

**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 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.

(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.]