



DEPARTMENT OF
ECOLOGY
State of Washington

Implementation Plan

**Chapters 173-360 and 173-360A WAC
Underground Storage Tank Regulations**

July 2018
Publication no. 18-09-060

Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1809060.html>

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Acronyms and Abbreviations

APA	Administrative Procedure Act
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
ICC	International Code Council
RCW	Revised Code of Washington
TCP	Toxics Cleanup Program
UST	Underground Storage Tank
WAC	Washington Administrative Code
WATOT	Washington Tank Operator's Training

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Chapter 1: Introduction

The Department of Ecology (Ecology) is repealing existing Chapter 173-360 WAC and adopting new Chapter 173-360A WAC, Underground Storage Tank (UST) Regulations. The new chapter modifies and replaces the repealed chapter. For more information about the rulemaking, visit our web page: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-360-Mar16>.

The purpose of this implementation plan is to inform those who must comply with the rule about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate affected persons.
- Promote and assist voluntary compliance.
- Evaluate whether the rule is achieving its purpose.
- Train and inform Ecology staff.

This plan also identifies:

- Supporting documents and databases that may need to be developed or updated.
- Other resources where more information about the rule is available.
- Persons who can answer questions about rule implementation.

This documentation is required by the Administrative Procedure Act ([RCW 34.05.328](#)).

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Chapter 2: Implementing and Enforcing the Rule

Ecology will implement and enforce the amended rule through the UST inspection and technical assistance process. Ecology inspects each UST facility at least once every three years. If needed, Ecology may conduct more frequent inspections. Ecology intends to implement the new components of the amended rule as follows:

2.1 Previously deferred systems

Previously deferred UST systems include systems with field-constructed tanks and airport hydrant systems. Such systems become fully regulated on October 1, 2018. In Washington State, owners of these systems were already required to pay tank fees and obtain a tank endorsement on the business license. Systems installed before October 1, 2018, must be upgraded and comply with operating requirements within three years. UST inspectors will check for compliance with these upgrade requirements during normal inspections.

2.2 New recordkeeping requirements

Ecology simplified the recordkeeping requirements for UST systems. No special enforcement policy or procedure is necessary to implement this requirement. UST inspectors will check for compliance with this requirement during normal inspections.

2.3 Walkthrough inspection requirement

Walkthrough inspections must begin upon installation (for systems installed after effective date) or one year after effective date (for systems installed on or before the effective date). Ecology will create two checklists to help UST owners and operators maintain an accurate record of the walkthrough inspections. UST inspectors will check for compliance with this requirement during normal inspections.

2.4 Spill and overflow prevention testing

Testing of spill and overflow prevention equipment must begin upon installation for systems installed after the effective date of Chapter 173-360A WAC. For spill and overflow prevention equipment installed on or before the rule's effective date, testing must take place either two or three years after effective date depending on whether the facility compliance tag number is even or odd. UST inspectors will check for compliance with this requirement during normal inspections.

2.5 Testing of sumps used for interstitial monitoring

Testing of sumps used for interstitial monitoring must begin upon installation for systems installed after the effective date of Chapter 173-360A WAC. For sumps used for interstitial monitoring installed on or before the rule's effective date, testing must take place either two or three years after effective date depending on whether the number on the Ecology issued facility compliance tag is even or odd. UST inspectors will check for compliance with this requirement during normal inspections.

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2.6 Testing of release detection equipment

Testing of release detection equipment must begin upon installation for systems installed after the effective date of Chapter 173-360A WAC. For release detection equipment installed on or before the rule's effective date, testing must take place either two or three years after effective date depending on whether the number on the Ecology issued facility compliance tag is even or odd. UST inspectors will check for compliance with this requirement during normal inspections.

2.7 Compatibility Demonstration

Owners and operators of UST systems storing hazardous substances or fuels greater than E10 or B20 must demonstrate that the systems are compatible. Ecology has created a checklist for UST owners and operators to report the compatibility of the UST components. Owners and operators are also required to report a switch to fuels greater than E10 or B20 using a form created by Ecology. UST inspectors will check for compliance with this requirement upon receiving the form and during normal compliance inspections.

2.8 Updated Operator Training Requirements

Ecology-approved trainers will have six months from the effective date of the rule to update training materials to include these new rule provisions. Ecology maintains a list a trainers approved to train owners and operators. Trainers will be removed from the list if they do not meet this requirement.

Ecology will update the Washington Tank Operator Training (WATOT) within six months of the effective date of the rule.

Operators trained prior to the effective date of the rule do not need to be retrained because the training requirements have changed. However, just as under the former rule, if an UST facility is not in compliance, Ecology may require operators to be retrained.

2.9 New minimum site assessment sampling requirements

Ecology incorporated minimum site assessment sampling requirements into the rule during this rulemaking. Previously, these minimum requirements existed in an Ecology guidance. These new minimum sampling requirements will go into effect on the effective date of the rule, October 1, 2018. UST inspectors will check for compliance with this requirement during reviews of site assessment reports and while observing assessment and decommissioning activities at regulated UST systems.

The International Code Council (ICC) administers a Washington-specific exam that allows individuals to become certified site assessors and recertify every two years. Ecology has coordinated with ICC to update this Washington-specific test to include these new minimum requirements. The updated ICC test will be available by October 1, 2018.

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2.10 New temporary closure requirements

Under the new rule, owners and operators must maintain financial responsibility during temporary closure, unless the system is emptied and a site assessment is conducted around the system. Ecology plans to send a letter to the owners and operators of all currently temporarily closed UST systems that will explain the new requirements and set compliance deadlines. These sites will be handled using inspector enforcement mechanisms and enforcement discretion on a site by site basis.

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Chapter 3: Informing and Educating Affected Persons

3.1 UST program web page

Ecology maintains an UST program web page (<http://www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html>) that provides information on UST program requirements, policies, and procedures. Ecology plans to update the web page to reflect new rule requirements. Ecology also plans to post a list of frequently asked questions and answers which will be updated on a regular basis.

3.2 Focus sheets

Ecology will prepare focus sheets on the new rule requirements. Ecology will complete them as soon as possible prior to the effective date of the new rule. They will be posted on the UST webpage. Inspectors will also distribute them during UST inspections.

3.3 UST ListServ

Ecology has developed an UST ListServ (group email software) that will be used to distribute UST news and updates. Persons wishing to sign up can do so at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-UST-RULE>. Additionally, the public can send email to tanks@ecy.wa.gov.

3.3 Industry meetings and newsletters

In early 2018, Ecology attended meetings sponsored by trade organizations such as the Washington Oil Marketers Association (WOMA). Ecology has had an information booth at the WOMA Annual Convention for years, and did again this year. Ecology will also continue to work with trade organizations such as WOMA, Western States Petroleum Association (WSPA), Automotive United Trades Organization (AUTO), and the Korean-American Grocers Association (KAGRO) to announce the new requirements through their newsletters.

3.4 UST Rule training sessions

Ecology will hold three trainings on the changes to the rule. The trainings are intended primarily for UST service providers, but will also be useful for UST owners and operators. The trainings will begin with a presentation, followed by a question and answer session.

Trainings will take place on the following dates at the locations described.

1. August 7, 2018, at 9:00 am (in person only)

Department of Ecology
Eastern Regional Office
4601 N Monroe Street
Spokane, WA 99205

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2. August 8, 2018, at 9:00 am (in person only)

Department of Ecology
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008

3. August 9, 2018, at 9:00 am (in person or by webinar)

Department of Ecology
Southwest Regional Office
300 Desmond Dr. SE
Lacey, WA 98503

Note: This session will also be available via webinar.

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Chapter 4: Promoting and Assisting Voluntary Compliance

Ecology will continue to promote and assist voluntary compliance with the UST rule. Many of the activities discussed above will support these efforts. Activities include:

4.1 Informational materials related to all the amendments

Ecology has and will continue to prepare focus sheets and guidance documents as part of UST operations. UST and rule web pages are updated frequently to keep interested persons informed. Mailings regarding the rule changes have been sent to owners and operators of record, and another mailing regarding the final rule is planned, executed by Ecology's Toxics Cleanup Program (TCP) headquarters staff.

4.2 Service provider training

Ecology will hold several three sessions for UST service providers to explain new UST rule requirements. UST owners and operators can also attend these sessions. The date and location of these sessions is outlined in Section 3.4 of this document.

4.3 Operator training

Ecology has and will continue to promote and assist voluntary compliance through required operator training, which was introduced in 2012. This requirement has been updated as part of this rulemaking. Currently trained operators do not need to be retrained unless they are out of compliance with the UST rule.

4.4 Updated training vendor approvals

Ecology approves operator training programs of third-party vendors. All vendors will need to update their training to reflect the rule amendments, and Ecology will re-approve the programs of all the vendors to ensure they do that. Submittal of updated training programs to Ecology should occur by March 2019, and TCP headquarters staff will review them.

4.5 WATOT training tool

Ecology is updating the free Washington Tank Operator's Training (WATOT) tool, which can be used to train operators and develop system-specific operation and maintenance plans. It will be updated by March 2019.

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Chapter 5: Evaluating the Rule

5.1 UST recordkeeping

Ecology has and will continue to maintain complete records of inspections and enforcement actions. This information is entered in a searchable Ecology database. Periodic reports based on these records are evaluated to determine program success, measured by regulatory compliance. Counts of violations, penalty amounts and Notices of Non-Compliance are some examples of data which are evaluated.

5.2 State performance measures

Ecology reports one UST performance measure to the Washington Office Financial Management. That is the percentage of UST facilities inspected in the last 3 years. The goal is to inspect every UST facility at least once every three years.

5.3 EPA performance measures

Historically, Ecology has reported to the United States Environmental Protection Agency (EPA) on a measure known as “Significant Operational Compliance.” This originally included three measures of compliance. With the new federal UST rule, EPA has developed a new set of performance measures. These measures will be used to track state program effectiveness. The following are the EPA performance measures:

- Percentage of Facilities in Compliance with Spill Prevention
- Percentage of Facilities in Compliance with Overfill Prevention
- Percentage of Facilities in Compliance with Corrosion Protection
- Percentage of Facilities in Compliance with Release Detection
- Overall compliance rate for the four measures listed above
- Percentage of Facilities in Compliance with Operator Training
- Percentage of Facilities in Compliance with Financial Responsibility
- Percentage of Facilities in Compliance with Walkthrough Inspection requirements

In addition to these new measures some existing measures will continue to be reported. These include releases from UST systems, number of UST systems in Washington, number of closed UST systems, and percentage of UST facilities inspected in the last three years.

In 2016, Washington introduced electronic inspection checklists. The data tracking in these electronic checklists will be used to determine the EPA performance measure percentages that will be reported to the EPA twice a year.

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Chapter 6: Training and Informing Ecology Staff

Training and informing staff are Ecology and Toxics Cleanup Program (TCP) standard procedure. TCP will use the following methods for training and informing staff about the new rule requirements:

6.1 UST inspector meetings

TCP will train its UST inspectors on the UST rule revisions at the “UST All-Hands Inspector Meeting” on October 3 and 4, 2018. In addition, TCP holds in-person “All-Hands” UST inspector meetings twice a year to go over rule interpretations, emerging UST technologies and discuss general UST issues that come up in Washington.

6.2 Workshops

TCP has held program workshops for TCP employees on a biannual basis. These workshops provide opportunities for UST inspectors to get together for presentations and discussions, including rule changes. TCP is planning a workshop in the summer of 2019. These workshops are a good opportunity for UST inspectors to discuss issues that have come up since the new rule became effective.

6.3 TCP SharePoint

TCP posts informational materials, guidance, and forms on the TCP intranet (SharePoint) site.

6.4 In-house training

The TCP facilitates new and existing Ecology staff training with both in-house and outside training. Ecology will hold a two day in-house training on the update UST rule in October 2018.

6.5 EPA training

EPA hosts Advanced Inspector Training annually and Ecology makes full use of that. Due to the National Tanks Conference taking place in September 2018, the EPA will not host an Advanced Inspector Training in 2018 (the next Advanced Inspector Training will take place in 2019).

6.6 National tanks conference

The EPA, in conjunction with Association of State and Territorial Solid Waste Officials (ASTSWMO) and New England Interstate Water Pollution Control Commission (NEIWPCC), holds a National Tanks conference. This year it will be in Louisville on September 11-13, 2018. Ecology will send four staff to this conference to hear how other states are dealing with issues in UST compliance and coming up with innovative solutions. Staff who attend this conference will return and present to the rest of the UST staff during one the UST inspector meetings.

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Chapter 7: Developing or Updating Supporting Documents and Databases

7.1 Updating existing UST publications

Ecology will update all of the UST publications available online prior to the effective date of the UST rule, October 1, 2018.

7.2 Updating electronic inspection checklist

Ecology will update all of the UST electronic inspection checklists prior to the effective date of the UST rule, October 1, 2018. Starting on that date all UST compliance inspections will be completed using the updated inspection checklist.

7.3 Updating UST database

Ecology will update all of the UST database prior to the effective date of the UST rule, October 1, 2018. Starting on that date all data in the checklist will reflect the new rule. Older inspection data will be available for review but cannot be edited.

7.3 Updating UST addendum to business license

The Department of Revenue (DOR) collects UST tank fees and information on UST systems as part of the business licensing process. To receive a business license, UST owners and operators must fill out a UST Addendum that provides tank information to DOR. This information is uploaded to the UST database from the DOR system. Ecology will work with DOR to update the UST Addendum by October 1, 2018.

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Chapter 8: More Information about the Rule

To learn more about the changes to the rule, visit: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-360-Mar16>.

For information about the state UST program, visit: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Underground-storage-tanks>.

To get updates about the UST program, sign-up for email notices at:
<http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=ECOLOGY-UST-RULE>.

Chapter 9: Contact Information

If you have questions about the implementation of the UST rule, please contact:

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