



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NONSIGNIFICANCE

Date of Issuance: April 1, 2016

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

Agency Contact: Linda Pilkey-Jarvis, Linda.Pilkey-Jarvis@ecy.wa.gov, 360-407-7447

Permit Number: Not applicable

Description of proposal:

During the 2015 legislative session, RCW 88.46.010 and RCW 90.56.010 were amended to include railroads (not owned by the state) that transport bulk oil as cargo in the definition of “facility”, and RCW 90.56.210 was amended to expand Ecology’s authority to require state contingency plans for rail. Ecology was directed to develop rules establishing contingency planning requirements for railroads transporting oil in bulk.

Ecology is conducting rulemaking to propose a new rule, Chapter 173-186 WAC, Oil Spill Contingency Plan – Railroad. The rulemaking will address, but not be limited to, the following:

- Describe the purpose and use of the contingency plans for rail.
- Describe the applicability and authorities of the rule, and timing for compliance.
- Include definitions for terms used in the rule.
- Define authority and process for contingency plan submittal and review.
- Establish a process for plan updates and notification of significant changes.
- Develop a signature authority for binding plan holders to the use of their plans.
- Establish contingency plan content requirements.
- Describe the required elements of the contingency plan field document.
- Establish notification requirements and call out procedures.
- Define training and personnel resources to fill roles in oil spill management teams.
- Identify resources at risk from rail spills.
- Establish equipment planning standards for responding to railroad oil spills.
- Establish Best Achievable Protection planning requirements for railroads.
- Establish a drill program and drill evaluation criteria for railroad plan holders.
- Establish recordkeeping, noncompliance, and compliance information.

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The adoption of this rule will require railroads regulated by the rule to develop and maintain contingency plans approved by Ecology. Contingency plans for railroads will ensure that environmental and economic damages from oil spills are reduced and that public health and safety is protected through immediate notifications of spills and threats of spills, coordination with first responders, pre-staged oil response equipment, and personnel trained to respond to incidents in a rapid, aggressive, and well-coordinated manner. The regulations also require regularly scheduled oil spill drills to test and strengthen the plans through implementation.

Location of proposal: The proposal is not site specific. The proposed rule applies statewide. The rule will apply to all railroads (not owned by the state) operating in Washington that transport oil in bulk.

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/1514ov.html>.

This determination is based on the following findings and conclusions:

The adoption of this rule would require railroads regulated by the rule to develop and maintain contingency plans approved by Ecology. The proposed rule is designed to ensure adequate plans for responses to oil discharges to water and land from railroad spills. 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.

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 173-186 WAC, Oil Spill Contingency Plan – Railroad.

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Responsible official:

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Signature

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Date

4/1/16