

# Crosswalk of state and federal regulations

## Underground Storage Tank Regulations proposed amendments



The Department of Ecology proposes to amend chapter [173-360A](#) WAC, Underground Storage Tank (UST) Regulations, to allow use of a state fund or other state assurance program to demonstrate financial responsibility for cleaning up UST releases and compensating third parties for bodily injury and property damage caused by the releases.

The proposed rule amendments are explicitly and specifically required by the legislature in section 11(2), [chapter 170, Laws of 2023](#), and adopt without material change the federal regulations in [40 C.F.R. Part 280, Subpart H](#) pertaining to use of a state fund or other state assurance program as a mechanism for demonstrating financial responsibility for UST releases.

The following table identifies each state fund requirement in the proposed state regulations and the corresponding requirement in the current federal regulations.

Requirement	Proposed state regulation	Current federal regulation
Definition of provider	WAC 173-360A-1005(12) <sup>1</sup>	40 C.F.R. 280.92
Allowable use of state fund	WAC 173-360A-1020(1)	40 C.F.R. 280.94(a)(1)
Substitution of state fund	WAC 173-360A-1025(2) <sup>1</sup>	40 C.F.R. 280.108(b)
Termination of state fund	WAC 173-360A-1030(2)(b)	40 C.F.R. 280.109(a)(2)
Responsibilities upon incapacity	WAC 173-360A-1035(6)	40 C.F.R. 280.114(f)
Certification of responsibility	WAC 173-360A-1040(2)(a) <sup>1</sup>	40 C.F.R. 280.111(b)(11)
Evidence of responsibility	WAC 173-360A-1040(2)(f)	40 C.F.R. 280.111(b)(8)
State fund mechanism coverage	WAC 173-360A-1067(1)	40 C.F.R. 280.101(a)
State fund mechanism evidence	WAC 173-360A-1067(2)	40 C.F.R. 280.101(d)
Endorsement boilerplate	WAC 173-360A-1082	40 C.F.R. 280.97(b)(1)
Certificate of insurance boilerplate	WAC 173-360A-1083	40 C.F.R. 280.97(b)(2)

<sup>1</sup> The financial assurance mechanisms referenced in this section will include the new state fund mechanism without changing the rule text because the new state fund section (WAC 173-360A-1067) is included within range of currently referenced sections (WAC 173-360A-1060 through 173-360A-1073).