



Spill Prevention,
Preparedness and
Response Program

2015-2017
Program Plan
(2016 Update)

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INTRODUCTION

The Washington Department of Ecology (Ecology) Spill Prevention, Preparedness and Response (Spills) Program focuses on preventing oil spills to Washington’s waters and land, and planning for and delivering a rapid, aggressive, and well-coordinated response to oil and hazardous substance spills wherever they occur. The program works with communities, industry, state and federal agencies, tribes, and other partners to prevent and prepare for oil spills. The program also responds to spills 24/7 from six offices located throughout the state and works to assess and restore environmental damage resulting from spills.

The program’s **mission** is to protect Washington’s environment, public health and safety through a comprehensive spill prevention, preparedness, and response program.

The program’s **vision** is to prevent, prepare for and respond aggressively to oil spills; to be our best for the state of Washington. Our spills goal is “zero spills.”

This document presents the 2015-2017 Program Plan for the Spills Program. The program plan describes the 2015-2017 biennium budget appropriation for approximately 89 full time equivalent (FTE) positions, the program’s core services, intended additional activities over the next two years based on strategic goals and priorities, and performance measures. The program plan is intended to be used primarily by staff and program management as a tool to describe planned activities over the next two years, prioritize work, and track progress. It will also serve as a communication tool for the program to show other Ecology programs and stakeholders how work has been prioritized in conjunction with core work services. A new program plan is developed each biennium and reviewed annually.

Program Overview

The Spills Program is organized into four sections: Prevention, Preparedness, Response, and Statewide Resources. The program’s core services support four major activities that are reported to the state’s Office of Financial Management (OFM). The activities are:

- Prevent oil spills from vessels and oil handling facilities.
- Prepare for aggressive response to oil and hazardous material incidents.
- Rapidly respond to and clean up oil and hazardous material spills.
- Restore public natural resources damaged by oil spills.

Core services that support these activities include vessel and facility inspections, oil transfer monitoring, plan review and approvals, contingency plan drills, environmental restoration, and 24/7 response to oil and hazardous materials spills. In delivering these services, the Spills Program plays a key role in minimizing the long-term release of toxics into the environment and helps to protect the waters, soil, air, and public health of the state.

Relationship between the Strategic and Program Plans

The strategic and program plans are developed using a consistent framework so decision makers, staff, and stakeholders understand the structure of each plan and the connection between the plans. This

framework provides specific levels of guidance that show how the program intends to support its purpose and reach its goals.



The strategic and program plans use the following operational definitions:

The program’s **mission** describes the purpose of the program by answering: “Why does the program exist?”

The program’s **vision** supports the mission. It is a broad statement that provides a framework for the strategic planning process by describing the desired future state of the program. The vision answers: “Where does the program want to be?”

The program’s **goals** provide direction for reaching the vision. The goals are broad statements about desired outcomes, but are more specific than a vision. They answer: “What does the program need to do to accomplish the vision?”

Strategies are developed to support the goals. They define directions, methods, processes, or steps used to achieve the goals. Strategies are more specific than goals and act as a link between goals and action items.

Action items implement strategies and support the strategic plan vision. They have measurable outcomes and describe the specific projects or activities necessary to reach the goals. Action items are linked to specific resources, have identified levels of responsibility, and have a timeline for completion. They answer the question: “What will move our work forward?”

The goals support the vision, the strategies support the goals, and the action items support the strategies. This hierarchy makes it clear to plan users how the program’s work connects to higher-level policies and guidance.

The 2015-2021 Strategic Plan is aligned with the goals of the Governor’s Results Washington, Ecology’s strategic framework, and the Spills Program’s mission and vision. The program’s goals and strategies for the next six years are represented in the strategic plan. The goals and strategies incorporate ongoing strategic initiatives as well as recent studies and legislation that impact the program, including the 2014 Marine and Rail Oil Transportation Study and the 2015 Oil Transportation Safety Act (ESHB 1449), which provided a number of new measures to assist the Spills Program to address the changing oil picture with a focus on crude by rail.

The program plan supports the strategic plan by describing the specific activities beyond core services that will be completed in the next two years to support the big-picture goals and strategies identified in the strategic plan. The program plan also describes the program structure, budget, core services, and performance measures that reflect progress. The program plan is redrafted each biennium to identify new action items that will continue to address the strategies from the strategic plan that are considered near-term priorities.

PROGRAM FUNDING

In the wake of the 1988 *Nestucca* fuel barge spill in Washington and the catastrophic 1989 *Exxon Valdez* tanker spill in Alaska, the 1991 Washington Legislature created two dedicated accounts to fund Ecology's oil spill prevention, preparedness, and response activities.

These two accounts are the Oil Spill Prevention Account (OSPA) and Oil Spill Response Account (OSRA). These accounts receive revenue from the Oil Spill Administration Tax and Oil Spill Response Tax (commonly known as the barrel tax). The barrel tax is 5 cents per barrel (42 gallons) of oil imported into the state by vessel, and as of 2015, by rail. ESHB 1449 extended the barrel tax to rail, but not pipelines, to keep the revenue supporting the OSPA base operating costs whole. Of this 5 cents per barrel tax, 4 cents goes into the OSPA and 1 cent goes into the OSRA.



The Department of Ecology and the Department of Fish and Wildlife traditionally receive appropriations from the OSPA. Ecology's appropriation from the OSPA funds a majority of prevention and preparedness activities, and the State Toxics Control Account (STCA) funds the remaining prevention and preparedness activities. These activities include facility and vessel inspections, oil transfer monitoring, contingency plan reviews, and spill readiness drills. The Department of Fish and Wildlife receives funding from the OSPA to provide support for oiled wildlife.

The passage of the ESHB 1449 in April 2015 extended OSPA funds to the Washington Military Department – Emergency Management Division (EMD) to support development and annual review of local emergency planning committee (LEPC) emergency response plans through the end of fiscal year 2019. In addition, ESHB 1449 provided a one-time \$2.225 million transfer from the OSRA to the OSPA in order to support implementation of ESHB 1449 for the 2015-2017 biennium. However, program budget deficits are estimated for future biennia since the fund transfer only addresses the current biennium and the fund fix did not fully provide additional revenue to support new legislative direction. The program will pursue sustainable funding to avoid long term budget deficits in the 2017 legislative session.

The Spills Program's response activities are primarily funded out of the STCA and Environmental Legacy Stewardship Account (ELSA), which fund routine oil and hazardous materials spill response activities and natural resource damage assessment activity for spills to water. The OSRA is used to pay for oil spill response and cleanup when the state costs are anticipated to exceed \$1,000 as of 2015. Prior to the passage of ESHB 1449, the threshold for use of OSRA funds was \$50,000.

The program's 2015-2017 operating budget is \$31.5 million, shown by program activity in Figure 1 below. The specific core services under each program activity are shown in Table 1 with corresponding staff FTEs allocated to each activity. Program-wide functions that support the program activity areas,

including work of the Statewide Resources Section, have been distributed to each program activity in the Figure and Table below.

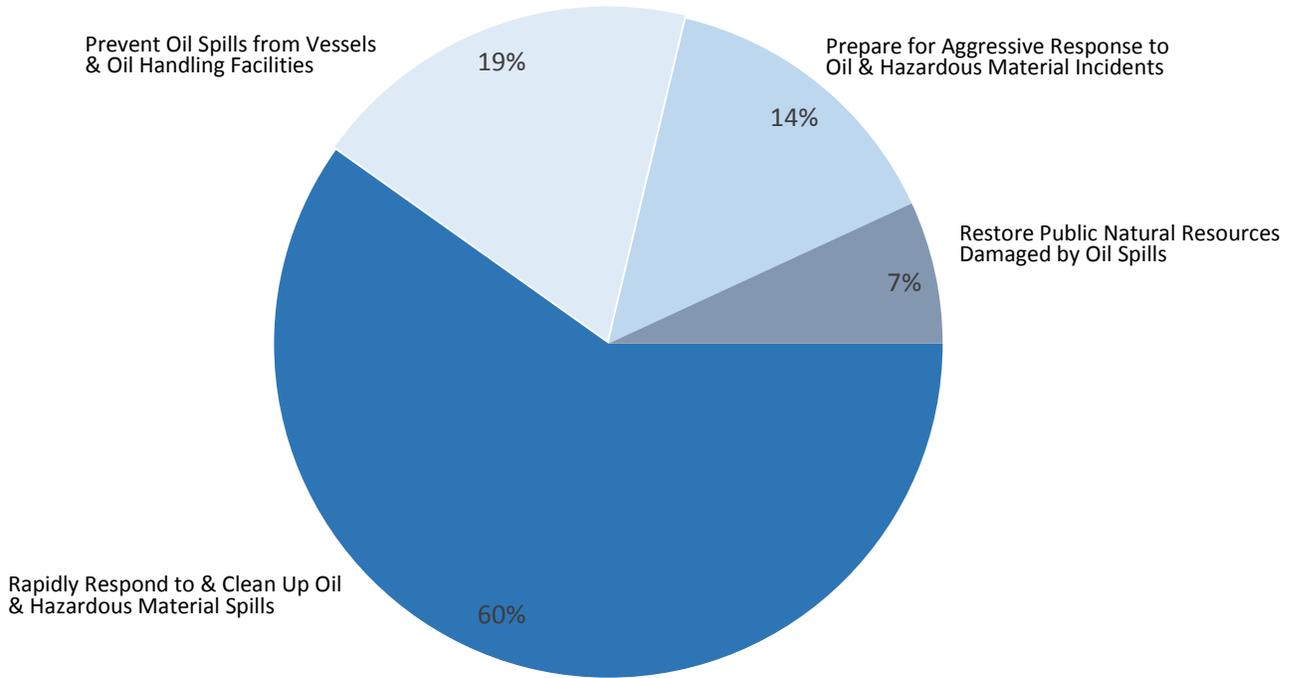


Figure 1: 2015-2017 Operating Budget by Activity

Table 1: 2015-2017 Operating Budget and FTEs by Activity

Program Activity	Amount	FTE
Prevention Activities		
Vessel inspections		
Tank vessel prevention		
Risk management		
Facility prevention plans and operations manuals		
Mobile facility response plans		
Facility inspections and training certification		
Oil transfer rule guidance and plans		
Oil transfer inspections		
Investigations		
Subtotal	\$5,942,281	22.35
Preparedness Activities		
Contingency plan review, approval, and continuous improvement		
Drill design and evaluation		
Primary Response Contractor approval and equipment verification		
Regional contingency plan development / Northwest Area Contingency Plan and Regional Response Team participation		
Geographic Response Plan development and maintenance		
Response technology and Best Achievable Protection (BAP) review		
Vessel of Opportunity and volunteer coordination development		
Investigations and enforcement		
Subtotal	\$4,525,716	22.15
Response Activities		
Spill response		
Safety and competency training		
Technical support		
Investigations and enforcement		
Subtotal	\$18,855,450	41.9
Natural Resource Damage Assessment Activities		
Major resources damage assessments		
Compensation schedule		
Major restoration projects		
Coastal Protection Funds projects		
Subtotal	\$2,177,061	2.8
Total	\$31,500,508	89.2

CORE PROGRAM SERVICES

This section describes core program services presented by program section. These services represent the program's daily work to prevent, prepare for, and respond aggressively to oil spills.

Prevention Section

The Prevention Section works with the regulated community and others to prevent spills from vessels and facilities through the following core services:

- Prioritizing and inspecting high risk covered vessels to ensure compliance with accepted industry standards.
- Reviewing and approving oil handling facility operations manuals, prevention plans, response plans, and training and certification programs for compliance with state standards, and inspecting oil handling facilities for compliance with regulations.
- Monitoring oil transfers for compliance with oil handling regulations and best practices, affirming pre-booming requirements are met to maximize recovery of potential operational spills.
- Reviewing and approving tank vessel oil spill prevention plans for voluntary compliance with state Best Achievable Protection (BAP) standards and/or Exceptional Compliance Program (ECOPRO) standards.
- Providing technical assistance to facilities and vessels, including lessons learned and accepted best practices.
- Investigating spills from vessels and facilities to identify lessons learned and develop comprehensive prevention activities to help reduce incident reoccurrence.
- Conducting vessel traffic risk assessments to evaluate vessel traffic management and vessel traffic safety.

Preparedness Section

The Preparedness Section works to ensure that the program and regulated community are fully prepared to promptly respond to oil spills when they occur and minimize injuries to resources from these incidents. This work is conducted through the following core services:

- Reviewing and approving oil spill contingency plans for industry sectors and response contractors to ensure that the appropriate equipment and trained personnel are in place to respond to spills when they occur.
- Working with plan holders to design drills, broaden their scope and scale, vary drill locations and environments, and document personnel training, equipment maintenance, and performance.
- Evaluating drills and exercises to test the effectiveness of each plan, ensuring that the appropriate equipment can be deployed and personnel are trained and familiar with their plan.
- Conducting Primary Response Contractor (PRC) application review and approval, and verifying PRC equipment.
- Working with industry to maintain and improve the Western Response Resource List (WRRL).

- Developing Geographic Response Plans (GRPs) in consultation with natural resource experts and communities.
- Engaging state, federal, local, and tribal partners in a robust planning process through the Northwest Area Committee (NWAC).
- Providing Northwest Area Contingency Plan (NWACP) training/outreach to local, state, federal, tribal, and other organizations.
- Sponsoring technology conferences and conducting studies to identify new technologies, processes, or techniques that represent Best Achievable Protection (BAP).
- Ensuring maintenance of BAP in contingency plans over time through periodic regulatory updates or voluntary standards.
- Managing the Vessel of Opportunity (VOO) program.

Response Section

The Response Section responds to spills in a rapid, aggressive, and well-coordinated manner to ensure that impacts on the environment are minimized. The section's Natural Resource Damage Assessment (NRDA) team works to ensure that publicly-owned natural resources impacted by spills are restored.

Response Section work is conducted through the following core services:

- Providing 24/7 response capability for oil and hazardous material spills and clandestine drug labs from 6 regional/field offices around the state.
- Conducting aggressive and effective responses to incidents in coordination with responsible parties, federal, tribal, state, and local governments.
- Managing approximately 4,000 annual spill reports.
- Providing initial and refresher response and safety training to Ecology responders and local partners.
- Conducting effective outreach and technical assistance activities with local response partners, contractors, and the public.
- Enhancing response capability at the local level by maintaining pre-staged response equipment caches throughout the state for quick deployment to spills.
- Conducting Natural Resource Damage Assessments on all oil spills where 25 or more gallons reach surface water (except where spills occurred in order to prevent loss of human life).
- Assessing damages to publicly-owned natural resources from oil spills and seeking compensation for damages from responsible parties.
- Assisting in planning and implementation of restoration projects.
- Investing in effective restoration projects with Coastal Protection Funds.

Statewide Resources Section

The Statewide Resources Section provides program-wide support through the following core services:

- Investigating incidents and spills to determine circumstances, causes, spill volume, contributing factors, and efficacy of plans.
- Issuing enforcement actions resulting from incident investigations.

- Providing timely, accurate information to the public and media about emergency response incidents.
- Publishing compliance guides, focus sheets, safety bulletins, reports, and videos.
- Coordinating community engagement and outreach opportunities.
- Managing oil spill volunteers through a statewide coordination system.
- Monitoring program data entry to ensure accuracy and consistency.
- Enhancing existing data systems to improve work processes, tracking, and data quality.
- Advocating the program’s mission with the Legislature.
- Developing strategic and program plans based on biennial budgets.
- Implementing an Incident Command Structure (ICS) credentialing program for the Incident Management Team (IMT).
- Coordinating training for staff to participate on the IMT and to safely conduct field activities.
- Developing and maintaining program Standard Operating Procedures (SOPs) consistent with agency guidance, ensuring they are coordinated between sections and regions.
- Managing records, public disclosure requests, and time accounting.

Other Core Services

Other core services are conducted by more than one program section or by program management. These core services include:

- Developing and managing the program budget and monitoring revenue sources.
- Coordinating implementation of the U.S. Coast Guard (USCG)/Washington State Memorandum of Understanding through development of appropriate USCG/Ecology pollution prevention protocols.
- Participating in agency-wide committees, including the Sustainability Committee, Climate Science Network, Enforcement Team, and Technical Resources for Engineering Efficiency.
- Providing expertise to specific initiatives led by other programs, including providing State Environmental Policy Act (SEPA) support for ongoing Environmental Impact Statements (EISs) for proposed new oil handling facilities.
- Working with other state agencies and participating in work groups to build partnerships and further the program’s vision. The Spills Program works with the following groups:
 - Pacific States/B.C. Oil Spill Task Force
 - Puget Sound Partnership
 - Washington Military Department – Emergency Management Division (EMD)
 - State Emergency Response Council (SERC) and Local Emergency Planning Committees (LEPCs)
 - Statewide and agency-wide emergency management initiatives
 - Department of Natural Resources (DNR) Derelict Vessel Removal Program
 - Washington State Board of Pilotage Commissioners
 - Oregon Board of Maritime Pilots
 - Area Maritime Security Committees
 - Olympic Coast National Marine Sanctuary Advisory Council
 - U.S. Coast Guard (USCG)

- Harbor Safety Committees
- Northwest Area Committee (NWAC)
- Regional Response Team X (RRT)
- Environmental Protection Agency (EPA)
- U.S. Department of Transportation – Pipeline and Hazardous Materials Safety Administration (PHMSA)
- Puget Sound/Georgia Basin International Task Force
- Utilities and Transportation Commission (UTC)
- Department of Fish and Wildlife (DFW) Oil Spill Team

2015-2017 ACTION PLAN

In addition to the core services described above, the Spills Program has developed an action plan that identifies our approach to addressing the strategies outlined in the 2015-2021 Strategic Plan. The action plan describes the tasks that we plan to accomplish in the next two years beyond our core services. The action plan was updated in 2016 to identify the status of tasks after the first year of the biennium.

The action items are presented below in a format that aligns with the structure of the strategic plan. Each action item supports a specific strategy that is a six-year priority for the program. Strategic plan goals and strategies with associated action items are presented below and are numbered to align with the strategic plan. The action plan is based on available resources and strategic priorities. If a strategy does not have an associated action item for this biennium, it is not shown in this action plan.

Goal I: Have a sustainable Spills Program that is future-focused and well-positioned to meet legislative and public expectations.

Strategy 1. Secure a sustainable funding source and policies to maintain the highest levels of spill prevention, preparedness and response activities in the state.

Action: Develop a funding options plan for the 2017 legislative session. The funding options plan will address the potential funding gap and changing risk picture, and will identify options to ensure stable future revenue for the program.

Rationale: New funding is needed in order to manage oil spill risk, planning, and response activities expected by the Legislature and our citizens. The current barrel taxes have not kept pace with inflation. Further, the change in oil movement in the state is reducing the volume of oil imported by tank vessels and increasing the amount of oil imported by pipeline and rail. Oil imported by rail was added to the tax base as a result of ESHB 1449. However, the tax still does not apply to oil imported by pipeline. And oil that is passed through the state to be exported is also not subject to the tax (as a result of a tax credit), while posing a risk of spills each time it is transported and transferred. In order to fund ESHB 1449 work, the Legislature provided a one-time OSRA transfer of \$2.225 million into the OSPA. However, without a permanent resolution for a stable revenue stream into the OSPA, the Spills Program will face a significant shortfall beginning in the 2017-19 biennium.

Action Lead(s): Statewide Resources Section and Budget Manager

2016 Status: Complete

Action: Hire staff to implement ESHB 1449.

Rationale: The 2015-2017 operating budget provides funding to implement ESHB 1449, and positions must be created and filled in order to complete the work directed by the bill.

Action Lead(s): Program Management

2016 Status: Ongoing

Action: Work with the Legislature to close the Vessel Response Account.

Rationale: The Vessel Response Account was once used to fund the emergency response tug stationed at Neah Bay, which is now funded by industry. The account is no longer in use, and the program is proposing a legislative fix in the 2016 legislative session to discontinue the account. Any remaining balance will be transferred to the Coastal Protection Account where it can be used for post-spill restoration projects.

Action Lead(s): Budget Manager

2016 Status: On hold

Strategy 2. Evaluate the financial ability of the state to respond during a prolonged, major spill through the Oil Spill Response Account.

Action: Evaluate whether the \$9 million cap on the OSRA is adequate or needs to be raised in order to effectively respond to a prolonged spill.

Rationale: The OSRA was initially capped at \$25 million. The cap has been reduced to \$9 million. The statutory structure must enable the state to mount a rapid, aggressive, and well-coordinated response to all oil spills, whether major or minor. The current cap limits the amount of resources the state can provide to respond to a spill.

Action Lead(s): Budget Manager and Response Section Manager

2016 Status: Not started

Strategy 3. Utilize the Spills Engagement Team to maintain and improve a collaborative work environment that furthers agency and program goals.

Action: Continue to periodically measure program engagement and develop metrics for measuring success.

Rationale: The Spills Engagement Team (SET) was created in 2014 and consists of a diverse, revolving team committed to supporting positive culture change in the program. SET works to maintain a constructive communication channel between staff and management, and supports a collaborative process for decision making. To evaluate the success of this effort, it is important to continue to periodically measure program engagement.

Action Lead(s): Spills Engagement Team

2016 Status: Ongoing

Strategy 4. Collect, analyze and present accurate and relevant data to support effective decision-making and performance measures.

Action: Develop and document consistent business practices and quality control processes for using the Spills Program Integrated Information Systems (SPIIS).

Rationale: The launch of SPIIS in June 2015 allows the program to avoid duplication of database systems, facilitates a mobile working environment, records spill information, tracks data for regulated vessels and facilities, and allows the program to analyze trends, track work processes, and share information. While the new system has improved the way the program records and accesses data, there is a need for consistent business practices across sections and regions and quality control processes to ensure accurate and consistent data entry, analysis, and reports.

Action Lead(s): Statewide Resources Section

2016 Status: Ongoing

Action: Continue to enhance and improve the efficiency of Ecology's GRP database (GRPdb2).

Rationale: GRPdb2 allows program staff to create, manage, display, and report on GRP response and notification strategies, as well as staging areas and boat launch locations that support the deployment of those strategies. Enhancements to the database are needed to make data entry and the verification of data more efficient. Further improvements may allow the integration of data collected from sources outside the database, provide bordering states access to GRPdb2, and improve the ability to modify output reports to meet the demands of plan users now and in the future.

Action Lead(s): Statewide Resources Section and Preparedness Section

2016 Status: Ongoing

Action: Update the Advance Notification of Oil Transfer (ANT) data system.

Rationale: Updates to ANT are needed to accommodate advanced notice information for reporting of crude oil movement by pipeline and rail, as required by ESHB 1449.

Action Lead(s): Statewide Resources Section

2016 Status: Complete

Action: Provide feedback throughout the redesign of the agency's Environmental Report Tracking System (ERTS).

Rationale: The agency-wide ERTS data system communicates with SPIIS. The program needs to provide input into the ERTS redesign to ensure that the system remains compatible with SPIIS.

Action Lead(s): Statewide Resources Section

2016 Status: In progress

Strategy 5. Ensure that program staff are properly resourced and trained, with procedures in place to accomplish work.

Action: Address spill response vehicle needs.

Rationale: There is an aging spill response vehicle fleet that must be kept updated to support current response activities that may vary by region. It is also important to continue to seek secure locations to store response vehicles.

Action Lead(s): Response Section

2016 Status: In progress

Action: Develop position-specific training plans for the Spills Program that include agency CORE training, job specific training, and ICS training, as appropriate for the position. Renew emphasis on cross-section involvement and training for increased opportunities to advance professional growth within the program.

Rationale: It is important for staff have the proper position-specific training and credentials to perform their work well. Staff that are properly trained and clear about their roles will lead to greater productivity and effectiveness.

Action Lead(s): All Sections

2016 Status: In progress

Strategy 6. Continue to incorporate Lean processes into program work to find efficiencies and improve outcomes.

Action: Reconvene the Spills Program Lean Team and create a Lean Plan for the program.

Rationale: There is program support for process improvement work but no organized group to facilitate Lean process improvements. Reconvening the former Lean Team and creating a Lean Plan will help formalize process improvement work in the program.

Action Lead(s): Statewide Resources Section

2016 Status: Not started

Goal II: Fulfill the promise of strong, collaborative partnerships by communicating and working effectively with our partners and other key stakeholders.

Strategy 2. Advocate greater rail-safety measures and requirements from the federal government and state partners.

Action: Provide technical assistance to the UTC as they implement rail safety measures.

Rationale: The 2014 Marine and Rail Oil Transportation Study identified a number of safety measures that should be taken by federal and state agencies. The UTC will be implementing sections of ESHB 1449 this biennium and it is important for the Spills Program to provide support and expertise when it is needed.

Action Lead(s): Prevention Section

2016 Status: Ongoing

Strategy 3. Enhance Ecology's role on committees to promote prevention measures and achieve more uniform oil spill response standards and equipment capability.

Action: Work with LEPCs to develop more coordinated awareness of and encourage involvement with the NWACP.

Rationale: As movement of oil by rail and pipeline increases, it is important to work with LEPCs to ensure they are knowledgeable about oil spill contingency planning and encourage them to expand their involvement in these planning efforts.

Action Lead(s): Preparedness Section and Response Section

2016 Status: Ongoing

Action: Foster support from the Grays Harbor, Lower Columbia River, and Puget Sound Harbor Safety Committees.

Rationale: As vessel traffic safety/risk assessment work is conducted this biennium, it is important to work with the Lower Columbia River and Puget Sound Harbor Safety Committees to encourage involvement in the Columbia River Vessel Traffic Safety Evaluation and Assessment development and Puget Sound Vessel Traffic Risk Assessment (VTRA) update. It is also important to encourage involvement from the Grays Harbor Harbor Safety Committee because a VTRA for this area is planned for future biennia, as funding allows.

Action Lead(s): Prevention Section

2016 Status: Ongoing

Strategy 4. Work with permitting agencies of new oil-related facilities to ensure thorough risk analysis is undertaken and appropriate safety measures are required if new facilities are permitted.

Action: Continue to provide support for State Environmental Policy Act (SEPA) Environmental Impact Statements (EISs) for new facilities and expansion or modification of existing facilities related to changing transportation modes, such as crude by rail and articulated tug-barge (ATB).

Rationale: Proposed oil-related facilities must develop EISs under SEPA to evaluate the anticipated environmental impacts of a proposed project, and the program can provide expertise to assist in these studies.

Action Lead(s): All Sections

2016 Status: Ongoing

Strategy 5. Keep tribes, communities, stakeholders and the public informed of the changing oil-transportation picture and associated impacts.

Action: Continue work to increase awareness of oil spill issues, particularly in inland areas close to rail routes.

Rationale: The 2014 Marine and Rail Oil Transportation Study provided the public and decision makers important information on the shift in types of oil and modes of oil transportation in the state. The Spills Program must continue work to increase awareness of oil spills issues, particularly in inland areas close to rail routes.

A separate Communications Plan will be developed for the 2015-2017 biennium to address the program's goals for communication efforts. It will outline outreach work around the changing oil transportation picture that will occur based on the passage of ESHB 1449.

Action Lead(s): Communications Manager and Statewide Resources Section

2016 Status: Ongoing

Strategy 6. Continue to provide the highest levels of open dialogue, education and outreach that informs stakeholders and partners about the program's daily work and important issues.

Action: Revamp the Spills Program website to improve usability.

Rationale: The program's website contains useful information, but the information can be difficult for users to find under the current structure.

Action Lead(s): Communications Manager and Statewide Resources Section

2016 Status: In progress

Action: Create a Communication Tool Kit for staff to use in the field when engaging with citizens.

Rationale: Providing guidance to program staff on citizen engagement is necessary to ensure consistent and accurate messaging is delivered to the public.

Action Lead(s): Communications Manager and Statewide Resources Section

2016 Status: Ongoing

Goal III: Improve oil transportation safety to continue progress toward the Legislature's desire for "zero spills" through prevention.

Strategy 1. Through accurate and relevant information assessment, maintain a clear understanding of the changing spill risks that face Washington State.

Action: Complete a Vessel Traffic Safety Evaluation and Assessment (i.e. an evaluation and assessment of vessel traffic management and vessel traffic safety) for the Columbia River, as required by ESHB 1449. The work will include the following elements:

- Recommendations to the Legislature on vessel traffic management and vessel traffic safety to include tug escorts for vessels transporting oil as bulk cargo, BAP, and oil being transferred to vessels from rail.
- Completion of an initial draft by June 30, 2017 and submittal of a draft report to the Legislature by December 15, 2017. Submittal of a final report by June 30, 2018.

Action: Update the 2010 VTRA for Puget Sound and the George Washington University VTRA analysis tool and model to better reflect the changing oil transportation environment in Greater Puget Sound/Salish Sea.

Rationale: The Spills Program has an important regulatory and public trust responsibility to assess and help manage risk from oil and hazardous materials spills. A number of regional developments have presented new challenges, including:

- The expansion of Canadian crude oil sources (e.g. Alberta Tar Sands oil).
- Bakken and other shale oil from North Dakota, Montana, and Utah.
- The expanded use of pipelines.
- Decline in crude oil by tanker from Alaska.
- Oil terminal/refinery rail expansion projects.
- Liquefied Natural Gas (LNG) being employed as vessel fuel.
- Several proposed coal terminals.

Proactive risk analysis, risk management techniques, and assertive risk communication must be used to substantiate and target efforts to reduce the risk of an oil spill. The program will continue to analyze the oil transportation risk picture considering all transportation modes but focused on vessel, rail, and pipeline and their interfaces. Risks associated with the transportation of LNG, coal, propane, and other hazardous oil-based cargos will also be considered.

Action Lead(s): Prevention Section

2016 Status: In progress

Strategy 2. Provide incentives and technical assistance to companies to enhance their ability to comply with – and voluntarily exceed – industry, state, national and international safety and oil spill prevention standards and regulations.

Action: Update ECOPRO standards for tank vessels, incorporating elements of Green Marine where possible, to enhance vessel best achievable protections.

Rationale: Updates to the current ECOPRO standards are needed to enhance best achievable protections.

Action Lead(s): Prevention Section

2016 Status: On hold

Strategy 4. Expand the preventative marine safety measures, relying on increased inspection activity, outreach and investigations that will help address oil spill risks, including commercial fishing and towing operations.

Action: Support the Washington State Board of Pilotage Commissioners if they conduct rulemaking on Grays Harbor tank vessel tug escort requirements as result of a crude oil facility being permitted in Grays Harbor.

Rationale: If a crude oil facility is permitted for development in Grays Harbor, the Board of Pilotage Commissioners will undertake rulemaking to develop tank vessel tug escort requirements. The program will provide support and expertise if this occurs.

Action Lead(s): Prevention Section

2016 Status: On hold

Action: Support the Clean Marina Program outreach initiative by publishing a Pollution Prevention Manual for marinas.

Rationale: Work on a Pollution Prevention Manual is underway and will be an important step in improving education and outreach to marinas.

Action Lead(s): Prevention Section and Statewide Resources Section

2016 Status: In progress

Action: Develop a plan for updating the Cargo and Passenger Vessels – Substantial Risk rule (Chapter 317-31 WAC) to revisit the Accepted Industry Standards for the cargo and passenger vessel screening and boarding program.

Rationale: The Accepted Industry Standards for cargo and passenger vessels is in need of updating. Reforming the advisory group on cargo and passenger vessel substantial risk criteria is a substantial undertaking and will need significant lead time and effort to start this process.

Action Lead(s): Prevention Section and Statewide Resources Section

2016 Status: On hold

Strategy 5. Ensure best industry practices and best achievable protection for regulated vessel operations and oil handling facilities, to include facility design to enhance environmental protection.

Action: Initiate rulemaking to modernize the Prevention Design Standards for facilities.

Rationale: There is a need to update the Facility Oil Handling Standards rule (Chapter 173-180 WAC) to address all modes of oil handling in and out of facilities, including facilities with rail transfers.

Action Lead(s): Prevention Section

2016 Status: On hold

Goal IV: Protect resources at risk by diligently preparing to respond to spills.

Strategy 1. Enhance GRPs to ensure swift and effective spill response throughout the state to protect sensitive resources.

Action: Review all existing GRPs and provide a gap analysis report to the Legislature by December 31, 2015.

Rationale: ESHB 1449 directed Ecology to continue to develop and enhance GRPs for inland and marine areas at risk from oil spills, and outlined requirements for completing new plans and plan updates. The Spills Program is required to provide a report to the Legislature by December 31, 2015 of a review of state GRP's and federal requirements. The report will identify the number of GRPs that will need to be developed or updated.

Action Lead(s): Preparedness Section

2016 Status: Complete

Action: Complete GRP developments during the biennium.

Rationale: In order to protect sensitive state resources, the Spills Program will develop new GRPs for areas of the state that do not currently have plans, and will update and maintain existing GRPs to keep them current. The work will include data collection and stakeholder engagement, and strategies will be developed using geospatial planning tools and up to date resources at risk information.

Action Lead(s): Preparedness Section

2016 Status: In progress

Strategy 2. Improve the capability to respond to spills in difficult environments and situations using BAP. This includes incidents in fast waters, under limited visibility and with oils that may sink or submerge in water.

Action: Continue to implement the regulatory changes from the 2013 Contingency Plan rule update to achieve BAP for aerial surveillance.

Rationale: Ecology updated the Oil Spill Contingency Plan rule in 2013 to ensure that Washington achieves the highest standards of protection by requiring best technology, staffing levels, training procedures, and operational methods in oil spill plans. A 5-year review cycle to maintain BAP for readiness was initiated in 2013 and the program will continue to implement the regulatory changes during the 2015-2017 biennium.

Action Lead(s): Preparedness Section

2016 Status: In progress

Action: Continue to evaluate equipment, tactics, and responder training for oils that sink or submerge in water.

Rationale: It is important to ensure that appropriate equipment for non-floating oils can be deployed and personnel are properly trained to use the equipment.

Action Lead(s): Preparedness Section

2016 Status: Ongoing

Action: Extend the BAP requirement to facilities through rulemaking that will update the Oil Spill Contingency Plan standards for pipelines.

Rationale: The Oil Spill Contingency Plan standards were updated in 2013 to incorporate the BAP requirement for vessels. Rulemaking is needed to extend the BAP requirement to pipelines.

Action Lead(s): Preparedness Section

2016 Status: Complete

Strategy 3. Evolve the state’s drill program to respond to various types and sizes of spills. Communicate results to our stakeholders.

Action: Rebuild the program’s capacity to attend tabletop drills. Evolve the evaluation criteria for drills with lessons learned to improve plans.

Rationale: Resource constraints currently prevent Ecology staff from attending all scheduled drills.

Action Lead(s): Preparedness Section

2016 Status: Ongoing

Action: Define a drill that will address response to spills of non-floating oils.

Rationale: It is important to ensure that we are designing and conducting drills that address recovery methods for varied oil types.

Action Lead(s): Preparedness Section

2016 Status: In progress

Action: Monitor drill needs for any new oil handling facilities that are permitted.

Rationale: As proposals for new oil handling facilities are pending, the program needs to evaluate its existing capacity for drills to ensure we are prepared if a new facility begins operation.

Action Lead(s): Preparedness Section

2016 Status: Ongoing

Strategy 4. Build on successful spill preparedness efforts, such as contingency planning for vessels and oil handling facilities, to address new spill risks from oil being transported via railroads.

Action: Complete rulemaking to develop contingency plan and drill requirements for railroads transporting oil in bulk.

Rationale: ESHB 1449 expanded the definition of “facility” to include railcars for the purpose of oil spill preparedness, and extends contingency planning and drill requirements to railroads transporting crude or refined oil in bulk.

Action Lead(s): Preparedness Section

2016 Status: Complete

Strategy 5. Provide local communities, tribes and the public key information on oil movement.

Action: Develop rail and pipeline reporting requirements through rulemaking as directed in ESHB 1449. The rulemaking and larger effort will address:

- Weekly rail advance notices.
- Biannual pipeline reporting.
- Providing key information on oil movement to other governments and local responders.
- Public quarterly reports.

Rationale: Through passage of ESHB 1449, the Legislature gave Ecology the authority to conduct rulemaking to develop rail and pipeline reporting requirements. By collecting and sharing information about oil transportation by rail and pipeline, local communities will be better prepared to respond to incidents from these modes.

Action Lead(s): Statewide Resources Section

2016 Status: Complete

Action: Launch and maintain the online Spills Map to provide important information to the public, including displaying information on movement of oil.

Rationale: The Spills Map is currently in production to provide up-to-date spill-related data and oil movement information to the public and stakeholders.

Action Lead(s): Preparedness Section and Statewide Resources Section

2016 Status: Ongoing

Strategy 6. Ensure all vessels and facilities demonstrate their ability to pay for response and recovery costs and damages from spills.

Action: Support the UTC while they complete rulemaking on rail financial responsibility documentation.

Rationale: With the increase in movement of oil by rail, it is important to determine if rail companies have the ability to pay for damages in the event of a spill. The UTC has authority to conduct rulemaking that requires railroads to disclose financial information relating to their ability to pay response and damage costs resulting from a spill in Washington.

Action Lead(s): Preparedness Section

2016 Status: Complete

Action: Monitor and follow up on gaps in vessel information provided on membership in protection and indemnity insurance (P&I) Clubs as evidence of financial responsibility.

Rationale: Washington State law provides for unlimited liability for oil spills. The cost of oil spills is increasing, and the program should evaluate P&I Club information to ensure vessels have the ability to pay for cleanup, claims, penalties, and natural resource damages resulting from a large spill.

Action Lead(s): Preparedness Section

2016 Status: In progress

Strategy 7. Manage a coordinated system for locating vessels of opportunity and other volunteers to assist before, during and after oil spills.

Action: Launch a targeted effort to recruit vessels of opportunity (VOO) with tribes and shellfish growers.

Rationale: The 2013 Contingency Plan rule update requires Ecology to address volunteer management and VOO. The program has developed a volunteer coordination system as part of the state's oil spill response strategy that includes recruitment of VOOs and coordination of the VOO program. To expand the VOO program, the Spills Program will focus its efforts on tribes and shellfish growers.

Action Lead(s): Preparedness Section

2016 Status: In progress

Goal V: Provide response and restoration to spills and incidents in a rapid, aggressive and well-coordinated manner.

Strategy 2. Provide local governments, tribes and first responders the necessary tools and training to effectively respond to spills.

Action: Develop an equipment cache grant program. The work will include the following elements:

- Convening a stakeholder group to assist in development and administration of the grant program.
- An assessment to identify training and equipment needs.
- Development and delivery of a training program for first responders and cache recipients.
- Planning for ongoing implementation to maintain the grant program and equipment.

Rationale: In 2007, Ecology established 99 response equipment caches throughout the state to assist local and tribal responders to provide rapid spill containment and cleanup capability. New challenges presented by the transportation of crude oil in unit trains have resulted in the need for additional response equipment caches and replenishment of the existing caches. ESHB 1449 directed Ecology to create and administer a grant program that provides firefighting equipment and oil spill response equipment caches and training to local responders.

Action Lead(s): Response Section and Statewide Resources Section

2016 Status: In progress

Strategy 6. Continue effective investigations to identify the causes of spills and hold responsible parties accountable through appropriate enforcement and cost recovery actions.

Action: Improve capacity for tracking National Pollution Funds Center (NPFC) claims and resolutions.

Rationale: It is important to have an efficient process in place for processing and tracking cost recovery work.

Action Lead(s): Response Section and Statewide Resources Section

2016 Status: In progress

Action: Develop an agreement with UTC to utilize their expertise for rail spills, and develop a procedure for activating that agreement.

Rationale: While the current response and investigation processes are effective, the program should utilize partners with rail expertise during response and investigation of rail spills.

Action Lead(s): Response Section and Statewide Resources Section

2016 Status: Not started

Strategy 7. Ensure spillers restore injured resources.

Action: Evaluate the current Natural Resource Damage Assessment (NRDA) process.

Rationale: Recent spills resulted in application of the new compensation schedule in the current NRDA rule to a spill over 1,000 gallons for the first time.

Action Lead(s): Response Section

2016 Status: Ongoing

PERFORMANCE MEASURES

The program uses performance measures to track progress and evaluate how our work is meeting the goals and mission of the program. Table 2 shows the program’s current performance measures for the 2015-2017 biennium. The measures represent the four major program activities and are for both internal and external audiences. The internal measures are used by program management for program planning. The external measures are reported to OFM. Table 3 shows performance measure results from 2007-2016 for internal and external measures.

Table 2: 2015-2017 Performance Measures by Activity

	External/Internal	Target	Frequency
Prevention Activities			
Number of spills to surface water from all sources	External	0	Quarterly
Total volume of oil spilled to surface waters from all sources	External	0	Quarterly
Percent of potential high-risk vessels boarded and inspected	External	20%	Quarterly
Gallons of oil spilled to surface waters during a transfer for every 100 million gallons transferred	External	0	Quarterly
Percent of regulated marine oil transfer operations inspected	External	6%	Quarterly
Total volume of oil spilled to water from regulated facilities and vessels	External	0	Quarterly
Total number of vessel inspections	Internal	500	Annually
Total number of regulated vessels entering WA waters	Internal	NA	Annually
Percentage of entering vessels that receive a compliance inspection	Internal	10%	Annually
Percentage of entering vessels receiving informational inspections	Internal	2%	Annually
Total number of oil transfer inspections	Internal	900	Annually
Total number of oil transfer operations reported (ANT)	Internal	NA	Annually
Percent of high rate oil transfer operations surrounded by containment boom prior to transfer	Internal	100%	Annually
Preparedness Activities			
Number of Geographic Response Plans completed for inland spill response	External	TBD	Annually
Percent of vessel emergency occurrences reported to Ecology	External	100%	Quarterly
Percent of compliance with drill requirements in three year drill cycle	Internal	100%	Annual
Percent of drill evaluations provided to industry for action within 30 days of the drill	Internal	100%	Annual
Plan reviews and updates completed within 65 days and comments written using clear language to reduce compliance time	Internal	100%	Annual
Plans made available for public comment during the 30-day review period	Internal	100%	Annual
Spills management annual tabletop drills	Internal	TBD	Annually
Worst Case Scenario tabletop drills	Internal	TBD	Annually
Deployment drills	Internal	TBD	Annually
Number of self-certified drills	Internal	Decrease	Annually
Geographic Response Plans tested	Internal	TBD	Annually
Deployment drill credit for actual spills	Internal	0	Annually
Unannounced drills	Internal	TBD	Annually

Response Activities			
Percent of reported oil and hazardous material spill incidents that receive a field response	External	20%	Quarterly
Total number of reported incidents	Internal	NA	Quarterly
Natural Resource Damage Assessment Activities			
Percent of completed restoration projects that meet restoration plan specifications	External	100%	Quarterly

Table 3: 2007-2016 Performance Measure Results

	2007-2009	2009-2011	2011-2013	2013-2015	2015-2016*
Prevention Activities					
Number of spills to surface water from all sources	721	1,007	985	1,024	641
Total volume of oil spilled to surface waters from all sources	23,345	15,460	10,723	15,748	11,084
Percent of potential high-risk vessels boarded and inspected	NA	26.0%	27.0%	17.5%	13.0%
Gallons of oil spilled to surface waters during a transfer for every 100 million gallons transferred	22.5	24.8	30.2	20.2	4.0
Percent of regulated marine oil transfer operations inspected	7.1%	8.8%	7.2%	4.9%	4.8%
Total volume of oil spilled to water from regulated facilities and vessels	NA	NA	NA	649	101
Total number of vessel inspections	1,061	1,004	979	600	276
Total number of regulated vessels entering WA waters	7,956	7,409	7,533	7,585	3,223
Percentage of vessels entering WA waters that are inspected only for substantial risk (vessel inspection only)	13.3%	13.6%	13.0%	11.3%	8.2%
Percentage of entering vessels that receive a compliance inspection	2.8%	11.0%	11.3%	5.6%	6.3%
Percentage of entering vessels receiving informational inspections	10%	2.5%	1.6%	2.3%	2.0%
Total number of oil transfer inspections	3,066	2,503	2,188	1,520	732
Total number of oil transfer operations reported (ANT)	29,826	28,807	30,367	30,913	15,234
Percentage of oil transfer operations inspected	10.4%	8.6%	7.2%	4.9%	4.8%
Percent of high rate oil transfer operations surrounded by containment boom prior to transfer	NA	NA	NA	NA	93.1%
Preparedness Activities					
Number of Geographic Response Plans completed for inland spill response	NA	NA	NA	9	0
Percent of vessel emergency occurrences reported to Ecology	NA	NA	NA	31.8%	22.2%
Percent of compliance with drill requirements in three year drill cycle	NA	NA	NA	NA	NA
Percent of drill evaluations provided to industry for action within 30 days of the drill	NA	NA	NA	NA	70%
Plan reviews and updates completed within 65 days and comments written using clear language to reduce compliance time	NA	NA	NA	NA	100% (7 of 7)
Plans made available for public comment during the 30-day review period	NA	NA	NA	NA	5
Spills management annual tabletop drills	38	58	43	49	25
Worst Case Scenario tabletop drills	22	23	18	21	15
Deployment drills	133	166	132	218	87
Number of self-certified drills	36	81**	32	47	42

Geographic Response Plans tested	91	71	0***	0***	63
Deployment drill credit for actual spills	4	3	4	7	2
Unannounced drills	980	134	0	4	1
Response Activities					
Percent of reported oil and hazardous material spill incidents that receive a field response	30.8%	25.0%	22.7%	20.45%	16.84%
Total number of reported incidents	7,508	7,405	7,993	7,394	3,886
Natural Resource Damage Assessment Activities					
Percent of completed restoration projects that meet restoration plan specifications	NA	100%	100%	100%	100%

Notes: Results are calculated by fiscal year, July 1-June 30.

NA = Measure was not tracked during the biennium.

*Includes data for one fiscal year.

**All tabletop drills were self-certified from 2009-2011.

***Activity conducted but data not collected during this time period.

APPENDIX A: 2013-2015 PROGRAM INITIATIVE RESULTS

The 2013-2015 Program Plan described six program initiatives that were focal areas beyond core activities. These initiatives supported the strategic direction described in the 2009-2015 Strategic Plan. This section briefly describes each of these program initiatives and their status.

Program Initiative 1: Identify and develop strategies to address the changing risk picture in Washington State waters and lands.

During the last biennium, the program sought to conduct risk assessment studies to address increased oil movement through Puget Sound and to evaluate impacts of new crude oil storage terminals in Washington State.

- Completed: The 2014 Marine and Rail Oil Transportation Study, a study that provides an analysis of Washington's energy transportation picture for the next ten years. The study also provides information about the characteristics of various forms of oil.
- Completed: The Glosten Waterway Analysis to support the Gateway Pacific Terminal EIS process.
- Future Work: The 2015 State Legislature directed and provided resources for Ecology to undertake a Vessel Traffic Safety Evaluation and Assessment for the Columbia River. An update to the Puget Sound VTRA also received funding. This work is underway. A VTRA for Grays Harbor and a statewide rail traffic risk assessment are planned for future biennia, as funding allows.

Program Initiative 2: Continue to Implement House Bill 1186 – Best Achievable Protection.

House Bill 1186 passed in 2011 and Ecology updated the Oil Spill Contingency Plan rule to ensure that Washington achieves the highest standards of protection by requiring best technology, staffing levels, training procedures, and operational methods in oil spill plans. The program continued phasing in the regulatory changes during the last biennium.

- Completed: Rulemaking for oil spill contingency plans to ensure the highest standards of protection.
- Ongoing: Review of oil spill contingency plans to ensure compliance with new regulatory standards.
- Future Work: Ongoing drills will test oil spill contingency plans to ensure compliance with new regulatory standards.

Program Initiative 3: Address potential funding revenue shortfall in the changing business climate of oil movement.

With the increase in oil movement through Washington by pipeline and rail, the program prepared for a potential negative impact to the OSPA since the barrel tax only applied to the first possession of oil into the state by vessel.

- Completed: The 2015 State Legislature expanded the barrel tax to include oil transported into the state by rail. The Legislature also provided a one-time fund transfer from the OSRA into the OSPA to provide adequate funding to the Spills Program for the 2015-17 biennium.

- Future Work: Program budget deficits are estimated for future biennia. The program will pursue sustainable funding to avoid long term budget deficits.

Program Initiative 4: Ensure regulated vessels and oil facilities demonstrate an appropriate level of Financial Responsibility (FR).

With the increasing costs of oil spills and the changing oil transportation picture, the program sought to reassess the appropriate level of financial responsibility for companies transporting oil in the state.

- Completed: Began collecting information from P&I insurance organizations for vessel owners enrolled in umbrella plans.

Program Initiative 5: Develop a new information data system.

The program sought to develop a new data system that integrates our old data systems to streamline data entry work, and to complete the development of a geographic response plan database (GRPdb2) that enables Ecology to create response tactics displays using spatial planning.

- Completed: Developed and launched SPIIS, fully integrating other data systems.
- Completed: Ecology's GRPdb2 was delivered to the Spills Program by a contractor and improvements to the database were made by Ecology's GIS Technical Services.

Program Initiative 6: Implement funding and policy legislation related to derelict vessels.

Over the last biennium, Ecology continued to evaluate legislative policy and funding improvements at the state and federal levels to enhance the DNR's derelict vessel program.

- Completed: Obtained administrative warrant authority to search vessels at risk of becoming derelict. A procedure was developed with the Attorney General's Office in order to implement this new authority.