



October 1, 2019

Sonja Larson
Washington State Department of Ecology
300 Desmond Dr. SE
Lacey WA 98503

Sonja,

The Maritime Fire & Safety Association (MFSA) appreciates the opportunity to participate in the rulemaking process regarding the update to the vessel contingency plan requirements. The collaborative process seemed to work well, and we were pleased to have earlier recommendations incorporated in the proposed rule.

The one area of the proposed update that we feel still needs addressed is in regards to identifying resources-at-risk for potentially non-floating oils in plans. Although the rule states that plan holders can use Geographic Response Plans (GRPs) identified in the Northwest Area Contingency Plan (NWACP) to meet this requirement, it still leaves the responsibility for compliance on plan holders even if Ecology is unable to perform these updates in the prescribed time. It is not fair or realistic to put this burden on plan holders.

FROM PROPOSED WAC 173-182-510

(2)(B)(i) Identification of sensitive resources will not be limited to surface and shoreline species at risk from floating oil spills but will also consider water column and benthic species at risk from sunken, submerged, or non-floating oil spills.

(ii) Additional non-floating oils considerations include identification of waterway depths, water density, sediment load, sea floor or river bottom types, and response options based on those factors.

(3) The GRPs have been developed to meet these requirements and plans may refer to the NWACP to meet these requirements. If approved GRPs do not exist in the NWACP, plan holders will work with ecology to determine alternative sensitive areas to protect.

FROM PHASE IN LANGUAGE

(6) Within 18 months from rule effective date include details about benthic and seafloor resources at risk from non-floating oil spills in accordance with requirements for response and protection strategies under WAC 173-182-510. This update will be met through planned updates to the Geographic Response Plans which are developed as annexes to the Northwest Area Contingency Plan.

Although the intention is clearly for this requirement of the legislature to be met through Ecology's development of additional GRP components, the regulations are written putting the onus on plan holders. A sentence should be added to the end of the phase in language stating that:

"Plan holders shall have thirty (30) days from the date updated GRPs are issued to be in compliance with WAC 173-182-510(2)(b)(i)."

Also, if through the development of additional GRP components, if the strategies detailed require any new equipment, technical skill or specific operations that are not already part of a plan holders' PRC's approved application, more time should be allowed:

"Plan holders shall have six (6) months from the date updated GRPs with new tactical equipment, skills or operations are issued to be in compliance with WAC 173-182-510(2)(b)(i)."

I am available and happy to discuss these concerns and recommendations with you at your convenience.

Sincerely,



Holly Robinson
General Manager
Maritime Fire & Safety Association