

Emergency Adoption and Proposed Rule-making

Spill Prevention, Preparedness, and Response

December 2013

Oil Spill Contingency Plan Chapter 173-182 WAC

The Department of Ecology (Ecology) is adopting emergency updates to the Oil Spill Contingency Plan rule, Chapter 173-182 WAC.

What is Chapter 173-182 WAC?

The Oil Spill Contingency Plan rule establishes oil spill contingency plan requirements, drill and equipment verification requirements, primary response contractor standards and recordkeeping and compliance information. This rule maximizes the effectiveness of oil spill response by plan holders, ensures continual readiness of equipment and personnel, and provides protection of environmental, historical, and cultural resources in and around Washington waters.

Summary of the emergency rule changes adopted on December 13, 2013

The emergency rule changes adopted on December 13, 2013 include:

- Updating the definition of plan holder to include all persons listed in RCW 88.46.060.
- Updating the definition of “umbrella plan” and ensure the term is used only when referring to non-profit corporations.
- Ensuring that owner/operators, if operating under a plan that covers multiple parties, are not required to comply with provisions of the rule that apply specifically to “plan holders.”

Ecology also started permanent Rule Making

On December 13, 2013, Ecology filed the Preproposal Statement of Inquiry to begin the permanent rule making process. This permanent rule-making will address the changes identified in emergency rule-making.

MORE INFORMATION

On the Web:

Oil Spill Contingency Plan
Chapter 173-182 WAC Rule-making

<http://www.ecy.wa.gov/laws-rules/wac173182/1310.html>

Effective December 13, 2013
The emergency rule expires:
April 12, 2014.

Contact information:

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Special accommodations:

If you need this document in format for the visually impaired, call the Spills Program at 360-407-7455.

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Why are these changes needed?

Inconsistencies between governing RCWs and Chapter 173-182 WAC create a confusing and potentially harmful situation in which Ecology is unable to adequately regulate oil spill contingency plans. RCW 88.46.060 and WAC 173-182-110 provide owner/operators, nonprofit corporations, PRCs, and agents the opportunity to submit a contingency plan covering one or more vessels or facilities. The definition of “plan holder,” however, only includes owner/operators and nonprofit corporations. Many of the provisions throughout the rule apply specifically to “plan holders.”

A contingency plan assures that, in the event of a spill, the vessel or facility will have adequate response equipment, local spill response teams, spill notifications, and response coordination with state and federal partners. A vessel operating without the important services and regulatory safeguards that a plan provides creates a threat to public health, safety and general welfare.

Whom does this rule affect?

This rule affects:

- Companies that provide contingency plan services to vessels and facilities in and around Washington waters.
- Industry associations, individual vessel and facility owner/operators, and ports that rely on contingency plans while operating in the state.
- Tribes, environmental advocacy organizations, and the general public with an interest in ensuring clean, healthy Washington waters.

More information

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To get updates on Ecology’s rule-making activities, sign-up for the WACTrack e-mail list at www.ecy.wa.gov/maillist.html.

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Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at (360) 407-6998 or bari.schreiner@ecy.wa.gov.