WAC 173-360A-0150 Definitions. For the purposes of this chapter, the following definitions apply unless the context clearly requires otherwise.

(1) **"Airport hydrant fuel distribution system"** or **"airport hydrant system"** means an UST system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, railcar, or other motor fuel carrier.

(2) **"Ancillary equipment"** means any devices including spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, containment sumps, and such devices as piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST.

(3) **"Cathodic protection"** means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, an UST system can be cathodically protected through the application of either galvanic anodes or impressed current.

(4) **"Cathodic protection tester"** means an individual who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such individuals must have sufficient education in and experience with soil resistivity, stray current, structure-to-soil potential, component electrical isolation measurements of buried metal piping and tank systems. Such individuals must be certified in accordance with WAC 173-360A-0930(6).

(5) **"Change-in-service"** means to change the substances stored in an UST system from regulated substances to unregulated substances.

(6) **"Class A operator"** means an individual designated by an UST system owner or operator as having primary responsibility for the operation and maintenance of the system. The Class A operator typically manages resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements.

(7) **"Class B operator"** means an individual designated by an UST system owner or operator as having control of or responsibility for the day-to-day operation and maintenance of the system. The Class B operator typically performs or ensures the performance of operation and maintenance activities at a UST facility, maintains records of those activities, and reports those activities to the department.

(8) **"Class C operator"** means an individual responsible for initially responding to alarms or other indications of emergencies caused by spills, overfills, leaks, or releases from an UST system. The Class C operator typically controls or monitors the dispensing or sale of regulated substances from the system.

(9) **"Code of practice"** means the most recent edition of a code of practice developed by a nationally or internationally recognized association or independent testing laboratory available at the time an UST system service is performed.

(10) **"Compatible"** means the ability of two or more substances or materials to maintain their respective physical and chemical properties upon contact with one another for the design life of the UST system under conditions likely to be encountered in the UST system.

(11) **"Connected piping"** means all underground piping including valves, elbows, joints, flanges, and flexible connectors attached to an UST system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between them.

(12) **"Containment sump"** means a liquid-tight container that protects the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps, and related components in the containment area. Containment sumps may be single walled or secondarily contained and located at the top of tank (tank top or submersible turbine pump sump), underneath the dispenser (under-dispenser containment sump), or at other points in the piping run (transition or intermediate sump).

(13) **"Corrosion expert"** means an individual who, by reason of a thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such individuals must be certified in accordance with WAC 173-360A-0930(5).

(14) **"Decommission"** means to permanently take a tank or pipe out of operation.

(15) **"Department"** means the department of ecology.

(16) **"Dielectric material"** means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

(17) **"Dispenser"** means a device used to dispense regulated substances from an UST system.

(18) **"Dispenser system"** means a dispenser and the aboveground equipment necessary to connect the dispenser to an UST system, including check valves, shear valves, unburied risers, flexible connectors, and other transitional components.

(19) **"Double-walled tanks"** and **"double-walled piping"** mean tanks and piping consisting of an inner wall and an outer wall with an interstitial space capable of being monitored for leaks.

(20) **"Electrical equipment"** means, for the purposes of the exemption described in WAC 173-360A-0110 (1)(i), underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

(21) **"Environment"** means the term as defined in WAC 173-340-200.

(22) **"Excavation zone"** means the volume containing the UST system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

(23) **"Existing UST system"** means an UST system used to contain an accumulation of regulated substances or for which installation had commenced on or before December 22, 1988. Installation is considered to have commenced if:

(a) The owner or operator had obtained all federal, state, and local approvals or permits necessary to begin physical construction at the UST facility or installation of the UST system; and

(b) Either a continuous on-site physical construction or installation program had begun or the owner or operator had entered into

contractual obligations—which cannot be canceled or modified without substantial loss—for physical construction at the UST facility or installation of the UST system to be completed within a reasonable time.

(24) **"Facility compliance tag"** means a white-colored metal plate with a green-colored identification number issued by the department for display at a UST facility in a location clearly visible to the product deliverer and persons withdrawing waste oil. Each UST facility is identified by a facility compliance tag. Except as otherwise provided in this chapter, it is unlawful for regulated substances to be delivered or deposited into an UST system, or withdrawn from a waste oil UST system, at a UST facility without a valid and properly displayed facility compliance tag.

(25) **"Farm UST system"** means an UST system located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm UST system must be located on the farm property and used for farm purposes. "Farm" includes fish hatcheries, rangeland, and nurseries with growing operations. It does not include laboratories where animals are raised, land used to grow timber, pesticide aviation operations, retail stores or garden centers where nursery products are marketed but not grown, cemeteries, golf courses, or other facilities dedicated primarily to recreation or aesthetics, or other nonagricultural activities.

(26) **"Field-constructed tank"** means an underground storage tank that is constructed in the field. For example, the following are considered field-constructed tanks: A tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field.

(27) **"Flow-through process tank"** means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

(28) **"Free product"** means the term as defined in WAC 173-340-200.

(29) **"Gathering lines"** means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

(30) **"Groundwater"** means the term as defined in WAC 173-340-200.

(31) **"Hazardous substance"** means any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Sec. 9601(14)). However, the term does not include any substance regulated as a hazardous waste under Subtitle C of the Solid Waste Disposal Act (42 U.S.C. Sec. 6921 through 6939e) or any mixture of such hazardous wastes and other regulated substances.

(32) **"Hazardous substance UST system"** means an UST system that contains a hazardous substance or any mixture of such substances and petroleum, and which is not a petroleum UST system.

(33) **"Hydraulic lift tank"** means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

(34) **"Include"** means including, but not limited to.

(35) **"Install"** means placing an UST system or any UST system component in position and preparing it to be placed into operation.

(36) **"Interstitial space"** means the space between the primary and secondary containment systems (e.g., the space between the inner and outer walls of a tank or pipe).

(37) **"License"** means the business license underground storage tank endorsement issued by the department of revenue under chapter 19.02 RCW.

(38) **"Liquid trap"** means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

(39) **"Maintenance"** means the normal operational upkeep to prevent an UST system from releasing a regulated substance.

(40) **"Motor fuel"** means a complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances (for example: Motor gasoline blended with alcohol).

(41) **"New UST system"** means an UST system that will be used to contain an accumulation of regulated substances and for which installation commenced after December 22, 1988. (See also "existing tank system.")

(42) **"Noncommercial purposes"** with respect to motor fuel means not for resale.

(43) **"Operational life"** means the period beginning when installation of an UST system has commenced and ending when the UST system is permanently closed or undergoes a change-in-service.

(44) **"Operator"** means any person in control of, or having responsibility for, the daily operation of the UST system.

(45) **"Owner"** means:

(a) In the case of an UST system in use before November 8, 1984, but no longer in use on that date, any person who owned the UST system immediately before the discontinuation of its use;

(b) In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who:

(i) Currently owns the UST system; or

(ii) Owned the UST system immediately before its permanent closure or change-in-service; and

(c) In the event that the owner of an UST system cannot be physically located, any person who owns the property where the UST system is located.

The term "owner" does not include any person who holds indicia of ownership primarily to protect the person's security interest in the UST system or the UST facility or property where the UST system is located. The person holding indicia of ownership cannot participate in the management of an UST system or be engaged in petroleum production, refining, and marketing.

(46) **"Permanently closed UST system"** means:

(a) In the case of an UST system taken out of operation before December 22, 1988, the UST system was substantially emptied of regulated substances or permanently altered structurally to prevent reuse;

(b) In the case of an UST system taken out of operation on or after December 22, 1988, and before December 29, 1990, the UST system was permanently closed in accordance with 40 C.F.R. Sec. 280; and

(c) In the case of an UST system taken out of operation on or after December 29, 1990, the UST system was permanently closed in accordance with this chapter.

(47) **"Person"** means an individual, trust, firm, joint stock company, corporation, association, partnership, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, federal government, or agency of the federal government.

(48) **"Petroleum"** means crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit and 14.7 pounds per square inch absolute) and any product comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils. The term does not include propane or asphalt or any other product that is not liquid at standard conditions of temperature and pressure.

(49) **"Petroleum UST system"** means an UST system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

(50) **"Pipe"** or **"piping"** means a hollow cylinder or tubular conduit that is constructed of nonearthen materials.

(51) **"Pipeline facilities (including gathering lines)"** means any new and existing pipe rights of way and any associated equipment, facilities, or buildings.

(52) **"Piping run"** means all underground piping connecting an individual submersible pump or suction stub to an associated dispenser system or other end-use equipment.

(53) **"Previously deferred UST system"** means an UST system with field-constructed tanks or an airport hydrant fuel distribution system.

(54) **"Product deliverer"** means any person who delivers or deposits its product into an UST system. This term includes major oil companies, jobbers, petroleum transportation companies, or other product delivery entities.

(55) **"Rectifier adjustment"** means any adjustment or maintenance of a rectifier that is part of an impressed current cathodic protection system, including any adjustment of voltage or amperage or replacement of fuses or diodes. Rectifier adjustments are a type of repair.

(56) **"Red tag"** means a red-colored tag or device on the fill pipe of an UST system that clearly identifies the system as ineligible for product delivery or waste oil withdrawal. The tag or device is tamper resistant and is easily visible to the product deliverer and persons withdrawing waste oil. The tag or device clearly states and conveys, as applicable, that it is unlawful for regulated substances to be delivered or deposited into an UST system or withdrawn from a waste oil UST system.

(57) **"Regulated substance"** means:

(a) Petroleum;

(b) Hazardous substances; and

(c) Mixtures of petroleum and hazardous substances.

(58) **"Release"** means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching, or disposing of regulated substances from an UST system into the environment.

(59) **"Release detection"** means determining whether a release of a regulated substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary containment.

(60) **"Remedial action"** means the term as defined in WAC 173-340-200.

(61) **"Repair"** means to restore to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, containment sump, or other UST system component that has caused a release of a regulated substance from the UST system or has failed to function properly.

(62) **"Residential UST system"** means an UST system located on property used primarily for dwelling purposes. Such properties do not include dormitories, convents, mobile parks, apartments, hotels and similar facilities, unless the UST system is used by the owner solely for his or her own personal use, rather than to maintain the overall facility.

(63) **"Secondary containment"** means a release prevention system for tanks and piping consisting of an inner barrier and an outer barrier with an interstitial space capable of being monitored for leaks. This term includes containment sumps when used for interstitial monitoring of piping.

(64) **"Septic tank"** means a water-tight covered receptacle designed and used to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

(65) **"Service provider"** means an individual who is certified to perform or directly supervise the performance of UST system services under WAC 173-360A-0920 and 173-360A-0930.

(66) **"Site assessment"** means an investigation of the environment around an UST system to determine whether there has been a release of regulated substances from the system into the environment and whether a release may pose a threat to human health or the environment.

(67) **"Site check"** means a type of site assessment performed when a release from an UST system is suspected.

(68) **"Stormwater or wastewater collection system"** means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of stormwater and wastewater does not include treatment except where incidental to conveyance.

(69) **"Surface impoundment"** means a natural topographic depression, excavation, or diked area formed primarily of earthen materials (although it may be lined with synthetic materials) that is not an injection well.

(70) **"Tank"** is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

(71) **"Temporarily closed UST system"** means an UST system that has been taken out of operation and will be returned to operation, undergo a change-in-service, or be permanently closed in the future.

(72) **"Tightness testing"** means a procedure for testing the ability of an UST system component to prevent an inadvertent release of

regulated substances into the environment or an intrusion of groundwater into an UST system.

(73) **"Under-dispenser containment"** or **"UDC"** means containment underneath a dispenser system designed to prevent leaks from the dispenser and piping within or above the UDC from reaching the environment.

(74) **"Underground storage tank"** or **"UST"** means any one tank or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the ground surface or otherwise covered by earthen materials.

(75) **"Upgrade"** means the addition or retrofit of an UST system component, such as corrosion protection equipment, release detection equipment, or spill and overfill prevention equipment, to improve the ability of an UST system to prevent the release of regulated substances.

(76) **"UST facility"** means the location where one or more UST systems are or will be installed. The term encompasses all contiguous real property under common ownership associated with the operation of the UST system or systems.

(77) **"UST system"** or **"tank system"** means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

(78) **"UST system component"** means a component of an UST system, including any underground storage tanks, connected underground piping, underground ancillary equipment, and containment systems.

(79) **"UST system services"** means the services performed on an UST system requiring the use of a service provider as specified in WAC 173-360A-0920.

(80) **"Wastewater treatment tank system"** means a tank system that is designed to receive and treat influent wastewater through physical, chemical, or biological methods.

[Statutory Authority: Chapter 90.76 RCW. WSR 18-15-083 (Order 16-02), § 173-360A-0150, filed 7/18/18, effective 10/1/18.]