



Department Policy & Procedure

Subject: Removal and/or abandonment of underground storage tanks in streets and alleys. SMC 3-12-020	Number	93-5
	Effective	April 3, 1994
Approved: <i>[Signature]</i> Department: Engineering	Supersedes	N/A
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1.0 Purpose:

- 1.1 To establish standard operating instructions for the removal and/or abandonment of underground storage tanks in street and alley rights-of-way.

2.0 Organizations Affected:

- 2.1 Seattle Engineering Department
- 2.2 Seattle Fire Department
- 2.3 Permittees who are responsible for operation and maintenance of underground storage tanks in street and alley rights-of-way.

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3.0 References:

- 3.1 Title 15, Chapter 15.04 of the Seattle Municipal Code
- 3.2 Section 79.13 of Seattle Fire Code

4.0 Policy:

- 4.1 It is the policy of the Seattle Engineering Department to require the removal of underground storage tanks located in street and alley rights-of-way when the Permittee is no longer in compliance with Title 15, Chapter 15.04 of the Seattle Municipal Code. Where the majority of a tank lies beneath the area behind the curb (area between the curb and the property line), the portion of the tank lying deeper than eight feet (8') may be abandoned in place.
- 4.2 Payment of the annual street use fees and continued maintenance of the storage tank surety bond by the Permittee will no longer be required in such cases where the tank has been abandoned under authority of a Seattle Fire Department permit issued prior to the effective date of this administrative rule.
 - 4.2.1 When a tank has been filled and abandoned without City authorization (Seattle Fire Department permit and/or Seattle Engineering Department street use permit) prior to the effective date of this administrative rule, payment of the annual street use fee for the tank will no longer be required if the owner of the property adjacent to the tank signs an indemnity agreement covering the abandoned tank (see attached Exhibit "A"). The agreement shall be recorded with the King County Director of Records & Elections and shall run with the property until such time as said tank is completely

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removed from the street/alley right-of-way. If the owner declines to provide the indemnity agreement, Permittee shall either: 1) remove the tank or 2) continue to pay the annual street use fee and maintain the storage tank surety bond.

- 4.2.2 If utilities, structures, or other installations near an underground tank cause the cost of removing the tank to substantially increase and place an unreasonable hardship on the Permittee, the Seattle Engineering Department may reduce the annual fee if the owner of the property adjacent to the tank signs an indemnity agreement covering the tank (see attached Exhibit "A"). The agreement shall be recorded with the King County Director of Records & Elections, and run with the property until such time as the underground tank has been completely removed from the street/alley right-of-way. If the owner declines to provide the indemnity agreement, Permittee shall either: 1) remove the tank, or 2) continue to pay the maximum annual fee and maintain the storage tank surety bond.

5.0 Definitions:

- 5.1 Permittee - Individuals and/or companies, who obtained street use permits allowing the placement and/or continued operation and maintenance of underground storage tanks in street and alley rights-of-way, their purchasers or assignees, heirs or administrators, or other successors; also, individuals and/or companies who have made use of the tank, their purchasers or assignees, heirs or administrators, or other successors in interest of the property adjoining the tank.
- 5.2 Standard Specifications - The City of Seattle Standard Specifications for Road, Bridge, and Municipal Construction and The City of Seattle Standard Plans for Municipal Construction.
- 5.3 Street Use Permit - Permit issued by the Seattle Engineering Department for the removal, abandonment, or the placement, operation, and maintenance of an underground storage tank in City of Seattle street and alley rights-of-way. The permit is issued in accordance with Title 15, Chapter 15.04 of the Seattle Municipal Code and City of Seattle Ordinance 90047.

6.0 Activities of the Seattle Fire Department (SFD):

- 6.1 SFD determines if a fire department permit is required for the removal or abandonment of the underground storage tank.
- 6.2 If a tank, which is to be abandoned or removed, requires a fire department permit, the permit is to be obtained prior to conducting any decommissioning work to the tank.
- 6.3 Whenever an application is made for a fire department permit to abandon or remove an underground storage tank in street and/or alley rights-of-way, SFD checks that a street use permit has been obtained

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for the abandonment or removal of the tank prior to the issuance of the fire department permit.

7.0 Responsibilities:

7.1 Seattle Engineering Department (SED) Responsibility

- 7.1.1 SED issues a permit to excavate, backfill, and permanently restore the street/alley right-of-way and/or to abandon the tank when applicable.
- 7.1.2 SED inspects the: 1) traffic control for the work to be done; 2) shoring of the excavation for the removal of the tank; 3) backfill of the excavation; and 4) permanent restoration of the right-of-way surface. If portions of the tank are to be abandoned in place, SED also inspects the : 1) removal of those portions of the tank lying within eight feet of the surface; and 2) placement of fill material in the remainder of tank lying deeper than eight feet beneath the surface of the street/alley right-of-way.

7.2 Permittee Responsibility

- 7.2.1 Permittee shall check that its contractor has obtained permit(s) from the Seattle Engineering Department for the excavation/shoring work to remove the tank, backfill, and permanently restore the street/alley right-of-way or to abandon the tank when applicable.
- 7.2.2 Permittee is to contact the Seattle Fire Department to determine if a fire department permit is needed for safeguarding the tank for removal or abandonment. If the permit is required, Permittee shall check that its contractor has obtained the fire department permit.
- 7.2.3 Permittee shall check that the State of Washington Department of Ecology has been contacted in the manner prescribed by law for notification that the tank is to be removed and/or abandoned.
- 7.2.4 Permittee and/or its contractor shall guaranty for a period of five years the integrity of their backfill and street restoration work done in conjunction with the removal or abandonment of the tank.

8.0 Procedures:

8.1 Removal of the underground tank.

- 8.1.1 Permittee and/or its contractor shall obtain a permit from the Seattle Engineering Department to excavate, backfill, and permanently restore the street/alley right-of-way in which the tank lies.

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- 8.1.2 Permittee and/or its contractor shall contact the Seattle Fire Department to determine if a fire department permit is needed for safeguarding the tank for removal. If a permit is required, Permittee and/or its contractor shall obtain the fire department permit.
 - 8.1.3 Permittee and/or its contractor shall notify the State of Washington Department of Ecology in the manner prescribed by law that the tank is to be removed.
 - 8.1.4 Permittee and/or its contractor shall excavate, remove the tank, backfill the excavation, and permanently restore the street/alley right-of-way in the manner required by the permits obtained for this work.
 - 8.1.5 If contaminated soil is found, the State of Washington Department of Ecology shall be contacted by the Permittee and/or its contractor for the course of action to be taken to eliminate the contamination. In any event, excavations shall not remain open for more than one week.
 - 8.1.6 Backfill and permanent street/alley restoration shall be done by the Permittee and/or its contractor. The integrity of the backfill and restoration work shall be guaranteed by the Permittee and/or its contractor for a period of five years from the date the Seattle Engineering Department inspects this work.
- 8.2 Abandonment of the underground tank.
- 8.2.1 Permittee has the option to abandon those portions of its tank lying behind the curb (area between the curb and property line) and deeper than eight feet beneath the surface of the sidewalk/planting strip area. Permittee must submit in writing to the Seattle Engineering Department that it is exercising this option.
 - 8.2.2 The Seattle Engineering Department will notify Permittee that the tank may be abandoned subject to:
 - 1) Portions of the tank lying within 8 feet of the surface of the sidewalk/planting strip shall be completely removed. Any portion of the tank lying between the curbs of the street or in an alley shall be completely removed.
 - 2) The portion of the tank remaining in the ground shall be completely filled with a material approved by the Seattle Engineering Department.
 - 8.2.3 Permittee and/or its contractor shall obtain a street use permit from the Seattle Engineering Department for the work to be done to abandon the tank.
 - 8.2.4 Permittee and/or its contractor shall contact the

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Seattle Fire Department (SFD) after obtaining the required street use permit from the Seattle Engineering Department. (SFD reviews the procedures for abandonment of the tank and must approve them prior to the beginning of the abandonment work.) If a permit is required from SFD for the abandonment of the tank, Permittee and/or its contractor are to obtain the fire department permit before starting the work under the street use permit.

- 8.2.5 Permittee and/or its contractor shall notify the State of Washington Department of Ecology in the manner prescribed by law that the tank is to be abandoned in place.
- 8.2.6 Permittee and/or its contractor shall perform the abandonment work in the manner required by the permits and approvals obtained for this work.
- 8.2.7 If contaminated soil is found, the State of Washington Department of Ecology shall be contacted by the Permittee and/or its contractor for the course of action to be taken to eliminate the contamination. Excavations shall not remain open for more than one week.
- 8.2.8 Backfill and permanent street/alley restoration shall be done by the Permittee and/or its contractor. The integrity of the backfill and restoration work shall be guaranteed by the Permittee and/or its contractor for a period of five years from the date the Seattle Engineering Department inspects this work.

9.0 Appeals:

- 9.1 All decisions of the Seattle Engineering Department may be appealed by the Permittee within ten days after such decision. The appeal is to be submitted in writing to:

Street Use Appeals Board
Suite 400, Seattle Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

EXHIBIT "A"

Public Place Indemnity Agreement

This Indenture made and entered into the _____ day of _____, 19____, by _____ owner (hereinafter called the indemnators) of the real property hereinafter described.

WITNESSETH

That for in consideration of permission to occupy _____ (Insert description of portion of public place in which tank lies.)

_____, by abandoning underground storage tank(s) in front of or adjacent to the following described real estate situate in King County, Washington, to-wit: _____

for and behalf of themselves, their heirs, executors, administrators, successors, assigns, lessees, sub-lessees, tenants and sub-tenants, do, by these presents, hereby covenant and agree to forever hold and save the City of Seattle free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use or occupation of the above described public place.

This agreement is and shall be deemed to be a covenant attaching to and running with the above described real estate.

It is understood and agreed by the indemnators that the permission to abandon the underground storage tank(s) in the above described public place is wholly of a temporary nature, vests no permanent rights whatsoever, and that upon thirty (30) days notice, posted on the premises, or by publication in the official newspaper of The City of Seattle, or without such notice, in case such use or occupation shall become dangerous, the abandoned underground storage tank(s) shall be removed by the indemnators.

IN WITNESS WHEREOF, the persons above named have hereunto set their hands and seals, and the corporations above named have caused this indenture to be duly executed by their respective corporate officers thereunto duly authorized so to do, and attested by their respective corporate seals, the day and year first above written.

STATE OF WASHINGTON,
County of King.) ss.

This is to certify that on this _____ day of _____ 19____, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared _____

to me known to be the individuals described in, and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal, the day and year first above written.

Notary Public in and for the State of Washington, residing at Seattle.

STATE OF WASHINGTON,
County of King.) ss.

This is to certify that on this _____ day of _____ 19____, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared _____

_____ and

to be known to be the President and Secretary, respectively of _____

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal the day and year in this certificate first above written.

Notary Public in and for the State of Washington, residing at Seattle.