



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 24, 2023

TIME: 8:04 AM

WSR 23-22-041

**Agency:** Department of Ecology AO #22-16

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** The Department of Ecology (Ecology) is adopting amendments to Chapter 173-360A WAC, Underground Storage Tank (UST) Regulations. The regulations govern the installation, operation, maintenance, and closure of UST systems containing petroleum or other regulated substances. The regulations also govern the detection of, responses to, and financial responsibility for release from those systems. This rulemaking is limited to the financial responsibility requirements for UST releases in Part 10 of Chapter 173-360A WAC.

Ecology is adopting amendments to 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.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: Chapter 173-360A WAC, Part 10, Underground Storage Tanks

Suspended:

**Statutory authority for adoption:**

Chapter [70A.355](#) RCW, Underground Storage Tanks

[Chapter 170](#), Laws of 2023

**Other authority:** N/A

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as [WSR 23-14-086](#) on [June 30, 2023](#) (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: N/A

Address:

Phone:

Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email:

Web site:

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	<u>1</u>	Amended	<u>7</u>	Repealed	___
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>7</u>	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted on the agency's own initiative:**


New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

<b>Date Adopted:</b> October 24, 2023	<b>Signature:</b> 
<b>Name:</b> Laura Watson	
<b>Title:</b> Director	