

# Rule Proposal Notice

## Toxics Cleanup Program

March 2012

### Underground Storage Tank Regulations

The Department of Ecology (Ecology) proposes to adopt amendments to Chapter 173-360 WAC, Underground Storage Tank (UST) Regulations. The rule proposal will be published in the Washington State Register on April 4, 2012.

The purpose of this rule proposal is to implement changes to the state's UST program specified by the Legislature in 2007 in Substitute Senate Bill 5475, which amended chapter 90.76 RCW. The changes are necessary to comply with the new federal requirements in the Underground Storage Tank Compliance Act of 2005 (42 U.S.C. Sec. 15801 et seq., Energy Policy Act of 2005, P.L. 109-58, Title XV, subtitle B). The changes:

1. Authorize Ecology to prohibit the delivery of regulated substances to UST systems not in compliance with regulatory requirements.
2. Establish an operator training program for individuals who operate and maintain UST systems.
3. Require secondary containment of tanks and pipes, and containment under dispenser systems.

Previously, Ecology anticipated addressing several other issues as part of this rule proposal. However, because of an on-going federal rule-making process that aims to address many of the same issues, Ecology decided to limit the scope of this rule proposal. We are suspending rule-making on issues related to the federal rule-making and financial responsibility until after the federal rule-making process is complete.

Ecology issued a:

1. Determination of Nonsignificance (DNS) under the State Environmental Policy Act.
2. Small Business Economic Impact Statement (SBEIS).
3. Preliminary Cost-Benefit analysis.

These documents and the proposed rule language are available for review at [www.ecy.wa.gov/programs/tcp/reggs/ust/2012/rule-making.html](http://www.ecy.wa.gov/programs/tcp/reggs/ust/2012/rule-making.html).

#### WHY IT MATTERS

The state's underground storage tank compliance program is intended to address the serious threat posed to human health and the environment by leaking underground storage tank (UST) systems containing petroleum and other hazardous substances.

Ecology currently regulates more than 9,500 systems at more than 3,600 facilities throughout the state.

Each year, about 50 new releases are confirmed at regulated UST facilities.

The rule proposal is necessary to reduce the number and severity of such releases.

#### Contact information:

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#### More information:

For more information about the UST Program, please visit the following website:  
[www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html](http://www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html).

#### Special accommodations:

If you need this document in a format for the visually impaired, call the Toxics Cleanup Program at 360-407-7205.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

## **Submit your comments**

The public comment period ends May 4, 2012.

You can give us your official comments in the following ways:

1. Testify at public hearings.
2. Email your comments to: [USTRule@ecy.wa.gov](mailto:USTRule@ecy.wa.gov)
3. Fax your comments to: (360) 407-7154
4. Mail comments to: Department of Ecology  
Toxics Cleanup Program  
Michael Feldcamp  
PO Box 47600  
Olympia, WA 98504-7600

## **Public hearing schedule**

Ecology will hold four public hearings on this rule proposal, during which you can ask questions and provide testimony.

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| 1. Department of Ecology<br>Eastern Regional Office<br>4601 North Monroe Street<br>Spokane, WA 99205<br>April 24, 2012 at 1:30 pm | 3. Department of Ecology<br>Northwest Regional Office<br>3190 160th Avenue SE<br>Bellevue, WA 98008<br>April 26, 2012 at 1:30 |
| 2. Department of Ecology<br>Central Regional Office<br>15 W Yakima Avenue<br>Yakima, WA 98902<br>April 25, 2012 at 1:30 pm        | 4. Department of Ecology<br>Headquarters Office<br>300 Desmond Drive SE<br>Lacey, WA 98503<br>April 27, 2012 at 1:30          |

## **Ecology's response to your comments**

All of the comments we receive will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. You will find your name listed in the document with a reference to where, in the document, Ecology responded to your comments.

## **Expected adoption date**

Ecology expects to adopt this rule no earlier than June 27, 2012.

