

<p align="center"><b>USCG/ECOLOGY MOA</b></p>	<p align="center"><b>Protocols Manual</b></p>	<p>Procedure: 4 Page: Page 1 of 9 Revision: 06/26/2007</p>
<p align="center"><b>Facility Inspections</b></p>		

## 1. PURPOSE/SCOPE

The purpose of the Facility Inspections Protocol is to coordinate facility inspection activities, and Operations Manual review and approval, as feasible, to maximize the effectiveness of available Department of Ecology (“Ecology”) and the U.S. Coast Guard District Thirteen (“USCG”) resources devoted to land-based and mobile oil handling facility spill prevention. Instructions contained in this protocol apply to bulk Marine Transfer-Related (MTR) facilities and mobile transfer facilities, listed in Appendices I and II, both currently regulated by Ecology and USCG.

## 2. AUTHORITY/REFERENCES

Memorandum of Agreement on Pollution Prevention and Response between the Commander, Thirteenth Coast Guard District and the state of Washington executed on June 26, 2007. Section V- Prevention of Oil and Hazardous Substances Spills, specifically:

*E. Facility Inspections: Facility inspections are conducted by both Parties to ensure compliance with pollution prevention and response regulations. The State has statutory responsibility for both offshore and onshore facilities and their operation within the state. Included in this responsibility is the requirement to establish regulations and inspection programs governing oil transfers at facilities. This includes regulation and inspection of oil transfer operations between facilities and tank vessels. The Parties agree to develop a protocol to coordinate their respective facility inspection programs.*

*1. The Parties will coordinate their respective inspection and monitoring activities to the extent practicable to utilize the resources of both Parties efficiently and effectively. Cognizant inspectors from both Parties may carry out inspections and other activities jointly when appropriate.*

*2. Ecology will promptly inform the cognizant Captain of the Port, and the Coast Guard will promptly inform Ecology of any situation or circumstance relative to facilities on or near State waters whose operation or equipment may significantly increase the potential for an unauthorized discharge or create an unusual or an unacceptable risk to public health and safety, and/or the environment.*

### ***Ecology***

#### Statutes

RCW 90.48

RCW 90.56

**Facility Inspections**

Regulations

*WAC Chapter 173-180*

*WAC Chapter 173-182*

Documents/Forms

*Facility inspection checklist\**

*Facility Oil Transfer Inspection Checklist*

*Facility operations manuals\**

*Facility spill prevention plans\**

*Review Guidance for Operations Manual and Training and Certification Programs*

\* For facilities currently regulated under Washington State oil spill prevention regulations

**USCG**

Statutes

*33 USC 1231 (j)(1) (C), (j)(5), (j)(6), m(2)*

*49 CFR 1.46*

Regulations

*33 CFR Part 154, 126, 101-105*

Documents/Forms

*Waterfront Facility Compliance Booklet, CG-5562A (Rev1-97)*

*Operations Manual Contents Checklist 33 CFR154.310 (Rev 2/99)*

*U.S. Coast Guard Facility Inspection Report (version 7/1/93)*

**3. EFFECTIVE DATE/POINTS OF CONTACT**

This protocol will become effective upon signature of both parties.

The following persons will serve as points of contact for questions concerning this protocol and its implementation:

**Ecology**

**Prevention Section Manager**

Spills Program

Phone: 360-407-7465

Fax: 360-407-7288

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Mailing Address: Washington Department of Ecology, Spills Program, P.O. Box 47600,  
Olympia, WA 98504-7600

**USCG**

**Chief, Prevention Branch, Sector Portland**

Phone: 503-240-2566

Fax: 503-240-9345

Mailing Address: USCG Sector Portland, 6767 N. Basin Ave., Portland, OR 97217

**Chief, Facilities and Containers Branch, Sector Seattle**

Phone: 206-217-6165

Fax: 206-217-6227

Mailing Address: USCG, Sector Seattle, 1519 Alaskan Way S., Bldg 4,  
Seattle, WA 98134-1192

**4. POLICIES**

It is the policy of the USCG and Ecology:

- To coordinate their review and approval of facility operations manuals, if feasible, for all jointly regulated MTR facilities.
- To coordinate and conduct joint facility inspections whenever possible. Both agencies acknowledge that each may have statutory and regulatory mandates that contain inspection elements that are unique.
- That documents will be shared pursuant to the Disclosure of Records protocol.
- To regularly share facility inspection results.
- To share information related to facility spill prevention for regulated MTR facilities.
- To regularly review the results of facility inspections and identify preventive measures that may need to be addressed.
- To provide familiarization cross-training for their personnel to ensure consistent application of applicable federal and state regulations.

**Facility Inspections**

- To promptly inform each other of significant federal or state violations observed during facility inspections, and of any situation observed at a jointly regulated facility that may pose a significant threat to the public health and safety or the environment.
- To establish an integrated Operations Manual review and approval process, if feasible, utilizing a consolidated checklist, acknowledging that most respective regulatory requirements are identical. The combined checklist will also include sections which reflect unique federal and state requirements. It is intended that this checklist (Appendix III) may also be useful as an inspection item checklist for either independent or joint inspections to ensure maximum consistency and uniformity.
- To institute a program for joint inspection of land-based facilities and mobile facilities currently under both State and USCG jurisdiction. USCG will continue to solely regulate and inspect those onshore MTR Facilities that are currently under federal jurisdiction only.

**5. STANDARD OPERATING PROCEDURES**

*Frequency of Communication*

- A. Ecology Regional/Field Offices and respective Coast Guard Sectors will coordinate any joint facility inspections on a monthly basis, adjusted weekly as required.
- B. Ecology and cognizant USCG Captain of the Ports will promptly advise each other of any situation observed at a jointly regulated facility that may pose significant threat to the public health and safety or the environment.
- C. Ecology and USCG facility inspectors will meet semi-annually to discuss and to resolve any issues that may affect the facility inspection efforts. The appropriate Ecology Regional/Field Office Supervisor and USCG Sector Prevention Department Chief will be responsible for scheduling these meetings.
- D. Ecology Prevention Section Manager and the USCG District Thirteen Inspection and Investigations Branch Chief (CGD13(dpi)), will meet at least annually to review the facility inspection results and identify issues related to spill prevention that need to be addressed.

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- E. Ecology and USCG representatives, led by Ecology's Prevention Section Manager and CGD13(dpi), will review this protocol's effectiveness at least annually during a regularly scheduled USCG/Ecology quarterly meeting.

***USCG Task Detail***

Sector Compliance Officers will oversee the following tasks:

- A. Provide Ecology Regional/Field Offices with a priority list for facility inspections and assist to establish coordinated facility inspection schedules.
- B. Assist Ecology in the development of an integrated Operations Manual Review and Facility Inspection checklist.
- C. Coordinate enforcement actions with Ecology for facilities that are jointly regulated by the USCG and Ecology.
- D. Provide findings of non-compliance and related facility information to assist Ecology in taking enforcement actions
- E. When conducting joint inspections, USCG inspectors may inspect those facilities identified under this protocol for compliance with federal and state laws and regulations utilizing the checklist in Appendix III.

***Ecology Task Detail***

The Prevention Section Manager will oversee the following tasks:

- A. Communicate and resolve any issues that may affect the Ecology's ability to conduct facility inspections with or for the USCG.
- B. Establish facility inspection schedules and checklists in coordination with both USCG Sector commands and coordinate joint facility inspections with the appropriate USCG Sector.
- C. Provide findings of non-compliance and related facility information to assist USCG in taking enforcement actions.

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D. When conducting joint inspections, Ecology inspectors may inspect those facilities identified under this protocol for compliance with federal and state laws and regulations utilizing the checklist in Appendix III.

## 6. MEASURES OF EFFECTIVENESS

### *Partnership Measures*

- Number of joint inspections conducted/Total number of jointly regulated facilities inspected annually.
- Number of coordinated Facility Operations Manual Reviews and joint approvals completed/Total number of Operations Manual Reviews/Approvals completed annually for jointly regulated facilities.

### *Environmental Protection Measures*

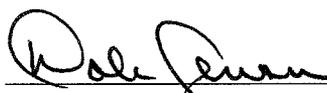
- Number of major deficiencies noted in Operations manual reviews by type and by facility category/Number of Operations Manuals reviewed by facility category.
- Number of major deficiencies noted during annual facility inspections (by type and facility category, e.g. onshore or offshore MTR facility, mobile transfer facility)/Number of facilities inspected (by category, e.g. onshore or offshore MTR facility, mobile transfer facility).

*Note: Major deficiencies will be defined in subsequent working meetings between the agencies.*

## 7. APPROVAL



W. T. DEVEREAUX  
Captain, U. S. Coast Guard  
Thirteenth Coast Guard District  
Chief, Prevention Division



DALE JENSEN  
Program Manager  
Spill Prevention, Preparedness, and  
Response Program  
Washington Department of Ecology

DATE: 26 JUN 2007

DATE: 6-26-07

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## APPENDIX I

<b>SECTOR SEATTLE/ECOLOGY FACILITIES</b>	
<b>Fixed Facility Name</b>	<b>Location</b>
BP Harbor Island Terminal (Terminal 11)	Seattle
BP Cherry Point Refinery	Blaine
Paramount Oil	Seattle
Shell Refinery	Anacortes
Kinder Morgan	Seattle
Manchester Naval Supply Center	Poulsbo
McNeil Island Corrections Center	Steilacoom
Naval Air Station Whidbey Island	Oak Harbor
Shell Terminal	Harbor Island
Port Townsend Paper Corporation	Port Townsend
Rainier Petroleum Corporation	Seattle
Sound Refining, Inc.	Tacoma
Valero Terminal	Tacoma
Tesoro Oil Company Refinery	Anacortes
Tesoro Port Angeles Terminal	Port Angeles
Conoco Phillips Terminal	Tacoma
Conoco Phillips Refinery	Ferndale
U.S. Oil & Refining Co.	Tacoma
Covich-Williams Terminal	Seattle
Ballard Oil	Seattle
Masco Petroleum	Westport

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<b>Mobile Facility Name</b>	<b>Location</b>
Associated Petroleum	Tacoma
Ballard Oil	Seattle
Don Small & Sons ?	Auburn
Emerald Services	Seattle
Island Petroleum	Friday Harbor
Marine Vacuum Services (MARVAC)	Seattle
McEvoy	Bellingham
Nelson Petroleum	Seattle
Pacific Functional Fluids	Tacoma
Reinhard Petroleum	Tacoma
Reisner Distributor, Inc.	Anacortes
Washington Marine Cleaning LLC	Everett

**Facility Inspections**

**SECTOR PORTLAND/ECOLOGY FACILITIES**

<b>Fixed Facility Name</b>	<b>Location</b>
Chevron	Pasco
Longview Fibre Company	Longview
Tesoro West Coast Company Terminal	Vancouver
Tidewater Terminal Co., Inc.	Pasco
Tidewater Terminal Company	Clarkston
Tidewater Industrial Center	Vancouver
Valero Terminal	Vancouver
Weyerhaeuser Company	Longview
Wilcox and Flegel	Ilwaco

<b>Mobile Facility Name</b>	<b>Location</b>
Albina Fuel Company	Vancouver
Coleman Oil	Lewiston, ID
Connell Oil Inc.	Pasco
Masco Petroleum	Aberdeen
Pettit Oil	Hoquiam
Thiessen Oil Company	Lewiston, ID
Vancouver Oil	Vancouver
Wilcox and Flegel	Longview

