

<p align="center">USCG/ECOLOGY MOA</p>	<p align="center">Protocols Manual</p>	<p>Procedure: 1 Page: Page 1 of 11 Revision: 06/26/2007</p>
<p align="center">Facility Response/Contingency Plan Review</p>		

1. PURPOSE/SCOPE

The purpose of the Facility Response/Contingency Plan Review Protocol is to coordinate contingency plan review activities for all jointly regulated facilities, including mobile facilities, and maximize the effectiveness of combined U.S. Coast Guard District Thirteen (“USCG”) and Washington State Department of Ecology (“Ecology”) resources devoted to preventing pollution from facilities.

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 VI – Preparedness for Oil and Hazardous Substances Spills:

A. 3. Facility Oil Spill Response/Contingency Plans: Facility Plans are required by both Federal and State law. These plans describe facility capabilities to prevent and respond to pollution emergencies. The State and the Coast Guard will coordinate with the Department of Homeland Security (DHS), Department of Transportation (DOT), Minerals Management Service (MMS), and the Environmental Protection Agency (EPA) in assessing facility contingency plans. Subject to the requirements of applicable law, regulations and policy, the Parties agree to develop a protocol to enhance the quality and coordinate their respective review and approval of facility contingency and response plans.

Ecology

Statutes

RCW 90.48

RCW 90.56

Regulations

WAC 173-182

WAC Chapter 173-180

Documents/Forms

Northwest Area Contingency Plan

Geographic Response Plans

Manual for Review of Facility and Vessel Oil Spill Contingency Plans

Manual for Review of Mobile Facility Plans

*Facility inspection checklist**

Facility Oil Transfer Inspection Checklist

*Facility operations manuals**

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*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 2701 (OPA 90)

33 USC 1321 (Federal Water Pollution Control Act, as amended, Section 311)

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

49 CFR 1.46

Regulations

33 CFR 154.1010 & 154.1065

33 CFR 155.1010 & 155.1065

33 CFR Part 154, 126, 101-105

Documents/Forms

Northwest Area Contingency Plan

Geographic Response Plans

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

Preparedness Section Manager, Spills Program

Phone: 360-407-7447

Fax: 360-407-7288

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

Facility Response/Contingency Plan Review

USCG

CGD13 Prevention Division

Phone: 206-220-7210

Fax: 206-220-7225

Mailing Address: Commander (dp), Thirteenth Coast Guard District, 915 Second Ave., Room 3506, Seattle, WA 98174

Sector Portland; Captain of the Port Portland

Phone: 503-240-9301

Fax: 503-240-9345

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

Sector Seattle; Captain of the Port Puget Sound

Phone: 206-217-6203

Fax: 206-217-6345

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

4. POLICY AND PROCEDURES

It is the policy of the USCG and Ecology:

- To enhance the quality of Facility Response/Contingency Plans (subsequently referred to as 'plan') and streamline regulatory actions through a coordinated review and approval of those plans, if feasible, for all jointly regulated MTR facilities.
- That both agencies acknowledge statutory and regulatory mandates limit or preclude delegation of authority to act on the other agency's behalf. Therefore, it is the policy of the USCG and Ecology that where a joint approval may be feasible, the final review, approval and signature authority for determining compliance with federal requirements resides with the appropriate USCG COTP. Likewise, Ecology is the final review, approval and signature authority for determining compliance with state regulations.
- To encourage facilities to submit copies of a single plan integrating both federal and state plan requirements for respective agency review and approval.
- To coordinate and discuss any corrective measures for plan deficiencies found during the review process. In doing so, disapproval letters and any associated correcting amendments proposed by the plan originator will be shared between agencies.

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- To share information that affects the level of readiness for a facility to respond to an oil or hazardous substance spill.
- That documents shared will be done pursuant to the Disclosure of Records protocol.
- To establish an integrated Response/Contingency Plan Review and Approval Process, if feasible, utilizing a consolidated Plan Review Checklist, acknowledging that most of the respective regulatory requirements are identical. The integrated checklist (Appendix 2) will be organized to include sections covering plan requirements common to both federal and state regulations, and sections detailing unique federal and state requirements.
- To synchronize and coordinate their timely review of plans to facilitate joint action on the plan, whenever feasible.
- To coordinate and conduct joint site plan verification exams upon final approval of plans, whenever feasible.
- To communicate contemplated actions if a plan originator appeals a requirement.

Task Procedures

- Ecology will work with the USCG to develop a checklist for the review of facility contingency plans, including a separate checklist for mobile facilities that covers both federal and state requirements.
- USCG and Ecology will each strive to complete their independent review of plans concurrently utilizing the integrated checklist for compliance with their respective requirements to permit agency action within regulatory timeframes.
- USCG Sectors and Ecology Preparedness Section Manager will consult to ascertain the feasibility, including timely decision and action, for a joint approval or disapproval letter. Where not possible, the agencies will copy each other on approval and disapproval letters sent to the plan originator and communicate any additional corrective measures required of the facility plan holder.
- USCG and Ecology will coordinate a joint site plan verification visit to the facility once the plan has been approved by both agencies.

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- USCG and Ecology will communicate findings of non-compliance, intended enforcement actions, and decisions/actions on appeal for the facilities that are currently regulated by both the USCG and Ecology (see Appendix I).
- Ecology Preparedness Section Manager and appropriate USCG Sector staffs should conduct and document plan review using a checklist that covers both the federal and state requirements.
- Agency Appeals: Appeals will be handled in accordance with each agency's regulations.
 - Where decision/action being appealed relates solely to a federal requirement, the USCG COTP will directly reconsider the decision or action being appealed. USCG COTP and D13 will communicate to Ecology any intended action to ensure all relevant factors and impacts are understood, including conflicts with state regulations.
 - Where a decision/action being appealed relates to common federal and state requirement(s), the USCG and Ecology will consult and coordinate appeal actions being reconsidered to ensure consistency whenever possible. Such appeals, if reconsidered by the original USCG COTP and Ecology official, should also be jointly signed unless otherwise precluded by either agency's appeal procedures.

If appellant remains aggrieved, subsequent appeal actions will be directly answered by each agency independently. However, USCG (D13) and Ecology agree to communicate any actions intended prior to final decision to assure all relevant factors and impacts are considered, including identifying potential conflicts with the other agency's regulatory requirements.

Communication and Information Sharing

- Ecology and USCG will meet quarterly (as part of the regular quarterly Ecology and USCG coordination meetings) to assess contingency plan review coordination efforts and identify issues related to spill preparedness that need to be addressed to further enhance our combined efforts.
- Ecology will coordinate with the USCG to maintain a list of shared regulated facilities (see Appendix I) and a list of plan expiration dates updated at each quarterly meeting.
- Ecology Preparedness Section Manager will maintain a schedule for coordinated contingency plan reviews for all regulated facilities under joint jurisdiction.

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- Ecology Preparedness Section Manager and appropriate USCG Sector will communicate and resolve any issues that may affect each other's ability to complete a timely facility contingency plan review.

5. MEASURES OF EFFECTIVENESS

Partnership Measures

- Number of coordinated Facility Plan Reviews and joint approvals completed/total number of plan reviews/approvals completed annually for jointly regulated facilities.

Environmental Protection Measures

- Number of major deficiencies noted in Plan reviews by type and by planholder category/ number of plans and by planholder category reviewed.
- Number of major deficiencies noted during facility plan verification exams (by type and by 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 are to be defined in subsequent working meetings between the agencies.

6. 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

APPENDIX I

List of Shared USCG/Ecology Regulated Facilities

Facility Plan Expiration Date	Location
ARCO Harbor Island (BP West Coast Products)..... 12/15/2005	Seattle
BP Cherry Point Refinery..... 10/05/2004	Blaine
Chevron-Texaco..... 03/27/2006	Seattle
Chevron-Texaco Pipeline..... 01/08/2006	Pasco
Conoco Spokane Terminal..... 05/25/2005	Spokane
Exxon Spokane Facility..... 10/22/2004	Spokane
Fort James..... 02/02/2005	Camas
Island Petroleum Services (Orcas Island & Roche Harbor)..... 12/09/2004	Friday Harbor
Kinder Morgan..... Cond. Approval	Seattle
Longview Fibre..... 02/02/2005	Longview
Manchester..... 09/22/2005	Poulsbo
McNeil Island..... 06/06/2006	Steilicoom
Pacific Terminals..... 10/31/2005	Seattle
Phillips 66 Renton..... 09/18/2005	Renton
Phillips 66 Tacoma..... 09/15/2005	Tacoma
Phillips 66 Refinery..... 02/28/2005	Anacortes

Facility Plan Expiration Date	Location
Port Townsend Paper..... 03/13/2005	Port Townsend
Rainier Petroleum..... 02/02/2006	Seattle
Shell Harbor Island..... 10/24/2005	Seattle
Shell Puget Sound Refining..... 09/02/2004	Anacortes
Shore Terminals..... 04/13/2005	Tacoma
Simpson Tacoma Kraft..... 09/01/2005	Tacoma
Sound Refining..... 04/13/2005	Tacoma
Tesoro Port Angeles..... 04/13/2005	Port Angeles
Tesoro Refinery Anacortes..... 01/06/2005	Anacortes
Tesoro Vancouver..... 04/13/2005	Vancouver
Tidewater Wilma Terminal..... 03/01/2005	Clarkston
Tidewater Snake River..... 02/28/2007	Pasco
US Oil..... 07/20/2005	Tacoma
Weyerhaeuser..... 11/09/2005	Longview
Naval Air Station Whidbey..... 09/05/2005	Oak Harbor

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SECTOR SEATTLE/ECOLOGY FACILITIES	
Facility Name	Location
BP Harbor Island Terminal (Terminal 11)	Seattle
BP Cherry Point Refinery	Blaine
Chevron USA, Inc.	Seattle
Shell	Anacortes
Kinder Morgan	Seattle
Island Petroleum Services (Orcas Island)	Friday Harbor
Island Petroleum Services (Roche Harbor)	Friday Harbor
Manchester Naval Supply Center	Poulsbo
McNeil Island Corrections Center	Steilacoom
Naval Air Station Whidbey Island	Oak Harbor
Shell	Harbor Island
Port Townsend Paper Corporation	Port Townsend
Rainier Petroleum Corporation	Seattle
Simpson Tacoma Kraft Company	Tacoma
Sound Refining, Inc.	Tacoma
Shore Terminal	Tacoma
Tesoro Oil Company	Anacortes
Tesoro Port Angeles	Port Angeles
ConocoPhillips (Tacoma)	Tacoma
ConocoPhillips (Ferndale)	Ferndale
U.S. Oil & Refining Co. (Tacoma)	Tacoma

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SECTOR PORTLAND/ECOLOGY FACILITIES	
Facility Name	Location
Chevron	Pasco
Fort James	Camas
Longview Fibre Company	Longview
Tesoro West Coast Company	Vancouver
Tidewater Terminal Co., Inc.	Pasco
Tidewater Terminal Company	Clarkston
Weyerhaeuser Company	Longview

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APPENDIX II

Consolidated USCG/Ecology Facility Response/Contingency Review Checklist

TBD

