



Jessica Spiegel
Regional Director

Oct. 4, 2019

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

Via email to: Sonja.larson@ecy.wa.gov

Re: Oil Spill Plan Rulemaking Comments

Dear Sonja:

The Western States Petroleum Association (WSPA) appreciates the opportunity to provide the Department of Ecology comments as part of the Oil Spill Contingency Plan rulemaking public comment process. WSPA is a non-profit trade association that represents companies that account for the bulk of petroleum exploration, production, refining, transportation and marketing in the five western states, including Washington.

WSPA would like to comment on the August 7, 2019 proposed rule language for Chapter 173 - 182 WAC Oil Spill Contingency Plan (OSCP).

Sensitive Resource Identification

- The proposed rule language requires plan holders to identify sensitive resources and response options in section 173-182-510. In the absence of updated Geographical Response Plans, the plan holders will need to identify sensitive resources on their own. This may result in multiple plan holders located in or traversing through the same geographical area(s) identifying sensitive resources and response options differently.
- Vessel companies that transit several Geographic Response Plan Areas should be given the opportunity to update their plans with information as the GRP's are updated, to ensure consistency across all plans.

Wildlife Deterrence

- WSPA believes that requirement in section 173-182-540 that plan holders identify a list of vessels that are vetted, trained, and equipped to support activities while not having the current means of vetting, training, or equipping those vessels in an official capacity is problematic. WSPA understands the sense of urgency to develop a means for wildlife deterrence operations in Washington, however, plan holders are not able to comply with this portion of the proposed rule because requirements are outside of the plan holders' control. WSPA believes that the rule should better define "vetted, trained, and equipped" as well as the plan holders' role in meeting this requirement. Additionally, it is unreasonable to develop training for these vessels on how to properly deter a southern resident killer whale while this sensitive topic is still under development and conflict exists with Federal law which prohibits "hazing" or deterring marine mammals.

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- The Vessel of Opportunity program took many years to grow and it is reasonable to expect that developing a vetted, trained and equipped Wildlife Deterrence fleet will also take some time.

Thank you for your consideration of WSPA's comments. We welcome any questions or comments you might have. Please contact Tery Lizarraga, project lead, at (510) 640-7875 or by email at tlizarraga@wspa.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J Spiegel'.

Jessica Spiegel
Director