

## Washington Conservation Action

Thank you Fran. For the record, Rein Attemann, Washington Conservation Action. I would like to start off by thanking Ecology staff for leading a process with all these interested stakeholders to amend regulations associated with the facility oil handling standards and the vessel oil transfer advance notice and containment requirements. And we support the requirements for additional seismic protection measures and retrofits for oil storage tanks and transfer pipelines, new decommissioning requirements for out of service oil storage tanks and oil transfer pipelines, and additional advance notice of oil transfer, and some of the other amendments that have been made and Brittany alluded to earlier. However, this rulemaking, we believe, should also include some additional measures like requiring all secondary containment structures to withstand seismic forces. I think, Lovel's comments or questions in the Q&A need to be addressed more clearly because W, the WAC 173-180-320(8)(b) states that secondary containment systems must be designed to withstand seismic forces. And we know that spills from storage tanks and pipelines are likely to occur in major earthquakes, making secondary containment all more important to contain that spilled oil. And given that earthquakes will happen, secondary containment systems are not required to be updated and maintained to withstand seismic forces do not comply with the definition of secondary containment in WAC 173-180-025, which says that secondary containment means containment systems would prevent the discharge of oil from reaching waters of the State. And just a reminder that Rcw 90.56.005(2) concludes that the primary objective of the State and Ecology is to achieve a zero spill strategy to prevent any oil or hazardous substances from entering waters of the state. So the draft rule should be revised to require all Class 1 facility's secondary containment systems to be updated and maintained to withstand seismic forces. And also, second big loophole that we see is the need to require all oil transfer operations to be pre-boomed when safe and effective to do so and this rulemaking should eliminate the Rate B loophole that allows oil transfers at 500 gallons per minute or less to occur without pre-booming. We feel that the oil spill risk associated with the rate B oil transfer warrants protective and preventative measures which are more cost effective now, then, the damages and costs occurred from an oil spill in the future. So thank you for all your efforts and the opportunity to provide public comment, and we'll be submitting some written comments by the fifth of March. Thank you.