



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO #16-02

Subject of possible rule making: The Department of Ecology (Ecology) plans to amend Chapter 173-360 WAC, Underground Storage Tank (UST) Regulations. As part the rulemaking, Ecology plans to:

1. Incorporate federal rule changes needed to maintain state program approval, as specified in 40 CFR Parts 280 and 281 and adopted in June 2015.
2. Incorporate changes to the state's UST program specified in the authorizing state statute, Chapter 90.76 RCW.
3. Make other selective changes to the requirements governing the state's UST program (such as updating UST service provider requirements).
4. Streamline rule requirements, improve rule clarity, and improve consistency within the rule and with other state and federal laws and rules.

Statutes authorizing the agency to adopt rules on this subject: Chapter 90.76 RCW, Underground Storage Tanks

Reasons why rules on this subject may be needed and what they might accomplish: Ecology is conducting the rulemaking to:

1. Maintain federal approval of the state's UST program, as required by the authorizing state statute, Chapter 90.76 RCW.
2. Implement changes to state's UST program specified in the authorizing state statute, Chapter 90.76 RCW.
3. Reduce the number and severity of releases of petroleum and other hazardous substances from UST systems, which pose a serious threat to human health and the environment, including drinking water.
4. Make the rule easier to use and understand by the regulated community.

See also Attachment A.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The U.S. Environmental Protection Agency (EPA) establishes requirements for state program approval and regulates UST systems in states without approved programs and in Indian country. Washington has a federally-approved UST program. Ecology will consult with EPA and provide opportunities to review rule language throughout the rulemaking process to ensure the state's rules are at least as stringent as the federal rules and meet the requirements for state program approval. Ecology will work closely with other interested state and local government agencies and encourage them to provide input during the rulemaking process.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe): Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act, Chapter 34.05 RCW.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: Interested parties can stay informed about the rulemaking and public involvement opportunities by:

1. Visiting the agency web page at: <http://www.ecy.wa.gov/programs/tcp/regs/wac173360/1602ov.html>.
2. Signing up to receive e-mail notices at: <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-UST-RULE>.
3. Contacting the Rule Coordinator: Scott O'Dowd
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-7195
Fax: 360-407-7154
E-mail: USTrule@ecy.wa.gov

Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

DATE 3/23/2016
NAME (TYPE OR PRINT) Jeff Johnston
SIGNATURE 
TITLE Manager, Information and Policy Section, Toxics Cleanup Program

CODE REVISER USE ONLY
OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED
DATE: March 23, 2016
TIME: 10:49 AM
WSR 16-07-157

Attachment A – What the rules might accomplish:

The rulemaking is intended to accomplish the following:

1. Federal approval of the state's UST program.
2. Compliance with the authorizing state statute, Chapter 90.76 RCW.
3. Reduction in the number and severity of releases of petroleum and other hazardous substances from UST systems, and the threat posed by those releases to human health and the environment, including drinking water.
4. Rule that is easier to use and understand by the regulated community.