

Tacoma Municipal Code

Chapter 5.44

WHEAT DUST

Repealed by Ord. 25571

(Ord. 25571 § 1; passed Aug. 30, 1994)

Chapter 5.46

MINIMUM HOUSING CODE

Repealed by Ord. 26380

(Ord. 26380 § 2; passed Mar. 16, 1999)

Chapter 5.47

**UNDERGROUND STORAGE TANK
REMOVAL**

Sections:

- 5.47.010 Definitions.
- 5.47.020 Authority.
- 5.47.030 Permits.
- 5.47.040 Application for a permit.
- 5.47.050 Underground storage tank removals.
- 5.47.060 Penalties.
- 5.47.070 Appeals.
- 5.47.080 Severability.

5.47.010 Definitions.

A. "Board of Health" means the Tacoma-Pierce County Board of Health as established pursuant to Chapter 70.05 RCW.

B. "Clean fill" means a fill material which contains no contaminants beyond what would normally be expected for that material and meets other Federal, State, and local fill guidelines, if applicable.

C. "Contamination" means the degradation of any component of the environment by a release in sufficient quantity to impair its usefulness as a resource.

D. "Department" means the Tacoma-Pierce County Health Department.

E. "Director" means the Director of the Department or his/her authorized representatives.

F. "Facility" means all structures, contiguous land, appurtenances, and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing of, or otherwise handling hazardous material. Use of the term "facility" as described herein includes underground storage tanks, including facilities which otherwise handle, use, dispose of, or store hazardous materials in containers or bulk. For purposes of this chapter, an existing facility means a facility which has been constructed prior to the effective date of this ordinance.

G. "Groundwater" means any water found beneath the surface.

H. "Hazardous material" means any liquid, solid, gas, or sludge which, when accidentally or deliberately released or when improperly used, stored, or disposed of, creates a condition which presents or could present a potential risk to human health or the environment.

I. "Operator" means the person who is responsible for the facility or his/ her authorized representative.

J. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any public entity.

K. "Release" means any spilling, leaking, emitting, or discharging of a hazardous material from a facility or other operation or activity into or onto soil, air, water, groundwater, or other natural or manmade structures or materials.

L. "Tank" means a stationary device designed to contain an accumulation of hazardous material which is constructed of non-earthen materials (steel, plastic, concrete, etc.) which provide structural support.

M. "Underground storage tank" means any one or a combination of tanks, including underground pipes connected thereto, which is used to contain or disperse an accumulation of hazardous materials, the volume of which, including the volume of underground pipes connected thereto, is 10 percent or more beneath the surface of the ground; however, the following do not fall under the definition of underground storage tank:

1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for non-commercial purposes.
2. Tanks of 1,100 gallons or less capacity used for storing heating oil for consumption on the premises where stored.
3. Any tank which forms an integral part of an industrial or commercial process (flow-through process tank) through which there is a steady or uninterrupted flow of materials during the operation of the process, subject to proper spill and management practices.
4. Any on-site sewage disposal system or holding tank which serves as a method of storage, conveyance, treatment, or disposal of human or animal wastes.
5. Any surface impoundment, pit, pond, or lagoon. (Ord. 24101 § 1; passed May 24, 1988)

5.47.020 Authority.

A. The Director shall enforce this chapter and any standards promulgated by the Board of Health relative to this chapter. The Board of Health is empowered to and shall write standards necessary for implementation of this chapter, consistent herewith.

B. The Director may, with the consent of the occupant thereof, or pursuant to a lawfully issued warrant, enter any building or premises at any reasonable time to perform any of the duties imposed on him/her by this chapter and the Board of Health standards established in accordance herewith. (Ord. 24101 § 1; passed May 24, 1988)

5.47.030 Permits.

A. No person shall remove or cause to be removed any underground storage tank which has contained a hazardous material without first obtaining a valid permit issued by the Director. The Fire Department also specifically regulates and authorizes permits for underground storage tanks, pursuant to the Fire Code.

B. Permits shall be valid for 180 days from the date of issuance.

C. Notification by the permit holder shall be given to the Director at least five days prior to tank removal. (Ord. 24101 § 1; passed May 24, 1988)

5.47.040 Application for a permit.

A. An application shall be made in writing on forms provided by the Department, and shall be accompanied by a fee in accordance with the fee schedule adopted by the Board of Health.

B. The application shall contain the following information, as well as any other information the Director deems necessary:

1. The address and parcel number of the facility;
2. The name, address, and telephone number of the operator;
3. The name, address, and telephone number of the person performing the tank removal;
4. The estimated age, dimensions, and gallonage of the tank and a description of the tank's contents;
5. The use of the facility, past, present, and future;
6. A plot plan with the general facility layout;
7. The approximate date of tank removal. (Ord. 24101 § 1; passed May 24, 1988.)

5.47.050 Underground storage tank removals.

A. The Director shall be present at the facility during any or all of the tank and contamination removal process.

Tacoma Municipal Code

B. The operator shall provide safe access in accordance with Washington State Department of Labor and Industry standards to all areas of the facility necessary for inspection of the tank's removal.

C. The operator of the facility shall demonstrate to the satisfaction of the Director that no contamination has occurred. The Director shall inspect for signs of current or historical contaminant release, such as, but not limited to: holes, punctures, or cracks in the tank, soil staining, discoloration, or sheen. Soil samples shall be taken for all constituents of the previously stored hazardous materials and their transformation or breakdown products.

D. If the Director finds the facility to be:

1. Free of contaminants, the operator shall backfill the tank hole with clean fill material as defined by the Department.

2. Unacceptable, due to contamination, the operator shall be responsible for additional soil and/or water testing, the removal of contaminated soil and its proper disposal, and the treatment of contaminated groundwater, as required by the Director.

(Ord. 24101 § 1; passed May 24, 1988)

5.47.060 Penalties.

Anyone violating or failing to comply with any of the provisions of this chapter or lawful order of the Director shall, upon conviction, be deemed guilty of a misdemeanor and be punishable by a fine in any sum not exceeding \$5,000.00, or by imprisonment in the Pierce County Jail for a term not exceeding one year, or by both such fine and imprisonment. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted.

Nothing herein shall prevent the Director from utilizing civil remedies available to him/her under state law for enforcement of this chapter.

(Ord. 24101 § 1; passed May 24, 1988)

5.47.070 Appeals.

Procedures for appeals to the Hearing Examiner or Board of Health from any ruling or decision of the Health Department shall be taken in accordance with Sections 5.02.160 and 5.02.180 of the Official Code of the City of Tacoma. (Ord. 24101 § 1; passed May 24, 1988)

5.47.080 Severability.

The provisions of this chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter or the invalidity of the application thereto to any person or circumstance shall not affect the validity of its application to other persons or circumstances. (Ord. 24101 § 1; passed May 24, 1988)