



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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**STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NONSIGNIFICANCE**

Date of Issuance: March 16, 2016

Lead agency: Department of Ecology, Spill Prevention, Preparedness and Response Program

Agency Contact: Kim Morley, Kim.Morley@ecy.wa.gov, 360-407-7040

Permit Number: Not applicable

Description of proposal:

During the 2015 legislative session, new provisions were added to Chapter 90.56 RCW that authorize Ecology to adopt rules on notice and disclosure of information on the movement of crude oil by rail and pipeline. Chapter 90.56 RCW was amended to require (1) facilities to provide ecology with advance notice of crude oil deliveries from railroad cars, (2) pipelines to provide ecology with biannual notice of crude oil transports through the state, and (3) Ecology to publish quarterly reports based on the information received by facilities and pipelines.

Ecology is conducting rulemaking to propose a new rule, Chapter 173-185 WAC, Oil Movement by Rail and Pipeline Notification. The purpose of this rule is to:

- Specify the applicability of the rule.
- Define terms used in the rule and ensure consistency with other Ecology regulations.
- Establish advance notice requirements for facilities that receive crude oil by rail.
- Establish biannual notice requirements for pipelines that transport crude oil through the state.
- Identify the manner that information must be submitted to Ecology.
- Identify the process for emergency responders, local governments, and tribes to request oil movement information, and the process that Ecology will use to provide non-aggregated information.
- Identify the types of aggregated information that Ecology will disclose to the public.
- Establish penalties for noncompliance with the rule.

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The rule will require subject facilities and pipelines to provide Ecology with information on the movement of crude oil through the state, and require Ecology to disclose certain information to emergency responders, local governments, tribes, and the public.

The information that will be disclosed under the rule will help emergency responders and planners to effectively prepare for and respond to oil spills and other incidents associated with the transport of crude oil by rail and pipeline.

Location of proposal: The proposal is not site specific. The proposed rule applies statewide. This rule will apply to facilities in Washington State that receive crude oil by rail and to pipelines that transport crude oil through the state.

Applicant/Proponent:

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Ecology has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). We have reviewed the attached Environmental Checklist. This is available at: <http://www.ecy.wa.gov/programs/spills/rules/1513ov.html>.

This determination is based on the following findings and conclusions:

The adoption of this rule will require subject facilities and pipelines to provide Ecology with information on the movement of crude oil through the state, and require Ecology to disclose certain information to emergency responders, local governments, tribes, and the public. No land development is associated with development or implementation of this rule.

The proposed rule is designed to enhance oil transportation safety in Washington and protect public safety and the environment by establishing notification requirements and procedures that inform emergency response agencies and the public of all crude oil shipments to facilities by rail and by pipeline in the state.

The proposed rule would not increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. The proposed rule would not be likely to affect plants, animals, marine life, environmentally sensitive areas, land use, or shoreline use. The proposed rule would not be likely to deplete energy or natural resources, and would not be likely to increase demands on transportation or public services.

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This DNS is issued under WAC 197-11-340(2) and the comment period will end on June 10, 2016 to correspond with the comment period on the rule proposal for Chapter 173-185 WAC, Oil Movement by Rail and Pipeline Notification.

Responsible official:

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Signature Dale Jensen by *Kathryn Tyle* Date 3/29/16