

Chapter 173-180B WAC

FACILITY OIL-HANDLING OPERATIONS MANUAL STANDARDS

WAC

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WAC 173-180B-010 Purpose. The purpose of this chapter is to establish operations manual requirements which, when followed, will:

- (1) Help to prevent oil and petroleum spills from occurring;
- (2) Ensure that facilities are operated in a manner which will provide the best achievable protection of public health and the environment;
- (3) Provide improved protection of Washington waters and natural resources from the impacts of oil spills caused by operational errors.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-010, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-020 Authority. RCW 90.56.230 provides statutory authority for operations manual preparation and review requirements established by this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-020, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-030 Definitions. "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering: The additional protection provided by the measures; the technological achievability of the measures; and the cost of the measures.

"Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

"Board" means the pollution control hearings board.

"Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

"Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

"Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

Facility:

"Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

A facility does not include any: Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; underground storage tank regulated by the department or a local government under chapter 90.76 RCW; a motor vehicle motor fuel outlet; a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

"Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

"Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 CFR Part 302 adopted August 14, 1989, under section 101 (14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

"Offshore facility" means any facility, as defined in this section, located in, on, or under any of the navigable waters of the state, but does not include any land of the state, other than submerged land.

"Onshore facility" means any facility, as defined in this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

Owner or operator:

"Owner" or "operator" means: In the case of a vessel, any person owning, operating, or chartering by demise, the vessel; in the case of an onshore or offshore facility, any person owning or operating the facility; and in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

Operator does not include any person who owns the land underlying a facility immediately before its abandonment.

"Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

"Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

"Spill" means an unauthorized discharge of oil which enters the waters of the state.

"Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

Operates on the waters of the state; and

Transfers oil in a port or place subject to the jurisdiction of this state.

"Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 CFR 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

"Transfer" means any movement of oil between a tank vessel or transmission pipeline and the facility.

"Transfer pipeline" is a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, tank vessel or storage tanks. Instances where the transfer pipeline is not well defined will be determined on a case-by-case basis.

"Waters of the state" include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and land adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-030, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-040 Applicability. Operations manuals for onshore and offshore facilities must be prepared, submitted, and implemented, pursuant to the requirements in this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-040, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-050 Manual preparation. (1) Each facility shall prepare an operation and maintenance manual describing equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ to achieve best achievable protection for public health and the environment, and to prevent oil spills. The manual shall also describe equipment and procedures required for all vessels which transfer oil to or from a facility. At a minimum, manuals shall meet the requirements of this chapter.

(2) The manual shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the manual holder's ability to meet the requirements of this chapter and the requirements of chapter 173-180A WAC.

(3) Coast Guard operations manuals required under 33 CFR 154.300 may be submitted to satisfy manual requirements under this chapter if the department deems that such federal requirements equal or exceed those of the department, or if the manuals are modified or appended to satisfy manual requirements under this chapter.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-050, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-060 Manual format requirements. (1) Manuals shall be divided into a system of chapters and sections and shall be organized in a format which provides easy access to information.

(2) The manual shall allow replacement of chapter and appendix pages with revisions, without requiring replacement of the entire manual.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-060, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-070 Manual content requirements. (1) Each operations manual submitted to the department shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party.

(b) Verifies acceptance of the manual by the owner or operator of the facility by either signature of the owner or operator or signature by a person with the authority to bind the corporation which owns such facility;

(c) Commits execution of the manual by the owner or operator of the facility, and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions.

(d) Includes the name, location, and address of the facility, type of facility, and starting date of operations.

(e) Each manual shall include a log sheet to record amendments to the manual. The log sheet shall be placed at the front of the manual. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately following the log sheet.

(2) Each manual shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(3) Where applicable, topics identified in the table of contents may be cross referenced with other submissions required by chapter 90.56 RCW including contingency and prevention plans, or 33 CFR 156 provided that a copy of the *Coast Guard Operations Manual* has been submitted to ecology.

(4) Operations manuals shall address at a minimum the following topics for marine transfers to or from facilities:

(a) The geographic location of the facility shown on a topographic map;

(b) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, oil flow patterns, and locations of safety equipment;

(c) A statement identifying facility operation hours;

(d) A discussion of the sizes, types, and number of vessels that the facility can transfer oil to or from, including simultaneous transfers;

- (e) A description of all oil types transferred to or from the facility including:
 - (i) Generic and chemical name; and
 - (ii) The following oil information:
 - (A) The name of the oil;
 - (B) A description of the appearance of the oil;
 - (C) The hazards involved in handling the oil;
 - (D) Instructions for safe handling of oil;
 - (E) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil; and
 - (F) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil.
 - (f) A discussion of the minimum number of persons or equipment required to perform transfer operations and their duties;
 - (g) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;
 - (h) The duties of the transfer watchmen;
 - (i) Instructions in the use of each communication system;
 - (j) The location and facilities of each personnel shelter, if any;
 - (k) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;
 - (l) Emergency plans and procedures including a description of and the location of each emergency shut-down system;
 - (m) Quantity, types, locations, and instructions for use of monitoring devices;
 - (n) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;
 - (o) Quantity, type, location, and instructions for use of fire extinguishing equipment;
 - (p) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;
 - (q) Detailed procedures for:
 - (i) Operating each loading arm including the limitations of each loading arm;
 - (ii) Transferring oil;
 - (iii) Completion of pumping; and
 - (iv) Emergencies.
 - (r) Procedures for reporting and initial containment of oil discharges;
 - (s) A brief summary of applicable federal, state, and local oil pollution laws and regulations;
 - (t) If applicable, procedures for shielding portable lighting;
 - (u) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;
 - (v) Recordkeeping procedures and sample forms which are associated with the requirements in chapters 173-180A and 173-180B WAC;
 - (w) Example maintenance schedules incorporating manufacturers recommendations or an industrial standard approved by the department, preventative maintenance, replacement criteria for transfer pipelines, pumps and valves;
 - (x) A discussion of equipment and procedures required for all vessels which transfer oil to the facility. Procedures for verifying that vessels meet facility requirements and operations manual procedures;
 - (y) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures shall be described for transfers to storage tanks and tank vessels;
 - (z) A discussion of the leak detection system and/or procedures implemented by the facility.
- (5) Operations manuals shall address at a minimum the following topics for transfers to or from transmission pipelines:
- (a) The geographic location of the facility shown on a topographic map;
 - (b) A physical description of the facility including a plan of the facility showing transfer locations, control stations, oil flow patterns, and locations of safety equipment;
 - (c) A statement identifying facility operation hours;
 - (d) A description of all oil types transferred to or from the facility including:
 - (i) Generic and chemical name; and

- (ii) The following oil information:
 - (A) The name of the oil;
 - (B) A description of the appearance of the oil;
 - (C) A description of the odor of the oil;
 - (D) The hazards involved in handling the oil;
 - (E) Instructions for safe handling of oil;
 - (F) The procedures to be followed if the oil spills or leaks, or if a person is exposed to the oil; and
 - (G) A list of fire fighting procedures and extinguishing agents effective with fires involving the oil.
- (e) A discussion of the minimum number of persons required to perform transfer operations and their duties;
 - (f) The names and telephone numbers of facility, federal, state, local and other personnel who may be called by the employees of the facility in case of an emergency;
 - (g) The duties of the facility operator;
 - (h) A description of each communication system;
 - (i) The location and facilities of each personnel shelter, if any;
 - (j) Emergency plans and procedures including a description of and the location of each emergency shut-down system;
 - (k) Quantity, types, locations, and instructions for use of monitoring devices;
 - (l) Quantity, type, location, instructions for use, and time limits for gaining access to containment equipment;
 - (m) Quantity, type, location, and instructions for use of fire extinguishing equipment;
 - (n) Maximum relief valve settings (or maximum system pressures when relief valves are not provided) for each transfer system;
 - (o) Detailed procedures for:
 - (i) Transferring oil;
 - (ii) Completion of transfer; and
 - (iii) Emergencies.
 - (p) Procedures for reporting and initial containment of oil discharges;
 - (q) A brief summary of applicable federal, state, and local oil pollution laws and regulations;
 - (r) A description of the training and qualification program for persons in charge;
 - (s) A discussion of facility operation procedures for conducting oil transfers including transfer startups and shutdowns;
 - (t) Recordkeeping procedures and sample forms to be used;
 - (u) Example maintenance schedules incorporating manufacturers recommendations or an industrial standard approved by the department, preventative maintenance replacement criteria for transfer pipelines, pumps and valves;
 - (v) A section in accordance with the National Fire Protection Association (NFPA), Flammable and Combustible Code, No. 30-1993, Chapter 2, Section 2-10 which requires that written procedures be developed to describe overfill prevention procedures. Overfill prevention procedures shall be described for transfers to storage tanks and tank vessels.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-070, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-080 Manual submittal. (1) Manuals for onshore and offshore facilities shall be submitted to ecology within eighteen months after the adoption date of this rule.

(2) Any onshore or offshore facility that first begins operating after the above deadline shall submit a manual to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the manual and appendices shall be delivered to:

Spill Management Section,
 Operations Manual Review
 Washington Department of Ecology
 P.O. Box 47600
 Olympia, WA 98504-7600

(4) The plan submitter may request that proprietary information be kept confidential under RCW 43.21A.160.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-080, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-090 Manual review. (1) Upon receipt of a manual, ecology shall determine promptly whether the manual is complete. If the department determines that a manual is incomplete, the submitter shall be notified of deficiencies.

(2) A manual shall be approved if, in addition to meeting criteria in this section, that when implemented, it can provide best achievable protection from damages cause by the discharge of oil into waters of the state.

(3) When reviewing manuals, ecology shall, in addition to the above criteria, consider the following:

(a) The volume and type of oil(s) addressed by the facility prevention plan;

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

(c) Inspection reports;

(d) The presence of operating hazards;

(e) The sensitivity and value of natural resources within the geographic area covered by the plan; and

(f) Any pertinent local, state, federal agency, or public comments received on the manual.

(4) Ecology shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the manual has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive an approval letter describing the terms of approval, including expiration dates pursuant to WAC 173-180-085(4).

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

(ii) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability to response equipment.

(iii) A manual holder shall have thirty days after the department gives notification of conditional status to submit and implement required changes to ecology, with the option for an extension at ecology's discretion. Manual holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If manual approval is denied, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The owner or operator of the facility must resubmit the manual within ninety days of notification of reasons for noncompliance, responding to the reasons and incorporating any suggested modifications. The facility shall not continue oil storage, transfer, production, or other operations until a manual for that facility has been approved.

(d) A manual holder may appeal ecology's decision under WAC 173-04-010.

(e) Approval of a manual by ecology does not constitute an express assurance regarding the adequacy of the manual nor constitute a defense to liability imposed under state law.

(5) It shall be legal to operate a facility if a proposed operations manual has been submitted to the department and the department has not provided the facility with a formal response.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-090, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-100 Manual maintenance and use. (1) All equipment and operations of the facility shall be completed and maintained in accordance with the facility's operation manual. The owner or operator shall ensure that all covered vessels docked at an onshore or offshore facility comply with the terms of the operations manual for the facility.

(2) Each facility covered by the manual shall possess a copy of the manual and keep it in an immediately accessible location.

(3) Facilities shall ensure that all employees involved in oil transfer, or storage operations, are familiar with the manual provisions through regular training. Orientation materials for new employees involved in oil transfer or storage operations shall contain a copy of the manual.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-100, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-110 Inspections. Ecology may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.56.410. During an inspection ecology may

require the facility to provide proof of compliance by producing all required records, documents as well as demonstrating spill prevention equipment and procedures.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-110, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-120 Manual update timeline. (1) Ecology shall be notified in writing prior to any significant changes which could affect implementation of the manual.

(a) A significant change includes, but is not limited to:

(i) A change in the owner or operator of the facility;

(ii) A change in the types of oil handled at the facility;

(iii) A substantial change in the facility's oil-handling capacity;

(iv) Noncompliance with the federal Oil Pollution Act of 1990;

(v) A substantial change in oil spill prevention technology installed at the facility, or other substantial changes to facility technology, operations, or personnel procedures based on requirements of amended or new rules adopted by ecology; and

(vi) A change which would require that the operations manual be modified.

(b) If the change will reduce the facility's ability to implement the manual, the manual holder shall also provide a schedule for the return of the manual to full implementation capability.

(c) A facsimile will be considered written notice for the purposes of this section.

(d) Failure to notify ecology of significant changes shall be considered noncompliance with this chapter and subject to the provisions of WAC 173-180B-070.

(2) If ecology finds that, as a result of the change, the manual no longer meets approval criteria, the department may, at its discretion, place conditions on approval, or revoke approval. The department may also require the manual holder to amend its manual to incorporate the change.

(3) Within thirty calendar days of making a change to the operations manual, the facility owner or operator shall distribute the amended page(s) of the plan to ecology and other manual holders.

(4) Manuals shall be reviewed by ecology every five years. Manuals shall be submitted for reapproval unless the manual holder submits a letter requesting that ecology review the manual already in the department's possession. The manual holder shall submit the manual or such letter at least one hundred eighty calendar days in advance of the manual expiration date.

(5) Ecology may review a manual and require changes following any spill for which the manual holder is responsible.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-120, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-130 Noncompliance with manual requirements. Any violation of this chapter may be subject to the enforcement sanctions of chapter 90.48 RCW.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-130, filed 5/4/94, effective 6/4/94.]

WAC 173-180B-140 Severability. If any provision of this chapter is held invalid, the remainder of this rule is not affected.

[Statutory Authority: RCW 90.56.230. 94-10-083, § 173-180B-140, filed 5/4/94, effective 6/4/94.]