

AMENDATORY SECTION (Amending Order 03-03, filed 5/12/03, effective 6/12/03)

WAC 173-183-830 Calculation of damages for spills into marine and estuarine waters, except the Columbia River estuary. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into marine and estuarine waters, except the estuarine waters of Columbia River. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);
(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) The RDA committee chair as enumerated in WAC 173-183-820(1) (a).

(2) In making the determination of percent-coverage of habitat types, the RDA committee chair may assume that the habitat-type visible at low tide extends out to the 20 meter depth contour.

(3) Damages liability shall be calculated using the following formula:

Damages (\$) =
gallons spilled* ((~~0~~+1)) 0.208* [(OIL_{AT}*SVS_{AT,j}) + (OIL_{MI}*SVS_{MI,j}) + (OIL_{PER}*SVS_{PER,j})]
where: gallons spilled = the number of gallons of oil spilled as determined by the procedures outlined in WAC 173-183-810;
SVS_{i,j} = spill vulnerability score (from WAC 173-183-400(3));
OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-340);
OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-340); and
OIL_{PER} = Persistence Score for Oil (from WAC 173-183-340).
i = acute toxicity, mechanical injury and persistence effect of oil
j = the most sensitive season affected by the spill
(~~0~~+1) 0.208 = multiplier to adjust the damages calculated to the \$(~~1-50~~) 1-100 per gallon range.

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

AMENDATORY SECTION (Amending Order 91-13, filed 4/23/92, effective 5/24/92)

WAC 173-183-840 Calculation of damages for spills into the Columbia River estuary. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into the estuarine waters of Columbia River. The value of the variables used in the formula shall be determined by:

- (a) The OSC as enumerated in WAC 173-183-810(1);
 - (b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and
 - (c) The RDA committee chair as enumerated in WAC 173-183-820(1)(b).
- (2) Damages liability shall be calculated using the following formula:

$$\text{Damages (\$)} = \text{gallons spilled} * ((\theta-2)) \underline{0.508} * \text{SVS}_j * (\text{OIL}_{\text{AT}} + \text{OIL}_{\text{MI}} + \text{OIL}_{\text{PER}})$$

where:

- gallons spilled = the number of gallons of oil spilled as determined by procedures outlined in WAC 173-183-810
- SVS_j = spill vulnerability score (from WAC 173-183-500(3));
- j = the most sensitive season affected by the spill
- OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);
- OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and
- OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).

$((\theta-2)) \underline{0.508}$ = multiplier to adjust the damages calculated to the $\$((1-50)) \underline{1-100}$ per gallon range.

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

AMENDATORY SECTION (Amending Order 03-03, filed 5/12/03, effective 6/12/03)

WAC 173-183-850 Calculation of damages for spills in freshwater streams, rivers, and lakes. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater streams, rivers, and lakes. The value of the variables used in the formula shall be determined by:

- (a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) The RDA committee chair as enumerated in WAC 173-183-820 (1) (c).

(2) Damages liability shall be calculated using the following formula:

Damages (\$) =
gallons spilled* ~~((0-08))~~ 0.162* SVS* (OIL_{AT}
+OIL_{MI} + OIL_{PER})
where: gallons spilled = the number of gallons of oil
spilled as determined by the procedures outlined
in WAC 173-183-810;
SVS = Spill vulnerability score [from WAC 173-
183-600(3)];
OIL_{AT} = Acute Toxicity Score for Oil [from WAC
173-183-340];
OIL_{MI} = Mechanical Injury Score for Oil [from
WAC 173-183-340]; and
OIL_{PER} = Persistence Score for Oil [from WAC
173-183-340].
~~((0-08))~~ 0.162 = multiplier to adjust damages
calculated to the ~~\$(1-50))~~ 1-100 per gallon range;

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.

AMENDATORY SECTION (Amending Order 03-03, filed 5/12/03, effective 6/12/03)

WAC 173-183-860 Calculation of damages for spills into freshwater wetlands. (1) The formula provided in subsection (2) of this section shall be used to determine damages liability for spills into freshwater wetlands. The value of the variables used in the formula shall be determined by:

(a) The OSC as enumerated in WAC 173-183-810(1);

(b) The mutually agreed upon independent expert, if applicable, as described in WAC 173-183-810(2); and

(c) the RDA committee chair as enumerated in WAC 173-183-820 (1) (d).

(2) Damages liability shall be calculated using the following formula:

Damages (\$) =
gallons spilled* ~~((0-81))~~ 1.620* SVS* (OIL_{AT}
+OIL_{MI} + OIL_{PER})
where: gallons spilled = the number of gallons of oil
spilled as determined by procedures outlined in
WAC 173-183-810;

SVS = Spill vulnerability score [from WAC 173-183-700(3)];
OIL_{AT} = Acute Toxicity Score for Oil [from WAC 173-183-340];
OIL_{MI} = Mechanical Injury Score for Oil [from WAC 173-183-340]; and
OIL_{PER} = Persistence Score for Oil [from WAC 173-183-340].
~~((0.8+))~~ 1.620 = multiplier to adjust damages calculated to the ~~\$(+50))~~ 1-100 per gallon range;

Formula results shall be rounded to the nearest 0.01 to determine damages liability as follows: Decimals less than 0.005 shall be rounded down, and decimals equal to or greater than 0.005 shall be rounded up.