



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 19, 2009

Dear Puget Sound Oil Spill Contingency Plan Holders:

I was pleased to see in your recent “Interim Report to the Legislature as Required by ESSB 5344” your progress towards the goal of an equitable industry cost sharing agreement to fund the Neah Bay emergency response tug. I encourage your continued efforts to reach a funding solution and look forward to seeing your final report on December 1, 2009.

I also want to remind you that the following important deadlines are fast approaching:

- **By December 1, 2009**, your contingency plans will need to be updated to show compliance with the Neah Bay tug requirements.
- **By July 1, 2010**, vessel owners and operators will have an industry funded tug stationed and operating at Neah Bay.

Since our last Ecology letter dated October 16, 2009, I have been asked how we will ensure compliance with the legislative direction for ESSB 5344 and I am providing you with the following summary of the steps we could take if the statutory deadlines are not met.

I am pleased to say that most people and businesses in Washington voluntarily comply with environmental laws. When voluntary compliance is not achieved, we progress through a variety of tools to gain compliance, usually starting with a warning. Ecology has a very deliberative process for deciding when to take enforcement and for determining the appropriate level of action.

Notice of Violation (NOV)

- For plan holders that do not meet the December 1, 2009 deadline, the first step will be to issue a notice of violation (NOV). The NOV is an informal action meant to alert the plan holder that a violation of an environmental law has occurred. The NOV will request compliance within 30 days and ask for a report back to Ecology listing the steps you will take to comply. NOV's are informal actions that cannot be appealed. You will find our authority for this action in RCW 88.46.070 (2).

Formal Administrative Order

- If the plan holder does not respond to the NOV, then Ecology can issue a formal administrative order based on a determination that compliance has not been reached. The order requires a response from you. Ecology's authority can be found in RCW 88.46.070(3). Formal administrative orders are appealable to the Pollution Control Hearings Board.

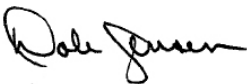
Penalty

- If the July 1, 2010 deadline is not met, vessel owners or operators that have not complied with ESSB 5344 may be subject to an administrative order or a penalty up to \$10,000 per day for failure to meet the requirement. Civil penalties can be appealed to the Pollution Control Hearings Board. Ecology's authority for this action is found in RCW 88.46.090(6).

I hope this answers your questions about the fast approaching deadlines and Ecology's enforcement process. Thank you for your hard work to protect Washington's diverse environment and our economy from the risk of oil spills.

Please feel free to contact me if you have further questions.

Sincerely,



Dale Jensen, Program Manager
Spills Prevention, Preparedness and Response Program

DJ:lh