

RCW 70A.355.020 Department's powers and duties—Rule-making authority. (1) The department must adopt rules establishing requirements for all underground storage tanks that are regulated under the federal act, taking into account the various classes or categories of tanks to be regulated. The rules must be consistent with and no less stringent than the federal regulations and the underground storage tank compliance act of 2005 and consist of requirements for the following:

- (a) New underground storage tank system design, construction, installation, and notification;
- (b) Upgrading existing underground storage tank systems;
- (c) General operating requirements;
- (d) Release detection;
- (e) Release reporting;
- (f) Out-of-service underground storage tank systems and closure;
- (g) Financial responsibility for underground storage tanks containing regulated substances; and
- (h) Groundwater protection measures, including secondary containment and monitoring for installation or replacement of all underground storage tank systems or components, such as tanks and piping, installed after July 1, 2007, and under dispenser spill containment for installation or replacement of all dispenser systems installed after July 1, 2007.

(2) The department must adopt rules:

- (a) Establishing physical site criteria to be used in designating local environmentally sensitive areas;
- (b) Establishing procedures for local government application for this designation; and
- (c) Establishing procedures for local government adoption and department approval of rules more stringent than the statewide standards in these designated areas.

(3) The department must establish by rule an administrative and enforcement program that is consistent with and no less stringent than the program required under the federal regulations in the areas of:

- (a) Compliance monitoring, including procedures for recordkeeping and a program for systematic inspections;
- (b) Enforcement;
- (c) Public participation;
- (d) Information sharing;
- (e) Owner and operator training; and
- (f) Delivery prohibition for underground storage tank systems or facilities that are determined by the department to be ineligible to receive regulated substances.

(4) The department must establish a program that provides for the annual licensing of underground storage tanks. The license must take the form of a tank endorsement on the facility's annual business license issued by the department of revenue under chapter 19.02 RCW. A tank is not eligible for a license unless the owner or operator can demonstrate compliance with the requirements of this chapter and the annual tank fees have been remitted. The department may revoke a tank license if a facility is not in compliance with this chapter, or any rules adopted under this chapter. The business license must be displayed by the tank owner or operator in a location clearly identifiable.

(5) (a) The department must issue a one-time "facility compliance tag" to underground storage tank facilities that have installed the

equipment required to meet corrosion protection, spill prevention, overfill prevention, leak detection standards, have demonstrated financial responsibility, and have paid annual tank fees. The facility must continue to maintain compliance with corrosion protection, spill prevention, overfill prevention, and leak detection standards, financial responsibility, and have remitted annual tank fees to display a facility compliance tag. The facility compliance tag must be displayed on or near the fire emergency shutoff device, or in the absence of such a device in close proximity to the fill pipes and clearly identifiable to persons delivering regulated substance to underground storage tanks.

(b) The department may revoke a facility compliance tag if a facility is not in compliance with the requirements of this chapter, or any rules adopted under this chapter.

(6) The department may place a red tag on a tank at a facility if the department determines that the owner or operator is not in compliance with this chapter or the rules adopted under this chapter regarding the compliance requirements related to that tank. Removal of a red tag without authorization from the department is a violation of this chapter.

(7) The department may establish programs to certify persons who install or decommission underground storage tank systems or conduct inspections, testing, closure, cathodic protection, interior tank lining, corrective action, site assessments, or other activities required under this chapter. Certification programs must be designed to ensure that each certification will be effective in all jurisdictions of the state.

(8) When adopting rules under this chapter, the department must consult with the state building code council to ensure coordination with the building and fire codes adopted under chapter 19.27 RCW. [2013 c 144 s 54; 2011 c 298 s 40; 2007 c 147 s 3; 1998 c 155 s 2; 1989 c 346 s 3. Formerly RCW 90.76.020.]

Sunset Act application: See note following chapter digest.

~~Purpose—Intent—Agency transfer—Contracting—Effective date—2011~~
c 298: See notes following RCW 19.02.020.