



Snohomish County

Dave Somers
County Executive

October 4, 2019

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Sonja Larson, Rulemaking Lead
Spills Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Department of Ecology Chapter 173-182 WAC, Oil Spill Contingency Plan Rule Update

Dear Ms. Larson:

Snohomish County would like to submit the attached letter providing comments on the proposed update to Chapter 173-182 WAC, Oil Spill Contingency Rule. Snohomish County faces multiple potential threats for oil spills in our county's waters due to increased transport of oil by both water and land. In light of those threats, I have worked with the Snohomish County Marine Resources Committee (MRC) to review the updates to the Oil Spill Contingency Rule.

Members of the MRC have expressed concerns about the safety of the oil transportation systems within our region and the increased risk of spills in the marine and nearshore environment, particularly in areas designated as "Shorelines of Statewide Significance." The MRC has also expressed concern about the efficiency and effectiveness of the oil spill response plans that are currently in place. The MRC urges the Department of Ecology to establish and ensure enforcement of effective regulations that will minimize impacts from oil spills in our region. Specific recommendations from the MRC are outlined in the attached letter.

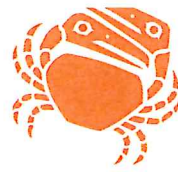
We appreciate your request for comments and look forward to an effective final rule.

Sincerely,

Dave Somers
Snohomish County Executive

Attachment

cc: Lacey Harper, Chief of Staff, Lacey.Harper@co.snohomish.wa.us
Gregg Farris, Surface Water Management Utility Director, GFarris@co.snohomish.wa.us
Kathleen Pozarycki, Surface Water Management MRC Staff, Kathleen.pozarycki@co.snohomish.wa.us



Snohomish County Marine Resources Committee

October 2, 2019

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Kathleen Pozarycki,
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MRC Lead Staff

Elisa Dawson,
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Snohomish County
Surface Water
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Dear Snohomish County Executive Dave Somers:

The Snohomish County Marine Resources Committee (MRC) is a broad-based citizen's advisory group appointed by Snohomish County Council made up of economic, environmental, tribal and conservation interests. The MRC is a team of citizen volunteers dedicated to promoting effective stewardship of Snohomish County's marine waters, habitats, species, and shorelines. Together, we seek out the best available scientific information and use it to evaluate, prioritize, and implement strategies for achieving and sustaining a healthy Puget Sound.

The MRC is writing this letter to provide Snohomish County a series of comments on the recent Washington Department of Ecology Oil Spill Contingency Plan Update WAC 173-182. As you are aware, multiple potential threats are present for large-scale oil spills in Snohomish County waters. MRC Members have expressed concerns about the safety of the oil transportation systems within our region, and the increased risk of spills in the marine and nearshore environment, particularly in areas designated as Shorelines of Statewide Significance. We are also concerned about the efficiency and effectiveness of the oil spill response plans that are currently in place. We urge that Ecology establish *and ensure enforcement* of the strongest regulations possible in order to minimize impacts from oil spills in our region. As part of Ecology's plan to update Chapter 173-182 WAC, Oil Spill Contingency Plan, we submit the following comments:

- It is strongly recommended that more definitive language be used throughout the proposed amendments, and less conditional language. The wording of the amendments need to clearly dictate what the Plan Holder *must* do, not *should* or *shall* do.
- Clearly define "sunken, submerged, non-floating oils". Are the WAC 173-182 amendments using the same definitions that are used in the Northwest Area Contingency Plan? If so, this should be stated. Do the terms "sunken, submerged, or non-floating oils" used in the proposed amendments apply to the oil/product before being spilled or any portion of the oil/product after spillage when weathering or time in different environments, conditions, distance below the air-water interface occur? Due to the vagueness of these terms as now written in the proposed amendments, without clear definition, it could lead to ambiguity on what exactly the Plan Holder is being held accountable for and thus be used to argue their justification for non-compliance to the State's regulations.
- In order for the proposed amendments to "ensure the best achievable protection is maintained in contingency plans", we urge that Plan Holders be required to use the most current and up-to-date information for the resources at risk. We urge that Plan Holders be required to maintain a current list of relevant local contacts who would be involved in a spill response because of their knowledge and expertise. The Plan should be required to identify key stakeholders with significant local interests in a response process. Additionally, key local stakeholders should be requested and allowed to participate in tabletop exercises and drills on a regular and routine basis. There needs to be a mechanism



Snohomish County Marine Resources Committee

within the proposed amended regulations that requires the incorporation of knowledgeable personnel from outside the spill response community to pro-actively assist in the preparedness and planning phases of the spill response process. Language to this effect should be reflected in the proposed amendments, and Ecology should not approve a Plan that excludes this important component.

- It should be noted that many ecologically, culturally, and economically sensitive species at risk within the region have juvenile life history stages that occur in different aquatic zones than the adult stage. Thus, it is recommended that the Requirements and Protection strategies in section WAC173-182-510 (2)(b)(i) be expanded to include “water column and benthic species at risk, *as well as critical life history stages of species at risk, from sunken, submerged, or non-floating oils*”. The “additional non-floating oils considerations” in Section WAC173-182-510 (2)(b)(ii) should also include salinity and temperature stratification, and subsurface currents.

We recognize that drastically reducing petroleum transport over and adjacent to water in Puget Sound is not an option at this time. Prevention of a spill is paramount and ultimately optimum; preparing for a spill is the next best alternative. We appreciate the efforts of Ecology to reach out to the community of stakeholders to get input on this important rulemaking opportunity.

Sincerely,

Sarah Brown, Chair

Susan Tarpley, Oil Spill Subcommittee Chair

cc. Lacey Harper, Chief of Staff, Lacey.Harper@co.snohomish.wa.us
Gregg Farris, Surface Water Management Utility Director, GFarris@co.snohomish.wa.us
