

WAC 173-180-670 Class 1 facility—Prevention plan updates. (1)

At any point during the five-year approval period, if there is a significant change as defined in subsection (4) of this section, the owner or operator must:

(a) Submit an electronic notification to ecology prior to any significant change;

(b) Within 30 calendar days of the significant change, amend the plan to incorporate the significant change and submit the amended page(s) to ecology; and

(c) If a significant change will reduce the facility's ability to implement the plan, provide a schedule for the return of the plan to full implementation capability.

(2) Failure to notify ecology of significant changes in the plan is considered noncompliance and could result in the loss of plan approval.

(3) If ecology finds, as a result of the significant change, the plan no longer meets approval criteria, then ecology will notify the facility owner or operator of the change in approval status. Ecology may place conditions on approval or disapprove the plan.

(4) A significant change includes:

(a) A change in the type(s) of oil handled at the facility;

(b) A five percent or greater change in the facility's oil handling capacity;

(c) A change in oil spill prevention technology installed at the facility, or other changes to facility equipment, operations, personnel procedures, training and certification program, or any other change, which affects the level of risk pursuant to WAC 173-180-630; and

(d) Disapproval of a facility's training and certification program by ecology.

(5) A significant change does not include minor variations (less than five percent) in oil handling capacity, maintenance schedules, and operating procedures, provided that none of these changes will increase the risk of a spill.

(6) Ecology may review and require changes to the plan following any spill, inspection, or drill.

The facility must update the plan's list of discharges, as required by WAC 173-180-630, within 30 calendar days after an oil discharge by the facility in excess of 25 barrels.

[Statutory Authority: RCW 88.46.160, 88.46.165, 90.56.005, 90.56.050, 90.56.200, 90.56.220, 90.56.230, and chapter 90.56 RCW. WSR 23-12-077 (Order 21-03), § 173-180-670, filed 6/6/23, effective 7/7/23. Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-670, filed 9/25/06, effective 10/26/06.]