

## Preassessment Screening and Oil Spill Compensation Schedule Regulations (Chapter 173-183 WAC)

In 2007, the legislature raised the upper limit for natural resource damages from \$50 to \$100 per gallon of oil spilled into the waters of the state. Current mathematical formulas in regulation are unable to calculate damages above \$50 per gallon. Ecology is amending the formulas so that the full \$1 to \$100 range of the compensation required in state law can be calculated.

### What is Chapter 173-183 WAC?

Chapter 173-183 describes how the compensation schedules are used and establishes procedures for:

- Convening the RDA committee.
- Preassessment screening of resource damages resulting from oil spills to determine which damage assessment method to use.
- Determining damages in cases where a compensation schedule is applied as the damage assessment method.

### Summary of the rule changes adopted on March 10, 2009

The following changes to the compensation schedules were made so that the new \$1 to \$100 per gallon range of compensation could be calculated:

- Marine and estuarine waters multiplier changed from 0.1 to 0.208 in WAC 173-183-830.
- Columbia River estuary multiplier changed from 0.2 to 0.508 in WAC 173-183-840.
- Fresh water streams, rivers, and lakes multiplier changed from 0.08 to 0.162 in WAC 173-183-850.
- Fresh water wetlands multiplier changed from 0.81 to 1.620 in WAC 173-183-860.

#### WHY IT MATTERS

This rule ensures that the State of Washington and its citizens are adequately compensated for the cost of injury to natural resources from oil spills.

Compensation from oil spills is often directed toward habitat restoration projects.

The rule becomes effective **April 10, 2009.**

#### Contact information:

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#### Special accommodations:

If you need this publication in an alternate format, call the Spill Prevention, Preparedness & Response at 360-407-7202. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

- Ceiling limit maximum in multiplier descriptions changed to \$100 per gallon.

## Response to Comments

Ecology's response to comments received during the public comment period is now available. Download a copy at [http://www.ecy.wa.gov/programs/spills/rules/current\\_activity\\_files/173\\_183.html](http://www.ecy.wa.gov/programs/spills/rules/current_activity_files/173_183.html).

## Does this rule affect me?

This change in regulation will not affect you unless you are responsible for an oil spill. If it is determined that you are responsible for a discharge of oil into the waters of the state, this change will require you to pay compensation ranging from \$1 to \$100 per gallon of oil spilled. Compensation for natural resource damage is separate from fines or penalties for the oil discharge or the reimbursement for response and oil spill cleanup costs.

## When does the rule become effective?

The rule becomes effective **April 10, 2009**.

## More information

To get updates on Ecology's rule-making activities, sign-up for the **WAC Track** e-mail list. Go to: [www.ecy.wa.gov/maillist.html](http://www.ecy.wa.gov/maillist.html).

## Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption please contact Jerry Thielen, Ecology's Regulatory Affairs Manager at (360) 407-7551 or by email [jthi461@ecy.wa.gov](mailto:jthi461@ecy.wa.gov).