

**WAC 173-180-525 Class 1 and 2 facilities—Training and certification program approval process.** (1) Class 1 and 2 facilities must develop, implement, and coordinate with ecology for training and certification program approval at least 120 calendar days prior to oil transfer operations.

(2) The facility must train and certify, if required, all personnel under this program before they conduct an oil transfer operation.

(3) The facility must coordinate with ecology for program reapproval at least 120 calendar days prior to the program's expiration date.

If the facility does not coordinate with ecology within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in loss of program approval.

(4) To receive approval, ecology will conduct an on-site evaluation of the facility's training materials, testing and certification records, and will consult with personnel.

Ecology may request additional information for the program.

(5) Before the program's expiration date, ecology will respond with a letter approving, conditionally approving, or disapproving the program.

(a) The training and certification program must be approved if, in addition to meeting criteria in this section and WAC 173-180-520, the facility demonstrates that when implemented, the facility can, to the maximum extent practicable:

(i) Provide protection from human factor oil spill risks identified in the risk analysis required by WAC 173-180-630 for Class 1 facilities;

(ii) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those spills which do occur;

(iii) Provide effective oil transfer training to personnel described in WAC 173-180-510 and 173-180-511, as applicable;

(iv) Ensure proper evaluation of job competency; and

(v) Provide an effective system to clearly document and track personnel training and certification.

(b) If the program receives approval, the letter will describe the terms of approval, including expiration date. Program approval expires five years from the date on the approval letter.

(c) If the program is conditionally approved, ecology may require the facility to operate with specific restrictions until unacceptable components of the program are revised, reevaluated, and approved.

(i) In the conditional approval, ecology will describe:

(A) Each specific restriction and the duration for which they apply; and

(B) Each required item to bring the program into compliance.

(ii) Restrictions may include, but are not limited to:

(A) Reducing oil transfer rates;

(B) Increasing personnel levels;

(C) Restricting operations to daylight hours or favorable weather conditions; or

(D) Additional requirements to ensure availability of response equipment.

(iii) The facility has 30 calendar days after notification of conditional approval to implement required changes. An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(iv) Facilities which fail to meet conditional requirements or provide required changes in the time allowed may lose conditional approval status. Ecology may revoke its conditional approval prior to the expiration date if the facility fails to meet the terms of the conditional approval.

(d) If the program is disapproved, the owner or operator must receive an explanation of the factors for disapproval.

(6) Significant changes to the Class 1 facility, as defined in WAC 173-180-670, may require updates to the training and certification program. These updates must be documented in amendments to the facility's prevention plan.

(7) The Class 2 facility must identify the changes to the program and provide that documentation during ecology's on-site evaluation.

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

[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), § 173-180-525, 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), § 173-180-525, filed 9/25/06, effective 10/26/06.]