

WAC 173-180-470 Class 2 facility—Operations manual review and approval. (1) Upon receipt of an operations manual, ecology will determine whether the operations manual is complete. If ecology determines that an operations manual is incomplete, ecology must notify the Class 2 facility of the deficiencies.

(2) When reviewing operations manuals for approval ecology must consider the following criteria:

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

(b) The volume and type of oil(s);

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

(d) Inspection reports;

(e) The presence of operating hazards; and

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

(3) Ecology must endeavor to notify the facility owner or operator within five working days after completing the review whether or not ecology approves the operations manual.

(4) If the operations manual receives approval, ecology must send the Class 2 facility owner or operator an approval letter describing the terms of approval, including an expiration date.

(5) Conditional approval:

(a) Ecology may approve an operations manual conditionally by requiring a facility owner or operator to operate with specific precautionary measures until acceptable components of the operations manual are resubmitted and approved.

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

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting oil transfer operations to daylight hours; or

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

(6) After receiving notification of conditional status from ecology, a Class 2 facility must submit and implement required changes to ecology within thirty calendar days. Ecology may issue an extension at ecology's discretion. Operations manual holders who fail to meet conditional requirements or provide required changes in the time allowed must lose conditional approval status.

(7) If operations manual approval is denied, ecology must send the facility owner or operator an explanation of the factors for disapproval and a list of deficiencies.

(a) The owner or operator of the facility must resubmit the operations manual within ninety calendar days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.

(b) The facility must not continue oil transfer or other operations until an operations manual for that facility has been approved.

[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.]