

Chapter 173-180 WAC
FACILITY OIL HANDLING STANDARDS

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WAC

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173-180-405 Class 1 facility—Operations manual. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-405, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.

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173-180-455 Class 2 facility—Operations manual format requirements. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-455, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.

173-180-460 Class 2 facility—Operations manual content requirements. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-460, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.

173-180-465 Class 2 facility—Operations manual submittal. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-465, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.

173-180-470 Class 2 facility—Operations manual review and approval. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-470, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.

173-180-475 Class 2 facility—Operations manual updates. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-475, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.

173-180-530 Class 2 facility—Oil transfer training requirements. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-530, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed

- 6/6/23, effective 7/7/23. 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.
- 173-180-535 Class 2 facility—Certification program. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-535, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.
- 173-180-540 Class 2 facility—Certification of personnel. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-540, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.
- 173-180-545 Class 2 facility—Program approval. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-545, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.
- 173-180-550 Class 2 facility—Minimum requirements for a certification program. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-550, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.
- 173-180-660 Plan maintenance and use. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-660, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.
- 173-180-710 Class 1 facility—Contingency plans. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-710, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.
- 173-180-720 Class 2 facility—Oil transfer response plans. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-720, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.
- 173-180-770 Class 2 facility—Response plan maintenance and use. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-770, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.
- 173-180-820 Unannounced drills for Class 2 facilities. [Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-820, filed 9/25/06, effective 10/26/06.] Repealed by WSR 23-12-077 (Order 21-03), filed 6/6/23, effective 7/7/23. 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.

PART A: GENERAL REQUIREMENTS

WAC 173-180-010 Applicability of this chapter. (1) This chapter applies to all classes of oil handling facilities. This includes transfer operations involving any size nonrecreational vessel.

(2) This chapter does not apply to vacuum trucks when used to remove waste oil, bilge slops, contaminated ballast or fuel, or excess fuels for shoreside disposal.

[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), § 173-180-010, 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), § 173-180-010, filed 9/25/06, effective 10/26/06.]

WAC 173-180-015 Purpose. This chapter establishes minimum standards for safe oil transfer operations to meet a zero spill goal established by the legislature. This chapter emphasizes:

- (1) Using a scaled approach to protect people and the environment;
- (2) Preventing oil spills from occurring and emphasizing that oil spill prevention is the top priority strategy for reaching the legislature's goal of zero spills;
- (3) Providing improved protection of Washington waters and natural resources from the impacts of oil spills caused by operational errors, human errors, and improper oil handling equipment, design, and operations;
- (4) Minimizing the size and impacts of those oil spills which do occur; and
- (5) Facilitating coordination of local, state, regional, tribal, and other prevention and contingency plans.

[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), § 173-180-015, 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), § 173-180-015, filed 9/25/06, effective 10/26/06.]

WAC 173-180-020 Authority. The legislature granted ecology the authority to adopt and enforce these rules under the following statutes:

- (1) RCW 88.46.160 and 88.46.165 provide statutory authority for regulating the transfer of oil on or over waters of the state.
- (2) RCW 90.56.220 provides statutory authority for developing equipment, operations, and design standards for the transfer, storage, and handling of oil to ensure best achievable protection and to implement a compliance program established by this chapter.
- (3) RCW 90.56.230 provides statutory authority for operations manual preparation and review requirements established by this chapter.
- (4) RCW 90.56.220 provides statutory authority for the personnel training and certification requirements established by this chapter.
- (5) RCW 90.56.200, 90.56.300, and 90.56.310 provide statutory authority for the prevention plan preparation and review requirements established by this chapter.

[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), § 173-180-020, 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), § 173-180-020, filed 9/25/06, effective 10/26/06.]

WAC 173-180-025 Definitions. (1) "American Petroleum Institute (API) gravity" is a measure of how heavy or light a petroleum liquid is compared to water.

(2) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection available. Ecology's determination of best achievable protection must be

guided by the critical need to protect the state's natural resources and waters, while considering:

- (a) The additional protection provided by the measures;
- (b) The technological achievability of the measures; and
- (c) The cost of the measures.

(3) "Best achievable technology" means the technology that provides the greatest degree of protection. Ecology's determination of best achievable technology will take into consideration:

(a) Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development;

(b) Processes that are currently in use; and

(c) In determining what is best achievable technology, ecology must consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(4) "Boom" means flotation boom or other effective barrier containment material suitable for containment, protection, or recovery of oil that is discharged onto the surface of the water. Boom will be classified using criteria found in the ASTM International F 1523-94 (2018) and ASTM International ASTM F625/F625M-94 (2022), and the *Resource Typing Guidelines* found in the Worldwide Response Resource List (WRRRL) user manual.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, 300 or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(7) "Certification" means the documentation that a facility employee has met all requirements of an oil transfer training and certification program that meets the requirements of this chapter.

(8) "Class 1 facility" means a facility as defined in RCW 90.56.010 as:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of oil spill contingency planning in RCW 90.56.210, facility also means a railroad that is not owned by the state that transports oil as bulk cargo.

(c) Except as provided in (b) of this subsection, a facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter 70A.355 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than 3,000 gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(9) "Class 2 facility" means a railroad car, motor vehicle, portable device or other rolling stock, while not transporting oil over

the highways or rail lines of the state, used to transfer oil to a nonrecreational vessel.

(10) "Class 3 facility" means a structure that:

(a) Transfers oil to a nonrecreational vessel with a capacity of 10,500 or more gallons of oil whether the vessel's oil capacity is used for fuel, lubrication oil, bilge waste, or slops or other waste oils;

(b) Does not transfer oil in bulk to or from a tank vessel or pipeline; and

(c) Does not include any: Boatyard, railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by ecology or a local government under chapter 70A.355 RCW; or a motor vehicle motor fuel outlet; or a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330.

(11) "Class 4 facility" means a structure that:

(a) Is a marina, boatyard, marine fueling outlet, and other fueling installation that transfers to a nonrecreational vessel with a capacity to hold less than 10,500 gallons of oil whether the vessel's oil capacity is used for fuel, lubrication oil, bilge waste, or slops or other waste oil;

(b) Does not transfer oil in bulk to or from a tank vessel or pipeline; and

(c) Does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by ecology or a local government under chapter 70A.355 RCW; or a motor vehicle motor fuel outlet; or a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330.

(12) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(13) "Crude oil" means any naturally occurring hydrocarbons coming from the earth that are liquid at 25 degrees Celsius and one atmosphere of pressure including, but not limited to, crude oil, bitumen and diluted bitumen, synthetic crude oil, and natural gas well condensate.

(14) "Decommission" means to take specific actions to prevent spills from out of service storage tanks and transfer pipelines.

(15) "Demise charter" means the owner gives possession of the vessel to the charterer and the charterer hires its own captain and crew.

(16) "Directly impact" means without treatment.

(17) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(18) "Ecology" means the state of Washington department of ecology.

(19) "Gross tons" means a vessel's approximate volume as defined under 46 C.F.R. Part 69.

(20) "Innage" means the difference from the surface of the liquid to the tank bottom.

(21) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(22) "Nonrecreational vessel" means any vessel that is not a recreational vessel as defined in this section.

(23) "Offshore facility" means any class facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(24) "Oil" or "oils" means oil of any kind that is liquid at 25 degrees Celsius and one atmosphere of pressure and any fractionation thereof including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 102(a) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(25) "Onshore facility" means any class facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(26) "Owner" or "operator" means:

(a) In the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

(b) In the case of an onshore or offshore facility, any person owning or operating the facility;

(c) In the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment; and

(d) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(27) "Out of service" means:

(a) For storage tanks, no oil has been added to or removed from the storage tank in one year or more;

(b) For transfer pipelines, no oil has been transferred through the transfer pipeline in one year or more.

(28) "Passenger vessel" means a ship of 300 or more gross tons with a fuel capacity of at least 6,000 gallons carrying passengers for compensation.

(29) "Permeability" means the intrinsic permeability, (k), which is a measure of the ability of a porous material or soil to allow fluids to pass through it, in square feet.

(30) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(31) "Person in charge (PIC)" means a person qualified and designated as required under 33 C.F.R. Part 155 for vessels, 33 C.F.R. Part 154 for Class 1, 2, or 3 facilities, or if not designated, the person with overall responsibility for oil transfer operations.

(32) "Personnel" means individuals employed by, or under contract with a facility or vessel.

(33) "Primary response contractor (PRC)" means a response contractor that has been approved by ecology and is directly responsible to a contingency plan holder, either by a contract or other approved written agreement.

(34) "Process piping" means piping used to carry oil within the oil refining/processing units of a Class 1 facility, process unit to

tankage piping, and tankage interconnecting piping (tank to tank). Process piping does not include transfer pipelines used to transport oil to or from a tank vessel or transmission pipeline.

(35) "Qualified individual (QI)" means a person who meets the requirements under 33 C.F.R. Part 154.1026.

(36) "Recreational vessel" means a vessel owned and operated only for pleasure with no monetary gain involved, and if leased, rented, or chartered to another for recreational use, is not used for monetary gain. This definition applies to vessels such as house boats, ski boats, and other small craft on a rental or lease agreement.

(37) "Secondary containment" means containment systems, which prevent the discharge of oil from reaching the waters of the state.

(38) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(39) "Spill" means an unauthorized discharge of oil into the waters of the state.

(40) "State" means the state of Washington.

(41) "Storage tank" means all aboveground containers connected to transfer pipelines or any aboveground containers greater than 10,000 gallons (238 barrels), including storage and surge tanks, used to store bulk quantities of oil. Storage tanks do not include those tanks regulated by chapter 70A.355 RCW, rolling stock, wastewater treatment equipment, process pressurized vessels or other tanks used in the process flow through portions of the facility.

(42) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(43) "Transfer" means any movement of oil in bulk to or from a nonrecreational vessel or transmission pipeline.

(44) "Transfer pipeline" is a buried or aboveground pipeline used to carry oil to or from a tank vessel or transmission pipeline, or to a vessel and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process piping, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel, or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis by ecology.

(45) "Transmission pipeline" means all parts of a pipeline whether interstate or intrastate, through which oil moves in transportation, including mainline, laterals, valves, and other appurtenances such as pumping units, and fabricated assemblies associated with pumping units metering and delivery stations and fabricated assemblies therein, and breakout tanks.

(46) "Topping off" means the receipt of oil into the last 10 percent of available tank capacity in any tank.

(47) "Ullage" means the depth of space above the free surface of the liquid to the reference datum of that tank.

(48) "Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all

other surface waters and watercourses within the jurisdiction of the state of Washington.

(49) "Worst case spill" means:

(a) For a Class 1 facility, the entire volume of the largest storage tank on the facility site complicated by adverse weather conditions, unless ecology determines that a larger or smaller volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity; or

(b) For a Class 2 facility, the entire contents of the container(s) in which the oil is stored or transported.

[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), § 173-180-025, filed 6/6/23, effective 7/7/23. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW. WSR 07-22-119 (Order 07-14), § 173-180-025, filed 11/7/07, effective 12/8/07. Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-025, filed 9/25/06, effective 10/26/06.]

WAC 173-180-030 Compliance with federal rule or law. (1) Any person with oil handling and transfer duties must comply with applicable provisions of federal law and regulation governing licensing and documentation, equipment, operations, and oil transfers.

(2) The following Code of Federal Regulations (C.F.R.) are incorporated by reference:

(a) 33 C.F.R. Parts 156.120, 156.150, and 156.170;

(b) 33 C.F.R. Parts 154.300, 154.310, 154.570, 154.710, 154.1050, and 154.1055;

(c) 40 C.F.R. Part 112; and

(d) 49 C.F.R. Part 195.

(3) All federal regulations incorporated in this chapter are available through the National Archive and Records Administration website.

[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), § 173-180-030, 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), § 173-180-030, filed 9/25/06, effective 10/26/06.]

WAC 173-180-035 Inspections. (1) Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with chapters 90.56 and 88.46 RCW.

(2) Ecology will provide an inspection report to Class 1 and 4 facilities after each inspection.

(3) Ecology will notify the facility owner or operator of any deficiencies identified during the inspection.

[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), § 173-180-035, filed 6/6/23, effective 7/7/23. Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR

WAC 173-180-040 Recordkeeping. (1) Records required by this chapter must be maintained and available to ecology for a minimum of three years, except for the following:

(a) Preload plans and declaration of inspection (DOI) must be kept for at least 30 days from the date of the oil transfer operation.

(b) Design, construction, inspection, testing, and repair records for storage tanks and transfer pipelines must be kept for the life of the equipment.

(c) Inspection, maintenance, and repair records for pumps, valves, manifolds, and other ancillary equipment used in oil transfers must be kept for 10 years.

(d) Inspection, maintenance, and repair records for secondary containment must be kept for five years.

(e) Oil transfer personnel training and certification records, as applicable, for Class 1, 2, and 4 facilities must be kept for five years from the date the persons were trained and/or certified.

(2) All records required in this chapter must be available to ecology upon request.

(3) A copy of each ASTM, API, ASCE, and ASME Standard, NFPA Code, IBC, IFC, and UL No. 142 referenced in this rule are available for inspection at 300 Desmond Drive S.E., Lacey, Washington 98503.

[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), § 173-180-040, 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), § 173-180-040, filed 9/25/06, effective 10/26/06.]

WAC 173-180-045 Threat of a spill. (1) Ecology may determine that immediate action is necessary to suspend or delay transfer operations from a facility if there is a condition posing a substantial threat of discharge of oil on or over waters of the state, or harm to public health and safety, or both.

(2) Ecology may coordinate with the United States Coast Guard to:

(a) Issue an administrative order that may require immediate suspension of oil transfers;

(b) Specify each condition requiring immediate action to eliminate the condition; and

(c) Notify the persons in charge (PICs) that oil transfers may resume once ecology is satisfied the threat is no longer substantial.

[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), § 173-180-045, 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), § 173-180-045, filed 9/25/06, effective 10/26/06.]

WAC 173-180-050 Oil spills. (1) Facility personnel involved with the oil transfer must immediately stop an oil transfer operation

whenever oil could originate from the current oil transfer operation and is:

(a) Observed or spilled into the water or on the shoreline adjoining the transfer area;

(b) Discharged into oil spill containment or on the vessel deck.

(2) The facility person in charge (PIC) must make notifications as required in RCW 90.56.280.

(3) The facility PIC may resume an oil transfer once the following conditions are met:

(a) The source of the spill is controlled, contained, and a proper response is underway; and

(b) The PICs must agree there is no further threat of a spill.

(4) After a spill to water, the facility PIC may resume a transfer if:

(a) The conditions in subsection (3) of this section are met; and

(b) Approval is received from the state on-scene coordinator. Facilities and vessels involved in a spill may also need approval to resume a transfer from the federal on-scene coordinator.

[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), § 173-180-050, 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), § 173-180-050, filed 9/25/06, effective 10/26/06.]

WAC 173-180-055 Work hours. (1) Personnel with oil transfer duties may not work more than 16 hours in any 24-hour period, nor more than 40 hours in any 72-hour period, except in an emergency or spill response operation. For the purposes of this section, "emergency" means an unforeseen situation that poses an imminent threat to human safety, or the environment, or substantial loss of property.

(2) The owner or operator of a Class 1, 2, or 3 facility must maintain records such as maintenance records or payroll records demonstrating compliance with work hour restrictions for three years.

[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), § 173-180-055, 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), § 173-180-055, filed 9/25/06, effective 10/26/06.]

WAC 173-180-060 Personnel qualifications. (1) The owner or operator of a Class 1, 2, or 3 facility must designate a person in charge (PIC) in writing.

A designated PIC must supervise all oil transfer operations.

(2) All Class 1 and 2 facility personnel designated as a PIC must have completed a training and certification program established by the operator and approved under WAC 173-180-500 through 173-180-525.

(3) All personnel assigned responsibilities related to an oil transfer operation must be qualified to perform those duties as required by federal law, rule, or both.

(4) Each PIC must carry or have readily available evidence of designation as a PIC when engaged in an oil transfer operation.

(5) All Class 1 and 2 personnel involved in a transfer must carry or have readily available evidence of completion of the facility's training and certification program.

[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), § 173-180-060, 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), § 173-180-060, filed 9/25/06, effective 10/26/06.]

WAC 173-180-065 Noncompliance. (1) Any violation of this chapter may be subject to enforcement and penalties under chapters 90.56, 90.48, and 88.46 RCW.

(2) If an owner or operator of a facility fails to comply with the requirements in approved plans, reports, manuals, or programs, as applicable, or otherwise fails to comply with requirements of this chapter, ecology may, at its discretion:

- (a) Place conditions on approval; or
- (b) Revoke its approval.

[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), § 173-180-065, 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), § 173-180-065, filed 9/25/06, effective 10/26/06.]

WAC 173-180-075 Severability. If any provision of this chapter is held invalid, the remainder of the chapter is not affected.

[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), § 173-180-075, 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), § 173-180-075, filed 9/25/06, effective 10/26/06.]

WAC 173-180-080 Compliance schedule. (1) Owners and operators of all facilities in operation at the time this rule is effective must meet the requirements in this rule on the effective date of this rule, except where specified below.

(a) Within 30 calendar days from rule effective date, all delivering facilities must meet advance notice requirements in WAC 173-180-215.

(b) Within 60 calendar days from rule effective date, any delivering facility conducting Rate A transfers must meet prebooming requirements in WAC 173-180-221.

(c) By the current safe and effective threshold determination report's expiration date, any delivering facility conducting Rate A transfers must meet report requirements in WAC 173-180-224.

(d) Within 10 years from rule effective date or by the next scheduled internal API Standard 653 (2014 with Addendum 1 (2018) and 2 (2020)) inspection, whichever is later, any Class 1 facility storage

tank constructed before the effective date of this rule must meet seismic protection measures in WAC 173-180-330.

(e) Within 10 years from rule effective date or by the next scheduled API Standard 570 (2016 with Addendum 1 (2017) and 2 (2018), and Errata 1 (2018)) inspection, whichever is later, any Class 1 facility transfer pipeline constructed before the effective date of this rule must meet seismic protection measures in WAC 173-180-340.

(f) By the current operations manual's expiration date, all Class 1 and 2 facilities must meet manual requirements in WAC 173-180-420 and 173-180-421.

(g) By the current training and certification program's expiration date, all Class 1 and 2 facilities must meet program requirements in WAC 173-180-510 and 173-180-511.

(h) By the current prevention plan's expiration date, all Class 1 facilities must meet plan requirements in WAC 173-180-630.

(i) Within 12 months from rule effective date, all Class 2 facilities must meet oil transfer response plan requirements in WAC 173-180-730.

(j) The triennial cycle of the drill program, as required in WAC 173-180-810 and 173-180-815, will begin once the oil transfer response plan for the Class 2 facility has been approved.

(2) Owners and operators of new facilities must meet requirements in this chapter prior to beginning operations in the state, including submittal deadlines outlined in this chapter.

(3) When there is a change in the owner or operator of a facility, the new owner or operator of the facility must meet the requirements in this chapter prior to beginning operations in the state, including submittal deadlines outlined in this chapter.

[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), § 173-180-080, filed 6/6/23, effective 7/7/23.]

PART B: OIL TRANSFER REQUIREMENTS

WAC 173-180-200 Applicability of Part B. (1) The general sections of Part B apply to Class 1, 2, 3, and 4 facilities.

(2) Requirements for Class 1, 2, and 3 facilities are found in WAC 173-180-205 and 173-180-215 through 173-180-250.

(3) Requirements for Class 4 facilities are found in WAC 173-180-205 and 173-180-210.

[Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-200, filed 9/25/06, effective 10/26/06.]

WAC 173-180-205 Oil transfer equipment at Class 1, 2, 3, and 4 facilities. (1) All hoses, pipelines, or piping used in an oil transfer operation must meet the following criteria:

(a) Hoses, pipelines, or piping must be supported so as to avoid crushing or excessive strain. Flanges, joints, hoses, and piping must be visually checked prior to the transfer for cracks and signs of leakage.

(b) All hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on any component of the oil transfer equipment.

(c) Each hose must have no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil or hazardous material through the hose material, and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement. For the purposes of this section, reinforcement means the strength members of the hose, consisting of fabric, cord, and/or metal.

(d) Hoses, pipelines, or piping must not be permitted to chafe on the dock or vessel or be in contact with any source that might affect the integrity of the hoses or piping.

(e) Hose or loading arm ends must be blanked tightly when moved into position for connection and immediately after they are disconnected. Residue must be drained either into vessel tanks or suitable shoreside receptacles before the hose or loading arm ends are moved away from their connections.

(2) Testing of all oil transfer equipment, including, but not limited to, pumps, valves, piping, manifolds, connections, and hoses, must be done annually, and must be conducted by using one of the following methods:

(a) In accordance with manufacturers' recommendations and industrial standards;

(b) Procedures identified in 33 C.F.R. Part 156.170; or

(c) Another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

[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), § 173-180-205, 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), § 173-180-205, filed 9/25/06, effective 10/26/06.]

WAC 173-180-210 Requirements for Class 4 facilities only. (1) Response and recovery equipment. The owner or operator of each Class 4 facility must ensure that cleanup of at least a 25 gallon spill can occur by having response and recovery equipment maintained in a standby condition and available to the receiving vessel, including:

(a) Sufficient and appropriate boom of no less than 200 feet available in the standby position;

(b) Oil spill sorbent materials appropriate for use in water and on land;

(c) Nonsparking hand scoops, shovels, and buckets;

(d) Containers suitable for holding the recovered oil and oily water; and

(e) Protective clothing and other appropriate personal protective gear necessary to safely respond to oil spills.

(2) Trained personnel. The owner or operator of each facility must:

(a) Provide annual training for employees involved in an oil transfer operation that at a minimum includes:

(i) Dangers and safe practices regarding the petroleum products transferred at that location;

(ii) Safe and effective use and handling of response and recovery equipment; and

(iii) Spill notification procedures.

(b) Train all employees with oil transfer duties within 90 calendar days of the date of hire. No employee may be in charge of an oil transfer operation at the facility without proper training.

(c) Keep a record of oil transfer training at the facility and make the record available to ecology upon request pursuant to WAC 173-180-040.

(3) Spill notification information. The owner or operator of each facility must provide spill notification information on a wallet-sized card for each employee and posted at the dock for fueling customers. The notification information must include:

(a) Required notifications in RCW 90.56.280;

(b) A phone number for a spill response contractor; and

(c) If the facility is not always staffed, a 24-hour phone number where someone designated by the owner or operator of the facility can be reached to start the spill response. The contact phone number must be posted on the dock or transfer location in a location that is easy to see.

(4) The owner or operator of each facility must ensure all oil transfer equipment is properly inspected and maintained in accordance with WAC 173-180-205.

(5) Facilities that are transferring less than 3,000 gallons of oil in a single transaction, are exempt from advance notice requirements for oil transfer operations as described in RCW 88.46.165.

(6) Semiannual reporting. Facilities must report all bulk oil transfers conducted at the facility.

(a) The report must include types of oil transferred and total volume of transfers by oil type.

(b) The facility must submit the report to ecology each year by January 15th for the period July 1st through December 31st of the previous year, and by July 15th for the period January 1st through June 30th.

(c) The report must be submitted to ecology by email. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

[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), § 173-180-210, 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), § 173-180-210, filed 9/25/06, effective 10/26/06.]

WAC 173-180-215 Advance notice of transfer for Class 1, 2, and 3 facilities. (1) The delivering facility (or designee) involved in an oil transfer of more than 100 gallons must notify ecology at least 24 hours prior to an oil transfer operation. If the deliverer cannot meet the notification requirements in this section, notice must be provided as soon as possible prior to the oil transfer.

Advance notice information must be updated if the start time of the oil transfer operation in subsection (2)(b) of this section changes from the original reported time by more than six hours.

(2) The notice of transfer must be submitted on ecology's "Advance Notice of Oil Transfer" website or by email. Form number ECY 070-175 must be used. The notice must contain the following information:

- (a) Company name, address, contact person, and telephone number of organization delivering the oil;
- (b) Date of transfer operation, estimated starting time, and duration of the oil transfer operation;
- (c) Documented name of delivering facility and receiving vessel. If a vessel's documented name is not available, include the official number;
- (d) City name and either the address or location/anchorage where the oil transfer operation will occur;
- (e) Transfer type;
- (f) Oil product type, and if crude oil, include:
 - (i) Region of origin as stated on the bill of lading;
 - (ii) Gravity, as measured by standards developed by the American Petroleum Institute, or specific gravity;
 - (iii) Sulfur content of the oil, percent by weight; and
 - (iv) Viscosity.
- (g) Quantity in gallons or barrels; and
- (h) Whether or not prebooming will take place? (yes or no).

[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), § 173-180-215, 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), § 173-180-215, filed 9/25/06, effective 10/26/06.]

WAC 173-180-217 Equivalent compliance plan. (1) Any owner or operator may submit a plan for equivalent compliance for the alternative measures required in WAC 173-180-221 and 173-180-222. Any owner or operator who submits a plan must preboom or meet the applicable alternative measures until the equivalent compliance plan is approved.

(a) Rate A deliverers may only submit a plan for alternative measures in WAC 173-180-221(9).

(b) Rate B deliverers may only submit a plan for alternative measures in WAC 173-180-222(2).

(2) Format requirements. The plan must include the following:

(a) Cover sheet with name of company submitting the plan and seeking equivalent compliance, and point of contact information; and

(b) Table of contents including supporting documents and appendices.

(3) Content requirements. The plan must include the following:

(a) Executive summary of the plan;

(b) A detailed description of the equipment, personnel, operating procedures, and maintenance systems and any other alternatives that are being proposed; and

(c) A detailed analysis of how the plan offers equivalent or greater level of protection as compared to the requirements in this chapter. This includes:

(i) Methodology of the analysis;

(ii) Detailed results with supporting data, references, graphs, tables, pictures, and other relevant information; and

(iii) Technical feasibility of the plan versus current requirements.

(4) Submittal requirements. The owner or operator must submit the plan to ecology at least 120 calendar days prior to their planned date for beginning operations under that plan in Washington state.

One electronic copy of the plan must be submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(5) Review and approval process. The owner or operator must submit the plan to ecology for reapproval at least 120 calendar days prior to the plan's expiration date. The owner or operator may request ecology review the plan currently on file at ecology.

(a) If the plan is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of plan approval.

(b) Upon receipt of the plan, ecology will determine whether the plan is complete. If ecology determines that the plan is not complete, the owner or operator will be notified of any deficiencies.

Ecology may request additional information for the plan such as site specific meteorological, water current velocity, and other monitoring data to support the plan.

(c) Once the plan is determined complete, ecology will make the plan available for a 30 calendar day public review and comment period, which will occur within ecology's 120 calendar day review period. Ecology will accept comments on the plan no later than 30 calendar days after the plan has been made publicly available.

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

Ecology may approve the plan if, based upon the documents submitted and other information available to ecology, it finds that:

(i) The plan is complete and accurate; and

(ii) The plan would provide an equivalent or greater level of environmental protection as the alternative measures required in WAC 173-180-221 and 173-180-222.

(e) If the plan receives approval, the letter will describe the terms of approval, including an expiration date. Plan approval expires five years from the date on the approval letter.

After approval, the owner or operator must ensure the facility's training and certification program are updated to include this plan.

(f) If the plan is conditionally approved, ecology may require the facility to operate with specific restrictions until acceptable components of the plan are revised, resubmitted, 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 plan into compliance.

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

Meeting some or all of the alternative measure requirements in WAC 173-180-221 or 173-180-222, as applicable.

(iii) The owner or operator has 30 calendar days after notification of conditional approval to submit revisions and 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) Owners or operators who 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 owner or operator fails to meet the terms of the conditional approval.

(g) If the plan is disapproved, the owner or operator must receive an explanation of the factors for disapproval and must preboom or meet the applicable alternative measures requirements.

(6) Plan updates. Ecology may review and require changes to the plan 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), § 173-180-217, filed 6/6/23, effective 7/7/23.]

WAC 173-180-220 Transfer containment and recovery requirements.

(1) These requirements apply to all oil transfers regulated by this chapter with the exception of transfers of gasoline, aviation gasoline, ethanol, nonene, and other highly volatile products with similar characteristics.

(2) The deliverer must first determine the rate at which oil is to be transferred and then follow the applicable requirements outlined in this chapter:

(a) Rate A means oil transfer operations at a rate over 500 gallons per minute. Rate A requirements are found in WAC 173-180-221.

(b) Rate B means oil transfer operations at a rate of 500 gallons per minute or less. Rate B requirements are found in WAC 173-180-222.

(3) To meet the requirements of this chapter, the deliverer must have personnel trained in the proper use and maintenance of boom and associated deployment and oil recovery equipment.

(4) All boom and associated equipment, including the equipment used to deploy the boom, must be of the appropriate size and design for safe and effective deployment in the expected environmental conditions encountered in the transfer area(s) as described in the approved safe and effective threshold determination report including, but not limited to:

(a) Wave height;

(b) Water currents;

(c) Wind; and

(d) Other conditions that may affect booming operations.

[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), § 173-180-220, 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), § 173-180-220, filed 9/25/06, effective 10/26/06.]

WAC 173-180-221 Rate A prebooming and alternative measures requirements. This section generally applies to delivering facilities; however, any Class 1 facility receiving oil from a Rate A delivering vessel must provide the facility's approved safe and effective threshold values to the vessel.

(1) The Rate A deliverer must preboom oil transfers when it is safe and effective to do so. When prebooming is not safe and effective, the deliverer must meet the alternative measures requirements found in subsection (9) of this section and submit the *Ecology Boom Reporting Form* pursuant to subsection (4) of this section.

(2) The determination of safe and effective must be made prior to starting a transfer and reevaluated if conditions change before or during a transfer. To make this determination, the deliverer must use the safe and effective threshold values found in their operations man-

ual. The safe and effective determination must be based on the conditions at the transfer location.

(3) When water currents are 1 knot or less, facilities must consider prebooming if it is safe to do so, even if the boom may be less than fully effective. When water currents are greater than 1 knot, facilities may consider prebooming based on the expected performance of the boom.

(4) When it is not safe and effective to preboom, or when conditions develop during a preboomed transfer that require removal of the boom, the Rate A deliverer must report this finding to ecology through the *Ecology Boom Reporting Form*. The form must include all observed and forecasted conditions that exceed the weather and safety values in the safe and effective threshold determination report. The form must be submitted on ecology's website or by email. Form number ECY 070-215 must be used. The form must be submitted prior to the transfer and/or immediately when conditions have changed.

(5) If a transfer is not preboomed due to conditions exceeding the safe and effective values, or if the boom is removed due to changing environmental conditions during the transfer, the Rate A deliverer must boom the transfer if it becomes safe and effective to do so. If environmental conditions continue to exceed safe and effective values, follow-up *Ecology Boom Reporting Forms* must be submitted every six hours for a transfer at a terminal.

(6) If multiple oil transfers are occurring simultaneously with a single vessel, and one product transferred is not appropriate to preboom, such as gasoline, aviation gasoline, ethanol, nonene, and other highly volatile products with similar characteristics, then that portion of the transfer where it is not appropriate to preboom must meet the alternative measures found in subsection (9) of this section. The portion of the transfer that is appropriate to preboom must be preboomed if:

(a) It is safe and effective to do so;

(b) Pumping is complete for the product that is not appropriate to preboom; and

(c) There are at least three hours remaining in the transfer.

(7) For the purposes of this section, the deliverer must be able to quickly disconnect all boom in the event of an emergency.

(8) Rate A prebooming requirements.

(a) In order to preboom transfers, the deliverer must have, prior to the transfer, access to boom four times the length of the largest vessel involved in the transfer or 2,000 feet, whichever is less.

(i) The deliverer must deploy the boom such that it completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the portion of the vessel and transfer area that provides for maximum containment of any oil spilled.

(ii) The boom must be deployed with a minimum stand-off of five feet away from the sides of a vessel, measured at the waterline. This stand-off may be modified for short durations needed to meet a facility or vessel's operational needs.

(iii) The deliverer must periodically check the boom positioning and adjust as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events.

(b) In addition to prebooming, the deliverer must have the following available on-site:

(i) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

(iii) Nonsparking hand scoops, shovels, and buckets.

(c) For preboomed transfers, within one hour of being made aware of a spill, the deliverer must be able to complete deployment of the remaining boom as required in (a) of this subsection, should it be necessary for containment, protection, or recovery purposes.

(9) Rate A alternative measures. Rate A deliverers must use these alternative measures when it is not safe and effective to meet the prebooming requirements:

(a) Prior to starting the oil transfer operation, the deliverer must have access to boom four times the length of the largest vessel involved in the transfer or 2,000 feet, whichever is less.

(b) The deliverer must have the following available on-site:

(i) Enough sorbent materials and storage capacity for a seven barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

(iii) Nonsparking hand scoops, shovels, and buckets.

(c) The deliverer must have the ability to safely track the spill in low visibility conditions. The tracking system must be on-scene and ready to be deployed within 30 minutes of being made aware of a spill.

(d) Within one hour of being made aware of a spill, the deliverer must be able to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation with boom, or the portion of the vessel and transfer area that provides for maximum containment of any oil spilled.

(e) Within two hours of being made aware of a spill, the deliverer must have the following:

(i) Additional boom four times the length of the largest vessel involved in the transfer or 2,000 feet, whichever is less, available for containment, protection, or recovery; and

(ii) A skimming system must be on-site, in stand-by status, and be capable of 50 barrels recovery and 100 barrels of storage.

[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), § 173-180-221, 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), § 173-180-221, filed 9/25/06, effective 10/26/06.]

WAC 173-180-222 Rate B prebooming and alternative measures requirements. (1) Rate B prebooming requirements. The Rate B deliverer must choose to meet either the following prebooming requirements or the alternative measures found in subsection (2) of this section. If prebooming is chosen, then:

(a) Prior to starting the oil transfer operation, the deliverer must deploy boom so that it completely surrounds the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the deliverer may preboom the portion of the vessel and transfer area which will provide for maximum containment of any oil spilled into the water.

(i) The deliverer must deploy the boom with a minimum stand-off of five feet away from the sides of a vessel, measured at the water-

line. This stand-off may be modified for short durations needed to meet a facility or vessel's operational needs;

(ii) The deliverer must periodically check boom positioning and adjust the boom as necessary throughout the duration of the transfer and specifically during tidal changes and significant wind or wave events.

(b) The deliverer must have the following available on-site:

(i) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

(iii) Nonsparking hand scoops, shovels, and buckets.

(c) For prebooming: Within one hour of being made aware of a spill, the deliverer must be able to completely deploy an additional 500 feet of boom. This boom may be used for containment, recovery, or protection.

(2) Rate B alternative measures requirements. If a Rate B deliverer chooses alternative measures, then:

(a) Prior to starting the oil transfer operation, the deliverer must have access to boom sufficient to completely surround the vessel(s) and facility/terminal dock area directly involved in the oil transfer operation, or the deliverer may preboom the portion of the vessel and transfer area which will provide for maximum containment of any oil spilled into the water.

(b) The deliverer must have the following available on-site:

(i) Enough sorbent materials and storage capacity for a two barrel oil spill appropriate for use on water or land;

(ii) Containers suitable for holding the recovered oil and oily water; and

(iii) Nonsparking hand scoops, shovels, and buckets.

(c) Within one hour of being made aware of a spill, the deliverer must be able to complete deployment of an additional 500 feet of boom for containment, protection, or recovery.

(d) Within two hours of being made aware of a spill, the deliverer must have an additional 500 feet of boom available on-scene for containment, protection, or recovery.

[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), § 173-180-222, 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), § 173-180-222, filed 9/25/06, effective 10/26/06.]

WAC 173-180-224 Safe and effective threshold determination report. This section applies to delivering facilities conducting Rate A transfers. The owner or operator of a delivering facility conducting Rate A transfers must prepare a safe and effective threshold determination report that meets the requirements of this chapter. This report provides the threshold values that delivering facilities will use to determine when prebooming an oil transfer is safe for personnel and when the boom is likely to be effective at containing a spill.

(1) Format requirements. The report must include the following:

(a) Cover sheet with name of company submitting the report and point of contact information; and

(b) Table of contents including supporting documents and appendices.

(2) Content requirements. The report must include the following, at a minimum:

(a) Summary of safe and effective threshold values that includes each location at which a Rate A transfer occurs;

(b) Information used to support these values must be based on on-site environmental monitoring data recorded at specific times, dates, and locations;

(c) These values and the supporting data must address, at a minimum, the following site-specific information:

(i) Personnel safety;

(ii) Sea state values in feet including typical wave periods;

(iii) Water current velocity such as peak currents, sustained currents in hourly increments, and direction of flow, during typical oil transfer operations;

(iv) Wind speed in knots, and prevailing directions;

(v) Other conditions such as vessel traffic, fishing activities, and other factors that influence the oil transfer operation; and

(vi) Types of oil transfer operations, including fueling, cargo, and others (e.g., lube oil transfers, hydraulic oil transfers), and the transfer rates involved.

(d) The facility must provide a detailed analysis of the proposed threshold values for the transfer location including:

(i) Methodology of the analysis;

(ii) Equipment used to collect data; and

(iii) Supporting data, references, graphs, tables, pictures, and other relevant information. Supporting data must cover multiple years, including data recent enough to reflect existing conditions and collected no more than 10 years from the date of the safe and effective threshold determination report.

(e) Boom specifications for preboomed transfers:

(i) Type of boom (e.g., internal flotation, fence, inflatable), and total height; and

(ii) Accepted industry standards regarding the performance of boom and associated deployment equipment in various operating environments.

(f) Description of the deliverer's ability to safely deploy and retrieve boom at the transfer location in all conditions up to and including the upper limits of the approved safe and effective thresholds;

(g) Description of how the safe and effective determination will be made for each transfer based on the conditions at the transfer location, including:

The equipment or technology used to measure on-site environmental monitoring data before and during transfers, including weather and water current conditions. Include weather stations, buoys, and other instruments used.

(h) Description of how the safe and effective threshold determination will consider whether to preboom when it is safe to do so, even if the boom is less than fully effective;

(i) Description of how the safe and effective threshold determination will be reevaluated based on changes in environmental conditions; and

(j) Description of how alternative measures will be met in the event of a spill if conditions exceed safe and effective values, including transit to the transfer location and deployment.

(3) Submittal requirements. The owner or operator of a Rate A deliverer must submit a safe and effective threshold determination report to ecology at least 120 calendar days prior to their planned date for conducting an oil transfer operation in Washington state.

One electronic copy of the report and appendices must be submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(4) Review and approval process. The owner or operator of a Rate A deliverer must submit the report to ecology for reapproval at least 120 calendar days prior to the report's expiration date. The owner or operator may request ecology review the report currently on file at ecology.

(a) If the report is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of report approval.

(b) Upon receipt of the report, ecology will determine whether the report is complete. If ecology determines that the report is not complete, the owner or operator will be notified of any deficiencies.

Ecology may request additional information for the report such as site specific meteorological, weather current velocity, and other monitoring data to support the report.

(c) Once the report is determined complete, ecology will make the report available for a 30 calendar day public review and comment period, which will occur within ecology's 120 calendar day review period. Ecology will accept comments on the report no later than 30 calendar days after the report has been made publicly available.

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

(e) If the report receives approval, the letter will describe the terms of approval, including expiration date. Report approval expires five years from the date on the approval letter.

(f) If the report is conditionally approved, ecology may require the facility to operate with specific restrictions until acceptable components of the report are revised, resubmitted, 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 report 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 owner or operator has 30 calendar days after notification of conditional approval to submit revisions and 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) Owners or operators who 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 owner or operator fails to meet the terms of the conditional approval.

(g) If the report is disapproved, the owner or operator must receive an explanation of the factors for disapproval. The facility must not engage in Rate A transfers until the report has been approved or conditionally approved.

(5) Report updates. Ecology may review and require changes to the report 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), § 173-180-224, 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), § 173-180-224, filed 9/25/06, effective 10/26/06.]

WAC 173-180-225 Providing safe vessel access. (1) A Class 1 or 3 facility must provide safe access for personnel if the vessel cannot provide safe access.

(2) The access must be secured both top and bottom to prevent movement of the access platform.

(3) The entire ladder and the portion of the facility and vessel's deck where access is provided must be illuminated during low light or low visibility situations and without glare to the persons using the access.

(4) In the event weather conditions make the access unsafe, the persons in charge (PICs) may elect to use radio communication.

[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), § 173-180-225, 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), § 173-180-225, filed 9/25/06, effective 10/26/06.]

WAC 173-180-230 Preloading or cargo transfer plan requirement. Prior to any oil transfer, a transfer plan must be filled out and discussed between the delivering and receiving persons in charge (PICs). A facility must not begin a transfer until this plan has been discussed during the pretransfer conference described in WAC 173-180-235. The plan must include:

(1) Identification, location, and capacity of the vessel's tanks receiving or discharging oil;

(2) Level and type of liquid in all bunker or cargo oil tanks prior to the oil transfer, including those not receiving or discharging oil;

(3) Final ullage or innage, and percent of each tank to be filled;

(4) Sequence in which the tanks are to be filled; and

(5) The facility or vessel's procedures to regularly monitor tank levels and valve alignments during the transfer operation.

[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), § 173-180-230, filed 6/6/23, effective 7/7/23. Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR

WAC 173-180-235 Pretransfer conference. (1) Before the start of an oil transfer operation, the persons in charge (PICs) must hold a face-to-face pretransfer conference. If the PICs determine weather conditions prevent safe access, PICs may communicate via radio.

- (2) The PICs must discuss and agree upon:
 - (a) The preloading or cargo transfer plan;
 - (b) The contents of the declaration of inspection (DOI) required under 33 C.F.R. Part 156.150;
 - (c) Procedures for communicating soundings, changing over tanks, and beginning topping off;
 - (d) Shift change procedures;
 - (e) Emergency shutdown procedures and identify all means to shut down the oil transfer operation in an emergency; and
 - (f) Expected weather and/or sea conditions and threshold values for weather and sea conditions above which oil transfer operations must cease.
- (3) During a pretransfer conference that involves a covered vessel, the point-of-transfer watch and deck-rover watch must be identified to PICs.
- (4) An oil transfer operation will not begin unless a person proficient in both English and a language common to the vessel's officers and crew is present at the pretransfer conference.

[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), § 173-180-235, 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), § 173-180-235, filed 9/25/06, effective 10/26/06.]

WAC 173-180-240 Communications. (1) The facility person in charge (PIC) must ensure continuous two-way voice communication is usable and available in all weather conditions and all phases of the transfer operation between the PICs.

- (2) The facility PIC must ensure at least the following are available for use during the oil transfer operation:
 - (a) Two portable communication devices that are intrinsically safe; and
 - (b) An air horn for emergency signals.
- (3) The PICs must ensure personnel involved in the oil transfer operation know and use English phrases and hand signals to communicate the following instructions during the oil transfer: "Stop," "hold," "wait," "fast," "slow," and "finish."

[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), § 173-180-240, 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), § 173-180-240, filed 9/25/06, effective 10/26/06.]

WAC 173-180-245 Oil transfer procedures. (1) All oil transfer operations for Class 1 and 2 facilities must be conducted in accordance with the facility's approved operations manual.

(2) All transfer operations involving Class 1, 2, or 3 facilities must comply with the transfer procedures in 33 C.F.R. Parts 154 and 156 and the following:

(a) Ensure that transfer connections:

(i) Use appropriate material in joints and couplings to ensure a leak-free seal;

(ii) Use either:

(A) A bolted or full threaded connection; or

(B) A quick-connected coupling with a means of securing the coupling to prevent accidental release.

(iii) Use a new compressible gasket appropriate for the product and transfer pressure;

(iv) Use a bolt in every available hole;

(v) Use bolts of the correct size in each bolted connection;

(vi) Ensure that each bolt is properly torqued to distribute the load to ensure a leak-free seal; and

(vii) Do not use any bolt that shows signs of strain or is elongated or deteriorated.

(b) Have the means to contain and recover any drips from connections within the oil transfer system.

(c) Deliverers providing oil to vessels without fixed containment must provide enough portable containment for each tank vent on the vessel.

(d) Conduct a pretransfer conference as defined in WAC 173-180-235.

(e) Ensure that the available capacity in the receiving tank(s) is greater than the volume of oil to be transferred and all other valves, which could influence the routing of the transferred oil, are properly aligned.

(f) The persons in charge (PICs) must verify at the start of the transfer that the tanks designated in the preload or cargo transfer plan are receiving or discharging oil at the expected rate, and no other tanks are receiving or discharging oil.

(g) Each PIC must ensure that the means of operating the emergency shutdown system is immediately available while oil is transferred between the deliverer and receiver.

(h) A PIC must refuse to initiate or must cease transfer operations with any vessel which:

(i) Has not provided complete information as required by the declaration of inspection (DOI);

(ii) Has refused to correct deficiencies identified by the PIC during the pretransfer conference; or

(iii) Does not comply with the operations manual or does not respond to concerns identified by the PIC.

(i) When a PIC shift change occurs the departing PIC must:

(i) Discuss the preload or cargo transfer plan and transfer rate with the arriving PIC;

(ii) Notify the PIC at the other side of the transfer that a shift change is taking place; and

(iii) Ensure the relieving PIC reads and signs the DOI.

[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), § 173-180-245, filed 6/6/23, effective 7/7/23. Statuto-

ry Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-245, filed 9/25/06, effective 10/26/06.]

WAC 173-180-250 Emergency shutdown. (1) Class 1, 2, or 3 facilities must have an emergency shutdown capable of stopping the flow of oil from the fixed or mobile facility to a vessel.

(2) The emergency shutdown must be located at the persons in charge (PICs) usual operating station and at the dock manifold if not the same location.

(3) For oil transfers, the emergency shutdown must stop the flow:

(a) Within 60 seconds for any facility or portion of the facility that started transferring oil on or before November 1, 1980.

(b) Within 30 seconds for any facility or portion of the facility that started transferring oil after November 1, 1980.

(4) Both PICs must be capable of ordering or activating an emergency shutdown.

(5) If a PIC orders an emergency shutdown, the shutdown must be activated immediately.

(6) To meet the requirements of subsection (3) of this section, the emergency shutdown must be either of the following:

(a) An electrical, pneumatic, or mechanical linkage to the facility; or

(b) An electronic voice communications system continuously operated by a person on the facility who can stop the flow of oil.

[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), § 173-180-250, 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), § 173-180-250, filed 9/25/06, effective 10/26/06.]

PART C: DESIGN STANDARDS FOR CLASS 1 FACILITIES

WAC 173-180-300 Applicability of Part C. Part C applies to Class 1 facilities.

[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), § 173-180-300, 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), § 173-180-300, filed 9/25/06, effective 10/26/06.]

WAC 173-180-310 Transmission pipeline transfer requirements.

(1) For the purposes of this section:

(a) "Appropriate person" means a person designated by the facility as being competent and trained to implement a designated function.

(b) "Pipeline operator" means the operator of a transmission pipeline.

(2) General requirements. Transfer operations must be supervised by an appropriate person and conducted in accordance with operations

manuals approved under this chapter. No person may conduct an oil transfer operation to or from a transmission pipeline unless the appropriate person and the pipeline operator have conducted pretransfer communications which identify:

- (a) Type of oil;
- (b) Transfer volume;
- (c) Flow rates; and
- (d) Transfer startup or arrival time.

(3) Class 1 facilities which receive oil from a transmission pipeline must:

- (a) Confirm that the proper manifold and valves are open and ready to receive product;
- (b) Notify the transmission pipeline operator when a storage tank has less than one foot of oil above the inlet nozzle;
- (c) Coordinate arrival time of oil with the pipeline operator;
- (d) Confirm the available storage capacity for transfers to a facility;
- (e) Ensure that only the designated tank(s) is receiving oil;
- (f) Ensure that proper transfer alignment of the pipeline, valves, manifolds, and storage tanks have been made;
- (g) Establish adequate communication in English between the facility and pipeline operator;
- (h) For the purpose of scheduling inspections, ecology may require a 24-hour notification to ecology in advance of any transfer of bulk oil by a facility operator. Ecology must request notification when this procedure is required;
- (i) Each facility operator must ensure that the means of operating or requesting emergency shutdown is immediately available while oil is being transferred between the facility and the pipeline; and
- (j) If startup, shutdown, and/or emergency shutdown are controlled by the pipeline operator directly using instrumentation and control devices, the accuracy of these devices must be checked at least annually.

[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), § 173-180-310, 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), § 173-180-310, filed 9/25/06, effective 10/26/06.]

WAC 173-180-320 Secondary containment requirements for storage tanks. (1) Storage tanks must be located within secondary containment areas. Secondary containment systems must be:

- (a) Designed, constructed, maintained, and operated to prevent discharged oil from entering waters of the state at any time during use of the tank system;
- (b) Capable of containing oil throughout the entire containment system, including walls and floor;
- (c) Constructed to prevent any discharge from a primary containment system (e.g., tank) from escaping the secondary containment system before cleanup occurs;
- (d) Constructed with materials that are compatible with stored material to be placed in the tank system;
- (e) Soil may be used for the secondary containment system, provided that any spill onto the soil will be sufficiently contained, read-

ily recoverable, and will be managed in accordance with chapter 173-303 WAC;

(f) Constructed with sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the fluid stored in the storage tank, climatic conditions, and the stresses of daily operations (including stresses from nearby vehicular traffic);

(g) Placed on a base or foundation capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

(h) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked oil and accumulated precipitation must be removed from the secondary containment system in a manner which will provide the best achievable protection of public health and the environment; and

(i) Visually inspected monthly to confirm secondary containment integrity. Items requiring attention as determined by the visual inspection must be documented.

(2) The secondary containment system must be maintained to prevent a breach of the dike by controlling burrowing animals and weeds.

(3) The secondary containment system must be maintained free of debris and other materials which may interfere with the effectiveness of the system, including excessive accumulated precipitation.

(4) The facility must maintain at least 100 percent of the entire capacity of the largest storage tank within the secondary containment area at all times.

(5) All secondary containment pumps, siphons, and valves must be properly maintained and kept in good working order.

(6) Drainage of water accumulations from secondary containment areas that discharge directly to the land or waters of the state must be controlled by locally operated, positive shutoff valves or other positive means to prevent a discharge. Valves must be kept closed except when the discharge from the containment system is in compliance with chapter 90.48 RCW. Valves must be locked closed when the facility is unattended. Necessary measures must be taken to ensure secondary containment valves are protected from inadvertent opening or vandalism. There must be some means of readily determining valve status by facility personnel such as a rising stem valve or position indicator.

(7) The owner or operator must inspect or monitor accumulated water before discharging from secondary containment to ensure that no oil will be discharged to the waters of the state. All water discharges must comply with state water quality regulations as described in chapter 90.48 RCW.

(8) Ecology may require oil containers less than 10,000 gallons (238 barrels) capacity to have secondary containment when the container is located less than 600 feet from navigable waters of the state or a stormwater or surface drains which may impact navigable waters of the state.

(9) A secondary containment system constructed after May 1994 must be constructed as follows:

(a) Secondary containment systems must be capable of containing 100 percent of the capacity of the largest storage tank within the secondary containment area including sufficient freeboard for stormwater;

(b) Secondary containment systems must be designed to withstand seismic forces;

(c) Drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements; and

(d) Secondary containment systems must be designed and constructed in accordance with sound engineering practice and in conformance with the provisions of this section.

(10) A secondary containment system must be installed in accordance with:

(a) The 1993 version of the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30, section 2-3.4.3, if constructed after May 1994 and before the effective date of this rule; or

(b) The 2021 version of the NFPA, Flammable and Combustible Code, No. 30, section 22.11.2, Impounding Around Tanks by Open Diking, if constructed after the effective date of this rule.

[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), § 173-180-320, 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), § 173-180-320, filed 9/25/06, effective 10/26/06.]

WAC 173-180-330 Storage tank requirements. (1) Storage tanks constructed after May 1994 and before the effective date of this rule must meet or exceed the 1993 version of the National Fire Protection Association (NFPA No. 30) requirements and one of the following design and manufacturing standards:

(a) UL No. 142, Steel Aboveground Tanks for Flammable and Combustible Liquids (1993);

(b) API Standard 650, Welded Steel Tanks for Oil Storage (1988);

(c) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks (1990); or

(d) Another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

(2) Storage tanks constructed before the effective date of this rule must include protective measures that are designed, installed, and maintained to reduce risk from seismic events and that include one or more of the following:

(a) Flexible mechanical device(s) between storage tank and piping or sufficient piping flexibility to protect the tank and pipe connection and prevent the release of product;

(b) Foundation driven pilings;

(c) Anchored storage tanks; or

(d) Another seismic protection measure proposed by the facility and approved by ecology, as long as such protection measure equals or exceeds those required in this section. This may include demonstrating the storage tank meets API Standard 650 (2020) seismic design requirements, including Annex E and section E.7.3 Piping Flexibility.

(3) Storage tanks constructed after the effective date of this rule must meet the following requirements:

(a) Meet or exceed the 2021 version of the NFPA No. 30 requirements and one of the following design and manufacturing standards:

(i) UL No. 142, Steel Aboveground Tanks for Flammable and Combustible Liquids (2019);

(ii) API Standard 650, Welded Steel Tanks for Oil Storage (2020);

(iii) API Standard 620, Design and Construction of Large Welded, Low-Pressure Tanks (2013 with Addendum 1 (2014), 2 (2018), and 3 (2021)); or

(iv) Another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

(b) Must be designed to meet the following seismic design requirements:

(i) API Standard 650 (2020) seismic design requirements, including Annex E and section E.7.3 Piping Flexibility;

(ii) American Society of Civil Engineers (ASCE) 7-22 Risk Category III or IV, including Site Class A, B, C, D, E, or F based on on-site soil properties, and meet seismic design requirements under chapter 16 of the 2021 International Building Code (IBC) and WAC 51-50-1613 and 51-50-1615; and

(iii) Resist tsunamis based on the facility's risk area using a tsunami hazard tool or a tsunami design zone map, and meet tsunami requirements under chapter 16 of the 2021 IBC and WAC 51-50-1613 and 51-50-1615.

(4) Storage tanks must be inspected under the seismic design requirements of API Standard 653 (2014 with Addendum 1 (2018) and 2 (2020)) and applicable requirements of 2021 IBC. The results of these inspections must be included in the facility's spill risk analysis as required under WAC 173-180-630.

(5) The owner or operator must ensure that the means of preventing storage tank overflow comply with the 2021 version of the NFPA, Flammable and Combustible Code, No. 30, Chapter 21, section 21.7.1, Prevention of Overfilling of Storage Tanks.

(6) Storage tanks must be maintained, repaired, and inspected in accordance with the requirements of API Standard 653 (2014 with Addendum 1 (2018) and 2 (2020)), unless the operator proposes an equivalent inspection strategy which is approved by ecology.

[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), § 173-180-330, 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), § 173-180-330, filed 9/25/06, effective 10/26/06.]

WAC 173-180-340 Transfer pipeline requirements. (1) Pipelines replaced, relocated, or constructed after May 1994 and before the effective date of this rule, which are located in areas not controlled by the facility, must be installed in accordance with 49 C.F.R. Parts 195.246 through 195.254 (1991), where feasible. Facility control is established by fencing, barriers, or another method approved by ecology which protects the pipe right of way and limits access to personnel authorized by the facility.

(2) Pipelines constructed after May 1994 and before the effective date of this rule must be designed and constructed in accordance with the American Society of Mechanical Engineers (ASME) Standard for pressure piping ASME B31.3 or B31.4 (1993), or another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

(3) All pipelines constructed before the effective date of this rule must include protective measures that are designed, installed,

and maintained to reduce risk from seismic events and include one or more of the following, and are also installed under the provisions of chapter 57 of the 2021 International Fire Code (IFC), where applicable:

(a) Flexible mechanical device(s) between storage tank and piping or sufficient piping flexibility to protect the tank and pipe connection and prevent the release of product;

(b) Flexible mechanical device(s) or adequate pipeline flexibility between pipes;

(c) Pipeline supports that protect against seismic motion;

(d) Automatic emergency isolation shutoff valves that are triggered to close during seismic events; or

(e) Another seismic protection measure proposed by the facility and approved by ecology, as long as such protection measure equals or exceeds those required in this section.

(4) Pipelines replaced, relocated, or constructed after the effective date of this rule, which are located in areas not controlled by the facility, must be installed in accordance with 49 C.F.R. Parts 195.202 (1981), 195.204 (2015), 195.205 (2015), 195.206 (1981), 195.207 (2015), 195.208 (1998), 195.210 (1998), 195.212 (1998), 195.214 (2017), 195.216 (1981), 195.222 (2017), 195.224 (1981), 195.226 (1981), 195.228 (2015), 195.230 (1983), 195.234 (2015), 195.246 (2004), 195.248 (2017), 195.250 (1998), 195.252 (2003), 194.254 (1981), and 195.256 (1981), where feasible.

(5) Pipelines constructed after the effective date of this rule must also:

(a) Be designed and constructed in accordance with the ASME Standard for pressure piping ASME B31.3 - 2022 (2023) or B31.4 - 2022 (2022), or another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section;

(b) Be designed to API Standard 650 (2020), Annex E, section E.7.3 Piping Flexibility when connected to storage tanks;

(c) Be installed under the provisions of chapter 57 of the 2021 IFC, where applicable, and include one or more of the following:

(i) Flexible mechanical device(s) or adequate pipeline flexibility between pipes;

(ii) Pipeline supports that protect against seismic motion;

(iii) Automatic emergency isolation shutoff valves that are triggered to close during seismic events; or

(iv) Another seismic protection measure proposed by the facility and approved by ecology, as long as such protection measure equals or exceeds those required in this section.

(d) Resist tsunamis based on the facility's risk area using a tsunami hazard tool or a tsunami design zoning map.

(6) All pipelines must be protected from third party damage in a reasonable manner and be able to withstand external forces exerted upon them. This must be done by:

(a) Registering all underground pipelines located in public right of way areas in the local one call system if available;

(b) Maintaining accurate maps for all underground pipelines located outside the facility. The maps must identify pipeline size and location. The approximate depths of pipelines must be identified for pipelines which do not comply with 49 C.F.R. Parts 195.202 through 195.234, 195.248, and 195.256;

(c) Marking all piping located in areas not controlled by the facility in accordance with 49 C.F.R. Parts 195.202 through 195.234, 195.256, and 195.410;

(d) Providing easement inspections of areas identified in (b) of this subsection on a weekly basis to determine if there is any uncommon activity occurring which may affect the integrity of the pipeline; and

(e) Ensuring that pipelines at each railroad, highway, or road crossing are designed and installed to adequately withstand the dynamic forces exerted by anticipated traffic loads.

(7) Pipelines must be inspected in accordance with API Standard 570, Piping Inspection Code (2016 with Addendum 1 (2017) and 2 (2018), and Errata (2018)) or another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section. As an alternative to complying with API Standard 570, the facility must comply with the following requirement: Buried pipelines constructed after May 1994 must be coated. Coatings must be designed and inspected to meet the following conditions consistent with the definition of best achievable protection:

(a) Coatings must effectively electrically isolate the external surfaces of the pipeline system from the environment.

(b) Coatings must have sufficient adhesion to effectively resist underfilm migration of moisture.

(c) Coatings must be sufficiently ductile to resist cracking.

(d) The coating must have sufficient impact and abrasion resistance or otherwise be protected to resist damage due to soil stress and normal handling (including concrete coating application, installation of river weights, and anode bracelet installation, where applicable).

(e) The coating must be compatible with cathodic protection.

(f) The coating must be compatible with the operating temperature of the pipeline.

(g) Coatings must be inspected immediately before, during, or after pipeline installation to detect coating faults. Faults in the coating must be repaired and reinspected.

(8) All buried coated pipelines must have properly operated cathodic protection which is maintained during the operational life of the pipeline system. Cathodic protection must be maintained on pipeline systems which are out-of-service but not abandoned unless the operator can show that the pipeline integrity has been properly monitored and secured as approved by ecology prior to operation of the abandoned pipeline. Pipeline owners or operators may perform a corrosion study to demonstrate that cathodic protection is not required as an option to installing cathodic protection. Corrosion studies must follow the following guidelines at a minimum:

(a) Corrosion studies must be completed by a professional engineer with experience in corrosion control of buried pipelines, a NACE certified corrosion specialist, or by a person knowledgeable and qualified to perform the required testing and inspection who is approved by ecology.

(b) Corrosion studies for pipelines must include at a minimum, the following:

(i) Pipeline thickness and corrosion rate for existing pipelines;

(ii) Presence of stray DC currents;

(iii) Soil resistivity/conductivity;

(iv) Soil moisture content;

(v) Soil pH;

(vi) Chloride ion concentration; and

(vii) Sulfide ion concentration.

(9) All pipelines with cathodic protection are subject to the following requirements where applicable:

(a) Cathodic protection systems must be tested to determine system adequacy on an annual basis.

(b) Impressed current cathodic protection rectifiers must be inspected every two months.

(c) Where insulating devices are installed to provide electrical isolation of pipeline systems to facilitate the application of corrosion control, they must be properly rated for temperature, pressure and electrical properties, and must be resistant to the commodity carried in the pipeline system.

(d) Buried pipeline systems must be installed so that they are not in electrical contact with any metallic structures. This requirement must not preclude the use of electrical bonding to facilitate the application of cathodic protection.

(e) Tests must be carried out to determine the presence of stray currents. Where stray currents are present, measures must be taken to mitigate detrimental effects.

(10) Buried bare pipelines must be inspected in accordance with API Standard 570, section 7 (2016 with Addendum 1 (2017) and 2 (2018), and Errata 1 (2018)). Pipeline thickness and corrosion rates must be determined at an interval of no more than half of the remaining life of the pipeline as determined from corrosion rates or every five years, whichever is more frequent. Pipeline thickness and corrosion rate must be initially established by May 1997. The pipeline must be operated and inspected in accordance with ASME supplement to ASME B31G-2012 (R2017) entitled *Manual for Determining the Remaining Strength of Corroded Pipe* for transmission pipelines, API Standard 570 (2016 with Addendum 1 (2017) and 2 (2018), and Errata 1 (2018)), or another standard approved by ecology, as long as the requirements in such standard equal or exceed those required in this section.

(11) Whenever any buried section of pipeline is exposed for any reason, the operator must provide a nondestructive examination of the pipe for evidence of external corrosion. If the operator finds that there is active corrosion, the extent of that corrosion must be determined and if necessary repaired.

(12) Each facility must maintain all pumps and valves that could affect waters of the state in the event of a failure. Transfer pipeline pumps and valves and storage tank valves must be inspected annually and maintained in accordance with the manufacturers' recommendations or an industrial standard approved by ecology to ensure that they are functioning properly. Valves must be locked when the facility is not attended. Necessary measures must be taken to ensure that valves are protected from inadvertent opening or vandalism if located outside the facility or at an unattended facility.

(13) Facilities must have the capability of detecting a transfer pipeline leak equal to eight percent of the maximum design flow rate within 15 minutes for transfer pipelines connected to tank vessels. Leak detection capability must be determined by the facility using best engineering judgment. Deficiencies with leak detection systems such as false alarms must be addressed and accounted for by the facility. Facilities may meet these requirements by:

(a) Visual inspection provided the entire pipeline is visible and inspected every 15 minutes;

(b) Instrumentation;

(c) Completely containing the entire circumference of the pipeline provided that a leak can be detected within 15 minutes;

(d) Conducting an acceptable hydrotest of the pipeline immediately before the oil transfer with visual surveillance of the exposed pipeline every 15 minutes;

(e) A combination of the above strategies; or

(f) A method approved by ecology which meets the standard identified in this section.

(14) Leak detection system operation and operator response must be described in the facility operations manual.

[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), § 173-180-340, 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), § 173-180-340, filed 9/25/06, effective 10/26/06.]

PART D: OPERATIONS MANUAL REQUIREMENTS FOR CLASS 1 AND CLASS 2 FACILITIES

WAC 173-180-400 Applicability of Part D. (1) Part D applies to Class 1 and 2 facilities.

(2) All oil transfer operations at Class 1 and 2 facilities must be conducted in accordance with the facility's operations manual. The owner or operator and person in charge (PIC) for Class 1 and 2 facilities transferring oil with a nonrecreational vessel must ensure that the receiving vessel's personnel comply with the facility's operations manual.

(3) Class 1 and 2 facilities must maintain all equipment and perform operations in accordance with the operations manual.

[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), § 173-180-400, 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), § 173-180-400, filed 9/25/06, effective 10/26/06.]

WAC 173-180-406 Class 1 and 2 facilities—Operations manual preparation. (1) Each Class 1 and 2 facility must prepare, submit, and implement an operations manual, which at a minimum meets the requirements of this chapter.

(2) The operations manual must be thorough and contain enough information and documentation, and analyses and supporting data for Class 1 facilities, to demonstrate the manual holder's ability to meet the requirements of this chapter.

(3) The manual must describe equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills.

[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), § 173-180-406, filed 6/6/23, effective 7/7/23.]

WAC 173-180-411 Class 1 and 2 facilities—Operations manual maintenance and use. (1) Each Class 1 and 2 facility must keep the operations manual in an immediately accessible location.

(2) Facilities must ensure that all employees involved in oil transfer operations, or storage operations for Class 1 facilities, are familiar with the manual provisions through regular and new employee training.

[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), § 173-180-411, filed 6/6/23, effective 7/7/23.]

WAC 173-180-415 Class 1 and 2 facilities—Operations manual format requirements. Operations manuals must:

(1) Have a detailed table of contents based on chapter, section, appendix numbers and titles, and tables and figures;

(2) Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 C.F.R. Part 154.300 provided that a copy of the documents are submitted to ecology;

(3) Allow replacement of pages with revisions, without requiring replacement of the entire manual; and

(4) Include a log sheet to record amendments to the manual. The log sheet must be placed at the front of the manual. The log sheet must identify each section amended, the date of the amendment, and the name of the authorized individual making the change. A description of the amendment and its purpose must also be included in the log sheet.

[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), § 173-180-415, 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), § 173-180-415, filed 9/25/06, effective 10/26/06.]

WAC 173-180-420 Class 1 facility—Operations manual content requirements. (1) Each operations manual submitted to ecology must contain a written statement binding the manual submitter to its use. In the binding agreement, the signatory will:

(a) Include the name, address, phone number, and email address of the submitting party;

(b) Verify acceptance of the manual by the owner or operator of the Class 1 facility by either signature of an authorized owner, operator, or a designee with authority to bind the owners and operators of the facility;

(c) Commit to the implementation and use of the manual;

(d) Verify the person(s) signing the agreement is authorized to make expenditures to implement the requirements of the manual; and

(e) Include the name, location, and address of the facility, type of facility, and starting date of operations of the facility covered by the manual.

(2) The facility may submit their United States Coast Guard operations manual required under 33 C.F.R. Part 154.300 to satisfy manual requirements under this chapter if:

(a) Ecology deems that such federal requirements equal or exceed those required in this section; or

(b) The facility modifies or appends the manual to meet requirements as described in WAC 173-180-415(2).

(3) Manuals must address at a minimum the following topics for oil transfer operations to or from Class 1 facilities:

(a) General facility information including:

(i) The geographic location of the facility shown on a topographic map;

(ii) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(iii) A statement identifying facility operation hours;

(iv) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(v) Recordkeeping procedures and sample forms which are associated with the requirements in this chapter;

(vi) Overfill prevention procedures must be described for transfers to storage tanks in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-2021, Chapter 21, section 21.7.1 Prevention of Overfilling of Storage Tanks;

(vii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance, replacement criteria for transfer pipelines, pumps, and valves;

(viii) A description of all oil types transferred to or from the facility including:

(A) Generic and chemical name;

(B) A description of the appearance of the oil;

(C) The hazards involved in handling the oil; and

(D) Instructions for safe handling of oil.

(ix) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil;

(x) A list of firefighting procedures and extinguishing agents effective with fires involving the oil;

(xi) A description of each communication system and instructions in the use of each;

(xii) Detailed procedures for:

(A) Operating each hose system and loading arm including the limitations of each loading arm;

(B) Transferring oil, including startup, topping off, and shutdown;

(C) Completion of pumping; and

(D) Quantity, types, locations, and instructions for use of all transfer monitoring devices;

(xiii) A discussion of the leak detection system and/or procedures implemented by the facility;

(xiv) The location and facilities of each personnel shelter, if any; and

- (xv) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system.
- (b) Facility procedures for oil transfers to or from nonrecreational vessels including, at a minimum:
- (i) Discussion of the sizes, types, and number of vessels that the facility can transfer oil to or from, including simultaneous transfers;
 - (ii) Discussion of equipment and procedures required for all vessels which transfer oil to or from the facility;
 - (iii) Procedures for verifying that vessels meet facility requirements and operations manual procedures;
 - (iv) Discussion of the minimum number of persons or equipment required to perform transfer operations and their duties;
 - (v) Description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;
 - (vi) If applicable, procedures for shielding portable lighting;
 - (vii) Description of the facility's requirements or actions taken regarding unexpected weather and sea conditions and the threshold values developed by the facility which may impact oil transfers to or from vessels. Supporting data for oil transfer weather and sea restrictions must be available to ecology upon request and include at a minimum:
 - (A) Instrumentation or methodology for accurately measuring and recording this information in the facility's dock operations log book;
 - (B) Measuring current velocity, weather, and sea conditions before and during the oil transfer operation;
 - (C) Monitoring forecasted weather and sea;
 - (D) Procedures for communicating weather and sea conditions to the persons in charge (PICs) at regular intervals;
 - (E) Threshold values for weather and sea conditions above which transfer operations must cease; and
 - (F) Procedures for communicating with the vessel and shutting down the oil transfer should weather or seas exceed threshold values.
- (c) Safe and effective threshold determination. If a facility conducts Rate A transfers, then the manual must include the safe and effective threshold values identified in the safe and effective threshold determination report under WAC 173-180-224.
- (d) Facility emergency information must include, at a minimum:
- (i) Procedures for reporting spills to the appropriate agencies and initial response actions taken in the event of an oil discharge;
 - (ii) The names and telephone numbers of facility, federal, state, local, and other personnel who may be called by the employees of the facility in case of an emergency;
 - (iii) Emergency plans and procedures including a description of and the location of each emergency shutdown system;
 - (iv) Quantity, types, locations, instructions for use, and time limits for gaining access to containment equipment; and
 - (v) Quantity, types, locations, and instructions for use of fire extinguishing equipment.
- (e) For facilities that transfer to or from transmission pipelines the operations manual must address, in addition to the requirements in (a) of this subsection, the following topics:
- (i) The duties of the facility operator and/or PIC;
 - (ii) A description of each associated communication system;
 - (iii) Emergency plans and procedures including a description of and the location of each emergency shutdown system;

(iv) A description of the training and qualification program for the facility operator and/or PICs; and

(v) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns.

[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), § 173-180-420, 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), § 173-180-420, filed 9/25/06, effective 10/26/06.]

WAC 173-180-421 Class 2 facility—Operations manual content requirements. (1) Each operations manual submitted to ecology must contain a written statement binding the manual submitter to its use. In the binding agreement, the signatory will:

(a) Include the name, address, phone number, and email address of the submitting party;

(b) Verify acceptance of the manual by the owner or operator of the Class 2 facility by either signature of an authorized owner, operator, or designee with authority to bind the owners and operators of the facility;

(c) Commit to the implementation and use of the manual;

(d) Verify the person(s) signing the agreement is authorized to make expenditures to implement the requirements of the manual; and

(e) Include the name and location for the base of operations for the mobile fleet, and the starting date of operations.

(2) The facility may submit their United States Coast Guard operations manual required under 33 C.F.R. Part 154.300 to satisfy manual requirements under this chapter if:

(a) Ecology deems that such federal requirements equal or exceed those required in this section; or

(b) The facility modifies or appends the manual to meet requirements as described in WAC 173-180-415(2).

(3) Manuals must address at a minimum the following topics for oil transfer operations from Class 2 facilities:

(a) General information including:

(i) A brief summary of applicable federal, state, and local oil or hazardous material pollution laws and regulations;

(ii) A physical description of the fleet of mobile vehicles or rolling stock including capabilities;

(iii) List all cities where the facility conducts oil transfers;

(iv) Instructions in the use of each communication system;

(v) A description and instructions for the use of drip and release containment for all hose connections;

(vi) The maximum allowable working pressure (MAWP) of each hose assembly required to be tested by 33 C.F.R. Part 156.170, including the maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each transfer system, if any;

(vii) Recordkeeping procedures and sample oil transfer forms which are associated with the requirements in this chapter;

(viii) Example maintenance schedules incorporating manufacturers' recommendations or an industrial standard approved by ecology, preventative maintenance, replacement criteria for hose assemblies, pumps, and valves;

(ix) A copy of the safety data sheets (SDS) for each type of oil transferred. The SDS must be in the driver's possession or available at the transfer; and

(x) Discussion of the minimum number of persons or equipment required to perform transfer operations and their duties.

(b) Facility procedures for oil transfers to or from nonrecreational vessels including:

(i) Detailed procedures for transferring oil which will include, at a minimum:

(A) Number of truck/trailer combinations needed;

(B) Transferring oil, including startup, topping off, and shutdown; and

(C) Shift-change procedures;

(ii) Discussion of equipment and procedures required for all vessels which receive oil from the Class 2 facility;

(iii) Overfill prevention procedures must be described for transfers to vessels;

(iv) Discussion regarding the times, hours, or location conditions that could limit deliveries;

(v) If applicable, procedures for shielding portable lighting;

(vi) Procedures for observing or detecting leaks from the vessel during oil transfer operations; and

(vii) Discussion of the facility's requirements regarding weather and sea conditions at the facility which may impact oil transfers to or from vessels including, at a minimum:

(A) Monitoring current weather and sea conditions;

(B) Monitoring forecasted weather and sea conditions;

(C) Procedures for communicating weather and sea conditions to the persons in charge (PICs) at regular intervals;

(D) Threshold values for weather and sea conditions above which transfer operations must cease; and

(E) Procedures for communicating with the vessel and shutting down the oil transfer should weather or seas exceed threshold values.

(c) Facility emergency information must include, at a minimum:

(i) Procedures for reporting and initial containment of oil discharges;

(ii) The name and telephone number of the driver's supervisor or dispatcher and telephone number of the United States Coast Guard, state, local, and other personnel who may be called by the employees of the facility in an emergency;

(iii) Emergency plans and procedures including a description of and location of each emergency shutdown system;

(iv) Quantity, types, locations, and instructions for use of fire extinguishing equipment; and

(v) Means of protecting nearby surface water from impact of discharge of oil, i.e., permanent or temporary drainage structures or devices to protect water at delivery site.

(d) If a facility conducts Rate A transfers, then the manual must include the safe and effective threshold values identified in the safe and effective threshold determination report under WAC 173-180-224. These values must be for each location where a Rate A transfer occurs.

[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), § 173-180-421, filed 6/6/23, effective 7/7/23.]

WAC 173-180-425 Class 1 and 2 facilities—Operations manual submittal requirements. (1) The owner or operator of a Class 1 or 2 facility must submit an operations manual to ecology at least 120 calendar days prior to their planned date for conducting an oil transfer operation in Washington state.

(2) One electronic copy of the manual and appendices must be submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(3) The manual submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[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), § 173-180-425, 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), § 173-180-425, filed 9/25/06, effective 10/26/06.]

WAC 173-180-430 Class 1 and 2 facilities—Operations manual review and approval process. (1) The owner or operator of a Class 1 or 2 facility must submit the operations manual to ecology for reapproval at least 120 calendar days prior to the manual's expiration date. The facility may request ecology review the manual currently on file at ecology or submit amended page(s) of the manual to ecology.

If the manual is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of manual approval.

(2) Upon receipt of the manual, ecology will determine whether the manual is complete. If ecology determines that the manual is not complete, the facility will be notified of any deficiencies. Ecology may request additional information for the manual.

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

(a) The facility may continue to conduct operations if the facility properly submitted the manual to ecology and ecology has not provided the facility with a formal response.

(b) When reviewing manuals for approval, ecology must consider the following:

(i) The ability of the manual to provide best achievable protection from damages caused by the discharge of oil into waters of the state;

(ii) The volume and type(s) of oil addressed by the manual;

(iii) The history and circumstances of prior spills by similar types of facilities, including spills reported to the state and federal government in Washington state;

(iv) Inspection reports;

(v) The presence of operating hazards; and

(vi) The sensitivity and value of natural resources within the geographic area covered by the manual.

(4) If the manual receives approval, the letter will describe the terms of approval, including expiration date. Manual approval expires five years from the date on the approval letter.

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

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

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

(ii) Each required item to bring the manual into compliance.

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

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

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

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

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

(d) 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.

(6) If the manual is disapproved, the facility must receive an explanation of the factors for disapproval. The owner or operator has 90 calendar days after notification of disapproval to submit revisions and implement required changes.

(a) Class 1 facilities must not continue oil storage, transport, transfer, production, or other operations until the manual has been approved or conditionally approved.

(b) Class 2 facilities must not continue oil transfer or other operations until the manual has been approved or conditionally approved.

[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), § 173-180-430, 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), § 173-180-430, filed 9/25/06, effective 10/26/06.]

WAC 173-180-435 Class 1 and 2 facilities—Operations manual 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 manual 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 manual, provide a schedule for the return of the manual to full implementation capability.

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

(3) If ecology finds, as a result of the significant change, the manual 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 manual.

(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 Class 1 facility's oil handling capacity;

(c) A change in oil spill prevention technology installed at the Class 1 facility or equipment in use by the Class 2 facility, or other changes to facility technology, operations, or personnel procedures.

(5) A significant change does not include minor variations (less than five percent for Class 1 facilities) 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 manual 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), § 173-180-435, 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), § 173-180-435, filed 9/25/06, effective 10/26/06.]

PART E: TRAINING AND CERTIFICATION FOR CLASS 1 AND CLASS 2 FACILITIES

WAC 173-180-500 Applicability of Part E. (1) Part E applies to Class 1 and 2 facilities.

(2) Class 3 facilities must meet the person in charge (PIC) training requirements in 33 C.F.R. Part 154.710.

(3) Class 4 facilities must meet the training requirements in WAC 173-180-210(2).

[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), § 173-180-500, 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), § 173-180-500, filed 9/25/06, effective 10/26/06.]

WAC 173-180-510 Class 1 facility—Training requirements. (1) Each Class 1 facility must develop, implement, and maintain oil transfer training and written materials, such as training manuals or checklists, for supervisory, operations, maintenance, management, and indirect operations personnel identified in subsection (4) of this section.

If the facility has an approved equivalent compliance plan, all personnel must be trained on this plan.

(2) The facility must design a training program, which will to the maximum extent practicable, promote job competency for oil transfer operations and environmental awareness for the purpose of preventing oil spills.

(3) Non-English speaking personnel subject to the facility's training requirements must be trained in a manner that allows comprehension by such personnel.

(4) The facility must identify, in writing, the specific position titles which the facility has identified to be subject to its oil transfer training requirements. In making this determination, the facility must evaluate the functions of facility personnel positions using the following definitions:

(a) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes, but is not limited to, the person in charge (PIC), storage tank operators, pipeline operators, and oil transfer monitors.

(b) "Supervisory" means direct involvement in supervising personnel engaged in the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(c) "Maintenance" means direct involvement in maintaining and repairing the equipment used for the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state.

(d) "Management" means a general manager or other individual who exercises operational or managerial control over day-to-day operations of a facility's oil handling, transfer, storage, and monitoring/leak detection operations and oil spill prevention.

(e) "Indirect operations" means involvement in on-site activities, such as new construction, in a capacity that indirectly involves the risk of an oil spill to waters of the state due to potential impacts to nearby oil handling operations (e.g., operating digging equipment next to an active transfer pipeline). For cases where certain job titles associated with indirect operations cannot be identified in advance, the facility must identify the types of job orders or work sites which may involve the need for indirect operations oil transfer training.

(5) The facility must identify, in writing, the specific initial classroom and/or on-the-job oil transfer training requirements for each position, including minimum hours that are appropriate for each position given the facility's training needs and human factor risks.

For the purposes of this section, "human factors" means human conditions, such as inadequate knowledge or fatigue, which can lead to incompetency or poor judgment, and "human factor risks" means risks of causing an oil spill due to the effects of human factors on competency and judgment.

(6) Operations and supervisory personnel training: Requirements for training of operations and supervisory personnel must focus on building personnel competency in operating procedures and spill prevention systems specific to the facility. Oil transfer training requirements must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;

- (b) Operating procedures and checklists specific to the trainee's job function;
 - (c) Problem assessment, including recognition of human factor risks and how they can be minimized;
 - (d) Awareness of preventative maintenance procedures;
 - (e) Awareness of local environmental sensitivity and oil spill impacts;
 - (f) Major components of the facility's oil spill prevention plan;
 - (g) Major components of the facility's operations manual;
 - (h) Major components of the facility's oil spill contingency plan;
 - (i) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;
 - (j) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;
 - (k) Routine and emergency communication procedures;
 - (l) Overview of applicable oil spill prevention and response laws and regulations; and
 - (m) Drug and alcohol use awareness, pursuant to WAC 173-180-630.
- (7) Management personnel training: Requirements for initial oil transfer training of management personnel must incorporate the following training topics at a minimum:
- (a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;
 - (b) Management role in operations and oil spill prevention;
 - (c) Recognition of human factor risks and how they can be minimized;
 - (d) Awareness of local environmental sensitivity and oil spill impacts;
 - (e) Major components of the facility's oil spill prevention plan;
 - (f) Major components of the facility's operations manual;
 - (g) Major components of the facility's oil spill contingency plan;
 - (h) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;
 - (i) Overview of applicable oil spill prevention and response laws and regulations; and
 - (j) Drug and alcohol use awareness, pursuant to WAC 173-180-630.
- (8) Maintenance personnel training: Requirements for initial oil transfer training of maintenance personnel must incorporate the following training topics at a minimum:
- (a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at applicable maintenance work sites within the facility;
 - (b) Equipment problem assessment and preventative maintenance procedures;
 - (c) Awareness of local environmental sensitivity and oil spill impacts;
 - (d) Major components of the facility's oil spill prevention plan;
 - (e) Major components of the facility's operations manual;
 - (f) Major components of the facility's oil spill contingency plan;
 - (g) Emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;

(h) Overview of applicable oil spill prevention and response laws and regulations; and

(i) Drug and alcohol use awareness, pursuant to WAC 173-180-630.

(9) Indirect operations personnel training: Requirements for initial oil transfer training of indirect operations personnel must incorporate the following training topics at a minimum:

(a) Overview of oil handling, transfer, storage, and monitoring/leak detection operations at specific indirect operations work sites within the facility;

(b) Awareness of local environmental sensitivity and oil spill impacts;

(c) Notification procedures for emergency spill prevention actions; and

(d) For facility employees, drug and alcohol use awareness, pursuant to WAC 173-180-630.

(10) Training topics identified in subsections (6) through (9) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the applicable personnel training program.

(11) The facility must identify, in writing, the specific oil spill prevention continuing education and hazardous material training requirements for each affected position, including minimum hours, which are appropriate given the facility's training needs and human factor risks. Ongoing training must occur at least annually, and at a minimum address:

(a) Any changes in the core topics identified in subsections (6) through (9) of this section, unless affected personnel have already been informed about the change after its occurrence;

(b) Refresher awareness training on environmental sensitivity and oil spill impacts;

(c) Review and analysis of oil spills that occurred during the past year for causal factors and lessons learned;

(d) Refresher training on emergency spill prevention procedures; and

(e) For supervisory, operations, and management personnel, a practice exercise of the facility's procedures for preventing a spill during a particular abnormal operations event.

(12) Facilities are encouraged to apply or modify existing training programs required under federal Process Safety Management requirements in 29 C.F.R. Part 1910, United States Coast Guard person in charge (PIC) requirements in 33 C.F.R. Part 154.710, and other federal/state training requirements in order to meet the above oil transfer training requirements.

(13) Facilities must provide follow-up training for personnel responsible for causing an oil spill while functioning in their position, unless such personnel no longer occupy a position identified under subsection (4) of this section. The training must address the causes of the spill and measures to prevent a reoccurrence and must be incorporated into the continuing education training program.

(14) Contractors hired by the facility to perform supervisory, operations, maintenance, management, or indirect operations functions, as identified by the facility under subsection (4) of this section, are considered "personnel" for the purposes of this chapter, and must be subject to the same oil transfer training requirements as facility employees. The facility must confirm contractors have met the facility's oil transfer training requirements before they perform a supervi-

sory, operations, maintenance, management, or indirect operations function.

(15) Facilities must develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

[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), § 173-180-510, 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), § 173-180-510, filed 9/25/06, effective 10/26/06.]

WAC 173-180-511 Class 2 facility—Training requirements. (1)

Each Class 2 facility must develop, implement, and maintain oil transfer training and written materials, such as training manuals or checklists, for supervisory and operations personnel identified in subsection (4) of this section.

If the facility has an approved equivalent compliance plan, all personnel must be trained on this plan.

(2) The facility must design a training program, which will to the maximum extent practicable, promote job competency for oil transfer operations.

(3) Non-English speaking personnel subject to the facility's training requirements must be trained in a manner that allows comprehension by such personnel.

(4) The facility must identify, in writing, the specific position titles which the facility has identified to be subject to its oil transfer training requirements. In making this determination, the facility must evaluate the functions of facility personnel positions using the following definitions:

(a) "Operations" means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes, but is not limited to, the person in charge (PIC), truck drivers and operators, and oil transfer monitors.

(b) "Supervisory" means direct involvement in supervising personnel engaged in the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.

(5) The facility must identify, in writing, the specific initial classroom and/or on-the-job oil transfer training requirements for each position, including minimum hours that are appropriate for each position given the facility's training needs and human factor risks as defined in WAC 173-180-510 (5) (a).

(6) Operations and supervisory personnel training: Requirements for training of operations and supervisory personnel must focus on building personnel competency in operating procedures specific to the facility. Oil transfer training requirements must incorporate the following training topics at a minimum:

(a) Overview of all oil handling, transfer, and monitoring operations at the facility;

(b) Operating procedures and checklists specific to the trainee's job function;

- (c) Awareness of preventative maintenance procedures;
- (d) Awareness of oil spill impacts;
- (e) Major components of the facility's operations manual;
- (f) Major components of the facility's response plan;
- (g) Safe use and handling of response equipment including, but not limited to, containment, personal protection, and recovery equipment;
- (h) Decision making for abnormal operating events and emergencies, including emergency spill prevention and safe shutdown conditions, responsibilities, and procedures;
- (i) Routine and emergency communication procedures;
- (j) Overview of applicable oil spill response laws and regulations; and
- (k) Drug and alcohol use awareness.

(7) Training topics identified in subsection (6) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the oil transfer training program.

(8) The facility must identify, in writing, the specific oil spill prevention continuing education and hazardous material training requirements for supervisory and operations personnel, which are appropriate given the facility's training needs and human factor risks. Ongoing training must occur at least annually, and at a minimum:

- (a) Review and analyze oil spills that occurred during the past year for causal factors and lessons learned;
- (b) Refresher training on emergency spill prevention procedures; and
- (c) Refresher training on spill cleanup and recovery operations.

(9) Facilities must provide follow-up training after any spill to all supervisory and operations personnel. The training must address the causes of the spill and measures to prevent a reoccurrence must be incorporated into the continuing education training program.

(10) Contractors hired by the facility to perform supervisory and operations functions, as identified by the facility under subsection (4) of this section, are considered "personnel" for the purposes of this chapter, and must be subject to the same oil transfer training requirements as facility employees. The facility must confirm contractors have met the facility's oil transfer training requirements before they perform a supervisory or operations function.

(11) Facilities must develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.

[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), § 173-180-511, filed 6/6/23, effective 7/7/23.]

WAC 173-180-515 Class 1 and 2 facilities—Certification program.

(1) Each Class 1 and 2 facility must develop and implement a program to certify supervisory and operations personnel identified in WAC 173-180-510 and 173-180-511, as applicable, have met the facility's oil transfer training program requirements, and are competent to perform the operations or supervisory functions associated with their po-

sition. The facility is not required to certify personnel other than supervisory and operations personnel.

(2) The certification program must be designed, to the maximum extent practicable, to ensure job competency for oil transfer operations, and environmental awareness for the purpose of preventing oil spills.

(3) Certification programs must meet minimum criteria in WAC 173-180-520.

[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), § 173-180-515, 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), § 173-180-515, filed 9/25/06, effective 10/26/06.]

WAC 173-180-520 Class 1 and 2 facilities—Minimum criteria for certification programs. (1) The Class 1 and 2 facility certification programs must address all supervisory and operations personnel identified in WAC 173-180-510 and 173-180-511, as applicable.

(2) The facility must develop and maintain written certification procedures, including:

(a) Minimum competency requirements to achieve certification;

(b) The process to develop and test competency for supervisory and operations personnel, including:

(i) Documented written or oral examinations, which test general knowledge about training topics identified under WAC 173-180-510 and 173-180-511, as applicable, with an appropriate passing score established by the facility;

(ii) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:

(A) Observation of performance of each oil handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and

(B) Practice exercises involving procedures to prevent a spill during abnormal operations events;

(c) The facility must maintain written records for supervisory and operations personnel, which have met the facility's certification requirements. These records must document:

(i) The certified individual's name and position;

(ii) Types and hours of training completed;

(iii) Name of the training course and signature of the trainer upon completion of the course;

(iv) Results of performance tests and evaluations; and

(v) A copy of the certificate demonstrating the individual is certified.

(d) The process to issue and track certificates; and

(e) Policies regarding how the facility will manage supervisory or operations personnel who lose or lack certification.

(3) Recertification of personnel must occur at least once every three years, based on:

(a) Successful completion of continuing education requirements; and

(b) Satisfactory performance in a reevaluation of competency as developed under subsection (2) of this section.

[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), § 173-180-520, 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), § 173-180-520, filed 9/25/06, effective 10/26/06.]

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.]

PART F: PREVENTION PLANS FOR CLASS 1 FACILITIES

WAC 173-180-600 Applicability of Part F. Part F applies to Class 1 facilities.

[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), § 173-180-600, 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), § 173-180-600, filed 9/25/06, effective 10/26/06.]

WAC 173-180-610 Class 1 facility—Prevention plan preparation.

(1) Each Class 1 facility must prepare, submit, and implement a plan for prevention of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural, cultural, and economic resources, and public or private property from oil spills.

(2) Plans must be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(3) Plans, when implemented, must be designed to be capable of providing the best achievable protection from damages caused by the discharge of oil into the waters of the state. At a minimum, plans must meet the criteria specified in this chapter.

[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), § 173-180-610, 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), § 173-180-610, filed 9/25/06, effective 10/26/06.]

WAC 173-180-615 Class 1 facility—Prevention plan maintenance and use. (1) Each Class 1 facility must keep the prevention plan in an immediately accessible location.

(2) Facilities must ensure that all employees involved in oil transfer, production, or storage operations are familiar with the plan provisions through regular training. Orientation materials for new employees involved in oil transfer, production, or storage operations must contain a copy of the plan.

[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), § 173-180-615, filed 6/6/23, effective 7/7/23.]

WAC 173-180-620 Class 1 facility—Prevention plan format requirements. Each prevention plan must:

(1) Include a detailed table of contents based on chapter, section, appendix numbers and titles, and tables and figures;

(2) Include a cross reference table reflecting the locations in the plan for each component required by WAC 173-180-630;

(3) Be organized in a format which provides easy access to information. Plans must be divided into easily identified chapters, sections, and appendices;

(4) Allow replacement of pages with revisions, without requiring replacement of the entire plan; and

(5) Include a log sheet to record amendments to the plan. The log sheet must be placed at the front of the plan. The log sheet must identify each section amended, the date of the amendment, verification that ecology was notified of the amendment pursuant to WAC 173-180-670, and name of the authorized individual making the change. A description of the amendment and its purpose must also be included in the log sheet.

[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), § 173-180-620, 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), § 173-180-620, filed 9/25/06, effective 10/26/06.]

WAC 173-180-630 Class 1 facility—Prevention plan content requirements. (1) Each prevention plan submitted to ecology must contain a written statement binding the plan submitter to its use. In the binding agreement, the signatory will:

(a) Include the name, address, phone number, and email address of the submitting party;

(b) Verify acceptance of the plan by the owner or operator of the Class 1 facility by either signature of an authorized owner, operator, or designee with authority to bind the owners and operators of the facility;

(c) Commit to the implementation and use of the plan;

(d) Verify the person(s) signing the agreement is authorized to make expenditures to implement the requirements of the plan; and

(e) Include the name, location, and address of the facility, type of facility, starting date of operations, type(s) of oil handled, and oil volume capacity.

(2) Information required under facility oil spill contingency plan standards in chapter 173-182 WAC; spill prevention, control, and countermeasure plan standards in 40 C.F.R. Part 112; facility operations manual standards in 33 C.F.R. Part 154.310; facility equipment and operations standards in 33 C.F.R. Part 154 Subparts C and D; oil transfer operations standards under 33 C.F.R. Part 156; or any other federal or state requirements may be used to satisfy requirements under this chapter if:

(a) Ecology deems that such requirements equal or exceed those required in this section; or

(b) The facility modifies or appends the plan to meet requirements under this chapter.

If the plan is modified, a copy of the documents referenced from this subsection must be available to ecology upon request.

(3) Each plan must describe its purpose and scope, including, but not limited to:

(a) The facility operations covered by the plan;

(b) The relationship of the plan to other oil spill plans and operations manuals held by the facility; and

(c) The relationship of the plan to all applicable local, state, regional, tribal, and federal government prevention plans.

(4) Each plan must describe the procedures and time periods for updating the plan and distributing the plan and updates to appropriate parties.

(5) Each plan must include the name and contact information of the facility's supervisory, management, and operations personnel.

(6) Within 30 calendar days after receipt of evidence of a certificate of financial responsibility from ecology, the plan must be updated to demonstrate evidence of compliance.

(7) Each plan must briefly describe the facility's training and certification program, approval, and implementation status.

(8) Each plan must address the facility's alcohol and drug use awareness and treatment program for all facility personnel.

(a) The plan must include at a minimum:

(i) Documentation of an alcohol and drug awareness program. The awareness program must provide training and information to all employees on recognition of alcohol and drug abuse; treatment opportunities; and applicable company policies;

(ii) A description of the facility's existing drug and alcohol treatment programs; and

(iii) A description of existing provisions for the screening of any employees subject to the requirements in WAC 173-180-510 through 173-180-520 for alcohol and drug abuse and related work impairment.

(b) Applicable federal "drug-free workplace" guidelines or other federal or state requirements may be used to address (a) of this subsection.

(9) Each plan must describe the facility's existing maintenance and inspection program.

(a) The description must summarize:

(i) Frequency and type of all regularly scheduled inspection and preventive maintenance procedures for tanks; transfer pipelines; other key storage, transfer, or production equipment, including associated pumps, valves, and flanges; and overpressure safety devices and other spill prevention equipment;

(ii) Integrity testing of storage tanks and pipelines, including but not limited to frequency; pressures used (including ratio of test pressure to maximum operating pressure, and duration of pressurization); means of identifying that a leak has occurred; and measures to reduce spill risk if test material is product;

(iii) External and internal corrosion detection and repair;

(iv) Damage criteria for equipment repair or replacement; and

(v) Any other aspect of the maintenance and inspection program.

(b) The plan must include a current index of maintenance and inspection records of the storage and transfer facilities and related equipment.

(10) Each plan must describe spill prevention technology currently installed and in use, including:

(a) Tank and transfer pipeline materials and design;

(b) Storage tank overflow and low level alarms; tank overflow cut-off switches; automatic transfer shutdown systems; methods to alert operators; system accuracy; and tank fill margin remaining at time of alarm activation in terms of vertical distance, quantity of liquid, and time before overflow would occur at maximum pumping rate;

(c) Leak detection systems for both active and nonactive transfer pipeline conditions, including detection thresholds in terms of duration and percentage of pipeline flow; limitations on system performance due to normal pipeline events; and procedures for operator response to leak alarms;

(d) Rapid pump and valve shutdown procedures, including means of ensuring that surge and over-pressure conditions do not occur; rates of valve closure; sequence and time duration (average and maximum) for entire procedure; automatic and remote control capabilities; and displays of system status for operator use;

(e) Methods to minimize post-shutdown unintentional residual drain-out from pipes and hoses, including criteria for locating valves; identification of all valves (including types and means of operation) that may be open during a transfer process; and any other techniques for reducing drain-out;

(f) Means of relieving pressure due to thermal expansion of liquid in pipes during quiescent periods;

(g) Secondary containment, including capacity, permeability, and material design. Permeability must meet requirements in WAC 173-180-320 (1)(e). When reviewing these requirements for approval, ecology will evaluate the requirements in this subsection (10)(g)(i) through (vi) and the facility's ability to respond to an oil discharge from primary containment. The description of permeability for each secondary containment system must include the following:

- (i) Type of oil stored;
- (ii) A calculation of a discharge of the worst case spill volume for each secondary containment system;
- (iii) Type of soil media or material used;
- (iv) Depth to tank footing;
- (v) Depth and distance to waters of the state; and
- (vi) A calculation of the time in which the oil reaches the tank footing or waters of the state.

Any remedial actions near the tank footing following a spill must not undermine the integrity of existing structures.

(h) Internal and external corrosion control coatings and monitoring;

(i) Stormwater and other drainage retention, treatment, and discharge systems, including maximum storage capacities and identification of any applicable discharge permits; and

(j) Criteria for suspension of operations while leak detection or other spill control systems are inoperative.

(11) Each plan must describe measures taken to ensure facility site security, including:

(a) Procedures to control and monitor facility access;

(b) Facility lighting;

(c) Signage; and

(d) Right of way identification or other measures to prevent third-party damage.

(12) Each plan must list any discharges of oil in excess of 25 barrels (1,050 gallons) to the land or waters of the state which occurred during the five-year period prior to the plan submittal date. For each discharge, the plan must describe:

(a) Quantity;

(b) Type of oil;

(c) Geographic location;

(d) Analysis of cause, including source(s) of discharged oil and contributing factors (e.g., third party human error, adverse weather, etc.); and

(e) Measures taken to remedy the cause and prevent a recurrence.

(13) Each plan must include a detailed and comprehensive risk analysis of the facility's risk of spills to waters of the state. As part of the risk analysis, a formal process must be used to evaluate the facility based on the information required in subsections (9) through (12) of this section, the requirements in WAC 173-180-330(4), and other relevant information.

(a) The formal process must:

(i) Define the system being assessed, which includes storage tanks, transfer pipelines, and oil transfer equipment, and other possible areas of concern;

(ii) Identify abnormal conditions that could lead to an oil discharge;

(iii) Examine the consequences and causes;

(iv) Calculate the unmitigated and residual risks; and

(v) Identify safeguards and recommendations.

(b) The risk analysis must also:

(i) Evaluate the construction, age, corrosion, inspection and maintenance, operation, and oil spill risk of the transfer, production, and storage systems in the facility, including piping, tanks, pumps, valves, and associated equipment;

(ii) Evaluate spill minimization and containment systems within the facility for a discharge of one percent and 100 percent of the worst case spill volume for each secondary containment system;

(iii) Describe how the facility will adopt measures to provide the best achievable protection against identified risks;

(iv) Document any safeguards and recommendations identified in (a)(v) of this subsection that have been implemented to reduce risks; and

(v) Be prepared under the supervision of (and bear the seal of) a licensed professional engineer or another individual which ecology has deemed to have an acceptable level of expertise.

[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), § 173-180-630, 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), § 173-180-630, filed 9/25/06, effective 10/26/06.]

WAC 173-180-640 Class 1 facility—Prevention plan submittal requirements. (1) The owner or operator of a Class 1 facility must submit a prevention plan to ecology at least 120 calendar days prior to their planned date for beginning operations in Washington state.

(2) One electronic copy of the plan and appendices must be submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

(3) A plan may be combined with a contingency plan required by chapter 173-182 WAC. If combined with a contingency plan, the prevention plan must meet the requirements of this chapter and be clearly separated from contingency plan elements.

(4) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[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), § 173-180-640, 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), § 173-180-640, filed 9/25/06, effective 10/26/06.]

WAC 173-180-650 Class 1 facility—Prevention plan review and approval process. (1) The owner or operator of a Class 1 facility must submit the prevention plan to ecology for reapproval at least 120 calendar days prior to the plan's expiration date. The facility may request ecology review the plan currently on file at ecology.

If the plan is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of plan approval.

(2) Upon receipt of the plan, ecology will determine whether the plan is complete. If ecology determines that the plan is not complete, the facility will be notified of any deficiencies.

Ecology may request additional information for the plan.

(3) Once the plan is determined complete, ecology will make the plan available for a 30 calendar day public review and comment period, which will occur within ecology's 120 calendar day review period. Ecology will accept comments on the plan no later than 30 calendar days after the plan has been made publicly available.

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

(a) The facility may continue to conduct operations if the facility properly submitted the plan to ecology and ecology has not provided the facility with a formal response.

(b) The plan must be approved if, in addition to meeting criteria in WAC 173-180-630, it demonstrates that when implemented, it can:

(i) Provide best achievable protection from damages caused by the discharge of oil into the waters of the state;

(ii) Minimize the likelihood that facility oil spills will occur;

(iii) Minimize the size and impacts of those facility oil spills which do occur; and

(iv) Provide, to the maximum extent practicable, protection from oil spill risk factors identified in the risk analysis required by WAC 173-180-630(13).

(c) When reviewing plans, ecology must, in addition to the above criteria, consider the following, at a minimum:

(i) The volume and type(s) of oil addressed by the plan;

(ii) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;

(iii) Inspection reports;

(iv) The presence of hazards unique to the facility, such as seismic activity or production processes;

(v) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(vi) Any pertinent local, state, tribal, federal agency, or public comments received on the plan.

(5) If the plan receives approval, the letter will describe the terms of approval, including expiration date. Plan approval expires five years from the date on the approval letter.

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

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

(i) Each specific restriction and the duration in which they apply; and

(ii) Each required item to bring the plan into compliance.

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

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

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

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

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

(d) Facilities which fail to meet conditional requirements or provide required changes in the time allowed may lose conditional ap-

proval status. Ecology may revoke its conditional approval prior to the expiration date if the facility fails to meet the terms of the conditional approval.

(7) If the plan is disapproved, the facility must receive an explanation of the factors for disapproval. The facility must not continue oil storage, transport, transfer, production, or other operations until the plan has been approved or conditionally approved.

[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), § 173-180-650, 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), § 173-180-650, filed 9/25/06, effective 10/26/06.]

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.]

PART G: OIL TRANSFER RESPONSE PLANS FOR CLASS 2 FACILITIES

WAC 173-180-700 Applicability of Part G. Part G applies to Class 2 facilities.

[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), § 173-180-700, 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), § 173-180-700, filed 9/25/06, effective 10/26/06.]

WAC 173-180-711 Class 2 facility—Oil transfer response plan preparation. The owner or operator of a Class 2 facility that transfers oil to a nonrecreational vessel must prepare an oil transfer response plan that meets the requirements of this chapter.

[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), § 173-180-711, filed 6/6/23, effective 7/7/23.]

WAC 173-180-721 Class 2 facility—Oil transfer response plan maintenance and use. Oil transfer response plans must be kept at each transfer location for easy access and use during spills, and at the primary place of business.

[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), § 173-180-721, filed 6/6/23, effective 7/7/23.]

WAC 173-180-725 Class 2 facility—Oil transfer response plan format requirements. Each oil transfer response plan must:

(1) Include a cross reference table reflecting the locations in the plan for each component required by WAC 173-180-730;

(2) Be organized in a format which provides easy access and use during a spill. Plans must be divided into easily identified sections and appendices;

(3) Allow replacement of pages with revisions, without requiring replacement of the entire plan; and

(4) Include a log sheet to record amendments to the plan. The log sheet must identify each section amended, the date of the amendment, verification of notification to ecology, and name of the authorized

individual making the change. A description of the amendment and its purpose must also be included in the log sheet.

[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), § 173-180-725, filed 6/6/23, effective 7/7/23.]

WAC 173-180-730 Class 2 facility—Oil transfer response plan content requirements. (1) Each oil transfer response plan submitted to ecology must contain a written statement binding the plan submitter to its use. In the binding agreement, the signatory will:

(a) Include the name, address, phone number, and email address of the submitting party;

(b) Verify acceptance of the plan by the owner or operator of the Class 2 facility by either signature of an authorized owner, operator, or designee with authority to bind the owners and operators of the facility;

(c) Commit to the implementation and use of the plan;

(d) Verify the person(s) signing the agreement is authorized to make expenditures to implement the requirements of the plan; and

(e) Include the name and location for the base of operations for the mobile fleet, and the name and location of the maintenance yard for rolling stock, and the starting date of operations.

(2) Plans which meet federal or other state requirements may be submitted to satisfy plan requirements under this chapter if:

(a) Ecology deems that such requirements equal or exceed those required in this section; or

(b) The facility modifies or appends the plan to meet requirements under this chapter.

(3) The qualified individuals identified in the plan must meet the federal requirements in 33 C.F.R. Part 154.1026.

(4) Response equipment resources required in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable, must be available through a written agreement with a state approved primary response contractor (PRC); letter of intent, mutual aid agreement, contract, or other approvable means; or facility owned equipment.

If contract information is not included in the plan, it must be available to ecology upon request.

(5) Each plan must include the following:

(a) A street address of the facility's office. Include mailing address if different from street address.

(b) The name, address, and process for contacting the facility's owner or operator 24 hours/day.

(c) The federal and state requirements intended to be met by the plan.

(d) Description of the oil transfer operations covered by the plan that include the following:

(i) The volume and type(s) of oil for the facility's worst case spill.

(ii) Describe the number of tanks and tank capacities on the largest truck or container.

(iii) List all locations where the facility conducts oil transfers as a street address or GPS coordinates.

For transfer locations not listed in the approved plan, the facility must notify ecology 24 hours prior to the transfer and update

their plan within 30 calendar days. The notification and plan update must include the new transfer location(s) and describe how response requirements are met in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable, for each transfer location.

(iv) The transfer rates used by the facility at each location as described in WAC 173-180-220.

(v) For each location, describe how response requirements are met in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable.

(e) List facility owned response equipment and describe equipment preventative maintenance procedures.

(f) Describe emergency response actions that include the following:

(i) Notification procedures to immediately notify appropriate parties that a spill occurred.

(ii) Identification of a central reporting office, company personnel, or qualified individual(s) responsible for implementing the notification procedures.

(iii) A prioritized list of the name(s) and phone number(s) of required notifications to the Washington emergency management division, the national response center, other government agencies, response contractors, company response personnel, and qualified individuals.

(iv) A form to document all initial and follow-up spill notifications.

(v) The name of a state approved PRC to call if the magnitude of a spill exceeds the initial response equipment identified in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable.

(vi) Describe the equipment and responsibilities of facility personnel to mitigate a spill for each transfer location, using the required initial containment and recovery equipment described in WAC 173-180-217 and 173-180-220 through 173-180-222, as applicable. This includes:

(A) A description or list of procedures to follow in the event of a spill.

(B) A list of the individuals authorized to activate and engage with spill response contractors, act as a liaison with the state-on-scene coordinator, and establish a unified command as needed.

(g) Describe procedures to ensure recovered oil and oil contaminated debris is disposed of according to federal, state, or local requirements. A reference to the Northwest Area Contingency Plan (NWACP) may be included.

(h) Describe the safety and health plan to implement for any response location(s). A reference to the NWACP may be included.

(i) Describe the facility's drill program, including how requirements in WAC 173-180-810 and 173-180-815 will be met.

(j) Include a statement that the facility will participate in unannounced drills as described in WAC 173-180-810.

(k) Include a statement that drill records will be kept for three years and made available to ecology upon request.

(l) Include references to the regional and area oil and hazardous material contingency plans that are applicable to each transfer location.

(m) Describe and reference the geographic response plan for each transfer location, if applicable.

[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), § 173-180-730, 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), § 173-180-730, filed 9/25/06, effective 10/26/06.]

WAC 173-180-740 Class 2 facility—Oil transfer response plan submittal requirements. (1) The owner or operator of a Class 2 facility must submit the oil transfer response plan to ecology at least 90 calendar days prior to their planned date for conducting an oil transfer operation in Washington state.

(2) One electronic copy of the plan must be submitted to ecology. Ecology will maintain electronic submittal instructions on the spill prevention, preparedness, and response program website.

[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), § 173-180-740, 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), § 173-180-740, filed 9/25/06, effective 10/26/06.]

WAC 173-180-750 Class 2 facility—Oil transfer response plan review and approval process. (1) The owner or operator of a Class 2 facility must submit the oil transfer response plan to ecology for reapproval at least 90 calendar days prior to the plan's expiration date. The facility may request ecology review the plan currently on file at ecology.

If the plan is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of plan approval.

(2) Upon receipt of the plan, ecology will determine whether the plan is complete. If ecology determines that the plan is not complete, the facility will be notified of any deficiencies.

Ecology may request additional information for the plan.

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

(4) If the plan receives approval, the letter will describe the terms of approval, including an expiration date for the plan. Plan approval expires five years from the date on the approval letter.

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

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

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

(ii) Each required item to bring the plan into compliance.

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

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

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

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

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

(d) 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.

(6) If the plan is disapproved, the facility must receive an explanation of the factors for disapproval. The facility must not engage in oil transfers or other operations until the plan has been approved or conditionally approved.

[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), § 173-180-750, 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), § 173-180-750, filed 9/25/06, effective 10/26/06.]

WAC 173-180-760 Class 2 facility—Oil transfer response plan updates. (1) At least once annually, the Class 2 facility is required to review the entire oil transfer response plan for accuracy.

Whenever changes are made to the plan, update and submit amended page(s) to ecology.

(2) Ecology may review and require changes to the plan 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), § 173-180-760, 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), § 173-180-760, filed 9/25/06, effective 10/26/06.]

PART H: DRILL PROGRAM

WAC 173-180-800 Applicability of Part H. Part H applies to Class 2 facilities.

[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), § 173-180-800, 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), § 173-180-800, filed 9/25/06, effective 10/26/06.]

WAC 173-180-810 Type of drills. (1) The oil transfer response plan must describe the drill program over a triennial cycle.

(a) If the program differs from the National Preparedness for Response Exercise Program (PREP) Guidelines, the plan must include information regarding each type of drill as described in the table below.

(b) If the PREP Guidelines are followed, the table below may be inserted into the plan.

(2) Credit for a spill may be used to replace the requirement to conduct a drill.

Type of Drill	Frequency Within the Triennial Cycle	Scope and Scale
Qualified individual (QI) notification	12 – Quarterly each year of the cycle	Notify QI and alternate QI(s).
Tabletop drills	3 – One in each year of the cycle	This is a tabletop drill. One of the three must involve a worst case scenario.
Deployment drills	6 – Done two per year	Over the triennial cycle, this drill may include deployment of PRC and facility owned equipment. Drill credit may be given for prebooming an oil transfer.
Ecology initiated unannounced drills	As necessary	This drill may include notifications described in the oil transfer response plan or deployment of equipment.

[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), § 173-180-810, 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), § 173-180-810, filed 9/25/06, effective 10/26/06.]

WAC 173-180-815 Drill scheduling, design, evaluation, and records. (1) Tabletop and deployment drills must meet the following requirements:

- (a) Be designed with ecology;
- (b) Be scheduled in advance using the Northwest area committees exercise schedule:
 - (i) Thirty calendar days in advance for deployment drills;
 - (ii) Sixty calendar days in advance for tabletop drills; and
 - (iii) Ninety calendar days in advance for worst case spill drills.

(2) Over the triennial cycle, deployment drills are intended to include state approved PRC owned equipment through a written agreement; facility owned equipment; and equipment as certified available for the facility through letters of intent, mutual aid agreements, contracts, or other approvable means.

(3) Ecology may attend and evaluate tabletop and deployment drills.

(4) Facilities may request drill credit for a spill response by submitting documentation of the response to ecology within 30 calendar days of completion of the cleanup operations.

[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), § 173-180-815, filed 6/6/23, effective 7/7/23.]

PART I: OUT OF SERVICE REQUIREMENTS FOR CLASS 1 FACILITIES AND EQUIPMENT

WAC 173-180-900 Applicability of Part I. Part I applies to Class 1 facilities.

[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), § 173-180-900, filed 6/6/23, effective 7/7/23.]

WAC 173-180-910 Class 1 facility—Out of service requirements.

(1) The owner or operator of a Class 1 facility with an out of service storage tank or transfer pipeline must continue to monitor, inspect, and maintain the storage tank or transfer pipeline as if it were in service, as described in (a) of this subsection, or they must decommission the storage tank or transfer pipeline, as described in (b) of this subsection.

(a) Owners or operators continuing to monitor, inspect, maintain, and repair a storage tank or transfer pipeline as if it were in service must:

(i) Meet the requirements of the facility's operations manual and prevention plan;

(ii) Conduct inspections, including required API Standard inspections in WAC 173-180-330 and 173-180-340;

(iii) Conduct testing as required by WAC 173-180-205;

(iv) Maintain corrosion protection systems; and

(v) Operate cathodic protection systems.

(b) Owners or operators decommissioning a storage tank or transfer pipeline must meet the following requirements:

(i) All oil transfer pipelines must be completely oil-free, certified as gas-free, and blanked at both ends;

(ii) All marine transfer hoses must be completely oil-free, certified as gas-free, and physically removed from the dock;

(iii) Storage tanks must be completely oil-free, certified as gas-free, and disconnected from all associated piping as well as instrumentation and control lines. Piping and instrumentation and control line connections must be blanked;

(iv) All oil piping connected to the storage tank must be air-gapped from the storage tank; and

(v) All electrical devices connected to the transfer pipeline or storage tank (e.g., pumps, mixers, heaters) must be de-energized.

(c) Storage tanks and transfer pipelines that have been placed in caretaker status as defined in 33 C.F.R. Part 154 or that have been permanently closed as defined in 40 C.F.R. Part 112, will be considered decommissioned. The owner or operator of a Class 1 facility in caretaker status or that permanently closes a storage tank must notify ecology as described in subsection (3) of this section.

(2) All storage tanks and transfer pipelines returning to service must meet the requirements of this chapter.

(3) The owner or operator must submit an electronic notification to ecology 30 calendar days prior to decommissioning and returning to service. The notification must include the actions taken to decommission and return equipment to service.

(4) Any change that results from decommissioning or returning equipment to service that meets the definition of a significant change, in WAC 173-180-435 or 173-180-670, must be documented in the facility's operations manual and/or prevention plan, as applicable.

[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), § 173-180-910, filed 6/6/23, effective 7/7/23.]