



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Department of Ecology AO #15-08

| | |
|---|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-19-052; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: Ecology is proposing to amend the Oil Spill Contingency Plan rule (Chapter 173-182 WAC). This rulemaking will:

- Update definitions to ensure clarity and consistency with existing federal regulations.
- Clarify the Worst Case Discharge calculation for pipelines.
- Create a new pipeline geographic information planning standard which will use geo-referenced data to support preparedness planning and initial decision making during pipeline oil spills.
- Enhance our existing air monitoring requirements for pipelines to ensure safety of oil spill responders and the general public.
- Enhance our spills to ground requirements to ensure rapid aggressive and well-coordinated responses to spills to ground which could impact ground water.
- Update our pipeline planning standard requirements to ensure equipment required is appropriate for the environments pipelines may impact.
- Expand the Best Achievable Protection (BAP) Review Cycle to facilities and pipelines.
- Other changes to clarify language and make any corrections needed.

Hearing location(s):

See Attachment A

Submit written comments to:

Name: Sonja Larson
 Address: Department of Ecology, Spills Program
 P.O. Box 47600, Olympia, WA 98504-7600
 e-mail Sonja.Larson@ecy.wa.gov
 fax (360) 407-7288 by July 22, 2016
 Online: Submitted through an online comment tool at
<https://www.piersystem.com/go/doc/5779/2804978/>

Date of intended adoption: October 12, 2016
 (Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities: Contact
 Spills Program Reception at (360) 407-7455 by June 22, 2016
 TTY (877) 833-6341 or (711) Relay Service

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The amended regulations enhance oil spill contingency plan requirements for hazardous liquids pipelines required to submit oil spill contingency plans under chapter 90.56 RCW, and for the primary response contractors that support the implementation of the pipeline plans. The amendment of this rule will require pipelines to update their contingency plans and submit them for Ecology approval.

Reasons supporting proposal:

The rule was last updated for pipelines in 2006. At that time the pipeline planning standards were developed to align with the marine terminal standards. In Washington pipelines exist in both marine and inland areas. After several years of implementing the rule we have identified the need to update our standards to ensure that required oil spill response equipment is appropriate for the pipeline risks and operating environments (marine and inland). We also feel the need to better incorporate and embrace available technology and geo-referenced data in our planning requirements.

Statutory authority for adoption: RCW 90.56

Statute being implemented: Chapter 90.56 RCW

Is rule necessary because of a:

| | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

DATE 5/16/16

NAME Polly Zehm

SIGNATURE

TITLE Deputy Director, Department of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 18, 2016

TIME: 11:04 AM

WSR 16-11-112

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: Department of Ecology, Spill Prevention, Preparedness and Response Program
(Spills Program)

- Private
 Public
 Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---|-----------------|----------------|
| Drafting..... Sonja Larson | Lacey, WA | (360) 407-6682 |
| Implementation.... Ecology Spills Program | Lacey, WA | (360) 407-6682 |
| Enforcement..... Ecology Spills Program | Lacey, WA | (360) 407-7447 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Shon Kraley
Address: Economics and Regulatory Research
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
phone (360) 407-6774
fax (360) 407-6989
e-mail Shon.Kraley@ecy.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Shon Kraley
Address: Economics and Regulatory Research
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
phone (360) 407-6774
fax (360) 407-6989
e-mail Shon.Kraley@ecy.wa.gov

No: Please explain:

Attachment A:

Hearing location(s):

Ecology is holding three public hearings on this rule proposal, one each in Spokane, Everett, and Vancouver, and one via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access. For more information about the public hearings, visit the following website: <http://www.ecy.wa.gov/programs/spills/rules/1106inv.html>

| Date | Time | Format | Location |
|----------------------------|-------------|--------------------------|--|
| Wednesday June 29, 2016 | 3:00 pm | In Person | Holiday Inn Downtown Everett Ballroom 1 3105 Pine Street Everett, WA 98201 |
| Thursday June 30, 2016 | 2:00 pm | In Person and Webinar | Clark College Gaiser Student Center 1933 Fort Vancouver Way Vancouver, WA 98663 Comments will be accepted in-person (written and oral) and during the webinar (oral only) via phone: (800) 704-9804, Participant Code: 81723592# To join the webinar click on the following link for more information and instructions: http://www.ecy.wa.gov/programs/spills/rules/Webinar1106.pdf |
| Thursday July 7, 2016 | 1:00 pm | In Person | Ramada at Spokane International Airport Lower Level Ballroom 8909 West Airport Drive Spokane, WA 99224 |