipment.

((~~(c) A facility must have thirty~~)) (iii) The facility has 30 calendar days after ((~~ecology gives~~)) notification of conditional ((~~status to make the~~)) approval to implement required changes((~~, with the option for an~~)). An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(iv) Facilities which fail to meet conditional requirements or ((~~make~~)) provide required changes in the time allowed ((~~must~~)) may lose conditional approval status. Ecology may revoke its conditional

approval prior to the expiration date if the facility fails to meet the terms of the conditional approval.

((~~(i) If approval is denied or revoked, the facility~~)) (d) If the program is disapproved, the owner or operator must receive an explanation of the factors for disapproval ((~~and a list of deficiencies. The facility may be subject to penalties identified in chapter 90.56 RCW.~~

~~(ii) Ecology's decisions under this chapter are reviewable in superior court.~~

~~(iii) Approval of a training and certification program by ecology does not constitute an express assurance regarding the adequacy of the program nor constitute a defense to liability imposed under state law~~)).

((~~(13)~~)) (6) Significant changes to the Class 1 facility, as defined in WAC 173-180-670, may require updates to the training and certification program. These updates must be documented in amendments to the facility's prevention plan.

(7) The Class 2 facility must identify the changes to the program and provide that documentation during ecology's on-site evaluation.

(8) Ecology may review ((~~a~~)) and require changes to the program following any spill, inspection, or drill ((~~at the facility~~)).

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-600 Applicability of Part F. Part F ((~~only~~)) applies to Class 1 facilities. ((~~Ecology has not adopted prevention plan requirements for Class 2, 3, or 4 facilities.~~))

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-610 Class 1 facility—Prevention plan preparation. (1) Each ((~~onshore and offshore~~)) Class 1 facility must prepare, submit, and implement a plan for prevention of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural, cultural, and economic resources, and public or private property from oil spills.

(2) Plans must be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(3) ((~~Spill prevention countermeasure and control plans, operation manuals, and other prevention documents which meet federal requirements under 33 C.F.R. 154, 33 C.F.R. 156, 40 C.F.R. 109, 40 C.F.R. 112, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if ecology deems that such federal requirements equal or exceed those of ecology, or if the plans are modified or appended to satisfy plan requirements under this chapter.~~

~~(4) Plans which meet requirements of other states may be submitted to satisfy plan requirements under this chapter if ecology deems~~

~~that such state requirements equal or exceed those of ecology, or if the plans are modified or appended to satisfy plan requirements under this chapter.~~

~~(5) Prevention plans may be combined with contingency plans required by chapter 173-182 WAC.~~

~~(6)~~)) Plans, when implemented, must be designed to be capable of providing the best achievable protection from damages caused by the discharge of oil into the waters of the state. At a minimum, plans must meet the criteria specified in this chapter.

NEW SECTION

WAC 173-180-615 Class 1 facility—Prevention plan maintenance and use. (1) Each Class 1 facility must keep the prevention plan in an immediately accessible location.

(2) Facilities must ensure that all employees involved in oil transfer, production, or storage operations are familiar with the plan provisions through regular training. Orientation materials for new employees involved in oil transfer, production, or storage operations must contain a copy of the plan.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-620 Class 1 facility—Prevention plan format requirements. Each prevention plan must:

(1) ((~~Plans must~~)) Include a detailed table of contents based on chapter, section, appendix numbers and titles, and tables and figures;

(2) Include a cross reference table reflecting the locations in the plan for each component required by WAC 173-180-630;

(3) Be organized in a format which provides easy access to ((~~prevention~~)) information. Plans must be divided into ((~~a system of~~)) easily identified chapters ((~~and~~)), sections((~~. Chapters and sections must be numbered and identified with a system of index tabs.~~

~~(2) Plans must be formatted to~~)), and appendices;

(4) Allow replacement of ((~~chapter and appendix~~)) pages with revisions, without requiring replacement of the entire plan((~~.~~

~~(3) If combined with a contingency plan, the prevention plan must be clearly separated from contingency plan elements.~~

~~(4) Prevention plan content requirements specified in WAC 173-180-630 are presented in suggested but not requisite order.~~

~~(5) Computerized plans, in addition to a hard copy, may be submitted to ecology~~)); and

(5) Include a log sheet to record amendments to the plan. The log sheet must be placed at the front of the plan. The log sheet must identify each section amended, the date of the amendment, verification that ecology was notified of the amendment pursuant to WAC 173-180-670, and name of the authorized individual making the change. A description of the amendment and its purpose must also be included in the log sheet.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-630 Class 1 facility—Prevention plan content requirements. (1) Each prevention plan submitted to ecology must contain a ((~~submittal~~)) written statement binding the plan submitter to its use. In the binding agreement ((~~which~~)), the signatory will:

(a) Include((~~s~~)) the name, address, ((~~and~~)) phone number, and email address of the submitting party;

(b) ((~~Verifies~~)) Verify acceptance of the plan by the owner or operator of the Class 1 facility by either signature of ((~~the~~)) an authorized owner ((~~or~~)), operator, or ((~~signature by a person~~)) designee with authority to bind the ((~~corporation which owns or operates~~)) owners and operators of the facility;

(c) Commit((~~s~~)) to the ((~~owner or operator of the facility to execution~~)) implementation and use of the plan((~~, and verifies that the plan holder~~));

(d) Verify the person(s) signing the agreement is authorized to make ((~~appropriate~~)) expenditures ((~~in order to execute~~)) to implement the requirements of the plan ((~~provisions~~)); and

((~~(d)~~)) (e) Include((~~s~~)) the name, location, and address of the facility, type of facility, starting date of operations, type(s) of oil((~~(s)~~)) handled, and oil volume capacity.

(2) ((~~Each plan must include a log sheet to record amendments to the plan. The log sheet must be placed at the front of the plan. The log sheet must provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that ecology was notified of the amendment pursuant to WAC 173-180-670, and the initials of the individual making the change. A description of the amendment and its purpose must also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.~~

~~(3) Each plan must include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.~~

~~(4)~~)) Information required under facility oil spill contingency plan standards in chapter 173-182 WAC; spill prevention, control, and countermeasure plan standards in 40 C.F.R. Part 112; facility operations manual standards in 33 C.F.R. Part 154.310; facility equipment and operations standards in 33 C.F.R. Part 154 Subparts C and D; oil transfer operations standards under 33 C.F.R. Part 156; or any other federal or state requirements may be used to satisfy requirements under this chapter if:

(a) Ecology deems that such requirements equal or exceed those required in this section; or

(b) The facility modifies or appends the plan to meet requirements under this chapter.

If the plan is modified, a copy of the documents referenced from this subsection must be available to ecology upon request.

(3) Each plan must describe its purpose and scope, including, but not limited to:

(a) The ((~~onshore facility or offshore~~)) facility operations covered by the plan;

(b) The relationship of the ((~~prevention~~)) plan to other oil spill plans and operations manuals held by the facility; and

(c) The relationship of the plan to all applicable local, state, regional, tribal, and federal government prevention plans((~~, including the Washington statewide master oil and hazardous substance spill contingency plan; and~~

~~(d) Information required under facility oil spill contingency plan standards in chapter 173-182 WAC; spill prevention, countermeasure, and control plan standards in 40 C.F.R. 112.4(a); or facility operations manual standards in 33 C.F.R. 154.310 (1-4) may be used to address (a) of this subsection~~)).

((~~(5)~~)) (4) Each plan must describe the procedures and time periods for updating the plan and distributing the plan and updates to appropriate parties.

(5) Each plan must include the name and contact information of the facility's supervisory, management, and operations personnel.

(6) ((~~Each plan must establish that the facility is in compliance with the Federal Oil Pollution Act of 1990. Within thirty calendar days after federal deadlines for facility requirements under that act, the plan must be updated to include any applicable evidence of compliance.~~

~~(7)~~)) Within ((~~thirty~~)) 30 calendar days after receipt of evidence of a certificate of financial responsibility ((~~is required by rules adopted by ecology pursuant to chapter 88.46 RCW~~)) from ecology, the plan must be updated to ((~~include any applicable~~)) demonstrate evidence of compliance.

((~~(8)~~)) (7) Each plan must briefly describe the ((~~types and frequency of spill prevention training provided to personnel.~~

~~(9) Each plan must provide evidence that the facility has an approved oil spill contingency plan or has submitted a contingency plan to ecology in accordance with standards and deadlines established by chapter 173-182 WAC.~~

~~(10)~~)) facility's training and certification program, approval, and implementation status.

(8) Each plan must address the facility's alcohol and drug use awareness and treatment program for all facility personnel.

(a) The plan must include at a minimum:

(i) Documentation of an alcohol and drug awareness program. The awareness program must provide training and information ((~~materials~~)) to all employees on recognition of alcohol and drug abuse; treatment opportunities((~~, including opportunities under the Alcohol and Drug Addiction Treatment and Support Act pursuant to chapter 388-800 WAC~~)); and applicable company policies;

(ii) A description of the facility's existing drug and alcohol treatment programs; and

(iii) A description of existing provisions for the screening of ((~~supervisory and key~~)) any employees subject to the requirements in WAC 173-180-510 through 173-180-520 for alcohol and drug abuse and related work impairment.

(b) ((~~Evidence of conformance with~~)) Applicable federal "drug-free workplace" guidelines or other federal or state requirements may be used to address (a) of this subsection.

((~~(11)~~)) (9) Each plan must describe the facility's existing maintenance and inspection program.

(a) The description must summarize:

(i) Frequency and type of all regularly scheduled inspection and preventive maintenance procedures for tanks; transfer pipelines; other key storage, transfer, or production equipment, including associated

pumps, valves, and flanges; and overpressure safety devices and other spill prevention equipment;

(ii) Integrity testing of storage tanks and pipelines, including but not limited to frequency; pressures used (including ratio of test pressure to maximum operating pressure, and duration of pressurization); means of identifying that a leak has occurred; and measures to reduce spill risk if test material is product;

(iii) External and internal corrosion detection and repair;

(iv) Damage criteria for equipment repair or replacement; and

(v) Any other aspect of the maintenance and inspection program.

(b) The plan must include a current index of maintenance and inspection records of the storage and transfer facilities and related equipment.

((~~(c) Documentation required under 40 C.F.R. 112.7(e) or 33 C.F.R. 154 Subparts C and D may be used to address elements of this subsection.~~

~~(d) Existing copies of the facility's maintenance and inspection records for the five-year period prior to plan submittal must be maintained and must be available for inspection if requested by ecology. The plan must document the use of a system to maintain such records over a five-year period for subsequent activity.~~

~~(12)~~)) (10) Each plan must describe spill prevention technology currently installed and in use, including:

(a) Tank and transfer pipeline materials and design;

(b) Storage tank overflow ((~~alarms,~~)) and low level alarms; tank overflow cut-off switches; automatic transfer shutdown systems; methods to alert operators; system accuracy; and tank fill margin remaining at time of alarm activation in terms of vertical distance, quantity of liquid, and time before overflow would occur at maximum pumping rate; ((~~documentation required under 40 C.F.R. 112.7 (e)(2)(viii) or 33 C.F.R. 154.310 (a)(12-13) may be used to address some or all of these elements;~~))

(c) Leak detection systems for both active and nonactive transfer pipeline conditions, including detection thresholds in terms of duration and percentage of pipeline flow; limitations on system performance due to normal pipeline events; and procedures for operator response to leak alarms;

(d) ((~~Documentation required under 40 C.F.R. 112.7 (e)(3) may be used to address some or all of these elements;~~

~~(e)~~)) Rapid pump and valve shutdown procedures, including means of ensuring that surge and over-pressure conditions do not occur; rates of valve closure; sequence and time duration (average and maximum) for entire procedure; automatic and remote control capabilities; and displays of system status for operator use;

((~~(f) Documentation required under 40 C.F.R. 112.7 (e)(3) may be used to address some or all of these elements;~~

~~(g)~~)) (e) Methods to minimize post-shutdown unintentional residual drain-out from pipes and hoses, including criteria for locating valves; identification of all valves (including types and means of operation) that may be open during a transfer process; and any other techniques for reducing drain-out;

((~~(h)~~)) (f) Means of relieving pressure due to thermal expansion of liquid in pipes during quiescent periods;

((~~(i)~~)) (g) Secondary containment, including capacity, permeability, and material design((~~;~~

~~(j) Documentation required under 40 C.F.R. 112.7 (e)(1) and (2)(iii-iv) may be used to address some or all of these elements;~~

~~(k)~~)). Permeability must meet requirements in WAC 173-180-320 (1)(e). When reviewing these requirements for approval, ecology will evaluate the requirements in this subsection (10)(g)(i) through (vi) and the facility's ability to respond to an oil discharge from primary containment. The description of permeability for each secondary containment system must include the following:

(i) Type of oil stored;

(ii) A calculation of a discharge of the worst case spill volume for each secondary containment system;

(iii) Type of soil media or material used;

(iv) Depth to tank footing;

(v) Depth and distance to waters of the state; and

(vi) A calculation of the time in which the oil reaches the tank footing or waters of the state.

Any remedial actions near the tank footing following a spill must not undermine the integrity of existing structures.

(h) Internal and external corrosion control coatings and monitoring;

((~~(l)~~)) (i) Stormwater and other drainage retention, treatment, and discharge systems, including maximum storage capacities and identification of any applicable discharge permits; and

((~~(m) Documentation required under 40 C.F.R. 112.7 (e)(1) and (2) (iii and ix) may be used to address some or all of these elements; and~~

~~(n)~~)) (j) Criteria for suspension of operations while leak detection or other spill control systems are inoperative.

((~~(13)~~)) (11) Each plan must describe measures taken to ensure facility site security, including:

(a) Procedures to control and monitor facility access;

(b) Facility lighting ((~~(documentation required under 33 C.F.R. 154.570 may be used to address some or all of this element)~~));

(c) Signage; and

(d) Right of way identification or other measures to prevent third-party damage ((~~(documentation required under 40 C.F.R. 112.7 (e)(3)(v) and (9) may be used to address some or all of this element)~~)).

((~~(14)~~)) (12) Each plan must list any discharges of oil in excess of ((~~twenty-five~~)) 25 barrels ((~~(one thousand fifty gallons)~~)) (1,050 gallons) to the land or waters of the state which occurred during the five-year period prior to the plan submittal date. For each discharge, the plan must describe:

(a) Quantity;

(b) Type of oil;

(c) Geographic location;

(d) Analysis of cause, including source(s) of discharged oil and contributing factors (e.g., third party human error, adverse weather, etc.); and

(e) Measures taken to remedy the cause and prevent a reoccurrence.

((~~The period between July 1, 1987, and January 1, 1993, the facility must provide existing information regarding (a) through (e) of this subsection for such discharges, and must document the use of a system to record complete information for subsequent discharges.~~

~~(15)~~)) (13) Each plan must include a detailed and comprehensive risk analysis of ((~~facility spill risks~~)) the facility's risk of spills to waters of the state. As part of the risk analysis, a formal process must be used to evaluate the facility based on the information required in subsections ((~~(11)~~)) (9) through ((~~(14)~~)) (12) of this

section, the requirements in WAC 173-180-330(4), and other relevant information.

(a) The ((~~risk analysis~~)) formal process must:

(i) Define the system being assessed, which includes storage tanks, transfer pipelines, and oil transfer equipment, and other possible areas of concern;

(ii) Identify abnormal conditions that could lead to an oil discharge;

(iii) Examine the consequences and causes;

(iv) Calculate the unmitigated and residual risks; and

(v) Identify safeguards and recommendations.

(b) The risk analysis must also:

(i) Evaluate the construction, age, corrosion, inspection and maintenance, operation, and oil spill risk of the transfer, production, and storage systems in the facility, including piping, tanks, pumps, valves, and associated equipment;

(ii) Evaluate spill minimization and containment systems within the facility for a discharge of one percent and 100 percent of the worst case spill volume for each secondary containment system;

(iii) Describe how the facility will adopt measures to provide the best achievable protection against identified risks;

(iv) Document any safeguards and recommendations identified in (a)(v) of this subsection that have been implemented to reduce risks; and

(v) Be prepared under the supervision of (and bear the seal of) a licensed professional engineer or another individual which ecology has deemed to have an acceptable level of expertise.

((~~(b) Documentation required under 40 C.F.R. 112.7 (b) and (c) may be used to address some or all of the elements of this subsection.~~

~~(16) Each plan must describe how the facility will incorporate those measures that will provide best achievable protection to address the spill risks identified in the risk analysis required in subsection (15) of this section.~~

~~Information documented pursuant to 40 C.F.R. 112.7(e) and 33 C.F.R. 154.310 (a)(1-4) may be used to address some or all of these elements of this subsection.~~

~~(17) If the prevention plan is combined with a contingency plan, the prevention plan may incorporate information required in this section by reference if that information is provided in the contingency plan.~~))

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-640 Class 1 facility—Prevention plan submittal requirements. (1) ((~~Any onshore or offshore~~)) The owner or operator of a Class 1 facility ((~~that first begins operating after the deadlines stated in this subsection~~)) must submit a prevention plan to ecology at least ((~~sixty-five~~)) 120 calendar days prior to ((~~the~~)) their planned date for beginning ((~~of~~)) operations in Washington state.

(2) ((~~Three copies~~)) One electronic copy of the plan and appendices must be ((~~delivered to:~~

~~The Department of Ecology~~

~~Spill Prevention, Preparedness, and Response Program~~
~~Prevention Plan Review~~
~~P.O. Box 47600~~
~~Olympia, WA 98504-7600~~
~~Or~~
~~The Department of Ecology~~
~~Spill Prevention, Preparedness, and Response Program~~
~~300 Desmond Drive~~
~~Lacey, WA 98503~~

~~(3) Onshore and offshore facility plans may be submitted by:~~
~~(a) The facility owner or operator; or~~
~~(b) A primary response contractor approved by ecology pursuant to chapter 173-182 WAC in conformance with signature requirements under WAC 173-180-630(1).~~

~~(4) A single plan may be submitted for more than one facility, provided that the plan meets the requirements in this chapter for each facility listed.~~

~~(5)~~)) submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(3) A plan may be combined with a contingency plan required by chapter 173-182 WAC. If combined with a contingency plan, the prevention plan must meet the requirements of this chapter and be clearly separated from contingency plan elements.

(4) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-650 Class 1 facility—Prevention plan review and approval process. (1) ((~~Ecology must endeavor to review each plan in sixty-five calendar days. If the plan is submitted in conjunction with a contingency plan required under chapter 173-182 WAC, ecology may extend the prevention plan review period an additional sixty-five calendar days.~~)) The owner or operator of a Class 1 facility must submit the prevention plan to ecology for reapproval at least 120 calendar days prior to the plan's expiration date. The facility may request ecology review the plan currently on file at ecology.

If the plan is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of plan approval.

(2) Upon receipt of ((~~a~~)) the plan, ecology ((~~must evaluate promptly~~)) will determine whether the plan is ((~~incomplete~~)) complete. If ecology determines that ((~~a~~)) the plan is ((~~incomplete~~)) not complete, the ((~~submitter must~~)) facility will be notified of any deficiencies. ((~~The review period will not begin until ecology receives a complete plan.~~

~~All prevention plans will be valid for no more than five years from the date on the approval letter. Ecology will review prevention plans to ensure compliance with this chapter.~~

~~(2) Ecology must regularly notify interested parties of any prevention plans, which are under review by ecology, and make plans~~

~~available for review by all ecology programs, other state, local, tribal, and federal agencies, and the public. Ecology must accept comments on the plan from any interested party during the first thirty calendar days of review by ecology.~~

~~(3) A plan must be approved if, in addition to meeting criteria in WAC 173-180-530, it demonstrates that when implemented, it can:~~

~~(a) Provide best achievable protection from damages caused by the discharge of oil into the waters of the state;~~

~~(b) Minimize the likelihood that facility oil spills will occur;~~

~~(c) Minimize the size and impacts of those facility oil spills which do occur; and~~

~~(d) After the adoption of facility operation standards by rule by ecology pursuant to RCW 90.56.220:~~

~~(i) Provide for compliance with prevention standards and deadlines established by facility operations standards adopted by rule by ecology pursuant to RCW 90.56.220; and~~

~~(ii) Provide, to the maximum extent practicable, protection from oil spill risk factors identified in the risk analysis required by WAC 173-180-630, for those risk factors not addressed by facility operations standards adopted by rule by ecology pursuant to RCW 90.56.220.~~

~~(4) When reviewing plans, ecology must, in addition to the above criteria, consider the following at a minimum:~~

~~(a) The volume and type of oil(s) addressed by the plan;~~

~~(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;~~

~~(c) Inspection reports;~~

~~(d) The presence of hazards unique to the facility, such as seismic activity or production processes;~~

~~(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and~~

~~(f) Any pertinent local, state, tribal, federal agency, or public comments received on the plan.~~

~~(5) Ecology may approve a plan based upon an expedited review pursuant to criteria set out in this chapter, if that plan has been approved by a federal agency or other state which ecology has deemed to apply approval criteria which equal or exceed those of ecology.~~

~~(6) Ecology must endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.~~

~~(a) If the plan receives approval, the facility owner or operator must receive a certificate of approval describing the terms of approval, including an expiration date.~~

~~(b) Ecology may conditionally approve a plan by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.~~

~~(i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.~~

~~(ii) A plan holder must have thirty calendar days after ecology gives notification of conditional status to submit to ecology and implement required changes, with the option for an extension at ecology's discretion. Plan holders who fail to meet conditional require-~~

~~ments or provide required changes in the time allowed must lose conditional approval status.~~

~~(c) If plan approval is denied or revoked, the facility owner or operator must receive an explanation of the factors for disapproval and a list of deficiencies. The facility must not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.~~

~~(d) Ecology's decisions under this chapter are reviewable in superior court.~~

~~(e) If a plan holder demonstrates an inability to comply with an approved prevention plan or otherwise fails to comply with requirements of this chapter, ecology may, at its discretion:~~

~~(i) Place conditions on approval pursuant to (b) of this subsection; or~~

~~(ii) Revoke its approval pursuant to (c) of this subsection.~~

~~(f) Approval of a plan by ecology does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.~~

~~(7) Ecology must prepare a manual to aid ecology staff responsible for plan review. This manual must be made available to plan preparers. While the manual will be used as a tool to conduct review of a plan, ecology will not be bound by the contents of the manual.~~

~~(8) Ecology must work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of prevention plans from marine facilities.~~))

Ecology may request additional information for the plan.

(3) Once the plan is determined complete, ecology will make the plan available for a 30 calendar day public review and comment period, which will occur within ecology's 120 calendar day review period. Ecology will accept comments on the plan no later than 30 calendar days after the plan has been made publicly available.

(4) Before the plan's expiration date, ecology will respond with a letter approving, conditionally approving, or disapproving the plan.

(a) The facility may continue to conduct operations if the facility properly submitted the plan to ecology and ecology has not provided the facility with a formal response.

(b) The plan must be approved if, in addition to meeting criteria in WAC 173-180-630, it demonstrates that when implemented, it can:

(i) Provide best achievable protection from damages caused by the discharge of oil into the waters of the state;

(ii) Minimize the likelihood that facility oil spills will occur;

(iii) Minimize the size and impacts of those facility oil spills which do occur; and

(iv) Provide, to the maximum extent practicable, protection from oil spill risk factors identified in the risk analysis required by WAC 173-180-630(13).

(c) When reviewing plans, ecology must, in addition to the above criteria, consider the following, at a minimum:

(i) The volume and type(s) of oil addressed by the plan;

(ii) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(iii) Inspection reports;

(iv) The presence of hazards unique to the facility, such as seismic activity or production processes;

(v) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(vi) Any pertinent local, state, tribal, federal agency, or public comments received on the plan.

(5) If the plan receives approval, the letter will describe the terms of approval, including expiration date. Plan approval expires five years from the date on the approval letter.

(6) If the plan is conditionally approved, ecology may require the facility to operate with specific restrictions until unacceptable components of the plan are revised, resubmitted, and approved.

(a) In the conditional approval, ecology will describe:

(i) Each specific restriction and the duration in which they apply; and

(ii) Each required item to bring the plan into compliance.

(b) Restrictions may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting operations to daylight hours or favorable weather conditions; or

(iv) Additional requirements to ensure availability of response equipment.

(c) The owner or operator has 30 calendar days after notification of conditional approval to submit revisions and implement required changes. An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(d) Facilities which fail to meet conditional requirements or provide required changes in the time allowed may lose conditional approval status. Ecology may revoke its conditional approval prior to the expiration date if the facility fails to meet the terms of the conditional approval.

(7) If the plan is disapproved, the facility must receive an explanation of the factors for disapproval. The facility must not continue oil storage, transport, transfer, production, or other operations until the plan has been approved or conditionally approved.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-670 Class 1 facility—Prevention plan updates ((timeline)). (1) ((~~Ecology must be notified in writing as soon as possible and~~)) At any point during the five-year approval period, if there is a significant change as defined in subsection (4) of this section, the owner or operator must:

(a) Submit an electronic notification to ecology prior to ((~~completion of~~)) any significant change ((~~which could affect the plan. If the~~));

(b) Within 30 calendar days of the significant change, amend the plan to incorporate the significant change and submit the amended page(s) to ecology; and

(c) If a significant change will reduce the facility's ability to implement the plan, ((~~the plan holder must also~~)) provide a schedule for the return of the plan to full implementation capability.

((~~(a)~~)) (2) Failure to notify ecology of significant changes in the plan is considered noncompliance and could result in the loss of plan approval.

(3) If ecology finds, as a result of the significant change, the plan no longer meets approval criteria, then ecology will notify the facility owner or operator of the change in approval status. Ecology may place conditions on approval or disapprove the plan.

(4) A significant change includes((~~, but is not limited to~~)):

((~~(i) A change in the owner or operator of the facility;~~

~~(ii)~~)) (a) A change in the type(s) of oil handled at the facility;

((~~(iii)~~)) (b) A five percent or greater change in the facility's oil handling capacity;

((~~(iv) Noncompliance with the Federal Oil Pollution Act of 1990;~~

~~(v) Noncompliance with state financial responsibility requirements developed under chapter 88.40 RCW; and~~

~~(vi) A substantial~~)) (c) A change in oil spill prevention technology installed at the facility, or other ((~~substantial~~)) changes to facility equipment, operations, personnel procedures, training and certification program, or any other change, ((~~including compliance with amended or new rules adopted by ecology,~~)) which ((~~substantially~~)) affects the level of risk ((~~described~~)) pursuant to WAC 173-180-630; and

(d) Disapproval of a facility's training and certification program by ecology.

((~~(b) Changes which are not considered~~)) (5) A significant change does not include((~~, but are not limited to,~~)) minor variations (less than five percent) in oil handling capacity, maintenance schedules, and operating procedures, provided that none of these changes will increase the risk of a spill.

((~~(c) The facility must update the plan's list of discharges, as required by WAC 173-180-630, within thirty calendar days after an oil discharge by the facility in excess of twenty-five barrels (one thousand fifty gallons).~~

~~(d) A facsimile will be considered written notice for the purposes of this subsection.~~

~~(e) Failure to notify ecology of significant changes must be considered noncompliance with this chapter and subject to enforcement provisions of chapter 90.56 RCW.~~

~~(2) If ecology finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-180-650, ecology may, at its discretion, place conditions on approval or revoke approval in accordance with WAC 173-180-650. Ecology may also require the plan holder to amend its plan to incorporate the change.~~

~~(3) Within thirty calendar days of making a change to the prevention plan, the facility owner or operator must distribute the amended page(s) of the plan to ecology and other plan holders.~~

~~(4) Plans must be reviewed by ecology at least every five years pursuant to WAC 173-180-650. Plans must be submitted for reapproval unless the plan holder submits a letter requesting that ecology review the plan already in ecology's possession. The plan holder must submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.~~

~~(5)~~)) (6) Ecology may review and require ((~~a new review and approval process for a prevention~~)) changes to the plan following any spill ((~~at the facility~~)), inspection, or drill.

The facility must update the plan's list of discharges, as required by WAC 173-180-630, within 30 calendar days after an oil discharge by the facility in excess of 25 barrels.

PART G: OIL TRANSFER RESPONSE PLANS FOR CLASS 2 FACILITIES

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-700 Applicability of Part G. Part G applies to Class ((~~1 and~~)) 2 facilities. ((~~Ecology has not adopted oil transfer response plan requirements for Class 3 and 4 facilities.~~))

NEW SECTION

WAC 173-180-711 Class 2 facility—Oil transfer response plan preparation. The owner or operator of a Class 2 facility that transfers oil to a nonrecreational vessel must prepare an oil transfer response plan that meets the requirements of this chapter.

NEW SECTION

WAC 173-180-721 Class 2 facility—Oil transfer response plan maintenance and use. Oil transfer response plans must be kept at each transfer location for easy access and use during spills, and at the primary place of business.

NEW SECTION

WAC 173-180-725 Class 2 facility—Oil transfer response plan format requirements. Each oil transfer response plan must:

(1) Include a cross reference table reflecting the locations in the plan for each component required by WAC 173-180-730;

(2) Be organized in a format which provides easy access and use during a spill. Plans must be divided into easily identified sections and appendices;

(3) Allow replacement of pages with revisions, without requiring replacement of the entire plan; and

(4) Include a log sheet to record amendments to the plan. The log sheet must identify each section amended, the date of the amendment, verification of notification to ecology, and name of the authorized individual making the change. A description of the amendment and its purpose must also be included in the log sheet.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-730 Class 2 facility—((~~Contents of the~~)) Oil transfer response plan ((~~(response plan)~~)) content requirements. ((~~(1) All Class 2 facilities that transfer oil to a nonrecreational vessel must prepare and submit to ecology an oil transfer response plan (response plan) that meets the requirements of 33 C.F.R. Part 154, Subpart F.~~

~~(2) In addition to the requirements in subsection (1) of this section, all Class 2 facilities response plans must include all of the following:~~

~~(a) A description of how the Class 2 facility meets the requirements in WAC 173-180-220;~~

~~(b) The spill response contractor the facility lists in the response plan must also be a state approved primary response contractor under WAC 173-182-800;~~

~~(c)~~)) (1) Each oil transfer response plan submitted to ecology must contain a written statement binding the plan submitter to its use. In the binding agreement, the signatory will:

(a) Include the name, address, phone number, and email address of the submitting party;

(b) Verify acceptance of the plan by the owner or operator of the Class 2 facility by either signature of an authorized owner, operator, or designee with authority to bind the owners and operators of the facility;

(c) Commit to the implementation and use of the plan;

(d) Verify the person(s) signing the agreement is authorized to make expenditures to implement the requirements of the plan; and

(e) Include the name and location for the base of operations for the mobile fleet, and the name and location of the maintenance yard for rolling stock, and the starting date of operations.

(2) Plans which meet federal or other state requirements may be submitted to satisfy plan requirements under this chapter if:

(a) Ecology deems that such requirements equal or exceed those required in this section; or

(b) The facility modifies or appends the plan to meet requirements under this chapter.

(3) The qualified individuals identified in the plan must meet the federal requirements in 33 C.F.R. Part 154.1026.

(4) Response equipment resources required in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable, must be available through a written agreement with a state approved primary response contractor (PRC); letter of intent, mutual aid agreement, contract, or other approvable means; or facility owned equipment.

If contract information is not included in the plan, it must be available to ecology upon request.

(5) Each plan must include the following:

(a) A street address of the facility's office. Include mailing address if different from street address.

(b) The name, address, and process for contacting the facility's owner or operator 24 hours/day.

(c) The federal and state requirements intended to be met by the plan.

(d) Description of the oil transfer operations covered by the plan that include the following:

(i) The volume and type(s) of oil for the facility's worst case spill.

(ii) Describe the number of tanks and tank capacities on the largest truck or container.

(iii) List all locations where the facility conducts oil transfers as a street address or GPS coordinates.

For transfer locations not listed in the approved plan, the facility must notify ecology 24 hours prior to the transfer and update their plan within 30 calendar days. The notification and plan update must include the new transfer location(s) and describe how response requirements are met in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable, for each transfer location.

(iv) The transfer rates used by the facility at each location as described in WAC 173-180-220.

(v) For each location, describe how response requirements are met in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable.

(e) List facility owned response equipment and describe equipment preventative maintenance procedures.

(f) Describe emergency response actions that include the following:

(i) Notification procedures to immediately notify appropriate parties that a spill occurred.

(ii) Identification of a central reporting office, company personnel, or qualified individual(s) responsible for implementing the notification procedures.

(iii) A prioritized list of the name(s) and phone number(s) of required notifications to the Washington emergency management division, the national response center, other government agencies, response contractors, company response personnel, and qualified individuals.

(iv) A form to document all initial and follow-up spill notifications.

(v) The name of a state approved PRC to call if the magnitude of a spill exceeds the initial response equipment identified in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable.

(vi) Describe the equipment and responsibilities of facility personnel to mitigate a spill for each transfer location, using the required initial containment and recovery equipment described in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable. This includes:

(A) A description or list of procedures to follow in the event of a spill.

(B) A list of the individuals authorized to activate and engage with spill response contractors, act as a liaison with the state-on-scene coordinator, and establish a unified command as needed.

(g) Describe procedures to ensure recovered oil and oil contaminated debris is disposed of according to federal, state, or local requirements. A reference to the Northwest Area Contingency Plan (NWACP) may be included.

(h) Describe the safety and health plan to implement for any response location(s). A reference to the NWACP may be included.

(i) Describe the facility's drill program, including how requirements in WAC 173-180-810 and 173-180-815 will be met.

(j) Include a statement that the facility will participate in unannounced drills as described in ((~~Part H of this chapter;~~

~~(d) A description of how the facility will meet the training exercise program in 33 C.F.R. 154.1050 and 154.1055 as well as the drill requirements in WAC 173-180-810; and~~

~~(e) A form the Class 2 facility must use to provide initial and follow-up spill notification as required in 33 C.F.R. 154.1035 and includes notification information for state agencies as required in RCW 90.56.280~~)) WAC 173-180-810.

(k) Include a statement that drill records will be kept for three years and made available to ecology upon request.

(l) Include references to the regional and area oil and hazardous material contingency plans that are applicable to each transfer location.

(m) Describe and reference the geographic response plan for each transfer location, if applicable.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-740 Class 2 facility—Oil transfer response plan submittal requirements. (1) ((~~For~~)) The owner or operator of a Class 2 facility ((~~that begins operations after the effective date of this chapter, the Class 2 facility~~)) must submit ((~~a~~)) the oil transfer response plan to ecology at least ((~~ninety~~)) 90 calendar days prior to their planned date for conducting ((~~the first~~)) an oil transfer operation ((~~to a nonrecreational vessel for that facility~~)) in Washington state.

(2) ((~~For a Class 2 facility operating on the effective date of this chapter, must submit the response plan at least ninety calendar days of the effective date of this chapter.~~

~~(3) The Class 2 facility owner or operator must deliver two paper copies and one electronic copy of the response plan to:~~

~~The Department of Ecology~~
~~Spill Prevention, Preparedness, and Response Program~~
~~Response Plan Review~~
~~P.O. Box 47600~~
~~Olympia, WA 98504-7600~~
~~Or~~
~~The Department of Ecology~~
~~Spill Prevention, Preparedness, and Response Program~~
~~Response Plan Review~~
~~300 Desmond Drive~~
~~Lacey, WA 98503~~)) One electronic copy of the plan must be submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-750 Class 2 facility—Oil transfer response plan review and approval process. (1) The owner or operator of a Class 2 facility must submit the oil transfer response plan to ecology for reapproval at least 90 calendar days prior to the plan's expiration date. The facility may request ecology review the plan currently on file at ecology.

If the plan is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of plan approval.

(2) Upon receipt of the ((~~complete response plan ecology must review the response plan and then ecology will notify the Class 2 facility if ecology:~~

~~(a) Approved the response plan.~~

~~(b) Found deficiencies in the response plan.~~

~~(2) If ecology approves a response plan, ecology will send a letter indicating approval and will include an expiration date for the response plan.~~

~~(3) If ecology finds deficiencies in the response plan, ecology may grant conditional approval of a response plan by requiring the facility to operate with specific precautionary measures until the facility submits acceptable provisions of the response plan and ecology approves the response plan.~~

~~(4) If ecology grants conditional approval, ecology will:~~

~~(a) Send notice to the facility describing the deficiencies;~~

~~(b) Provide the facility with a due date by which the facility must address the deficiencies; and~~

~~(c) Provide precautionary measures the facility must implement until ecology grants full approval of the response plan.~~

~~(5) If a facility receives conditional approval, the Class 2 facility must submit and implement required changes to ecology within the due date, with the option for an extension at ecology's discretion. Plan holders who~~)) plan, ecology will determine whether the plan is complete. If ecology determines that the plan is not complete, the facility will be notified of any deficiencies.

Ecology may request additional information for the plan.

(3) Before the plan's expiration date, ecology will respond with a letter approving, conditionally approving, or disapproving the plan.

(4) If the plan receives approval, the letter will describe the terms of approval, including an expiration date for the plan. Plan approval expires five years from the date on the approval letter.

(5) If the plan is conditionally approved, ecology may require the facility to operate with specific restrictions until unacceptable components of the plan are revised, resubmitted, and approved.

(a) In the conditional approval, ecology will describe:

(i) Each specific restriction and the duration for which they apply; and

(ii) Each required item to bring the plan into compliance.

(b) Restrictions may include, but are not limited to:

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting operations to daylight hours or favorable weather conditions; or

(iv) Additional requirements to ensure availability of response equipment.

(c) The owner or operator has 30 calendar days after notification of conditional approval to submit revisions and implement required changes. An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(d) Facilities which fail to meet conditional requirements or provide required changes in the time allowed ((~~must~~)) may lose conditional approval status. Ecology may revoke its conditional approval prior to the expiration date if the facility fails to meet the terms of the conditional approval.

(6) ((~~Upon receiving the information required by conditional approval, ecology will complete the review.~~)) If the plan is disapproved, the facility must receive an explanation of the factors for disapproval. The facility must not engage in oil transfers or other operations until the plan has been approved or conditionally approved.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-760 Class 2 facility—Oil transfer response plan updates ((~~and timeline~~)). (1) At least once annually, the Class 2 facility is required to ((~~keep the~~)) review the entire oil transfer response plan ((~~up-to-date with accurate information~~)) for accuracy.

((~~(2)~~)) Whenever changes are made to the ((~~response~~)) plan, ((~~two paper copies and one electronic of the changed sections must be submitted~~)) update and submit amended page(s) to ecology ((~~to be placed in the facility's plan on file at ecology.~~

~~(3) Ecology must review the facility's oil transfer response plan every five years.~~

~~(a) The facility must submit two paper copies or one electronic copy of the response plan for reapproval; or~~

~~(b) The facility may submit a letter to ask ecology to review the response plan that is currently on file at the agency.~~

~~(4) The facility must submit the response plan or letter at least ninety calendar days in advance of the expiration date of the response plan~~)).

((~~(5)~~)) (2) Ecology may review and ((~~request~~)) require changes to ((~~your response~~)) the plan following any ((~~oil~~)) spill, inspection, or drill.

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-800 Applicability of Part H. ((~~(1)~~)) Part H applies to Class 2 facilities ((~~only~~)).

((~~(2) Drill requirements for Class 1 facilities are in chapter 173-182 WAC.~~))

AMENDATORY SECTION (Amending WSR 06-20-034, filed 9/25/06, effective 10/26/06)

WAC 173-180-810 Type of drills. ((~~In addition to~~)) (1) The oil transfer response plan must describe the drill program over a triennial cycle.

(a) If the program differs from the National Preparedness for Response Exercise Program((~~, ecology may conduct the following unannounced drills at Class 2 facilities:~~)) (PREP) Guidelines, the plan must include information regarding each type of drill as described in the table below.

(b) If the PREP Guidelines are followed, the table below may be inserted into the plan.

(2) Credit for a spill may be used to replace the requirement to conduct a drill.

((~~Type of Drill~~	~~Drill Expectations and Duration~~
~~Deployment drills~~	~~These drills may involve testing whether or not the facility can deploy personnel, boom, recovery, and storage equipment as described in WAC 173-180-222.~~
~~Notification and emergency shutdown procedure drills~~	~~These drills may involve testing the facility's ability to follow the notification in the response plan and emergency shutdown procedures described in the operations manual.~~))

Type of Drill	Frequency Within the Triennial Cycle	Scope and Scale
Qualified individual (QI) notification	12 – Quarterly each year of the cycle	Notify QI and alternate QI(s).
Tabletop drills	3 – One in each year of the cycle	This is a tabletop drill. One of the three must involve a worst case scenario.
Deployment drills	6 – Done two per year	Over the triennial cycle, this drill may include deployment of PRC and facility owned equipment. Drill credit may be given for prebooming an oil transfer.
Ecology initiated unannounced drills	As necessary	This drill may include notifications described in the oil transfer response plan or deployment of equipment.

NEW SECTION

WAC 173-180-815 Drill scheduling, design, evaluation, and records. (1) Tabletop and deployment drills must meet the following requirements:

(a) Be designed with ecology;

(b) Be scheduled in advance using the Northwest area committees exercise schedule:

(i) Thirty calendar days in advance for deployment drills;

(ii) Sixty calendar days in advance for tabletop drills; and

(iii) Ninety calendar days in advance for worst case spill drills.

(2) Over the triennial cycle, deployment drills are intended to include state approved PRC owned equipment through a written agreement; facility owned equipment; and equipment as certified available for the facility through letters of intent, mutual aid agreements, contracts, or other approvable means.

(3) Ecology may attend and evaluate tabletop and deployment drills.

(4) Facilities may request drill credit for a spill response by submitting documentation of the response to ecology within 30 calendar days of completion of the cleanup operations.

PART I: OUT OF SERVICE REQUIREMENTS FOR CLASS 1 FACILITIES AND EQUIPMENT

NEW SECTION

WAC 173-180-900 Applicability of Part I. Part I applies to Class 1 facilities.

NEW SECTION

WAC 173-180-910 Class 1 facility—Out of service requirements. (1) The owner or operator of a Class 1 facility with an out of service storage tank or transfer pipeline must continue to monitor, inspect, and maintain the storage tank or transfer pipeline as if it were in service, as described in (a) of this subsection, or they must decommission the storage tank or transfer pipeline, as described in (b) of this subsection.

(a) Owners or operators continuing to monitor, inspect, maintain, and repair a storage tank or transfer pipeline as if it were in service must:

(i) Meet the requirements of the facility's operations manual and prevention plan;

(ii) Conduct inspections, including required API Standard inspections in WAC 173-180-330 and 173-180-340;

(iii) Conduct testing as required by WAC 173-180-205;

(iv) Maintain corrosion protection systems; and

(v) Operate cathodic protection systems.

(b) Owners or operators decommissioning a storage tank or transfer pipeline must meet the following requirements:

(i) All oil transfer pipelines must be completely oil-free, certified as gas-free, and blanked at both ends;

(ii) All marine transfer hoses must be completely oil-free, certified as gas-free, and physically removed from the dock;

(iii) Storage tanks must be completely oil-free, certified as gas-free, and disconnected from all associated piping as well as instrumentation and control lines. Piping and instrumentation and control line connections must be blanked;

(iv) All oil piping connected to the storage tank must be air-gapped from the storage tank; and

(v) All electrical devices connected to the transfer pipeline or storage tank (e.g., pumps, mixers, heaters) must be de-energized.

(c) Storage tanks and transfer pipelines that have been placed in caretaker status as defined in 33 C.F.R. Part 154 or that have been permanently closed as defined in 40 C.F.R. Part 112, will be considered decommissioned. The owner or operator of a Class 1 facility in caretaker status or that permanently closes a storage tank must notify ecology as described in subsection (3) of this section.

(2) All storage tanks and transfer pipelines returning to service must meet the requirements of this chapter.

(3) The owner or operator must submit an electronic notification to ecology 30 calendar days prior to decommissioning and returning to service. The notification must include the actions taken to decommission and return equipment to service.

(4) Any change that results from decommissioning or returning equipment to service that meets the definition of a significant change, in WAC 173-180-435 or 173-180-670, must be documented in the facility's operations manual and/or prevention plan, as applicable.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-180-070	Equivalent compliance plan.
WAC 173-180-223	Compliance schedule for prebooming and alternative measures for Rate A and Rate B transfers.
WAC 173-180-405	Class 1 facility—Operations manual.
WAC 173-180-410	Class 1 facility—Operations manual preparation.
WAC 173-180-440	Class 1 facility—Submitting the operations manual for reapproval.
WAC 173-180-445	Class 2 facility—Operations manual.
WAC 173-180-450	Class 2 facility—Operations manual preparation.
WAC 173-180-455	Class 2 facility—Operations manual format requirements.
WAC 173-180-460	Class 2 facility—Operations manual content requirements.

WAC 173-180-465	Class 2 facility—Operations manual submittal.
WAC 173-180-470	Class 2 facility—Operations manual review and approval.
WAC 173-180-475	Class 2 facility—Operations manual updates.
WAC 173-180-530	Class 2 facility—Oil transfer training requirements.
WAC 173-180-535	Class 2 facility—Certification program.
WAC 173-180-540	Class 2 facility—Certification of personnel.
WAC 173-180-545	Class 2 facility—Program approval.
WAC 173-180-550	Class 2 facility—Minimum requirements for a certification program.
WAC 173-180-660	Plan maintenance and use.
WAC 173-180-710	Class 1 facility—Contingency plans.
WAC 173-180-720	Class 2 facility—Oil transfer response plans.
WAC 173-180-770	Class 2 facility—Response plan maintenance and use.
WAC 173-180-820	Unannounced drills for Class 2 facilities.