



## Toxics Cleanup Program

### Policy 900: Underground Storage Tank (UST) Enforcement

*Established:* September 1992

*Contact:* Policy and Technical Support Unit, Headquarters

*Purpose:* The Underground Storage Tank (UST) program was created to prevent leaks and spills and to provide for early detection of leaks from USTs in order to protect human health and the environment. The objective of this policy is to provide direction to Ecology staff in enforcing the UST regulations. See also Ecology's UST Enforcement Guidance.

*Disclaimer:* This Policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this Policy depending on site-specific circumstances, or modify or withdraw this Policy at any time.

*Approved by:*

James J. Pendowski, Program Manager  
Toxics Cleanup Program

**Accommodation Requests:** To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 800-826-7716. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

## **Purpose and Applicability**

The Underground Storage Tank (UST) program was created to prevent leaks and spills and to provide for early detection of leaks from USTs in order to protect human health and the environment. The objective of this policy is to provide direction to Ecology staff in enforcing the UST regulations. See also Ecology's UST Enforcement Guidance.

### **1. Ecology considers outreach and education to be the most desirable approach to gain compliance with UST rules.**

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Ecology will use press releases and TANK BULLETIN articles to promote voluntary compliance.

### **2. Effort will be made to bring violators into compliance as quickly as possible.**

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Ecology will explain technical provisions of the UST rules to help owners and operators understand how to comply.

### **3. Ecology may issue compliance schedules in special circumstances.**

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Compliance schedules are informal enforcement actions which require compliance by a specific deadline to avoid formal enforcement. They should generally not exceed 3 months, with no more than one 3-month extension.

### **4. Enforcement actions will be used when necessary to gain compliance.**

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Enforcement actions include but are not limited to: warning letters, compliance schedules, field citations, UST permit denial or revocation, license denial or revocation, enforcement orders, and penalties

### **5. Priorities for UST enforcement are:**

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Violations which constitute an existing or imminent threat to human health or the environment, or which have a substantial adverse effect on the UST regulatory program. Examples of the latter include:

- Operating a tank without a valid permit;
- Distributing product to an unpermitted tank; and
- Failing to use licensed service providers when required.

**6. Ecology will use the approved boilerplate for formal orders.**

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Ecology will use a boilerplate or model UST Enforcement Order. Staff should consult with an Assistant Attorney General before deviating from the model. They should list deviations and justifications for the deviations in a cover memo to the UST Enforcement Review Team.

**7. Ecology will calculate penalties for formal enforcement actions using the UST enforcement guidance.**

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Penalty amounts will be based on matrix values and discretion factors. Not all formal enforcement actions will necessarily include penalties.

**8. Formal enforcement orders must first be sent to the UST Enforcement Review Team.**

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Except for emergency orders, staff must send draft formal enforcement orders to the UST Enforcement Review Team at least 5 business days before the planned issuance date.

**9. Ecology may issue emergency orders or deny or revoke permits or licenses immediately if there is an imminent threat to human health or the environment.**

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**10. Enforcement priorities will be reviewed annually and updated if necessary.**

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