Underground Storage Tanks: Chapter 4 Regulation Summary

The Revised Underground Storage Tank (UST) Regulations, Chapter 4 of the Environmental Health Code, replaces Board of Health Ordinance 88-1056: Underground Storage Tanks. This summary outlines the significant changes contained within Chapter 4.

1. These rules and regulations apply to all areas under the jurisdiction of the Health Department and are not precluded or suspended by any other local, state or federal regulation unless the state or federal regulations are more restrictive. Health Department jurisdiction includes all cities, towns and unincorporated areas within Pierce County. Sites enrolled in WA Department of Ecology’s Voluntary Cleanup Program must continue to meet the permitting, notice and reporting requirements of the Health Department.

2. Chapter 4 refers to WAC 173-340, Model Toxics Control Act, for establishing cleanup standards. In rare occasions, the Health Officer may require more stringent cleanup standards. Chapter 4 also sets clear criteria, including timelines for permitting, investigating, remediating and reporting. The UST site must meet Site Closure requirements as prescribed in Chapter 4.

3. Chapter 4 defines ‘Decommission’ as removal only. If a circumstance calls for an alternative decommissioning method, the applicant must submit a Variance request and fee along with the UST Decommissioning application and fee. The Variance request should include: an engineering assessment demonstrating that the structural integrity of a building foundation or other major structure would be jeopardized during a UST removal; a plan detailing how the minimum site characterization standards will be met; how contaminated soils and/or groundwater (discovered during site characterization) would be remediated.

4. The Health Department regulates ALL underground storage tank decommissioning except heating oil tanks under 1,100 gallons in volume. ‘Farm tanks’ are no longer exempt from these regulations and are subject to the requirements provided in Chapter 4. If a tank’s contents or purpose is unconfirmed or unknown, it is subject to the requirements of Chapter 4.

5. Chapter 4 makes a distinction between the UST Site Owner and UST Owner in the Definitions. Generally, the UST Owner is responsible for initiating lawful removal of USTs, while the UST Site Owner is ultimately responsible for cleanup. Chapter 4 also prescribes responsibility for USTs currently within Right-Of-Way (i.e. The current property owner of the parcel last served by the UST is responsible for the UST).

6. The Health Department has the authority to require removal of illegally or improperly abandoned USTs as well as active USTs found out-of-compliance with WAC 173-360. Where currently active or inactive USTs have been found to have leaked, the Health Department has the authority to require remediation at those sites.

7. Chapter 4 requires submission of data collected from Health Department-regulated UST sites within a specific time frame; regardless of who collected the data and for what purpose (i.e. Phase II data collected by a prospective buyer must be submitted to the Health Department).

8. Chapter 4 prescribes how contaminated soils and other waste streams must be managed. General site management is also addressed in the regulation for the purpose of maintaining general safety of the occupants, contractors, neighbors, and pedestrian and vehicle traffic on or around the site.

9. Chapter 4 requires UST sites under the purview of the Health Department to achieve Site Closure by demonstrating lawful, complete UST removal and remediation of all impacted media. If Site Closure has not been achieved by the time of permit expiration, the permit must be renewed and Site Closure activities resumed.

10. Enforcement of Chapter 4 will be performed in accordance to Chapter 1, ‘General Provisions’ of the Environmental Health Code. Enforcement methods, including recording a notice of non-compliance the property title, monetary penalties, and prosecution are detailed in Chapter 1.