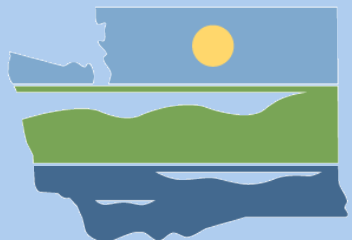


Washington State Department of Ecology

**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?

March 23, 2016	Start rulemaking.
July 10, 2017	Preliminary draft of rule submitted for review by EPA and stakeholders.
January 24, 2018	Propose rule. Start public comment period.
February 28, 2018; March 2, 2018	Public hearings on proposed rule.
March 16, 2018	End public comment period.
On or after June 30, 2018	Adopt rule.
Anticipated October 1, 2018	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 overflow prevention on new UST systems**
- **Ball floats in need of repair must be replaced with another overflow 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.



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Questions?

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