Programs and Technical Guidance Policy No. 5.05.3

Subject: Temporarily Closed Underground Storage Tank System

Contact: Assessment Team Supervisor

References: WAC 173-360A-0800 Temporary Closure of UST Systems

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I. Purpose

This policy outlines the requirements for a temporarily closed underground storage tank (UST) system to enter and remain in the Financial Assurance (FA) Program.

The Pollution Liability Insurance Agency (PLIA) does not determine if a tank has met the requirements to be considered temporarily closed. PLIA facility assessors may determine if a UST facility is meeting requirements to remain eligible for FA coverage.

II. Scope

This policy applies to FA program applicants and participants.

III. Definitions

Financial Assurance Request (FAR) - A request for payment from the FA program.

Permanently closed UST system – A UST system that has been emptied and removed as required under WAC 173-360A-0810.

Temporarily closed UST System - A closed UST system that will reopen, undergo a change-in-service, or be permanently closed in the future. WAC 173-360A-0800.

Upgrade and performance standards – Requirements to help prevent leaks due to spills, overfilling, and structural failures of USTs as established under WAC 173-360A-0310 through 0330 and 40 CFR 280.20 and 280.21.

IV. Policy

A. Temporarily closed UST system.

You must comply with all state and federal UST regulations for financial responsibility coverage under the FA program. Chapter 173-360A WAC and 40 CFR Part 280.

You may choose to temporarily close your UST system, if you intend to either (a) return the UST to full operation, or (b) permanently close the system. Under WAC 173-360A-0800, you must follow these general requirements when temporarily closing your UST system.

1. **Close the UST** and notify the Department of Ecology (Ecology) within 30 days.
2. **Empty the closed UST system** of all materials. This also requires notifying Ecology.
3. **Maintain regulatory compliance** to include having corrosion protection and paying annual tank fees. You may, however, stop leak prevention and detection activities while the UST is closed. As listed in WAC 173-360A-800(3a)(3b), you may suspend:
    a. Walkthrough inspections, monitoring and tightness tests of spill prevention equipment.
    b. Walkthrough inspections of leak detection equipment, containment sumps, and hydrant puts and vaults.
    c. Inspections of overfill prevention equipment.
    d. Monitoring and tightness tests of containment sumps for interstitial monitoring.
    e. Tests of leak detection equipment.
4. **Permanently close the UST system** within 12 months if applicable performance standards or upgrade requirements are not met. You may also choose to permanently close your UST if that better meets your business needs.

    Or

5. **Reopen the UST system** by notifying the Department of Ecology and meeting the following requirements. As listed in WAC 173-360A-0800(5), you must:
    a. Test and inspect USTs for tightness.
    b. Complete spill and overflow prevention testing.
    c. Test and inspect release detection and containment equipment.

    Or

6. **Complete a site assessment** that meets the requirements outlined in 40 CFR §280.72 and the state cleanup standards, WAC 173-360A-0730.

Ecology approves temporary closure status. You should review the UST Closure webpage and contact Ecology if you need additional information about your closure status.

1. Federal regulations require temporarily closed UST systems to maintain financial responsibility, such as FA coverage.
2. State regulations, through Ecology, allow financial responsibility to be temporarily suspended only if:
    a. The UST system has been emptied to less than an inch of product and the piping is emptied; and
    b. A site assessment around the UST system is done and given to Ecology after it is emptied.

    Note: You may not need a site assessment if the leak has already been reported to Ecology and is in active cleanup, or further cleanup action is needed. For details about site assessments, see guidance at Ecology's webpage on underground storage tank closures.

There must be action taken on the UST system within 12 months of closure to maintain financial responsibility under the FA program.

B. Temporarily closed UST applying for FA coverage.

During the application process, PLIA's FA facility assessors will verify the UST system meets the regulations under WAC 173-360A-0800 before you can enroll. The FA facility assessor may advise you how to

comply with regulations. Your application may be denied if you fail to meet these regulations.

1. You must provide the following information to determine if your closed UST is eligible for FA enrollment.
    a. Reason for closure.
    b. Expected duration of closure.
    c. Name of company doing any work on or around the UST system.
    d. Brief description of work to be completed.
2. You must have a site assessment done on any UST closed for 12 months once enrolled in FA.
3. The site assessment must meet the requirements outlined in 40 CFR §280.72 and the state cleanup standards in WAC 173-360A-0730.
4. FA enrollment does not cover the costs of a site assessment for a closed UST. If a release is confirmed during the site assessment, it will be considered a pre-existing release. To address the release, you may apply for a pre-existing release FAR.
5. To re-enroll in the FA program after the first year of coverage, you must take one of these actions on your temporarily closed tank during the initial 12-month enrollment.
    a. Schedule and conduct a site assessment. This should be done within three months of your re-enrollment date. If necessary, PLIA may grant an extension to when to conduct a site assessment.

    Or

    b. Re-open your temporarily closed UST.

    Or

    c. Permanently close your temporarily closed UST.
6. If you take no action at the time of the re-enrollment date, PLIA may end your enrollment.
7. You may re-apply for the FA Program once you have met the requirements above.

C. Temporary closure during FA enrollment.

You may temporarily close your UST system during your FA enrollment. Temporarily closed systems must reopen, have a site assessment completed, or be permanently closed within 12 months. The system must also fully comply with the requirements under WAC 173-360A-0800.

1. You must inform the FA project planner of the following to maintain coverage during the closure.
    a. Reason for closure.
    b. Expected duration of closure.
    c. Name of company doing any work.
    d. Brief description of work to be completed.
2. FA coverage will not pay for activities to permanently close your UST system unless the closure is part of cleanup activities under a FAR.
3. If a leak is discovered during temporary closure, you must follow the reporting requirements under WAC 173-360A-0750.
    a. If the leak occurred before FA enrollment, then coverage is limited to the $1 million pre-enrollment funding limit with cost recovery requirements. You must file a FAR with PLIA to determine your eligibility.
    b. If the leak occurs during FA enrollment, you are eligible for coverage up to $2 million for your UST system. You must file a FAR with PLIA to determine your eligibility.
    c. Any claim for FA coverage requires enrollment in PLIA's Technical Assistance Program.

For more information about FA coverage and temporarily closed UST systems, contact PLIA at 1-800-822-3905 or by email at PLIAmail@plia.wa.gov.

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