

**CHAPTER 173–180C WAC
FACILITY PERSONNEL OIL–HANDLING TRAINING
AND CERTIFICATION**

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WAC

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WAC 173–180C–010 Purpose. The purpose of this chapter is to establish onshore and offshore facility personnel oil–handling training and certification requirements which, when followed, will:

- (1) Provide improved protection of Washington waters and natural resources by preventing oil spills caused by human factors;
- (2) Ensure that key facility personnel involved in oil–handling operations are adequately trained and have demonstrated competency; and
- (3) Establish certification that personnel are in compliance with training requirements.

[Statutory Authority: RCW 90.56.220. 93–01–089 (Order 91–64), § 173–180C–010, filed 12/16/92, effective 1/16/93.]

WAC 173–180C–020 Authority. RCW 90.56.220 provides statutory authority for the personnel training and certification requirements established by this chapter.

[Statutory Authority: RCW 90.56.220. 93–01–089 (Order 91–64), § 173–180C–020, filed 12/16/92, effective 1/16/93.]

WAC 173–180C–030 Definitions.

- (1) “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.
- (2) “Cargo vessel” means a self–propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.
- (3) “Certification” means the documentation that a facility employee has met all requirements of

an oil spill prevention training and job competency program that meets the requirements of this chapter.

- (4) “Department” means the state of Washington department of ecology.
- (5) “Director” means the director of the state of Washington department of ecology.
- (6) “Discharge” means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.
- (7)(a) “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 both:
 - (i) Transfers oil in bulk to or from a tank vessel or pipeline; and
 - (ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.
- (b) A facility does not include any:
 - (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state, or while transferring oil to or from the rolling stock;
 - (ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;
 - (iii) Motor vehicle motor fuel outlet;
 - (iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or
 - (v) Marine fuel outlet that dispenses three thousand gallons or less of fuel in a single transaction to a ship other than a tank vessel, cargo vessel, or passenger vessel. Marine fuel outlets that dispense more than three thousand gallons of fuel to any vessel in a single transaction do not meet this exemption.
- (8) “Gross ton” means a vessel’s approximate volume as defined in Title 46, United States Code of Federal Regulations, Part 69.
- (9) “Human factors” means human conditions, such as inadequate knowledge or fatigue, which can lead to incompetency or poor judgment.
- (10) “Human factor risks” means risks of causing an oil spill due to the effects of human factors on competency and judgment.
- (11) “Indirect operations” means involvement in on-site activities, such as new construction, in a capacity that indirectly involves the risk of an oil spill to waters of the state due to potential impacts to nearby oil-handling operations (e.g., operating digging equipment next to an active transfer pipeline).
- (12) “Key” means a position with direct responsibility for performing or overseeing the transfer, storage, handling, or monitoring of oil at a facility, or a job function where typical human factors present the probability of a spill occurring.
- (13) “Maintenance” means direct involvement in maintaining and repairing the equipment used for the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state.
- (14) “Management” means direct involvement in managing the transfer, storage, handling, or monitoring of oil at a facility by setting operations policies and procedures that involve the risk of an oil spill to waters of the state.
- (15) “Marine facility” means any facility used for tank vessel wharfage or anchorage, including

any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

- (16) “Maximum extent practicable” means the highest level of effectiveness that can be achieved through the use of facility personnel and best achievable technology. In determining what is the maximum extent practicable, the director shall consider, at a minimum, the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.
- (17) “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.
- (18) “Offshore facility” means any facility, as defined in subsection (7) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.
- (19) “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, including oil-contaminated ballast or bilge water. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. 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.
- (20) “Onshore facility” means any facility, as defined in subsection (7) of 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.
- (21) “On-the-job training” means learning procedures and equipment use through observation of experienced and competent personnel, and supervised hands-on practice.
- (22) “Operations” means direct involvement in the transfer, storage, handling, or monitoring of oil at a facility in a capacity that involves the risk of an oil spill to waters of the state. This functional group includes but is not limited to the person-in-charge, storage tank operators, pipeline operators, and oil transfer monitors.
- (23)(a) “Owner or operator” means:
- (i) In the case of an onshore or offshore facility, any person owning or operating the facility; and
 - (ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.
- (b) “Operator” does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.
- (24) “Passenger vessel” means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.
- (25) “Person” means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

- (26) “Person-in-charge” means the individual identified as the person in charge of transfer operations as required under 33 C.F.R. 154.710.
- (27) “Personnel” means individuals employed by, or under contract with, a facility.
- (28) “Pipeline” means, for the purposes of subsection (7)(a) (i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (7)(a) of this section.
- (29) “Ship” means any boat, ship, vessel, barge, or other floating craft of any kind.
- (30) “Spill” means an unauthorized discharge of oil which enters waters of the state.
- (31) “Supervisory” means involvement in directly supervising the transfer, storage, handling, or monitoring of oil at a facility by implementing operations policies and procedures that involve the risk of an oil spill to waters of the state.
- (32) “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:
 - (a) Operates on the waters of the state; or
 - (b) Transfers oil in a port or place subject to the jurisdiction of this state.
- (33) “Waters of the state” includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands 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 90.56.220. 93-01-089 (Order 91-64), § 173-180C-030, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-040 Applicability. Personnel oil-handling training and certification programs for onshore and offshore facilities must be developed, approved, and implemented, pursuant to requirements in this chapter.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-040, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-050 Training requirements.

- (1) Each onshore and offshore facility shall develop and implement oil spill prevention training for key supervisory, operations, maintenance, management, and indirect operations personnel identified pursuant to subsection (3) of this section. Training shall be designed, to the maximum extent practicable, to promote job competency and environmental awareness for the purpose of preventing oil spills. Non-English speaking personnel subject to the facility’s training requirements shall be trained in a manner that allows comprehension by such personnel.
- (2) Oil spill prevention training programs must be approved by the department pursuant to WAC 173-180C-080.
- (3) The facility shall identify, in writing, the specific position titles which the facility has identified to be subject to its oil spill prevention training requirements. In making this determination, the facility shall evaluate the functions of facility personnel positions using the definitions of

“key,” “supervisory,” “operations,” “maintenance,” “management,” and “indirect operations” under WAC 173–180C–030. For cases where certain job titles associated with indirect operations can not be identified in advance, the facility shall identify the types of job orders or work sites which may involve the need for indirect operations oil spill prevention training.

- (4) The facility shall identify, in writing, the specific initial classroom and/or on–the–job oil spill prevention training requirements for each position, including minimum hours, that are appropriate for each position given the facility’s training needs and human factor risks.
- (5) Requirements for training of operations and supervisory personnel shall focus on building personnel competency in operating procedures and spill prevention systems specific to the facility. Oil spill prevention training requirements shall incorporate the following training topics at a minimum:
 - (a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;
 - (b) Operating procedures and checklists specific to trainee’s job function;
 - (c) Problem assessment, including recognition of human factor risks and how they can be minimized;
 - (d) Awareness of preventative maintenance procedures;
 - (e) Awareness of local environmental sensitivity and oil spill impacts;
 - (f) Major components of facility’s oil spill prevention plan;
 - (g) Major components of facility’s operations manual;
 - (h) Major components of facility’s oil spill contingency plan;
 - (i) Decision–making for abnormal operating events and emergencies, including emergency spill prevention and safe shut down conditions, responsibilities, and procedures;
 - (j) Routine and emergency communications procedures;
 - (k) Overview of applicable oil spill prevention and response laws and regulations; and
 - (l) Drug and alcohol use awareness, pursuant to WAC 173–180D–060(11).
- (6) Requirements for initial oil spill prevention training of management personnel shall incorporate the following training topics at a minimum:
 - (a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at the facility;
 - (b) Management role in operations and oil spill prevention;
 - (c) Recognition of human factor risks and how they can be minimized;
 - (d) Awareness of local environmental sensitivity and oil spill impacts;
 - (e) Major components of facility’s oil spill prevention plan;
 - (f) Major components of facility’s operations manual;
 - (g) Major components of facility’s oil spill contingency plan;
 - (h) Decision–making for abnormal operating events and emergencies, including emergency spill prevention and safe shut down conditions, responsibilities, and procedures;
 - (i) Overview of applicable oil spill prevention and response laws and regulations; and
 - (j) Drug and alcohol use awareness, pursuant to WAC 173–180D–060(11).

- (7) Requirements for initial oil spill prevention training of maintenance personnel shall incorporate the following training topics at a minimum:
 - (a) Overview of all oil handling, transfer, storage, and monitoring/leak detection operations at applicable maintenance work sites within the facility;
 - (b) Equipment problem assessment and preventative maintenance procedures;
 - (c) Awareness of local environmental sensitivity and oil spill impacts;
 - (d) Major components of facility's oil spill prevention plan;
 - (e) Major components of facility's operations manual;
 - (f) Major components of facility's oil spill contingency plan;
 - (g) Emergency spill prevention and safe shut down conditions, responsibilities, and procedures;
 - (h) Overview of applicable oil spill prevention and response laws and regulations; and
 - (i) Drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).
- (8) Requirements for initial oil spill prevention training of indirect operations personnel shall incorporate the following training topics at a minimum:
 - (a) Overview of oil handling, transfer, storage, and monitoring/leak detection operations at specific indirect operations work site within the facility;
 - (b) Awareness of local environmental sensitivity and oil spill impacts;
 - (c) Notification procedures for emergency spill prevention actions; and
 - (d) For facility employees, drug and alcohol use awareness, pursuant to WAC 173-180D-060(11).
- (9) Training topics identified in subsections (5) through (8) of this section, do not prescribe fixed subject titles for class outlines or training organization. Facilities may combine or integrate these topics as appropriate, but must ensure that information on each topic is presented in the applicable personnel training program.
- (10) The facility shall identify, in writing, the specific oil spill prevention continuing education requirements for each affected position, including minimum hours, that are appropriate given the facility's training needs and human factor risks. Ongoing training shall occur at least annually, and at a minimum address:
 - (a) Any changes in the core topics identified in subsections (5) through (8) of this section, unless affected personnel have already been informed about the change after its occurrence;
 - (b) Refresher awareness training on environmental sensitivity and oil spill impacts;
 - (c) Review and analysis of oil spills which have occurred during the past year;
 - (d) Refresher training on emergency spill prevention procedures; and
 - (e) For key supervisory, operations, and management personnel, a practice exercise of the facility's procedures for preventing a spill during a particular abnormal operations event.
- (11) Facilities are encouraged to apply or modify existing training programs required under federal Process Safety Management requirements (29 C.F.R. 1910), Coast Guard Person-in-charge requirements (33 C.F.R. 154.710), and other federal/state training requirements in order to meet the above oil spill prevention training requirements.

- (12) Existing personnel that have entered their current position prior to adoption of this chapter can be regarded as having met the facility's initial oil spill prevention training requirements if:
 - (a) The facility has documented that those personnel have received the required training in the past; or
 - (b) The facility attests in writing and in detail how those personnel have had on-the-job training or other experience equivalent to the facility's initial training requirements including type and frequency of past training when known.
- (13) Facilities shall develop follow up remedial training for personnel clearly responsible for causing an oil spill while functioning in their position, unless such personnel no longer occupy a position identified under subsection (3) of this section.
- (14) Contractors hired by the facility to perform key supervisory, operations, maintenance, management, or indirect operations functions, as identified by the facility under subsection (3) of this section, are considered "personnel" for the purposes of this chapter, and shall be subject to the same oil spill prevention training requirements as facility employees. The facility is responsible to validate that such contractors have met the facility's oil spill prevention training requirements before they perform a key supervisory, operations, maintenance, management, or indirect operations function.
- (15) Facilities shall develop minimum training and/or experience qualifications for trainers who will demonstrate facility-specific procedures, equipment use, supervise practice sessions, and provide other on-the-job training to new operations personnel.
- (16) Facilities shall develop and maintain written oil spill prevention training materials, such as training manuals or checklists.
- (17) Oil spill prevention training shall be documented, and records shall be kept at the facility in a central and accessible location for at least five years from the date of training completion.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-050, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-060 Certification program.

- (1) Each onshore and offshore facility shall develop and implement a program to certify that key supervisory and operations personnel identified pursuant to WAC 173-180C-050(3) have met the facility's oil spill prevention training program requirements, and are competent to perform the operations or supervisory functions associated with their position. The facility is not required to certify personnel other than key supervisory and operations personnel. The certification program shall be designed, to the maximum extent practicable, to ensure job competency and environmental awareness for the purpose of preventing oil spills.
- (2) Certification programs must meet minimum criteria pursuant to WAC 173-180C-070.
- (3) Certification programs must be approved by the department pursuant to WAC 173-180C-080.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-060, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-070 Minimum criteria for certification programs.

- (1) The facility oil spill prevention certification program shall address all key supervisory and operations personnel identified pursuant to WAC 173-180C-050(3).

- (2) The facility shall develop and maintain written certification procedures, including:
 - (a) Minimum competency requirements to achieve certification;
 - (b) The process to develop and test competency in key supervisory and operations personnel;
 - (c) The process to issue and track certificates; and
 - (d) Policies regarding loss or lack of certified status.
- (3) The facility shall maintain a written certificate or other record for supervisory and operations personnel which have met the facility's certification requirements. This record shall document:
 - (a) The certified individual's name and position;
 - (b) Types and hours of training completed;
 - (c) Name of trainer;
 - (d) Results of performance tests and evaluations; and
 - (e) Signatures of the trainee and trainer.
- (4) Copies of certification records shall be kept at the facility in a central and accessible location for at least five years from the date of certification.
- (5) The facility certification program shall incorporate methods to evaluate and confirm job competency, including:
 - (a) A written examination, or oral examination documented in writing, which tests general knowledge about training topics identified under WAC 173-180C-050(5), with an appropriate passing score established by the facility;
 - (b) A practical evaluation of understanding and performance of routine and emergency operations specific to a position's job function, including:
 - (i) Observation of performance of each oil handling, transfer, storage, and monitoring duty assigned to a position prior to unsupervised performance of that duty; and
 - (ii) Practice exercises involving procedures to prevent a spill during abnormal operations events.
- (6) The facility's program shall only provide for certification of an individual who has:
 - (a) Met the facility's oil spill prevention initial training requirements tied to the individual's position, as developed pursuant to WAC 173-180C-050(4); and
 - (b) Passed a competency evaluation developed under subsection (5) of this section.
- (7) Recertification shall occur at least once every three years, based on:
 - (a) Successful completion of continuing education requirements; and
 - (b) Satisfactory performance in a reevaluation of competency as developed under subsection (5) of this section.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-070, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-080 Program approval.

- (1) Facilities must develop or modify their training and certification program to meet rule criteria, begin implementing the program, and if necessary, update the description of this program in

their oil spill prevention plan pursuant to chapter 173–180D WAC requirements:

- (a) Within twelve months from adoption of this rule, for facilities with combined pipeline and aboveground tank oil storage capacity of one million gallons or more; and
 - (b) Within eighteen months from adoption of this rule, for facilities with combined pipeline and aboveground tank oil storage capacity of less than one million gallons.
- (2) Within six months from the date that facilities must meet rule criteria pursuant to subsection (1) of this section, the facility shall have conducted its certification procedures, as developed pursuant to WAC 173–180C–070(2), for all existing personnel that are subject to the facility’s certification requirements and have entered their current position prior to adoption of this chapter.
- (3) The department shall review the facility’s training and certification program after the date that facilities must meet rule criteria pursuant to subsection (1) of this section. This review shall be accomplished by a general on–site inspection by the department through evaluation of the facility’s training materials, testing records and certification records, and consultation with personnel.
- (4) The department will notify facilities regarding approval status within thirty calendar days from completing inspections performed under subsection (2) of this section.
- (5) Facilities that do not receive approval will have ninety calendar days to address deficiencies in their training and certification program, with options for a time extension based on the department’s discretion. For those personnel that were trained or certified after the deadlines established in subsection (1) of this section but prior to program approval, retraining or recertification of such personnel due to changes required by the department’s approval process can be postponed until the next retraining or recertification cycle as established by the facility pursuant to this chapter.
- (6) Training and certification program approval is valid for five years. Significant changes to the facility’s program must be documented through an update of the facility’s prevention plan pursuant to chapter 173–180D WAC requirements. Minor upgrades in training and certification programs, such as expansion of training hours or updates to testing materials, are not required to be submitted to the department through a prevention plan update. The department may perform announced and unannounced inspections at facilities to verify compliance.
- (7) A training and certification program shall be approved if, in addition to meeting criteria in WAC 173–180C–060 and 173–180C–070, it demonstrates that when implemented, it can, to the maximum extent practicable:
- (a) Provide protection from human factor oil spill risks identified in the risk analysis required by WAC 173–180D–060(16);
 - (b) Minimize the likelihood that facility oil spills will occur and minimize the size and impacts of those facility oil spills which do occur;
 - (c) Provide effective oil spill prevention training to key supervisory, operations, maintenance, management, and indirect operations personnel;
 - (d) Ensure proper evaluation of job competency; and
 - (e) Provide an effective system to clearly document and track personnel training and certification.

- (8) When reviewing programs, the department shall, in addition to the above criteria, consider the following at a minimum:
- (a) The volume and type of oil(s) handled by facility, and frequency of oil-handling operations;
 - (b) Number of facility personnel;
 - (c) The history and circumstances of prior spills by similar types of facilities, including spill reports by ecology on-scene coordinators;
 - (d) Inspection reports;
 - (e) The presence of hazards unique to the facility, such as seismic activity or production processes; and
 - (f) The sensitivity and value of natural resources that could be affected by a spill from the facility.
- (9) The department may approve a program with an expedited review as set out in this section if that program has been approved by a federal agency or other state which the department has deemed to apply approval criteria which equal or exceed those of the department.
- (10) If the program receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates pursuant to subsection (6) of this section.
- (a) The department may conditionally approve a program by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the program are resubmitted and approved.
 - (i) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours or favorable weather conditions. Precautionary measures may also include additional requirements to ensure availability of response equipment.
 - (ii) A facility shall have thirty calendar days after the department gives notification of conditional status to make the required changes, with the option for an extension at the department's discretion. Facilities which fail to meet conditional requirements or make required changes in the time allowed shall lose conditional approval status.
 - (b) If approval is denied or revoked, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of deficiencies. The facility may be subject to penalties identified in WAC 173-180C-095.
 - (c) The department's decisions under this chapter are reviewable in superior court.
 - (d) Approval of a training and certification program by the department does not constitute an express assurance regarding the adequacy of the program nor constitute a defense to liability imposed under state law.
- (11) The department shall prepare guidance material to aid department staff responsible for program review. This material shall be made available to facility staff and other interested parties. While the guidance manual will be used as a tool to conduct review of a program, the department will not be bound by the contents of the manual. Oil spill prevention training and test materials developed by the department for technical assistance purposes may be used to meet part of a facility's training and certification program requirements under this chapter.

(12) The department may review a program following any spill at the facility.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-080, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-090 Inspections. The department may verify compliance with this chapter by announced and unannounced inspections in accordance with RCW 90.48.090.

(1) During inspections, department staff may require appropriate facility personnel to demonstrate proof of training and certification.

(2) The department shall endeavor to provide a completed inspection report to the facility owner and operator within thirty calendar days from the inspection date.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-090, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-095 Noncompliance with requirements. Any violation of this chapter may be subject to enforcement and penalty sanctions of RCW 90.48.144 as amended by section 27, chapter 73, Laws of 1992. These penalties include a civil penalty of up to ten thousand dollars a day for every violation.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-095, filed 12/16/92, effective 1/16/93.]

WAC 173-180C-098 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: RCW 90.56.220. 93-01-089 (Order 91-64), § 173-180C-098, filed 12/16/92, effective 1/16/93.]