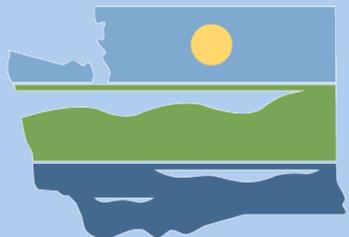


Washington State Department of Ecology

**Underground Storage Tank Regulations  
Chapters 173-360 and 173-360A WAC:  
Public Hearing Presentation**



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**Kristopher Grinnell**  
Information & Policy Section  
Toxics Cleanup Program

# **Washington's UST Program: state law applies, federal law doesn't.**

**1989:** Legislature directs Ecology to establish program

**1990:** Ecology establishes program

**1993:** EPA approves program

**2012:** Ecology adopts changes to comply with Federal Energy Act

- Operator training
- Secondary and under-dispenser containment
- More frequent compliance inspections (every 3 years)
- Delivery prohibition

# **Why update Washington's UST rule? To integrate EPA's changes.**

**October 15, 2015:** EPA finalized their new UST rule.

**By October 15, 2018:** WA must incorporate EPA changes into state rule.

**What's the end result?** State rule at least as stringent as EPA's.

# Four objectives along the way...

**No. 1:** Maintain federal approval of the program.

**No. 2:** Incorporate statutory changes to the program.

**No. 3:** Update other requirements governing the program.

**No. 4:** Improve rule clarity, consistency, and organization.

# What's our timeline?

<b>March 23, 2016</b>	Start rulemaking.
<b>July 10, 2017</b>	Preliminary draft of rule submitted for review by EPA and stakeholders.
<b>January 24, 2018</b>	Propose rule. Start public comment period.
<b>February 28, 2018; March 2, 2018</b>	Public hearings on proposed rule.
<b>March 16, 2018</b>	End public comment period.
<b>On or after June 30, 2018</b>	Adopt rule.
<b>Anticipated October 1, 2018</b>	Effective date of rule.

# Rule reorganization

- Part 1.** Scope and definitions
- Part 2.** Administration and enforcement
- Part 3.** Installation and performance standards
- Part 4.** Operation and maintenance
- Part 5.** Operator training
- Part 6.** Release detection
- Part 7.** Release reporting, confirmation, and cleanup
- Part 8.** Closure
- Part 9.** Service providers
- Part 10.** Financial responsibility

# Notable rule changes

- Regulation of previously deferred UST systems
- Tests and inspections of UST equipment
- Compatibility of UST equipment
- No new ball floats
- Site assessments
- Temporary closure
- Reporting and recordkeeping

# Previously deferred UST systems

- **Which UST systems?**
  - Airport hydrant fuel distribution systems
  - UST systems with field-constructed tanks
- **By when comply?**
  - If installed after rule effective date, upon installation
  - If installed on or before rule effective date, by effective date or within 3 years, depending on requirement (see Table 0110-1)
  - Existing systems must meet performance standards or upgrade requirements or be permanently closed within 3 years

# Walkthrough inspections

- **By whom?**
  - By owner/operator or service provider
- **By when?**
  - If installed after rule effective date, upon installation
  - If installed on or before rule effective date, within 1 year
- **How frequently?**
  - Every 30 days → Spill prevention and release detection equipment
  - Annually → Containment sumps and hand-held release detection equipment
- **How document?**
  - On checklist provided by Ecology or code of practice used to perform

# New UST system testing

- **Containment sumps (used for interstitial monitoring) and spill buckets**
  - Test every 3 years, unless double-walled and periodically monitored
- **Overfill prevention equipment**
  - Inspect every 3 years
- **Release detection equipment**
  - Test annually
- **Testing and inspections following repairs**
  - Within 30 days of repair being completed

# New UST system testing

- **By when?**
  - If installed after rule effective date, upon installation
  - If installed on or before rule effective date, within 2 years (if tag # is even) or 3 years (if tag # is odd)
- **By whom?**
  - By service provider certified in either installation/repair or tightness testing
- **How perform?**
  - In accordance with manufacturer's instructions or code of practice
- **How document and report?**
  - Report to Ecology within 30 days using applicable checklist

# Compatibility demonstrations

- **For what substances?**
  - Hazardous substances
  - Contains > 10% ethanol
  - Contains > 20% biodiesel
- **By when?**
  - At least 30 days before change
  - Must notify and report compliance using Ecology form
- **How?**
  - Certification or listing
  - Approval of manufacturer

# **No new ball floats**

- **Ball floats cannot be installed as overfill prevention on new UST systems**
- **Ball floats in need of repair must be replaced with another overfill prevention method**
- **Functioning ball floats in existing systems can continue to be used**

# Site assessments

- **Incorporated minimum requirements into rule**
  - Currently, rule references guidance document
- **Propose changes to soil sampling requirements**
  - Changed # of samples around tanks
  - Clarified # of samples around dispensers
  - Reduced # of samples for small amounts of excavated soils
  - Specified proximity of samples (no more than 10 feet) where components remain in place
- **Not required at sites with confirmed contamination**

# Temporary closure

- **When closing**
  - Clarified that closure must be reported within 30 days
  - If closed more than 90 days, must empty or measure product
- **While closed**
  - Specified when operation and maintenance activities may be suspended (consistent with federal rule)
  - Specified that financial responsibility must be maintained unless system emptied and site assessment conducted

# Temporary closure

- **When reopening (if closed more than 90 days)**
  - Specified that any tests or inspections suspended while closed must be performed before reopening
  - Clarified process for obtaining authorization for one-time product drop for tightness testing
  - Clarified reporting requirements

# Reporting

- Added 3-day notice to confirm start date before installing or decommissioning tanks or piping
- Added 30-day reporting requirement for new tests and inspections, except walkthrough inspections
- Changed deadline for service providers to report confirmed releases from 72 to 24 hours (same as for owners and operators)
- Added requirement for product deliverers to report spills and overfills to owners or operators immediately
- Eliminated requirement that UST systems storing > 1,100 gallons of heating oil must comply with release reporting requirements of UST rule. Such releases must be reported under cleanup rule

# Recordkeeping – Simplify and Update

- **3 years → Monthly and annual tests and inspections**
  - To ensure Ecology can review records during 3-year compliance inspections.
- **6 years → Tests required every three years**
  - To ensure Ecology can review at least two records during 3-year compliance inspections.
- **As long as used → Release detection equipment/methods**
  - Information relevant only while equipment or methods used.
- **Life of UST system → Info about UST system (such as installation, repairs, compatibility, site assessments)**
  - Information relevant throughout life of system.

# How to submit comments

- At a public hearing
- Online at: <http://cs.ecology.commentinput.com/?id=usNx2>
- By mail to: **Kristopher Grinnell**  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

***Please note: Any information (e.g., personal or contact) you provide in a comment or in an attachment may be publicly disclosed and posted on the internet.***



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# Questions?

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