

**WAC 173-180-750 Class 2 facility—Oil transfer response plan review and approval process.** (1) The owner or operator of a Class 2 facility must submit the oil transfer response plan to ecology for reapproval at least 90 calendar days prior to the plan's expiration date. The facility may request ecology review the plan currently on file at ecology.

If the plan is not submitted within the time frame required for reapproval before the expiration date, the lapse is considered noncompliance and may result in the loss of plan approval.

(2) Upon receipt of the plan, ecology will determine whether the plan is complete. If ecology determines that the plan is not complete, the facility will be notified of any deficiencies.

Ecology may request additional information for the plan.

(3) Before the plan's expiration date, ecology will respond with a letter approving, conditionally approving, or disapproving the plan.

(4) If the plan receives approval, the letter will describe the terms of approval, including an expiration date for the plan. Plan approval expires five years from the date on the approval letter.

(5) If the plan is conditionally approved, ecology may require the facility to operate with specific restrictions until unacceptable components of the plan are revised, resubmitted, and approved.

(a) In the conditional approval, ecology will describe:

(i) Each specific restriction and the duration for which they apply; and

(ii) Each required item to bring the plan into compliance.

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

(i) Reducing oil transfer rates;

(ii) Increasing personnel levels;

(iii) Restricting operations to daylight hours or favorable weather conditions; or

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

(c) The owner or operator has 30 calendar days after notification of conditional approval to submit revisions and implement required changes. An extension may be issued at ecology's discretion. Conditional approval expires no later than 18 months from date of notification.

(d) Facilities which fail to meet conditional requirements or provide required changes in the time allowed may lose conditional approval status. Ecology may revoke its conditional approval prior to the expiration date if the facility fails to meet the terms of the conditional approval.

(6) If the plan is disapproved, the facility must receive an explanation of the factors for disapproval. The facility must not engage in oil transfers or other operations until the plan has been approved or conditionally approved.

[Statutory Authority: RCW 88.46.160, 88.46.165, 90.56.005, 90.56.050, 90.56.200, 90.56.220, 90.56.230, and chapter 90.56 RCW. WSR 23-12-077 (Order 21-03), § 173-180-750, filed 6/6/23, effective 7/7/23. Statutory Authority: RCW 88.46.160, 88.46.165, and chapter 90.56 RCW. WSR 06-20-034 (Order 06-02), § 173-180-750, filed 9/25/06, effective 10/26/06.]