

Preassessment Screening and Oil Spill Compensation Schedule Regulations (Chapter 173-183 WAC)

The Department of Ecology (Ecology) is proposing to amend the Preassessment Screening and Oil Spill Compensation Schedule Regulations. The proposal notice will be published in the Washington State Register on January 7, 2009. The purpose of this rule proposal is to update existing compensation schedule formula multipliers and their descriptions so that the full range of compensation can be calculated.

Public hearing schedule

Federal Way: January 27, 2009

Workshop at 10:00AM - Public Hearing at 11:00AM

Federal Way City Hall, City Council Chambers

33325 8th Ave S, Federal Way, WA 98003

Vancouver: January 28, 2009

Workshop at 6PM - Public Hearing at 7PM

Washington State University, Vancouver Campus

Multi-Media Classroom Building, Room 6

14204 NE Salmon Creek Ave, Vancouver, WA 98686

Des Moines: February 2, 2009

Workshop at 6PM - Public Hearing at 7PM

Highline Community College

Artist-Lecture Center, Building 7

2400 S 240th Street, Des Moines, WA 98198

How to submit your comments

Comment period ends February 9, 2009. Comments must be received by 5:00 pm. You can give us your official comments in the following ways:

1. Testify at public hearings.
2. Email your comments to spillsrulemaking@ecy.wa.gov.
3. Mail comments to: Department of Ecology
Attn: Harry Chichester (Spills)
PO Box 47600
Olympia, WA 98504-7600

WHY IT MATTERS

This proposed rule change will ensure that the State of Washington and its citizens are adequately compensated for the cost of injury to natural resources from oil spills into waters of the state.

Compensation from oil spills is often translated into direct habitat restoration projects.

Contact information:

Harry Chichester
(360) 407-7202
Hchi461@ecy.wa.gov

Special accommodations:

If you need this publication in an alternate format, call the Spill Prevention, Preparedness & Response at 360-407-7202. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Ecology's response to your comments

The comments we receive will become part of the official record in the Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and will be published after the rule is adopted. You will be able to find your name referenced in the CES and Ecology's response to your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than March 10, 2009.

More information

Since 1992, Ecology has used a compensation schedule to calculate the monetary value of natural resources injured as a result of an oil spill to waters of the state. The compensation range was \$1 to \$50 per gallon of oil spilled.

In 2007, the Legislature raised the upper limit of the Natural Resource Damage Assessment (NRDA) compensation range from \$50 to \$100 per gallon of oil spilled (RCW 90.48.366). Current formula multipliers in the Chapter 173-183 WAC are too low to reach the maximum \$100 per gallon limit specified in state law. This proposed rule, if adopted, would adjust the compensation schedule formula multipliers so that the new \$1 to \$100 per gallon range of compensation can be calculated. It would also change the ceiling limit maximum in multiplier descriptions to \$100 per gallon. Ecology is proposing the following rule amendments:

- Marine and estuarine waters multiplier change from 0.1 to 0.208 in WAC 173-183-830
- Columbia River estuary multiplier would change from 0.2 to 0.508 in WAC 173-183-840
- Fresh water streams, rivers, and lakes multiplier change from 0.08 to 0.162 in WAC 173-183-850
- Fresh water wetlands change from 0.81 to 1.620 in WAC 173-183-860

This proposed change in regulation will not affect you directly unless you are responsible for an oil spill. If it is determined that you are responsible for a discharge of oil into the waters of the state, this change may require you to pay compensation ranging from \$1 to \$100 per gallon of oil spilled. Compensation for natural resource damage is separate from fines or penalties for the oil discharge or the reimbursement for response and oil spill cleanup costs.

For more information visit: <http://www.ecy.wa.gov/programs/spills/rules/main.html>