

1 **Chapter 173-182 WAC**

2 **OIL SPILL CONTINGENCY PLAN**

3 **Last Update: 12/18/19**

4 **WAC**

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115 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-135, filed 10/12/16,

116 effective 11/12/16.] Repealed by WSR 20-01-165 (Order 18-10), filed
117 12/18/19, effective 1/18/20. Statutory Authority: RCW 88.46.0601,
118 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240,
119 90.56.569, 90.56.050, and 90.56.005.

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121 Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-323, filed
122 10/12/16, effective 11/12/16.] Repealed by WSR 20-01-165 (Order 18-10),
123 filed 12/18/19, effective 1/18/20. Statutory Authority: RCW 88.46.0601,
124 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240,
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128 RCW. WSR 06-20-035 (Order 00-03), § 173-182-360, filed 9/25/06,
129 effective 10/26/06.] Repealed by WSR 13-01-054 (Order 11-06), filed
130 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.48,
131 90.56 RCW, and 2011 c 122.

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Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054
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Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order
00-03), § 173-182-520, filed 9/25/06, effective 10/26/06.] Repealed by
WSR 20-01-165 (Order 18-10), filed 12/18/19, effective 1/18/20. Statutory
Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068,
90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005.

PART I: PURPOSE, APPLICABILITY, AUTHORITY, AND DEFINITIONS

WAC 173-182-010 Purpose. The purpose of this chapter is to establish covered
vessel and facility oil spill contingency plan requirements (Part II), drill and equipment
verification requirements (Part III), primary response contractor, spill management team,
and wildlife response service provider standards (Part IV), and recordkeeping and
compliance information (Part V).

(1) The provisions of this chapter, when followed, ~~should~~shall be implemented and
construed so that they will:

(a) Maximize the effectiveness and timeliness of oil spill response by plan holders, spill management teams (SMTs), wildlife response service providers (WRSPs), and primary response contractors (PRCs);

(b) Ensure continual readiness, maintenance of equipment, and training of personnel;

(c) Support coordination with state, federal, local, tribal and other contingency planning efforts;

(d) Provide for the protection of Washington waters, natural, cultural and significant economic resources by minimizing the impact of oil spills; and

(e) Provide the highest level of protection that can be met through the use of best achievable technology and those staffing levels, training procedures, and operational methods that constitute best achievable protection (BAP) as informed by the BAP five-year review cycle (WAC 173-182-621) and as determined by ecology.

(2) The planning standards described in this chapter do not constitute clean-up standards that must be met by the holder of a contingency plan. Failure to remove a discharge within the time periods set out in this chapter does not constitute failure to comply with a contingency plan, for purposes of this chapter or for the purpose of imposing administrative, civil, or criminal penalties under any other law so that all reasonable efforts are made to do so. In a spill or drill, deployment of equipment and personnel shall be guided by safety considerations. The responsible party ~~must~~shall take all actions

necessary and appropriate to immediately ~~secure, contain, collect and~~ remove, ~~contain,~~ treat, burn ~~and/or~~ disperse oil entering waters of the state and address the entire volume of an actual spill regardless of the planning standards.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-010, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-010, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-010, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-010, filed 9/25/06, effective 10/26/06.]

WAC 173-182-015 Applicability. (1) This chapter applies to owners and operators of onshore facilities, offshore facilities, and covered vessels required to submit oil spill contingency plans under chapters 90.56 and 88.46 RCW.

(2) This chapter applies to any person submitting a contingency plan on behalf of a covered vessel, multiple covered vessels, onshore facilities and offshore facilities, or any combination thereof.

(3) This chapter applies to response contractors that must be approved by ecology before they may serve as primary response contractors (PRCs) for a contingency plan.

(4) This chapter applies to spill management teams (SMTs) that must be approved by ecology before they may serve as SMTs for a contingency plan.

189 (5) This chapter applies to wildlife response service providers (WRSPs) that must be
190 approved by ecology before they may serve as WRSPs for a contingency plan.

191 (6) This chapter does not apply to public vessels as defined by this chapter, mobile
192 facilities, or to spill response vessels that are exclusively dedicated to spill response
193 activities when operating on the waters of this state.

194 (7) Railroads are facilities for the purposes of contingency planning under RCW
195 90.56.210. Railroad contingency planning regulations are described in chapter 173-186
196 WAC.

197 [Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101,
198 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10),
199 § 173-182-015, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW.
200 WSR 16-21-046 (Order 15-08), § 173-182-015, filed 10/12/16, effective 11/12/16. Statutory
201 Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-015, filed
202 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and
203 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-015, filed 12/14/12, effective 1/14/13.
204 Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03),
205 § 173-182-015, filed 9/25/06, effective 10/26/06.]

206 **WAC 173-182-020 Authority.** RCW 88.46.060, 88.46.0601, 88.46.068, 88.46.070,
207 88.46.080, 88.46.090, 88.46.100, 88.46.120, 88.46.160, 90.48.080, 90.56.050, 90.56.060,
208 90.56.210, 90.56.2101, 90.56.240, 90.56.270, 90.56.275, 90.56.280, 90.56.310, 90.56.320,
209 90.56.340, and chapter 316, Laws of 2006, provide statutory authority for the contingency

plan preparation and review requirements, and drill and response contractor standards

established by this chapter for onshore and offshore facilities and covered vessels.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-020, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-020, filed 9/25/06, effective 10/26/06.]

WAC 173-182-030 Definitions. (1) "Aerial observer" means a trained observer that monitors, records and reports the spill characteristics including the shoreline impacts, area oiled, color, and thickness of the oil. Observers also provide data to the command post through the development of detailed maps of the oiled area ~~oiled~~ and the resources in the field as well as other photographs, videos, or documents developed to support planning.

(2) "Aerial oil spill spotter" (spotter) means personnel trained to:

(a) Direct vessels to the heaviest concentrations of oil;

(b) Direct dispersant resources;

(c) Direct in situ burn resources; and

(d) Observe, document and report the effectiveness of response operations.

(3) "Best achievable protection (BAP)" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of

231 protection achievable. Ecology's determination of best achievable protection (BAP) shall
232 be guided by the critical need to protect the state's natural resources and waters, while
233 considering:

234 (a) The additional protection provided by the measures;

235 (b) The technological achievability of the measures; and

236 (c) The cost of the measures.

237 (4) "Best achievable technology" means the technology that provides the greatest
238 degree of protection. Ecology's determination of best achievable technology will take into
239 consideration:

240 (a) Processes that are being developed, or could feasibly be developed, given overall
241 reasonable expenditures on research and development;

242 (b) Processes that are currently in use; and

243 (c) In determining what is best achievable technology, ecology shall consider the
244 effectiveness, engineering feasibility, and the commercial availability of the technology.

245 (5) "Boom" means flotation boom or other effective barrier containment material
246 suitable for containment, protection or recovery of oil that is discharged onto the surface of
247 the water. Boom also includes the associated support equipment necessary for rapid
248 deployment and anchoring appropriate for the operating environment. Boom will be
249 classified using criteria found in the ASTM International F 1523-94 (20213, series) and

ASTM International ASTM F265/F625M-94 (20~~22~~¹⁷, series), and the *Resource Typing Guidelines* found in the Worldwide Response Resource List (WRRL) user manual.

(6) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(7) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons including, but not limited to, commercial fish processing vessels and freighters.

(8) "Cascade" means to bring in equipment and personnel to the spill location in a succession of stages, processes, operations, or units.

(9) "Contract or letter summarizing contract terms" means:

(a) A written contract between a plan holder and a primary response contractor (PRC), spill management team (SMT), wildlife response service provider (WRSP), or other provider, or proof of cooperative membership that identifies and ensures the availability of specified personnel and equipment within stipulated planning standard times; or

(b) A letter that summarizes the contract terms: Identifies personnel, equipment and services capable of being provided by the primary response contractor (PRC), spill management team (SMT), wildlife response service provider (WRSP), or other provider, within stipulated planning standard times; acknowledges that the primary response

contractor ~~(PRC)~~ or other provider commits the identified resources in the event of an oil spill.

(10) "Control point" means a location along the pipeline, or rail line, pre-identified as an initial control or containment strategy to minimize impacts of spilled oil. The objective of a control point may be to contain, collect, divert or exclude oil from further impacting sensitive environmental, economic or cultural resources. Control points are designed and maintained by plan holders.

(11) "Covered vessel" means a tank vessel, cargo vessel ~~(including fishing and freight vessels)~~, or passenger vessel required to participate in this chapter.

(12) "Dedicated" means equipment and personnel committed to oil spill response, containment, and cleanup that are not used for any other activity that would make it difficult or impossible for that equipment and personnel to provide oil spill response services in the time frames specified in this chapter.

(13) "Demise charter" means that the owner gives possession of the ~~vessel~~ ship to the charterer and the charterer hires its own ~~captain~~ master and crew.

~~(14) "Director" means the director of the state of Washington department of ecology.~~

~~(14)~~ (15) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(1516) "Dispersant" means those chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

(1617) "Ecology" means the state of Washington department of ecology.

(1718) "Effective daily recovery capacity (EDRC)" means the calculated capacity of oil recovery devices that accounts for limiting factors such as daylight, weather, sea state, and emulsified oil in the recovered material.

(1819) "Emergency response towing vessel" means a towing vessel stationed at Neah Bay that is available to respond to vessel emergencies upon call out under the contingency plan. The emergency response towing vessel shall be available to the owner or operator of the covered vessel transiting to or from a Washington port through the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks Light, Vancouver Island, Canada.

(1920) "Facility" means:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of oil spill contingency planning in RCW 90.56.210, facility also means a railroad that is not owned by the state that transports oil as bulk cargo.

(c) Except as provided in (b) of this subsection, a facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter ~~70A.355 RCW-90.76 RCW~~;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

~~(2021)~~ "Geographic Response Plans (GRP)" means ~~the response plans, which include geographic response strategies, referenced published in the Northwest Area Contingency Plan coastal or inland Area Contingency Plans (ACPs) or Northwest Regional Contingency Plan (NWRCP).~~

~~(2122)~~ "Gross tons" means a vessel's approximate volume as defined under ~~Title 46 C.F.R., United States Code of Federal Regulations~~, Part 69.

~~(2223)~~ "Incident command system (ICS)" means a standardized on-scene emergency management system specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.

(2324) "In situ burn" means a spill response tactic involving controlled on-site burning, with the aid of a specially designed fire containment boom and igniters.

(2425) "Interim storage" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site.

(2526) "Lower Columbia River" means the Columbia River waters west of Bonneville Dam.

(2627) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels, training procedures, deployment and tabletop drills incorporating lessons learned, use of enhanced skimming techniques and other best achievable technology. In determining what the maximum extent practicable is, ~~the~~ ~~director ecology~~ shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(2728) "Mobilization" means the time it takes to get response resources readied for operation and ready to travel to the spill site or staging area.

(2829) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

~~(2930)~~ "Nondedicated" means those response resources listed by a primary response contractor ~~(PRC)~~ for oil spill response activities that are not dedicated response resources.

~~(3031)~~ "Nonfloating oil" means those oils that exhibit qualities that could potentially cause the oils to submerge or sink, due to the oil characteristics, weathering, environmental factors, or how they were discharged. Examples of these types of oils include, but are not limited to, diluted bitumen (dilbit), Group V Residual Fuel Oils (GPVRFO), Low American Petroleum Institute Oil (LAPIO), decant, crude, asphalt, and asphalt products.

~~(3132)~~ "Nonpersistent or group 1 oil" means:

(a) A petroleum-based oil, such as gasoline, diesel or jet fuel, which evaporates relatively quickly. Such oil, at the time of shipment, consists of hydrocarbon fractions of which:

(i) At least ~~50fifty~~ percent, by volume, distills at a temperature of 340 ~~degrees~~^a Celsius (645 ~~degrees~~^a Fahrenheit); and

(ii) At least ~~95ninety-five~~ percent, by volume, distills at a temperature of 370^a ~~degrees Celsius~~ (700.^a~~degrees Fahrenheit~~).

(b) A nonpetroleum oil with a specific gravity less than 0.8.

(3233) "Nonpetroleum oil" means oil of any kind that is not petroleum-based.

including, but not limited to: Biological oils such as fats and greases of animals and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

(3334) "Northwest ~~Regional Area~~ Contingency Plan (NWR~~AC~~CP)" means the regional emergency response plan ~~developed that serves as the statewide master oil and hazardous substances contingency plan required by RCW 90.56.060. The NWRCP supersedes the former Northwest Area Contingency Plan (NWACP) in accordance with federal requirements. In Washington state, the NWACP serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060.~~

(3435) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(3536) "Oil" or "oils" means oil of any kind that is liquid at ~~twenty-five~~25 degrees Celsius and one atmosphere of pressure and any fractionation thereof including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 102(a) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by P.L. 99-499.

(3637) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

(3738) "Onshore facility" means any facility, as defined in subsection (20) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(3839) "Operating environments" means the conditions in which response equipment is designed to function. Water body classifications are determined using criteria found in the ASTM F625/F625M (2022, series) Standard Practice for Classifying Water Bodies for Spill Control Systems, published by ASTM International ~~ASTM F625/F625M-94~~ (2017).

(3940) "Operational period" means the period of time scheduled for execution of a given set of operational actions as specified in the incident action plan. The operational period coincides with the completion of one planning cycle.

(4041) "Owner" or "operator" means:

(a) In the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

(b) In the case of an onshore or offshore facility, any person owning or operating the facility;

(c) In the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment; and

(d) Operator does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

~~(4142)~~ "Passenger vessel" means a ship of greater than three hundred gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

~~(4243)~~ "Passive recovery" means a tactic that uses absorbent material to mitigate impacts to shorelines.

~~(4344)~~ "Persistent oil" means:

(a) Petroleum-based oil that does not meet the distillation criteria for a nonpersistent oil. Persistent oils are further classified based on both specific and American Petroleum Institute (API) observed gravities corrected to 60° ~~degrees Fahrenheit~~, as follows:

(i) Group 2 - Specific gravity greater than or equal to 0.8000 and less than 0.8500. API gravity less than or equal to 45.00 and greater than 35.0;

(ii) Group 3 - Specific gravity greater than or equal to 0.8500, and less than 0.9490. API gravity less than or equal to 35.0 and greater than 17.5;

(iii) Group 4 - Specific gravity greater than or equal to 0.9490 and up to and including 1.0. API gravity less than or equal to 17.5 and greater than 10.00; and

(iv) Group 5 - Specific gravity greater than 1.0000. API gravity equal to or less than 10.0.

(b) A nonpetroleum oil with a specific gravity of 0.8 or greater. These oils are further classified based on specific gravity as follows:

(i) Group 2 - Specific gravity equal to or greater than 0.8 and less than 0.85;

(ii) Group 3 - Specific gravity equal to or greater than 0.85 and less than 0.95;

(iii) Group 4 - Specific gravity equal to or greater than 0.95 and less than 1.0; or

(iv) Group 5 - Specific gravity equal to or greater than 1.0.

~~(4445)~~ "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, individual, or any other entity whatsoever.

~~(4546)~~ "Pipeline tank farm" means a facility that is linked to a pipeline but not linked to a vessel terminal.

~~(4647)~~ "Plan" means oil spill response, cleanup, and disposal contingency plan for the containment and cleanup of oil spills into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills as required by RCW 90.56.210 and 88.46.060.

~~(4748)~~ "Plan holder" means a person who submits and implements a contingency plan consistent with RCW 88.46.060 and 90.56.210 on the person's own behalf or on

441 behalf of one or more persons. Where a plan is submitted on behalf of multiple persons,
442 those covered under that plan are not considered plan holders for purposes of this chapter.

443 ~~(4849)~~ "Planning standards" means goals and criteria that ecology will use to assess
444 whether a plan holder is prepared to respond to the maximum extent practicable to a worst
445 -case spill. Ecology will use planning standards for reviewing oil spill contingency plans
446 and evaluating drills.

447 ~~(4950)~~ "Primary response contractor (PRC)" means a response contractor that has
448 been approved by ecology and is directly responsible to a contingency plan holder, either
449 by a contract or other approved written agreement.

450 ~~(5051)~~ "Public vessel" means a vessel that is owned, or demise chartered, and is
451 operated by the United States government, or a government of a foreign country, and is not
452 engaged in commercial service.

453 ~~(5152)~~ "Recovery system" means a skimming device, storage, work boats, boom,
454 and associated material needed such as pumps, hoses, sorbents, etc., used collectively to
455 maximize oil recovery.

456 ~~(5253)~~ "Regional vessels of opportunity response group" means a group of
457 nondedicated vessels participating in a vessel of opportunity ~~(VOO)~~ response system to
458 respond when needed and available.

459 ~~(5354)~~ "Resident" means the spill response resources are staged at a location within
460 the described planning area.

(5455) "Response zone" means a geographic area either along a length of a pipeline or including multiple pipelines, containing one or more adjacent line sections, for which the operator ~~must~~shall plan for the deployment of, and provide, spill response capabilities. The size of the zone is determined by the operator while considering available capability, resources, and geographic characteristics.

(5556) "Responsible party" means a person liable under RCW 90.56.370.

(5657) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(5758) "Shorelines of statewide significance" means those shorelines of statewide significance defined in the Shoreline Management Act (SMA), RCW 90.58.030.

(5859) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(5960) "Spill assessment" means ~~determining~~documenting product type, potential spill volume, environmental conditions including tides, currents, weather, river speed and initial trajectory as well as a safety assessment including air monitoring.

(6061) "Spill management team (SMT)" means representatives and assigned personnel who are qualified and capable of integrating into an incident command system (ICS) or unified command (UC)~~system~~ and managing a spill in specific ICS or UC roles. An ~~company~~ internal SMT consisting of plan holder personnel is approved through the contingency plan. ~~Aand a~~ contracted SMT is approved by ecology through the SMT

application process and is directly responsible to a contingency plan holder, either by a contract or other approved written agreement.

(6162) "Systems approach" means the infrastructure and support resources necessary to mobilize, transport, deploy, sustain, and support the equipment to meet the planning standards, including mobilization time, trained personnel, personnel call out mechanisms, vehicles, trailers, response vessels, cranes, boom, pumps, storage devices, etc.

(6263) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(6364) "Technical manual" means a manual intended to be used as a planning document to support the evaluation of ~~BAP~~best achievable protection systems for potential response capability of plan holder owned and PRC dedicated and nondedicated equipment.

(6465) "Transfer site" means a location where oil is moved in bulk on or over waters of the state to or from a covered vessel by means of pumping, gravitation, or displacement.

(6566) "Transmission pipeline" means all parts of a pipeline whether interstate or intrastate, through which oil moves in transportation, including mainline, laterals, pipes, valves, and other appurtenances such as connected to line pipe, pumping units, and

fabricated assemblies associated with pumping units, metering, and delivery stations and fabricated assemblies therein, and breakout tanks.

(6667) "Umbrella plan" means a single plan submitted on behalf of multiple covered vessels that is prepared by a nonprofit corporation.

(6768) "Vessel terminal" means a facility that is located on marine or river waters and transfers oil to or from a tank vessel.

(6869) "Vessels of opportunity response system" means nondedicated vessels and operating personnel, including fishing and other vessels, available to assist in spill response when necessary. The vessels of opportunity (VOO) are under contract with and equipped by contingency plan holders to assist with oil spill response activities including, but not limited to, on-water oil recovery in the near shore environment, the placement of oil spill containment booms to protect sensitive habitats, and providing support of logistical or other tactical actions.

(6970) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(7071) "Wildlife response service provider (WRSP)" means representatives and assigned personnel who are qualified and capable of assuming the responsibilities of the wildlife branch and of staffing and managing the operational components of wildlife

response activities during an oil spill. WRSP personnel ~~will~~shall coordinate with state, federal, tribal, and other response partners to initiate and conduct wildlife reconnaissance, deterrence, capture, stabilization, and rehabilitation operations as needed. A ~~WRSP~~wildlife response service provider is approved by ecology and is directly responsible to a contingency plan holder, either by a contract or other approvable written agreement.

(~~7172~~) " Worldwide Response Resource List (WRRL)" means an equipment list established and maintained by spill response equipment owners.

(~~7273~~) "Worst-~~e~~-case spill" means:

(a) For an offshore facility, the largest possible spill considering storage, production, and transfer capacity complicated by adverse weather conditions; or

(b) For an onshore facility, the entire volume of the largest above ground storage tank on the facility site complicated by adverse weather conditions, unless ecology determines that a larger or smaller volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity; or

(c) For a vessel, a spill of the vessel's entire cargo and fuel complicated by adverse weather conditions; or

(d) For pipelines, the size of the worst-~~e~~-case spill is dependent on the location of pump stations, key block valves, geographic considerations, response zones, or volume of the largest breakout tank. For each it is the largest volume determined from the following three different methods, complicated by adverse weather conditions:

(i) The pipeline's maximum time to detect the release, plus the maximum shutdown response time multiplied by the maximum flow rate per hour, plus the largest line drainage volume after shutdown;

For planning purposes, the total time to detect the release and shutdown the pipeline should be based on historic discharge data or, in the absence of such historic data, the operator's best estimate. At a minimum, the total time to detect and shut down the pipeline must be equal to or greater than ~~thirty~~30 minutes.

(ii) The maximum historic discharge from the pipeline; and

(iii) The largest single breakout tank or battery of breakout tanks within a single secondary containment system.

Each operator shall determine the worst-case ~~spill~~discharge and provide the methodology, including calculations, used to arrive at the volume in the contingency plan. [Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-030, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-030, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-030, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-030, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 90.56, 88.46, 90.48 RCW. WSR 07-22-119 (Order 07-14), § 173-182-030, filed 11/7/07, effective 12/8/07; WSR 06-20-035 (Order 00-03), § 173-182-030, filed 9/25/06, effective 10/26/06.]

562 **PART II: COVERED VESSEL AND FACILITY OIL SPILL CONTINGENCY PLANS**

563 **Section A—General Planning, Information and Timing**

564 **WAC 173-182-110 Authority to submit contingency plan.** (1) For tank vessels, a
565 plan may be submitted by any of the following:

- 566 (a) The owner or operator of the tank vessel; or
- 567 (b) The owner or operator of the facilities at which the tank vessel will be unloading
568 its cargo; or
- 569 (c) A nonprofit corporation established for the purpose of oil spill response and
570 contingency plan coverage and of which the tank vessel owner or operator is a member; or
- 571 (d) A person who has contracted with the tank vessel to provide containment and
572 clean-up services and who has been approved by ecology.

573 (2) For covered vessels other than tank vessels, a plan may be submitted by any of
574 the following:

- 575 (a) The owner or operator of the vessel; or
- 576 (b) The agent for the vessel provided that the agent resides in this state; or
- 577 (c) A nonprofit corporation established for the purpose of oil spill response and
578 contingency plan coverage of which the covered vessel owner or operator is a member; or
- 579 (d) A person who has contracted with the vessel to provide containment and clean-
580 up services and who has been approved by ecology.

(3) For facilities, a plan may be submitted by any of the following:

(a) The owner or operator of the facility; or

(b) A person who has contracted with the facility to provide containment and clean-up services and who has been approved by ecology.

[Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-110, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-110, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-110, filed 9/25/06, effective 10/26/06.]

WAC 173-182-120 Submitting a contingency plan. (1) Plan holders shall submit plans to ecology ~~at least no less than 65~~sixty-five calendar days prior to their planned date for beginning ~~of~~ operations in Washington or the plan approval's expiration date.

(2) The plan holder shall submit ~~an electronic~~two copies of the plan and all appendices. ~~Electronic submission of plans is encouraged, provided it is in an electronic format acceptable~~ to ecology. ~~In the case of electronic submission, only one copy is necessary.~~

(3) ~~After initial plan approval~~Once approved, plan holders shall resubmit their plans to ecology every five years for review and approval.

(4) Ecology will maintain ~~mailing address and~~ electronic submittal instructions on the agency website.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-120, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW,

and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-120, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-120, filed 9/25/06, effective 10/26/06.]

WAC 173-182-130 Phase in language for vessel and facility plan holders. (1) This section applies to those plan holders who, on the effective date of this chapter, have approved or conditionally approved plans, and primary response contractors (PRCs), spill management teams (SMTs), and wildlife response service providers (WRSPs) with approved applications. Each update shall contain all necessary content to meet the requirements of this chapter.

(2) Within six months from rule effective date, plan holders required to meet the requirements of WAC 173-182-349 shall develop technical manuals addressing nonfloating oils, or reference a technical manual developed by an approved PRC.

(3) Within 12 months from rule effective date, plan holders shall update their plans to comply with the following as applicable to the plan holder:

(a) Significant updates (WAC 173-182-142);

(b) Post-spill review (WAC 173-182-150);

(c) Contingency plan general requirements (WAC 173-182-230);

(d) Initial response actions (WAC 173-182-250);

(e) Notification requirements for spills (WAC 173-182-264);

(f) Planning standards for aerial surveillance (WAC 173-182-321);

(g) Planning standards for shoreline cleanup (WAC 173-182-522); and

624 (h) Type and frequency of drills (WAC 173-182-710).

625 (i) John Day Dam staging area (WAC 173-182-440)

626 (4) Within 12 months from rule effective date, or the adoption date of the Northwest
627 Regional Contingency Plan (NWRCP), whichever is later, plan holders shall update all
628 references to the Northwest Area Contingency Plan (NWACP) to reflect the newly adopted
629 RCP. Plan holders must align their plans with the RCP and all applicable Area Contingency
630 Plans (ACPs).

631 (5) Primary response contractor (PRC) applications, spill management team (SMT)
632 applications, or wildlife response service provider (WRSP) applications may also need to
633 be updated corresponding to the above timelines.

634 (6) Each plan update will be given a 30-day public review and comment period.
635 Ecology will approve, disapprove, or conditionally approve the plan update no later than 65
636 calendar days from the plan submittal date.

637 ~~(1) This section applies to those plan holders who, on the effective date of this~~
638 ~~chapter, have approved or conditionally approved plans, primary response contractors~~
639 ~~(PRCs) with approved applications, and spill management teams (SMTs) and wildlife~~
640 ~~response service providers (WRSPs) that apply for ecology approval to be cited in~~
641 ~~contingency plans. Each update must contain all necessary content and meet the~~
642 ~~requirements of this chapter.~~

~~(2) Within six months from rule effective date, SMTs and WRSPs shall begin to submit applications for review and approval in accordance with WAC 173-182-830, 173-182-840, and 173-182-850.~~

~~(3) Within twelve months from rule effective date, plan holders shall update their plans to comply with the following as applicable to the plan holder:~~

~~(a) Contingency plan general content (WAC 173-182-230 (3)(e)), contractor contact information:~~

~~(b) Spill management teams (WAC 173-182-280);~~

~~(c) Transfer sites for covered vessels at locations where transfers occur, and for facilities with a vessel terminal (WAC 173-182-355);~~

~~(d) Planning standards for shoreline cleanup (WAC 173-182-522);~~

~~(e) Binding agreement (WAC 173-182-220);~~

~~(f) Field document (WAC 173-182-240(2));~~

~~(g) Type and frequency of drills (WAC 173-182-710(6)), commitment to participating in the multiple plan holder deployment drill;~~

~~(h) Planning standards for air monitoring to protect oil spill responders and the public (WAC 173-182-535);~~

~~(i) Planning standards for in-situ burning (WAC 173-182-330);~~

~~(j) Planning standards for dispersants (WAC 173-182-325);~~

662 ~~(k) Planning standard for spills of oils that, depending on their chemical properties,~~
663 ~~environmental factors (weathering), and method of discharge, may submerge or sink (WAC~~
664 ~~173-182-323).~~

665 ~~(l) Planning standards for wildlife response (WAC 173-182-540 (1), (2)(a), (b), (c), (e)~~
666 ~~and (f), (3), and (4)).~~

667 ~~(4) Within eighteen months from rule effective date, vessels enrolling under either~~
668 ~~an umbrella contingency plan or a multiple vessel contingency plan must ensure that their~~
669 ~~enrollment includes contracted access to a state-approved SMT or in-house team which~~
670 ~~meets the requirements of WAC 173-182-280, 173-182-830, 173-182-840, and 173-182-~~
671 ~~850.~~

672 ~~(5) Within eighteen months from rule effective date, plan holders must include~~
673 ~~details about benthic and seafloor resources at risk from nonfloating oil spills in~~
674 ~~accordance with requirements for response and protection strategies under WAC 173-182-~~
675 ~~510. This requirement may be met by citing the geographic response plans developed as~~
676 ~~annexes to the northwest area contingency plan. If the relevant GRPs have not been~~
677 ~~updated by the phase-in date, then plan holders shall have thirty days from the date the~~
678 ~~GRP is published to ensure the plan is updated to reference the GRP and incorporate~~
679 ~~relevant details in their contingency plan in accordance with WAC 173-182-510 (2)(b).~~

680 ~~(6) Within twenty-four months of the effective date, plan holders shall meet the~~
681 ~~requirements in WAC 173-182-540 (2)(d).~~

~~(7) To the extent to which plan holders rely on primary response contractor (PRC) applications, spill management team (SMT) applications, or wildlife response service provider (WRSP) applications to demonstrate compliance for plan holder planning standards, these applications must also be updated correspondingly.~~

~~(8) Each plan update will be given a thirty day public review and comment period. Ecology will approve, disapprove, or conditionally approve the plan update no later than sixty-five days from the update submittal date.~~

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-130, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-130, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-130, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-130, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-130, filed 9/25/06, effective 10/26/06.]

WAC 173-182-140 Annual Pplan maintenance. ~~(1)~~ At least once annually, plan holders shall review the entire plan for accuracy and either:

~~(1a)~~ Update and submit the amended page(s) of the plan to ecology for review and approval; or

~~(2b) If no plan changes are needed, s~~Send an email letter to ecology confirming that the existing plan is still accurate, if the plan holder determines no plan changes are needed.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-140, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-140, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-140, filed 9/25/06, effective 10/26/06.]

WAC 173-182-142 Significant changes to approved plans require notification.

(1) At any point during the five-~~year~~ approval period, if there is a temporary or permanent significant change ~~in the personnel or response equipment described in the plan, to an approved the~~ plan, the plan holder shall:

~~(a) N~~otify ecology via email in writing, including a proposed schedule for the prompt return of the plan to full operational status and a proposal for any backfill to compensate for a temporary significant change. This proposal shall be sent to ecology no more than seven calendar days after notification and shall be reviewed by ecology.

(a) Unplanned significant changes shall be reported within ~~twenty-four~~24 hours of the significant change; and

(b) Planned significant changes shall be reported at least 60 calendar days prior to the effective date of the significant change, or as soon as practicable if the change occurs within the 60-day period. Plan holders shall provide a written explanation for significant

~~changes that cannot meet this 60-day requirement. Provide both a schedule for the prompt return of the plan to full operational status and a proposal for any backfill to compensate for the temporary significant change. This proposal shall be reviewed by ecology.~~

(2) Changes which are considered significant include:

(a) Loss of ~~personnel or equipment, or loss of contracted personnel or equipment,~~ that results in being out of compliance with any planning standard;

(b) ~~if~~ Movement of greater than ~~ten~~10 percent of available boom, storage, recovery, dispersants, in situ burn or shoreline clean-up equipment ~~is moved~~ out of the homebase as depicted on the WRRL;

(c) Transfers of equipment to support spill response for out-of-region spills;

(d) Permanent loss or replacement of initial response personnel listed in the SMT command and general staff ICS positions provided in the plan under WAC 173-182-280;

(e) Permanent loss of personnel designated as the binding agreement signer;

(f) Changes in normal operating procedures as described below:

(i) For facilities, changes in the oil types handled; permanent changes in storage capacity; changes in handling or transporting of any product; permanent changes in oil processing; any increase in worst-case spill volume, or decrease of greater than 10 percent; and

(ii) For vessels, changes in the oil types handled.

(g) Changes in equipment ownership if used to satisfy a plan holder planning standard; or

(h) Modification or discontinu~~ation~~^{ing} of any mutual aid, letter of intent or contract agreement ~~that could impact any planning standard~~.

(3) Notification by ~~facsimile or~~ email will be considered written notice.

(4) Failure to report significant changes in the plan could result in the ~~loss~~ revocation of plan approval or other enforcement action under WAC 173-182-910.

(5) If the proposed significant change to the plan is to be made permanent, the plan holder then shall have ~~thirty~~ 30 calendar days from notification to ecology to distribute the amended page(s) of the contingency plan to ecology for review and approval.

(6) If ecology finds that, as a result of a change, the plan no longer meets approval criteria, ~~ecology~~ may place conditions on approval or disapprove the plan.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-142, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-142, filed 12/14/12, effective 1/14/13.]

WAC 173-182-145 Plan implementation procedures. Every plan holder, including each person enrolled in a plan covering multiple persons, is required to implement the ~~Washington ecology~~-approved plan in any response to a spill and drill. A decision to use a different plan must first be approved by the state and federal on-scene coordinators.

[Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-145, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-145, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-145, filed 9/25/06, effective 10/26/06.]

WAC 173-182-150 Post-spill review and documentation procedures. Plan

holders are required to conduct a post-spill plan review ~~procedures to review~~ assess both the effectiveness of the plan and make plan improvements. Debriefs with ecology and other participating agencies and organizations may be appropriate if unified command has been established during a spill, and are required when significant plan updates are identified or significant lessons can be ~~documented~~ recorded and implemented. The post-spill review shall be made available to ecology upon request.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-150, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-150, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-150, filed 9/25/06, effective 10/26/06.]

Section B—Contingency Plan Format and Content

WAC 173-182-210 Contingency plan format requirements. (1) Plan holders shall format and maintain plans to maximize their usefulness during a spill. Information shall be

783 readily accessible, and plans ~~will~~should contain job aids, diagrams, and checklists for
784 maximum utility.

785 (2) Plans shall be divided into a system of numbered, tabbed, bookmarked, or linked
786 chapters, sections, and annexes/appendices. Each plan shall include a detailed table of
787 contents based on chapter, section, and annex/appendix numbers and titles, as well as
788 tables and figures.

789 (3) Plans shall be formatted to allow replacement of pages with revisions without
790 requiring replacement of the entire plan.

791 [Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03),
792 § 173-182-210, filed 9/25/06, effective 10/26/06.]

793 **WAC 173-182-220 Binding agreement.** (1) Each plan shall contain a written
794 statement binding the contingency plan submitter to its use. The person(s) signing the
795 agreement shall be authorized to make expenditures to implement the requirements in
796 subsection (2) of this section. The binding agreement shall be signed by:

797 (a) An authorized representative(s) of a nonprofit corporation established to provide
798 oil spill contingency plan coverage;

799 (b) An authorized owner, ~~or~~ operator, or a designee with authority to bind the owners
800 and operators of the facilities or vessels covered by the plan;

801 (c) An authorized resident agent of the vessel(s) submitting the plan; or

(d) An authorized representative(s) of a company contracted to the vessel or facility and approved by ecology to provide containment and clean-up services.

(2) The binding agreement ~~must~~shall be submitted with the plan. Form number ECY 070-612 may be used. If an alternative form is used, it ~~must~~shall include the name, address, phone number, email address, and website of the submitting party. In the binding agreement, the signatory shall:

(a) Verify acceptance of the plan and commit to a safe and immediate response to spills and to substantial threats of spills that occur in, or could impact Washington waters or Washington's natural, cultural, and economic resources;

(b) Commit to having an incident commander in the state within six hours after notification of a spill;

(c) Commit to the implementation and use of the plan during a spill and substantial threat of a spill, and to the training of personnel to implement the plan;

(d) Verify authority and capability to make necessary and appropriate expenditures ~~in order~~ to implement plan provisions; and

(e) Commit to working in unified command (UC) within the incident command system (ICS) to ensure that all personnel and equipment resources necessary to the response ~~will~~shall be called out to clean up the spill safely and to the maximum extent practicable.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-220, filed 12/18/19, effective 1/18/20. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-220, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-220, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-220, filed 9/25/06, effective 10/26/06.]

WAC 173-182-230 Contingency plan general content. (1) Contingency plans

~~must~~shall include all ~~of~~ the content and meet all the requirements in this section.

(2) In Washington state, the Northwest Regional Contingency Plan (NWRCP), ~~the NWACP~~ serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060. Plan holders shall write plans that refer to and are consistent with the ~~NWACP~~ and relevant Area Contingency Plans (ACPs) for their operating areas.

(3) All contingency plans ~~must~~shall include the following:

(a) Each plan shall state the federal or state requirements intended to be met by the plan.

(b) Each plan shall state the size of the worst-~~case~~ spill volume.

(i) For transmission pipelines, more than one worst-~~case~~ spill volume for different line sections or response zones on the entire pipeline may be submitted to ecology for consideration. The methods and calculations used to determine the worst-~~case~~ ~~discharge~~ spill volumes ~~must~~shall be included in the plan.

(ii) For vessel umbrella plans that enroll both covered tank ~~vessels~~ and nontank ~~covered~~ vessels and that rely on supplemental resources for approval, specify the worst-case ~~discharge~~spill volume and product type for both covered tank and nontank ~~covered~~ vessels for each port covered by the contingency plan.

(iii) For multiple facilities using a single plan, separate worst-case spill volumes are required for each facility.

(c) Each plan shall have a log sheet to record revisions and updates to the plan. The log sheet shall identify each section amended, including the date of the amendment, verification that ecology was notified, and the name of the authorized person making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed as an amendment letter to be inserted in the plan immediately after the log sheet.

(d) Each plan shall have a table of contents and a cross-reference table reflecting the locations in the plan of each component required by this chapter.

(e) Each plan shall include contact information for any PRC, SMT, or WRSP contracted resources necessary to meet plan holder planning standards. Contact information ~~must~~shall include the name, address, ~~twenty-four-24~~ hour phone number, or other means of contact at any time of the day.

(i) A contract or letter summarizing the terms of the contract signed by the PRC, SMT, or WRSP shall be included in the plan.

(ii) If the entire contract is not submitted, that document shall be available for inspection, ~~if requested by~~ upon request by ecology the department.

(iii) For mutual aid agreements that a plan holder relies on to meet the planning standards, the plan shall include a copy of the agreement and describe the terms of that document in the plan.

(iv) If a plan holder relies on a PRC, SMT, WRSP or other contractor to staff ICS positions for the ~~spill management team~~ SMT, then the commitment must be specified in writing.

(v) If the entire contract for additional ~~spill management team~~ SMT support is not included in the plan, that document shall be made available for inspection, ~~if requested by~~ upon request by ecology.

(f) Each plan ~~must~~ shall contain the procedures to track and account for the entire volume of oil recovered and oily wastes generated and disposed of during spills. The responsible party ~~must~~ shall provide these records to ecology upon request.

(4) ~~Additional facility plan content.~~

~~Each F~~ Each facility plans shall include:

(a) The name, location, type and address of the facility;

(b) ~~Starting~~ ing date of operations;

(c) Description of the operations covered by the plan:

(i) List of the oil handling operations that occur at the facility location.

(ii) Inventory of all tanks and ~~their list the tank~~ capacity.

(iii) ~~Details of A~~all oil(s) or product(s) handled ~~by name and to~~ include::;

~~density~~name, oil group number, density, specific gravity, ~~API~~gravity as measured by standards developed by the American Petroleum Institute (API), ~~oil group number,~~ and designation of the oil as sweet or sour, and health and safety hazards. ~~sulfur content (sweet/sour).~~ A material safety data sheet (MSDS) or document(s) containing equivalent information may satisfy some of these requirements.

(A) The plan shall identify where the MSDS or equivalent information for each oil is kept for emergency response use, if MSDS documents are not provided in the plan.

(iv) ~~Include a written d~~Description and maps ~~s~~ indicating site topography, stormwater and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations.

(v) ~~A d~~Description of the geographic area that could be impacted from a spill at the location based on a ~~forty-eight~~48-hour ~~worst case spill~~trajectory analysis of a worst-case spill scenario, including adverse weather, tidal, or river flow conditions. The parameters and methodology used in this analysis should be included in the plan.

(vi) For pipelines, a narrative describing how ~~the~~ response zones ~~were~~was identified ~~shall be submitted as part of the plan.~~

(5) Additional vessel plan content. Except as provided in subsections (6) and (7) of this section, vessel plans shall also include:

- (a) Name of each vessel covered under the plan;
- (b) ~~The n~~Name, location, and address of the owner or operator;
- (c) Official identification code or call sign;
- (d) Country of registry;
- (e) All ports of call or areas of expected operation in Washington waters;
- (f) Details ofList all oil(s) or product(s) ~~by name and to~~ include: name, oil group number, density, specific gravity as measured by standards developed by the American Petroleum Institute (API), designation of the oil as sweet or sour, health and safety hazards, , density, gravity, API, oil group number, sulfur content (sweet/sour) and general ship capacity for amounts carried as cargo or fuel;
- (g) Description of the operations covered by the plan; and
- (h) A diagram indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations.

(6) Plans covering multiple vessels with different owners shall also include the following:

- (a) In lieu of providing vessels' names, call signs and country of registry, plan holders shall maintain accurate enrollment or member lists with vessel specific information provided by covered vessels and shall provide ecology a list of twenty-four hour access to the enrolled vessels ~~list via the internet~~ in a format acceptable to ecology. The list shall be

updated ~~and delivered~~ daily, or at a minimum every three ~~calendar~~ days. The list ~~must~~ shall

at a minimum include the following:

(i) Vessel name ~~and IMO number~~;

(ii) Vessel type ~~and gross tonnage~~;

~~(iii) Plan coverage expiration date or anniversary date;~~

~~(iv) Worst-case spill discharge volume and oil type and quantity;~~

~~(v) The name and API gravity of the densest oil types~~ being handled on the enrolled

vessels;

~~(vi) Qualified individual;~~

~~(vii) /SMT spill management team;~~

~~(viii) Contact information (name, address, email) for vessel owner or operator;~~

~~(ix) Agent; and~~

~~(x) Protection and indemnity (P&I) club.~~

(b) Plans covering multiple vessels shall include a list of the types of vessels and the typical oil types by group and volumes. In addition, vessel diagrams indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations shall be available for inspection by ecology. The procedure for the plan holder to acquire vessel diagrams ~~shall needs to~~ be documented in the plan.

(7) Umbrella plans shall list the name of the entities that provide supplemental equipment.

(8) Each plan shall identify the command post locations that may be used for incidents of varying sizes and complexities, up to and including a worst-case spill.

(98) Plans shall include ~~concise procedures to establish~~ a process to manage oil spill liability claims of damages to persons or property, public or private, for which a responsible party may be liable.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-230, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-230, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-230, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-230, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-230, filed 9/25/06, effective 10/26/06.]

WAC 173-182-232 Requirements for vessel umbrella plans maintaining additional agreements for supplemental resources. (1) ~~Approved umbrella plans provide an efficient and cost-effective mechanism for enrolling vessel owner and operators in contingency plan coverage. Umbrella plans provide response resources to meet the requirements of this chapter. The Ecology may approve an~~ umbrella plan ~~may be approved~~ for more than one worst-case ~~spill volumedischarge~~, by port, in areas of operation covered by the plan.

(2) Any owner or operator of a covered vessel ~~with a having a~~ worst-case ~~spill~~ discharge volume that exceeds ~~resources under contract to~~ the umbrella plan's may still enroll only if;

(a) ~~t~~The vessel owner or operator maintains a contract with another primary ~~response contractor~~ PRC that will provide supplemental response resources; and;

(b) ~~if t~~Those combined resources are sufficient to meet the requirements of this chapter.

(c) The vessel owner or operator ~~must~~shall provide documentation that authorizes the umbrella plan holder to activate the supplemental response resources, sufficient to meet the worst-case ~~spill volume~~ discharge of the covered vessel, during a drill, spill, or substantial threat of a spill.

(d) Documentation ~~must~~shall demonstrate the agreement and includes, but is not limited to, authorized representative and commitment letters from contractors, qualified individuals, insurance representatives, member signed enrollment agreements, or other letters of intent.

(32) The ~~umbrella~~ plan ~~must~~shall describe the process for activation of the supplemental resources and shall include the documentation described in subsection (21) of this section. The process for accessing supplemental equipment will be tested in drills. [Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-232, filed 12/14/12, effective 1/14/13.]

983 **WAC 173-182-240 Field document.** (1) Each plan shall contain a field document

984 which lists time-critical information for the initial emergency phase of a spill ~~and or~~ a
985 substantial threat of a spill.

986 ~~(a)~~ The owner or operator of the covered vessel or facility shall make the field
987 document available to personnel who participate in oil handling operations and shall keep
988 the field document in key locations at facilities, docks, or on vessels for use during an initial
989 response and in the plan. The locations where field documents are kept ~~must~~shall be listed
990 in the plan, ~~provided that plan holders covering multiple persons shall not be subject to~~
991 ~~enforcement if the owner or operator of an enrolled vessel fails to keep the field documents~~
992 ~~in the location specified in the plan.~~

993 ~~(c)~~ Plans covering multiple persons shall include procedures to ensure each vessel
994 covered by the plan is provided with the field document prior to entering Washington
995 waters. This can include by electronic means.

996 (2) At a minimum, the field document shall contain:

997 (a) A list of the procedures and equipment to detect, assess, and document the
998 presence and size of a spill;

999 (b) Spill notification procedures, a call out list that meets the requirements in WAC
1000 173-182-260 and 173-182-262 or 173-182-264 as applicable, and a form to document
1001 notifications; and

(c) A checklist that identifies significant steps used to respond to a spill, listed in a logical progression of response activities.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-240, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-240, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-240, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-240, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-240, filed 9/25/06, effective 10/26/06.]

WAC 173-182-242 Additional requirements for vessel plan holders with access to the emergency response system at Neah Bay. (1) Covered vessels that transit to or from a Washington port through the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks Light, on Vancouver Island, Canada, ~~must~~shall include the following information in their contingency plan:

(a) Documentation of the vessel owner's ~~or~~ operator's contracted access to an emergency response towing vessel (ERTV) at Neah Bay;

(b) Detailed information about the ERTV's capabilities and circumstances of potential activation and call out;

(c) A commitment ~~in the plan~~ to participate in drills that test compliance with the requirements of RCW 88.46.135; and

(d) Procedures for call out of the ERTV. ~~These procedures must~~ shall also be included in the field document required by WAC 173-180-240.

(2) Plan holders may request drill credit for an actual deployment of the tug to respond to a spill or vessel emergency, provided the plan holder follows the requirements in WAC 173-182-730.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-242, filed 12/14/12, effective 1/14/13.]

WAC 173-182-250 Initial response actions. (1) Plan holders and responsible parties are required to document their initial spill actions including the initial spill assessment. ~~and the plan~~ and field document shall include the forms that will be used for such documentation.

(2) The plan shall describe ~~the what~~ equipment ~~that~~ will be used to conduct ~~the~~ initial spill assessment. including Acceptable equipment for initial spill assessment includes but is not limited to equipment effective during darkness and low visibility conditions, such as visual methods, tracking buoys, trajectory modeling, aerial overflights, and thermal or infrared imagery equipment effective in the dark and low-visibility conditions.

(3) The plan ~~must~~ shall state how a safety assessment, including initial air monitoring, will be conducted and documented for all types of spills, including spills to groundwater.

1044 (4) The plan ~~must~~shall list procedures that will be used to confirm and document
1045 the occurrence, and estimate the quantity and nature of the spill. An updated
1046 notification report is required if the initially reported estimated quantity or the extent of the
1047 contamination changes significantly.

1048 [Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101,
1049 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10),
1050 § 173-182-250, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46,
1051 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-250, filed 9/25/06,
1052 effective 10/26/06.]

1053 **WAC 173-182-260 Notification and call-out procedures.** (1) Each plan shall
1054 include procedures which will be taken to immediately (within one hour) notify the
1055 Washington department of emergency management and other appropriate parties that a
1056 spill or a substantial threat of a spill has occurred. The plan shall identify the central
1057 reporting office or individuals responsible for implementing the notification process.

1058 (2) Each plan shall include a list of the names and phone numbers of required
1059 notifications to government agencies, response contractors, and spill management
1060 team contracted or internal SMT members, ~~except that t~~Ithe portion of the list containing
1061 internal call down information need not be included in the plan, but shall be available for
1062 review by ecology upon request and verified during spills and drills.

1063 (3) The procedure shall establish a clear order of priority for immediate notification
1064 and shall include a form to document those notifications.

(4) The process shall include a procedure to provide the appropriate call-back number for on-scene personnel or incident commander to ecology.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-260, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-260, filed 9/25/06, effective 10/26/06.]

WAC 173-182-262 Vessel notification requirements for a discharge or substantial threat of a discharge. (1) The owner or operator of a covered vessel ~~must~~shall notify the state through the Washington emergency management division of a discharge or substantial threat of a discharge. Vessel discharge notifications are in addition to and made subsequent to notifications that the owner or operator of a covered vessel shall provide to the United States Coast Guard (USCG). Notification ~~must~~shall be made immediately ~~(-within one hour)~~ after~~of~~ the discharge or substantial threat of a discharge, or as soon as is feasible without further endangering the vessel or personnel.

(2) ~~Vessel discharge notifications are in addition and made subsequent to notifications that the owner or operator of a covered vessel must provide to the United States Coast Guard.~~ Vessels enrolled in plans covering multiple vessels ~~must~~shall also notify the plan holder ~~in addition to the state~~, unless the state has already been notified by the plan holder on behalf of the vessel owner or operator. Notification shall be made immediately (within one hour) after the discharge or substantial threat of a discharge, or as soon as is feasible without further endangering the vessel or personnel.

1086 (3) Notification of the discharge or substantial threat of a discharge initiates
1087 activation of the plan. Upon notification, the vessel owner/operator ~~wit~~shall coordinate as
1088 appropriate with:

1089 (a) The state of Washington and the ~~USCGUnited States Coast Guard~~ to take any
1090 necessary actions to protect the public health, welfare, and natural resources of the state;
1091 and

1092 (b) The plan holder for plan implementation as described in the plan.

1093 (4) Notification procedures ~~must~~shall be included in the plan.

1094 (5) The substantial threat of a discharge may be determined or affected by the
1095 following conditions:

1096 (a) Ship location and proximity to land or other navigational hazards;

1097 (b) Weather;

1098 (c) Tidal currents;

1099 (d) Sea state;

1100 (e) Traffic density;

1101 (f) Condition of vessel; and

1102 (g) Timing or likelihood of vessel repairs.

1103 [Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101,
1104 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10),
1105 § 173-182-262, filed 12/18/19, effective 1/18/20. Statutory Authority: RCW 88.46.060,
1106 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-262, filed 7/16/14, effective 8/16/14.

Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054
(Order 11-06), § 173-182-262, filed 12/14/12, effective 1/14/13.]

**WAC 173-182-264 Notification requirements for facility spills to ground or
containment that threaten waters of the state. (1) All spills are considered reportable**

spills except:

**(a) Spills confirmed (within one hour) to be less than 42 gallons that do not impact
or threaten waters of the state, including groundwater.**

**(b) Releases of material(s) regulated solely under the jurisdiction of the
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).**

(c) On-facility air releases to the atmosphere only.

(d) Releases from underground storage tanks regulated under chapter 173-360A

WAC.

**(e) Preexisting sources of releases identified as Resource Conservation and
Recovery Act (RCRA) solid waste management units.**

**(f) Spills contained within areas controlled by National Pollution Discharge
Elimination System (NPDES) permitted systems that are not likely to threaten waters of the
state, including groundwater, and do not exceed applicable federal reportable quantities.**

**(2) Plan holders shall notify the state of spills through the Washington emergency
management division. Notifications to the state shall be made immediately (within one
hour).**

~~(1) Facility plans shall contain procedures for notifications for spills to ground and to permeable secondary containment that threaten to impact waters of the state.~~

~~(a) All spills are considered reportable spills except;~~

~~(i) Spills which are known to be less than forty-two gallons that do not impact surface or groundwater.;~~

~~(ii) CERCLA releases;~~

~~(iii) On-facility air releases to the atmosphere only;~~

~~(iv) Releases from underground storage tanks regulated under chapter 173-360A WAC;~~

~~(v) Preexisting sources of releases identified as RCRA solid waste management units;~~

~~(vi) Spills contained within areas controlled by NPDES permitted systems that are not likely to threaten groundwater and do not exceed applicable federal reportable quantities;~~

~~(b) A spill is considered to have not impacted ground if it occurs on a paved surface such as asphalt or concrete. A spill to dirt or gravel is considered to have impacted ground and is reportable;~~

~~(2) Plan holders must also include procedures in their plan to address spills of an unknown volume. When addressing a spill of an unknown volume, plan holders shall use~~

~~best professional judgment and may consider the following circumstances in determining when to make notifications:~~

~~(a) Whether the spill is ongoing; and~~

~~(b) Whether the spill is located in an area that is adjacent to waters of the state or where there is a pathway to waters of the state, and the environmental conditions, such as rain events, or known shallow groundwater make impacts to waters of the state likely.~~

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-264, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-264, filed 12/14/12, effective 1/14/13.]

WAC 173-182-270 Maintenance records for response equipment. (1) Plan holders and PRCs are required to maintain response equipment in a state of constant readiness, and in accordance with manufacturer specifications.

(2) Plan holders and PRCs that own equipment shall develop schedules, methods, and procedures for equipment maintenance. Maintenance records shall be kept for at least five years and made available ~~if requested by~~to ecology upon request.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-270, filed 9/25/06, effective 10/26/06.]

WAC 173-182-280 Spill management teams. (1) Each plan shall contain information on the personnel (including contract personnel, as applicable) who will be

1167 available to manage an oil spill response. To ~~meet~~comply with ~~this~~ requirement, the plan
1168 shall include:

1169 (a) An organizational diagram depicting the chain of command for the ~~spill~~
1170 ~~management team~~SMT for a worst-~~case~~ spill.

1171 (b) ~~For the purpose of ensuring depth of the spill management team, a~~ table
1172 detailing the names of personnel to fill the following ICS roles or the name of the SMT
1173 contracted to fill the roles.

1174 (i) Named personnel may be listed a maximum of two times.

1175 (ii) Personnel filling key roles do not need to be a resident in Washington state.

1176 (iii) When filling out the table, the name of a PRC, SMT, or WRSP approved in the role
1177 may be used rather than the name of an individual person. If a PRC, SMT, or WRSP is used
1178 to fill positions, they must have an approved application on file with ecology and they must
1179 agree in writing, either through contract or other approvable means, to staff the positions.

1180 ~~(i) Personnel may be listed a maximum of two times.~~

1181 ~~(ii) Personnel filling key roles do not need to be a resident in Washington state.~~

ICS Position	Name	Name	Name
Responsible Party Incident Commander			
Public Information Officer			
Liaison Officer			
Safety Officer			
Operations Section Chief			
Planning Section Chief			

ICS Position	Name	Name	Name
Logistics Section Chief			
Finance Section Chief			
Wildlife Branch Director		X	X
Air Operations Branch Director		X	X
Situation Unit Leader		X	X
Resources Unit Leader		X	X
Documentation Unit Leader		X	X
Environmental Unit Leader		X	X

X = Not required

(c) Additional SMT rosters which detail greater position depth available to support the plan holder may be maintained at the plan holder's office and shall be made available to ecology upon request. ~~If a primary response contractor, SMT, or WRSP is used to fill positions, they must have an approved application on file with the state and they must agree in writing, either through contract or other approvable means, to staff the positions. The capacity and depth of spill management teams will be evaluated in plan holder drills and spills.~~

(~~dc~~) A job description for each spill management position, or a reference to the incident management handbook with position descriptions. ~~If the job descriptions are consistent with the NWACP, then the plan holder may reference the NWACP rather than repeat the information.~~

(~~ed~~) A detailed description of the planning process which will be used to manage a spill or a reference to the incident management handbook with planning process

descriptions and meeting agendas. ~~If the process is consistent with the NWACP then the plan holder may reference the NWACP rather than repeat the information.~~

(2) The plan shall address the type and frequency of training that ~~each individual listed in subsection (1)(b) of this section~~ the SMT receives. The training program, at a minimum, shall include ICS, ~~NWACP policies~~, use and location of GRPs, the contents of the contingency plan, ~~and~~ worker health and safety, and policies addressed in the NWRCP and relevant ACPs, as applicable to the role. A combination of training and experience in drills and spills may be used to describe SMT personnel capabilities within response roles. The training program shall include participation in periodic announced and unannounced drills and exercises, and participation should approximate the actual roles and responsibilities of the individual specified in the plan. New employees shall complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

(3) The plan shall identify a primary and two alternate incident commander representatives that can form unified command at the initial command post, and that could arrive in state within six hours.

(4) The plan shall include a narrative description of estimated time frames for arrival of the remainder of the ~~SMT spill management team~~ in state.

(5) The plan shall list a process for orderly transitions of initial response staff to incoming local, regional, or away team personnel, including transitions between shift changes.

(6) Plans covering multiple vessels ~~must~~shall maintain a list of the ~~SMT~~spill management team(s) for each vessel enrolled under the plan, and ~~must~~shall describe the transition process from plan personnel to the incoming vessel owner or operator's team. The plan ~~must~~shall include checklists and documentation to facilitate an effective transition.

~~(7)~~ Vessels enrolling under an umbrella contingency plan or a multiple-vessel contingency plan ~~must~~shall ensure that their enrollment includes contracted access to an ~~an~~ ~~ecology~~state-approved SMT or in-house team.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-280, filed 12/18/19, effective 1/18/20. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-280, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-280, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-280, filed 9/25/06, effective 10/26/06.]

Section C—Planning Standards

WAC 173-182-310 Planning standards. (1) Ecology ~~shall~~will apply a planning standard when determining the ability of a plan holder to meet the ~~purposes~~requirements of these regulations. Each planning standard is subject to ~~being verified~~verification at scheduled or unannounced drills. In an actual spill event, initial deployment shall be guided by safety considerations. The responsible party ~~must~~shall address the entire volume of an actual spill regardless of the planning standards.

(2) The planning standards described in this chapter do not constitute cleanup or response standards ~~cleanup standards~~ that must be met by ~~the~~a plan holder ~~of a~~ contingency plan. Failure to remove a discharge within the time periods set out in this section does not constitute failure to comply with a contingency plan for purposes of this section or for the purpose of imposing administrative, civil, or criminal penalties under any other law.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-310, filed 9/25/06, effective 10/26/06.]

WAC 173-182-315 Facility planning standards for nondedicated work boats and operators. Each facility plan holder shall plan to obtain nondedicated work boats and operators that will be available to deploy GRP ~~strategiess~~strategies, enhance skimming, and to provide logistical support or other uses during a spill. At a minimum, the plan shall describe ~~the process of supplying a a plan that will support the~~ the process of supplying a worst-case spill response

with work boats and operators that could have arrived on-scene beginning at ~~forty-eight~~48 hours ~~after discharge~~.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-315, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-315, filed 9/25/06, effective 10/26/06.]

WAC 173-182-317 Covered vessel planning standards for vessels of opportunity

(VOO). (1) This section applies to owners and operators of covered vessels and covered vessel plan holders who are required to have a plan for the use of VOO. ~~In order to~~To enhance the ability to respond to spills using nondedicated resources, ~~Washington state ecology-~~approved PRCs cannot be identified in the plan as VOO. The VOO may be used in the following ways:

- (a) ~~Protection~~ing of sensitive habitats through the placement of oil spill booms;
- (b) On-water oil recovery in the near-shore environment;
- (c) Providing logistical spill response support; or
- (d) Supporting other tactical actions.

(2) ~~In order for~~For a commercial vessel to be considered for the VOO program, the owner or operator will self-register through the online process developed by ecology, or through use of a form provided by ecology. VOO operators ~~must~~shall ~~renew their information annually, and will supply~~maintain and annually update the following information as applicable to ~~each VOO vessel~~:

- 1274 (a) Name of vessel;
- 1275 (b) Length of vessel;
- 1276 (c) Year, make, and model of the vessel;
- 1277 (d) Vessel engine type(s) and horsepower;
- 1278 (e) Number of passengers certified to carry;
- 1279 (f) Number of cabins/berths;
- 1280 (g) The vessel's Lloyds Registry ~~(LR), and/or~~ International Maritime Organization
- 1281 ~~(LR/IMO) number,~~ or official number ~~(O.N.);~~
- 1282 (h) Vessel operator contact information;
- 1283 (i) Vessel crew training records relevant to oil spill response;
- 1284 (j) Date of the most recent marine survey;
- 1285 (k) Date of the most recent USCG compliance inspection or boarding;
- 1286 (l) Date of expiration of USCG Certificate of Compliance or Certificate of Inspection,
- 1287 or Fishing Vessel Safety Examination Decal;~~;~~
- 1288 (m) Vessel P&I club affiliation;
- 1289 (n) Vessel homeport and vessel hailing port;
- 1290 (o) Residence(s) of vessel owner and crew;
- 1291 (p) List of Tactics vessel ~~can would like to~~ support;
- 1292 (q) Seasonal operations of the vessel;
- 1293 (r) Drug testing program for captain and crew; and

(s) Plan holder or PRC ~~with which~~ the vessel ~~contracts with is contracted~~. VOO operators may contract with multiple plan holders or ~~PRCs primary response contractors~~.

(3) In order for a recreational vessel to be considered for the VOO program, the owner or operator ~~must will~~ self-register through the online process developed by ecology, or through use of a form provided by ecology. VOO operators ~~must shall~~ ~~renew their information annually, and will supply at a minimum~~ maintain and annually update the following information ~~to the extent as~~ applicable to ~~each VOO the vessel~~:

(a) Name of vessel;

(b) Length of vessel;

(c) Year, make, and model of the vessel;

(d) Vessel engine type(s) and horsepower;

(e) Number of cabins/berths;

(f) The state registration number and/or USCG documentation number or other official number;

(g) Vessel owner contact information;

(h) Vessel owner ~~and/~~ crew training relevant to oil spill response;

(i) Date of the most recent marine survey;

(j) Date of the most recent USCG Auxiliary Dockside Courtesy Inspection;

(k) Vessel insurance information and coverage plan;

(l) Vessel homeport and vessel hailing port;

(m) ~~List of Tactics vessel can would like to~~ support;

(n) Residence of vessel owner; and

(o) Plan holder or PRC with which the vessel is contracted. VOO operators may contract with multiple plan holders or ~~PRCs primary response contractors~~.

(4) For planning purposes VOO ~~witshall~~ be organized by regions, ~~see map of VOO regions below~~. The regions are designed to ensure adequate numbers of VOO for contracting. Covered vessel plan holders shall have contracted access to VOO in the regions they transit or operate. VOO from all regions may be cascaded into the spill area if the VOO capability is appropriate for the operating environment. The regional areas include:

(a) Region 1: Cape Flattery/Strait of Juan de Fuca: The outer coast marine waters north of the Jefferson County border, the Strait of Juan de Fuca south of the San Juan and Skagit counties borders, west of Deception Pass, and of the North Entrance of Admiralty Inlet.

(b) Region 2: San Juan Islands/North Puget Sound: The marine waters of San Juan and Whatcom counties and of Skagit county west of Deception Pass and the north entrance of Swinomish Channel.

(c) Region 3: South Puget Sound/Central Puget Sound: The marine waters of the Puget Sound south of the President Point to Point Wells Line.

(d) Region 4: Lower Columbia River: The inland waters of the Columbia River from the mouth of the Columbia River to Bonneville Dam.

(e) Region 5: Admiralty Inlet/Hood Canal and North Central Puget Sound: The marine waters east of the north entrance of Admiralty Inlet and Deception Pass, south of the north entrance of the Swinomish Channel, and north of the President Point to Point Wells line.

(f) Region 6: Grays Harbor: The outer coast marine waters south of the Clallam County border to the mouth of the Columbia River, including Grays Harbor. (a) Region 1: Cape Flattery/Strait of Juan de Fuca.

~~(b) Region 2: San Juan Islands/North Puget Sound.~~

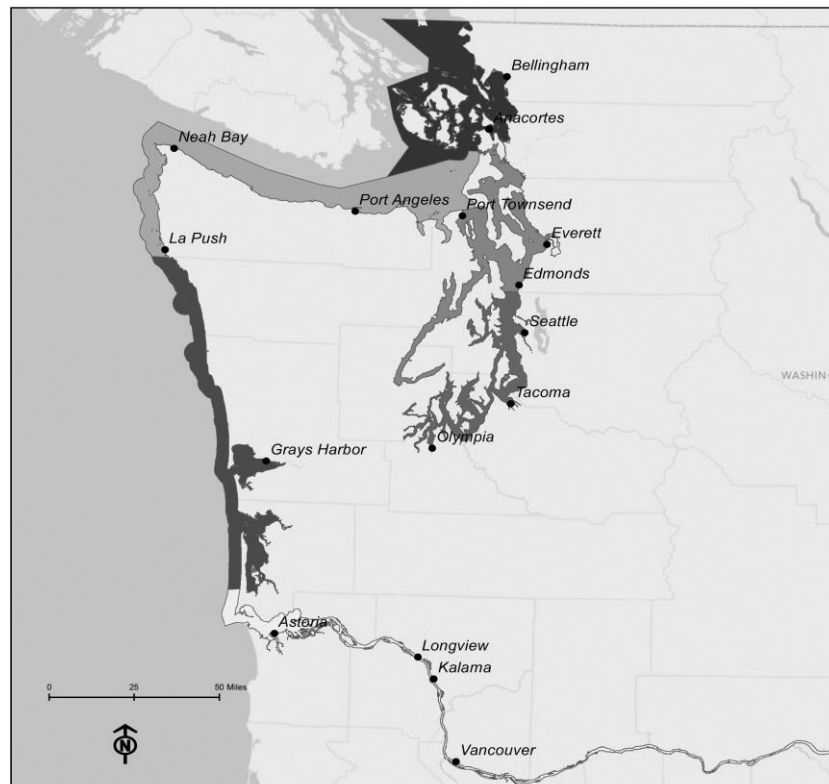
~~(c) Region 3: South Puget Sound/Central Puget Sound.~~

~~(d) Region 4: Lower Columbia River.~~

~~(e) Region 5: Admiralty Inlet/Hood Canal and North Central Puget Sound.~~

~~(f) Region 6: Grays Harbor.~~

Vessel of Opportunity Regions



NOTE: In the event of a spill VOOs from any region may be called to the site to assist with the response.

Legend	
Region	
1- Strait of Juan de Fuca	
2- San Juan Islands/ North Puget Sound	
3- South Puget Sound and Central Puget Sound	
4- Lower Columbia River	
5- Admiralty Inlet/Hood Canal and North Central Puget Sound	
6- Grays Harbor	

Region	Minimum Number of Tier 1 Vessels
1	18
2	12
3	12
4	12
5	12
6	6

Map Created by WA Department of Ecology, Spill Preparedness Section, 12/3/2012

(5) For each region a vessel plan holder transits or operates, the plan holder must have a contract with the prescribed number of Tier I VOO as listed in this subsection (5) and as defined by subsection (7)(a) of this section below. VOO are nondedicated resources; the minimum number of VOO required assumes that one out of every two contracted vessels may be available at any time. In each region a percentage of the VOO must be pretrained and capable of the following tactics: ~~On~~on-water recovery in the nearshore environment,

1354 protection of sensitive areas, and logistical support with no more than ~~fifty~~50 percent to be
1355 pretrained exclusively for logistical support.

1356 (a) Region 1: Plan holders must have contracts with a minimum of ~~eighteen~~18 VOO
1357 at the Tier I level.

1358 (b) Region 2: Plan holders must have contracts with a minimum of ~~twelve~~12 VOO at
1359 the Tier I level.

1360 (c) Region 3: Plan holders must have contracts with a minimum of ~~twelve~~12 VOO at
1361 the Tier I level.

1362 (d) Region 4: Plan holders must have contracts with a minimum of ~~twelve~~12 VOO at
1363 the Tier I level.

1364 (e) Region 5: Plan holders must have contracts with a minimum of ~~twelve~~12 VOO at
1365 the Tier I level.

1366 (f) Region 6: Plan holders must have contracts with a minimum of six VOO at the Tier
1367 I level.

1368 (6) Plan holder obligations, as identified within this section, are subject to an
1369 adequate number of suitable and capable vessels enrolling with ecology. Plan holders may
1370 propose for review and approval an alternative planning standard for a VOO region if, after a
1371 good faith effort to contract with the minimum numbers of VOO, the plan holder is not
1372 successful. The alternative proposal ~~must~~shall provide an equivalent or higher level of
1373 protection in terms of spill preparedness and response when compared with the planning

standard. This proposal ~~will~~shall be subject to a ~~thirty~~30-day public review and comment period, which includes, but is not limited to, interested local and tribal governments and other stakeholders. The alternative proposal ~~must~~shall include:

(a) Documentation that there are insufficient numbers of VOO registered~~;~~:-

(b) Documentation describing the selection criteria and a description of how the Tier II enrolled vessels do not meet the criteria~~;~~- and

(c) A detailed description of the alternative being proposed.

(7) ~~Vessels of opportunity~~VOO ~~will~~shall be designated in one of the following two tiers:

(a) Requirements for Tier I designated vessels include:

(i) ~~Under~~Active contract with the plan holder.

(ii) Pretrained crew through a combination of classroom training, computer~~-~~based education, equipment familiarization, and field training exercises appropriate to the tactics the vessel may be assigned, including:

(A) ~~HAZWOPER~~HAZWOPER training ~~must be~~ appropriate to the tactics the vessel may be assigned as set forth in ~~Title 29 of Code of Federal Regulations (C.F.R.)~~ 1910.120;

(B) Basic ~~incident command system~~ICS training;

(C) Participation annually in at least one on-water training for the tactics for which the VOO is contracted;

(D) Participatione in at least one on-water deployment drill every three years.

(iii) ~~The department~~Ecology shall be invited to attend all VOO training events.

(iv) Training records ~~must~~shall be maintained for a period of five years. Training records shall be made available to ~~the department~~ecology upon request.

(v) The vessel ~~shall~~ ~~should~~ agree under contract to make best efforts, if available, to mobilize within ~~twelve~~12 hours of call-out with crew as trained per this section.

(b) Tier II designated vessels include: ~~Ec~~commercial and recreational vessels that self-identify their interest in participation in the VOO program but are not under contract to a plan holder. Vessel plan holders shall describe in their contingency plan the process for rapidly training and contracting ~~the~~ Tier II vessels for, at a minimum, at least logistical support tactics.

(8) VOO drill requirements:

(a) Plan holders shall incorporate Tier I VOO into deployment drills and tabletop drills.

(b) Tabletop drills may incorporate simulated call out of ~~VOO vessels of opportunity~~ by identifying the vessel and crew available to respond on the day of the drill. Data collected during the simulated call out shall include vessel name, crew names, estimated time of arrival on scene, availability on the day of the spill and the ability to support the response over days or weeks, and the task force or staging assignment of the ~~VOO vessel of opportunity~~.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-317, filed 12/14/12, effective 1/14/13.]

~~**WAC 173-182-320 Facility planning standards for aerial surveillance.** Each facility plan shall provide for aerial oil tracking resources capable of being on-scene within six hours of spill notification. At a minimum, these resources must be capable of supporting oil spill removal operations for three, ten-hour operational periods during the initial seventy-two hours of the discharge.~~

~~[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-320, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-320, filed 9/25/06, effective 10/26/06.]~~

WAC 173-182-321 ~~Covered vessel~~ Planning standards for aerial surveillance.
~~All facilities and C~~covered vessels ~~operating or transiting the lower Columbia River, Grays Harbor, Strait of Juan de Fuca, Puget Sound, or Washington coast,~~ shall document the following aerial surveillance capability through the plan:

(1) Access to ~~aerial oil surveillance resources-a helicopter or fixed wing~~, under contract or other approved means, that is appropriately located and could have arrived with a trained aerial oil spill spotter (spotter) to those planning standard areas plan holders operate or transit within six hours of spill notification. All aerial oil surveillance resources shall~~The contracted asset must have the following capability:~~

1433 (a) Be capable of supporting oil spill containment and removal operations by
1434 providing oil spotting capability for at least ~~ten~~10 hours per day during the initial ~~seventy-~~
1435 ~~two~~72 hours of an oil discharge.

1436 (b) Have a trained spotter ~~on-board~~assisting the aerial oil surveillance resource
1437 ~~asset~~ capable of acquiring, interpreting, recording, and communicating oil location and
1438 other information to the command post or field operations at regular intervals. The spotter
1439 ~~must~~shall be equipped with a high definition photographic and/or video capability and be
1440 able to collect and disseminate the following data about the environmental and
1441 operational picture ~~including the location of the oil, environmental impacts, and spill~~
1442 ~~resources on-scene:~~

1443 (i) Latitude and longitude of the location of the oil, environmental impacts, and spill
1444 resources on scene; impacts, or spill resources;

1445 (ii) Azimuth and altitude that the picture was taken;

1446 (iii) Bearing that the picture was taken;

1447 (iv) Estimated extent, color, appearance, structure, and distribution of oiling; and

1448 (v) Time and date.

1449 (2) Plans ~~must~~shall ~~also~~ include logistical sources of additional resources not under
1450 contract that may be utilized as ~~additional~~ spotting resources to maximize the
1451 effectiveness of enhanced skimming, or as resources to identify the extent of oil to inform
1452 shoreline clean-up and assessment teams and shoreline clean-up activities.

(3) In order to provide best achievable technology for aerial oil surveillance, ~~vessel~~ plan holders ~~shall~~must also provide for access to a helicopter, ~~or~~ fixed wing asset, ~~or aerial oil surveillance asset~~, under contract or other approved means, with the capability to provide a strategic picture of the overall spill; assist in location of slicks when they are not visible by persons operating at, or near, the water's surface or at night; extend the hours of clean-up operations to include darkness and ~~poor~~ low-visibility conditions; and identify oceanographic and geographic features toward which oil may migrate.

(a) The aerial ~~asset~~ oil surveillance resource ~~must~~shall be appropriately located and could have arrived with trained aerial observers to those planning standard areas plan holders operate or transit within ~~12~~twelve hours of spill notification.

(b) The aerial oil surveillance resource ~~asset~~ ~~must~~shall be equipped with a suite of equipment that could support the capabilities described in this subsection. The plan shall describe the systems included in the suite or reference a PRC application with an approved system. At least two types of remote sensing systems ~~must~~shall be included in the suite, including systems capable of sensing in the visual and nonvisual bands of the electromagnetic spectrum and one of them must be a high definition mounted infrared (IR) camera designed to support aerial operations from aerial platforms. If the sensing systems are ~~IR camera is~~ not mounted on the aerial oil surveillance resource, then ~~plan holder~~the plan must demonstrate how the handheld system will be effective from an aerial platform. ~~Plan holders must submit for approval the systems included in the suite.~~ For systems

~~capable of sensing beyond the visual spectrum~~~~the IR camera~~, the following capability descriptions ~~must~~shall be included in the ~~submission~~plan:

- (i) ~~IR-c~~Camera with sensors capable in the thermal or mid-~~infrared~~ (IR) range;
- (ii) A sensor which provides high resolution for ~~aerial~~airborne imaging;
- (iii) Continuous optical zoom capability appropriate for use from an aerial platform;

and

(iv) Tested minimum thermal resolution and/or the tested minimum resolvable temperature difference; ~~and~~

(v) ~~Plan holders must submit for review and approval the systems included in the suite.~~ Plan holders may submit alternative testing data for review and approval ~~alternative testing data~~. This alternative proposal ~~will~~shall be subject to a ~~thirty~~30-day public review and comment period which includes, but is not limited to, interested local and tribal governments and other stakeholders.

(c) The trained ~~aerial observer~~oil spill aerial observer on board ~~could~~must begin gathering capable of completing the following tasks ~~from the scene of the spill~~ once on-site:

(i) Creating high-contrast composite images by overlaying ~~G~~graphically displaying of processed multispectral data (~~at a minimum displaying the IR and optical windows~~including visual and nonvisual bands of the electromagnetic spectrum),

photographic images, flight path, and other information onto electronic marine charts

~~creating high-contrast composite images;~~

(ii) ~~Ability to r~~Referencing a map image to a geographic location;

(iii) ~~Defining Location the~~ extent and determining the relative thickness ~~information~~
for a reported oil sheen or slick;

(iv) Transmitting processed images and other information to the unified command
primary command post;

(v) Archiving all processed data and images; and

(vi) Integrating spill images and other information with spill management software.

(4) Plan holders ~~must~~shall have access to personnel trained ~~in aerial surveillance~~
~~and~~ as spotters to direct skimmers into the thickest oil to enhance on-water recovery and
to support the activities described above. The names of individuals with this training, their
home base, and training levels ~~must~~shall either be listed in the plan or made available to
ecology upon request. At a minimum, personnel ~~must~~shall be trained in aerial observation
at the level set forth in federal regulations currently located at 33 C.F.R. 155.1050 (l)(2)(iii).
A copy of this regulation is available electronically at ecfr.gov or through ecology upon
request.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101,
90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10),
§ 173-182-321, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46,

90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-321, filed 12/14/12, effective 1/14/13.]

WAC 173-182-324 Planning standards for spills of nonfloating oils ~~that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink.~~ (1) Plan holders carrying, handling, storing, or transporting oils that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink, ~~may weather and sink when spilled to the environment must~~shall have a contract with a PRC that maintains the resources ~~and/or~~and capabilities necessary to respond to a spill of nonfloating oils.

Examples of these types of oils include, but are not limited to, crude oil, diluted bitumen, group V oils, low gravity as measured by standards developed by the American Petroleum Institute (API)~~American Petroleum Institute~~ oil, decant, asphalt, and asphalt products.

(2) The plan holder or contracted ~~primary response contractor~~PRC mustshall have the necessary personnel and equipment capable of arriving within the time frames outlined in the table below:

Time (hours)	Capability
1	Initiate an assessment and consultation regarding the potential for the spilled oil to submerge or sink.
6-12	Resources and personnel to detect and delineate the spilled oil such as side scan or multibeam sonar, laser fluorosensors, induced polarization, divers, remotely-operated vehicles, or other methods to locate the oil on the bottom or suspended in the water column could have arrived.

Time (hours)	Capability
	Additionally, containment boom, sorbent boom, silt curtains, or other methods for containing the oil that may remain floating on the surface or to reduce spreading on the bottom could have arrived.
12-24	Resources and personnel necessary to assess the impact of the spilled oil on the environment could have arrived. Types of resources that may be used for this purpose include sampling equipment. Additionally, dredges, submersible pumps, sorbents, agitators, or other equipment necessary to recover oil from the bottom and shoreline could have arrived.

(3) The contingency plan ~~must~~shall detail the process for identifying if the oil handled has the potential to submerge or sink and include a description of the process for detecting, delineating, and recovering nonfloating oils in the areas that may be impacted.

In lieu of including nonfloating oils response details in the contingency plan, plan holders may cite the nonfloating oils response tools found in the NWRCP and relevant ACPs ~~NWACP~~.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-324, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-324, filed 12/14/12, effective 1/14/13.]

WAC 173-182-325 Planning standards for dispersants. (1) Plan holders carrying, handling, storing, or transporting Group 2, 3, or 4 persistent oil that is known to be dispersible and that may impact water when spilled in any area where preapproval or case-

1541 by-case use of dispersants is available as per the NW ~~R~~ACP, ~~must~~shall plan for the use of
1542 dispersants.

1543 (2) The plan holder ~~must~~shall identify the locations of dispersant stockpiles, and
1544 dispersant type, capable of dispersing the lesser of five percent of the worst-~~case~~ spill
1545 volume or ~~12,000~~twelve thousand barrels per day, using a dispersant to oil ratio of one to
1546 ~~20~~twenty.

1547 (3) The plan holder ~~must~~shall describe the methods of transporting equipment and
1548 supplies to a staging area, and appropriate aircraft or vessels to apply the dispersant and
1549 monitor its effectiveness.

1550 (4) The plan holder ~~must~~shall describe operational support capability, including the
1551 platforms and spotters used to deploy dispersants, monitor the operational efficacy of the
1552 dispersant application to support operational decision making, and ensure safety of
1553 response personnel.

1554 (5) These resources must be capable of being on-~~scene~~ within ~~twelve~~12 hours of
1555 spill notification.

1556 [Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101,
1557 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10),
1558 § 173-182-325, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46,
1559 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-325, filed
1560 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW.
1561 WSR 06-20-035 (Order 00-03), § 173-182-325, filed 9/25/06, effective 10/26/06.]

1562 **WAC 173-182-330 Planning standards for in situ burning.** (1) Based on the
1563 NW ~~ARCP in situ burning policies and subsequent guidance in relevant ACPs in situ burning~~
1564 ~~policy~~, plan holders operating in areas where in situ burning may be considered as a
1565 response option shall plan for the use of in situ burning as appropriate to the oil types
1566 handled and operating environments covered under the plan.

1567 (2) The plan holder ~~must~~shall identify the locations of two fire booms, air monitoring
1568 equipment, personal protective equipment, igniters and aircraft or vessels, or other
1569 appropriate means to be used to deploy the igniters.

1570 (3) ~~The f~~ire booms must be ~~five hundred~~500 feet in length each and have an
1571 additional ~~one thousand~~1,000 feet of conventional boom, tow bridles, and work boats
1572 capable of towing the boom for on-water burning operations.

1573 (4) The plan holder ~~must~~shall describe the methods of transporting the equipment
1574 to a staging area, and appropriate aircraft, vessels, and personnel resources to monitor its
1575 effectiveness at the scene of an oil discharge.

1576 (5) These resources must be capable of being on ~~-~~scene within ~~twelve~~12 hours of
1577 spill notification.

1578 [Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101,
1579 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10),
1580 § 173-182-330, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46,
1581 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-330, filed

12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW.
WSR 06-20-035 (Order 00-03), § 173-182-330, filed 9/25/06, effective 10/26/06.]

WAC 173-182-335 Planning standards for storage. (1) Plan holders shall identify
both on-water devices and shoreside interim storage locations.

(a) For marine waters, shoreside storage can be identified to meet ~~fifty~~50 percent of
storage requirements in the tables in WAC 173-182-355 through 173-182-450, if the plan
holders can demonstrate that recovered oil can be transported to the shoreside storage.

(b) For freshwater environments, shoreside storage can be identified to meet ~~sixty-~~
~~five~~65 percent of the storage requirements in the tables below, if the plan holders can
demonstrate that recovered oil can be transported to the shoreside storage.

(2) For covered vessel plan holders, at least ~~twenty-five~~25 percent of the total worst-
case ~~spill~~discharge volume at ~~twenty-four~~24 hours, from the planning standard tables in
WAC 173-182-355 through 173-182-450, ~~must~~shall be dedicated to on-water storage.

(3) For facility plan holders, ~~one hundred~~100 percent of the storage requirements
may be met through shoreside storage assets, provided that shoreside storage is the most
appropriate method for containing recovered oil, given the limitations of geography and
local environmental conditions, as required in the tables in WAC 173-182-355 through 173-
182-450.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-335,
filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW,
and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-335, filed 12/14/12, effective

1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035
(Order 00-03), § 173-182-335, filed 9/25/06, effective 10/26/06.]

WAC 173-182-345 Determining effectiveness of recovery systems. ~~(1)~~ Plan holders and PRCs that own equipment shall provide information for ecology to determine the effectiveness of the recovery systems and how the equipment meets the planning standards. To avoid duplication, plan holders relying upon a PRC to meet the necessary planning standards may reference the information submitted in the PRC's application, as approved by ~~ecology~~~~the department~~. Ecology will use the criteria in ASTM International F 1780-97 (~~reapproved 2024, series 18~~) to determine the effectiveness of containment and recovery systems.

~~(2)~~ Determination of efficiency of recovery systems in varied operating environments and product types:

~~(1a)~~ For all skimmers, describe how the device is intended to be transported and deployed. List the boom and work boats associated with each water-based skimming system. Identify the pumps and pumping capacity that will be used to transfer product to storage devices.

~~(2b)~~ For all oil recovery systems that rely on a ~~vessel of opportunity~~VOO or nondedicated transport asset, include a statement on how the asset would be located and secured. Include in the plan the mobilization time needed to ensure the assets are available, as well as the time needed to set up the oil recovery system, and the personnel

that will be used in the operations. This may require longer mobilization time than those described in this chapter.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-345, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-345, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-345, filed 9/25/06, effective 10/26/06.]

WAC 173-182-348 Determining effective daily recovery capacity. (1) Plan holders and PRCs that own recovery equipment shall request an Effective Daily Recovery Capacity (EDRC) using the following procedures and the criteria in ~~Title~~ 33 C.F.R. 155, Appendix B, Section 6, "Determining Effective Daily Recovery Capacity for Oil Recovery Devices."

(2) When calculating the EDRC, the formula $R = T \times 24 \text{ hours} \times E$ ~~will~~shall be used, where:-

R = Effective daily recovery capacity;

T = Throughput rate in barrels per hour (nameplate capacity); and

E = 20 percent (efficiency factor).

(3) Equipment owners may request an alternative EDRC by providing all of the following information:

(a) A description of the recovery system which includes skimmer, boom, pump, work boats, and storage associated with the device;

(b) Description of deployment methods that will be used to enhance the recovery system to maximize oil encounter rate during spills;

(c) Documented performance during verified spill incidents; and

(d) Documentation of laboratory testing using ASTM standard methods (ASTM F 631-15, 2020 series) or equivalent test approved by the USCGU.S. Coast Guard.

(4) When using an alternative approach as described under subsection (3) of this section to calculate the EDRC ~~The following formula will be used to calculate the effective daily recovery capacity for this alternative approach formula:~~

$R = D \times U$ shall be used, where:

R = Effective daily recovery capacity;

D = Average oil recovery throughput rate in barrels per hour; and

U = 10 (hours of operation). 10 hours is used for potential limitations due to available daylight, weather, sea state, and percentage of emulsified oil in the recovered material.

(5) EDRC is limited to the storage capacity of the proposed recovery system.

(6) For each skimming system, identify the oil storage associated with each recovery system. State the storage capacity integral to the oil recovery system, if applicable.

Describe how recovered oil is to be transported to/from interim storage.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-348, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-348, filed 9/25/06, effective 10/26/06.]

WAC 173-182-349 ~~Covered vessel p~~Plan holders technical manual

~~requirements:~~ (1) Each covered vessel plan holder that operates or transits in the Neah Bay, Cathlamet, or San Juan Islands planning standard areas ~~must~~shall provide a technical manual that includes all of the equipment appropriate for the operating environment that is necessary to meet the recovery and storage requirements, through the ~~forty-eight~~48-hour time frame.

(2) The technical manuals will be used to inform the ~~five-~~year BAP cycle and support ecology's determination that the response systems, training levels, and staffing demonstrate best available protection.

(3) ~~Covered vessel P~~plan holders ~~must~~shall use a systems approach to identify the equipment, including WRRL identification or other unique identification numbers, that will be used to describe the response systems in the technical manual. For each recovery system described, include the following:

(a) An operational picture or diagram of the recovery system, the EDRC for the system, and associated temporary storage;

(b) The infrastructure and support resources necessary for deployment;

- 1684 (c) Associated vessels necessary to enhance the skimmer;
- 1685 (d) At least ~~three hundred~~300 feet of boom to enhance the skimmer or an alternative
- 1686 based on manufacturer's recommendations;
- 1687 (e) The mobilization time and home base for the equipment;
- 1688 (f) The ownership or mechanism for accessing the equipment, for example, ~~under~~
- 1689 contract, subcontract, ~~or~~ letter of intent to the plan holder, or other approved means;
- 1690 (g) If applicable, the ability of the recovery system ~~to be used~~ to support night
- 1691 operations;
- 1692 (h) The minimum number of personnel necessary to deploy the equipment for a
- 1693 ~~twelve~~12-hour shift and the training level of personnel appropriate to operate the
- 1694 equipment and carry out recovery;
- 1695 (i) If alternative speeds are ~~given~~approved for equipment associated with a recovery
- 1696 system, ~~that the~~ information ~~should~~shall be included in the equipment description; and
- 1697 (j) The oil type(s) for which the associated skimmer is optimized ~~for~~.
- 1698 (4) ~~For the~~ covered vessel technical manual shall ~~storage requirement~~ include the
- 1699 following for storage systems:
- 1700 (a) An operational picture or diagram and capacity of the storage system;
- 1701 (b) The infrastructure and support resources necessary for deployment;
- 1702 (c) The mobilization time and home base for the equipment;

(d) The ownership or mechanism for accessing the equipment ~~for example, under~~
~~such as the~~ contract, subcontract, or letter of intent to the plan holder or other approved
means;

(e) The minimum number of personnel necessary to deploy the equipment for a
~~twelve~~ 12-hour shift and the training level of personnel appropriate to operate the
equipment;

(f) If applicable, the ability of the storage system ~~to be used~~ to support night
operations; ~~and~~

(g) If alternative speeds are ~~given~~ approved for equipment associated with the
storage device, ~~this the~~ information ~~should~~ shall be included in the equipment description.

(5) Facility and vessel plan holders that handle nonfloating oil shall provide a
technical manual that includes the technologies, equipment, and personnel that are
necessary to meet the requirement of WAC 173-182-324, appropriate to the operating
environment, through the 24-hour time frame. The technical manual shall include:

(a) A visual operating picture and diagrams of the technologies, equipment, and
personnel that are available and will be used for detecting nonfloating oils. The location of
equipment and personnel and estimated times for arrival shall be included.

(b) A narrative description of how nonfloating oils will be delineated, mapped, and
analyzed in the applicable operating environments and how this data will inform clean-up
methods.

(c) A narrative description and visual operating picture diagrams of the technologies, equipment, and personnel that are available and will be used for recovering nonfloating oils. The description shall include the limitations of the equipment, such as operating environments, oil types, water depth, water visibility, and logistical support required. The location of equipment and personnel and estimated times for arrival shall be included.

(65) The technical manual is a standalone planning standard and is not intended to be used to demonstrate compliance with any other planning standards. Technical manuals are not intended to bind the use of any specific tactics during a drill or spill or to imply a guarantee of what will occur in a real spill event.

(7) Technical manuals shall be reviewed and updated once every five years to ensure new equipment and new technologies are considered and available for a response.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-349, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-349, filed 12/14/12, effective 1/14/13.]

WAC 173-182-350 Documenting compliance with the planning standards. (1)

The plan holder shall describe how the applicable planning standards found in this chapter are met.

~~(12)~~ Each plan shall ~~provide include~~ a planning standard analysis of spreadsheet on the resources intended to meet the applicable planning standards as described in this

chapter. This ~~spreadsheet analysis~~ shall account for all elements required in the planning standard, including boom, recovery systems, storage, and personnel.

(23) Ecology will ~~analyze the planning standard spreadsheet~~provide the planning standard analysis provided to determine whether the plan holder has access to equipment and personnel necessary to meet the planning standards.

(34) For purposes of determining plan adequacy, ~~plan holders~~planning standard analyses shall ~~will~~ include time for notification and mobilization of equipment and personnel. The time needed for a resource to move to the spill site is the sum of the notification, mobilization, and travel times. For dedicated resources owned by the plan holder, the notification and mobilization planning ~~time factor~~ to be used by the plan holder, PRC, and ecology is ~~thirty~~30 minutes. For all other dedicated response equipment, the notification and mobilization planning ~~time factor~~ is one hour. Nondedicated resources shall have a notification and mobilization planning ~~time factor~~ of three hours or the time specified in the letter of intent, mutual aid agreement, or contract.

(45) Equipment travel speeds shall be computed using a speed of ~~thirty-five~~35 miles per hour for land and five knots for vessel speed over water. ~~Ecology may use geographic information systems (GIS), standard nautical charts, street maps and available online mapping programs to determine the length of time it will take equipment to cover a given distance.~~

(56) Plan holders or PRCs may request approval for alternative ~~notification,~~
~~mobilization, and equipment travel speed~~travel time by providing documentation to justify
the request, such as actual performance during spills, drills, planned equipment moves, ~~or~~
unannounced drills, or performance tests.

(a) The ~~documentation for alternative vessel transit speeds~~request shall
include, at a minimum:

(i) ~~d~~Date, time, and location ~~and time~~ of performance or test;

(ii) Vessel type, length, engine power, fuel capacity, fuel consumption, and
WRRL number;

(iii) ~~under average or typical~~ Environmental conditions including wind,
weather, weather/sea state, tides, and currents;

(iv) ~~state conditions~~ Start and stop times and positions (latitude and
longitude;

(v) Average speeds for each measured segment;

(vi) Photographs of navigational instruments showing latitude, longitude, and
vessel speeds, and;

(vii) ~~transportation information~~ Requested alternative speed, stated in knots.

(b) If ecology ~~accepts~~approves these alternative ~~response equipment travel~~
~~speed~~times, then these ~~response equipment travel speed~~times ~~may~~will be tested in
training exercises, planned drills, unannounced drills, or spills to verify alternative

calculations. Ecology will review approved alternative equipment speeds during the plan's five-year update or the PRC application update.

(c) Ecology may revoke an approved alternative if the alternative is not~~ecology grants plan holder or PRC owned response equipment an alternative mobilization, transit speed, recovery or storage volume, through the plan review process, and the alternative is not demonstrated to the satisfaction of ecologythe department during a drill or spill, it may result in disapproving the alternative.~~

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-350, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-350, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-350, filed 9/25/06, effective 10/26/06.]

WAC 173-182-355 Transfer sites for covered vessels at facilities where transfers occur, and for facilities with a vessel terminal.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage
2	A safety assessment of the spill by trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
4	At least an additional 200 feet of boom and temporary storage of at least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage
	type appropriate for the operating environment		
6	Additional 10,000 feet of boom to be used for containment, recovery, or protection could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 12,500 barrels within 24-hour period could have arrived	2 times the EDRC
12	Additional 20,000 feet of boom to be used for containment, recovery, or protection could have arrived	Capacity to recover the lesser of 15% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived	2 times the EDRC
24	Additional 20,000 feet of boom to be used for containment, recovery, or protection could have arrived	Capacity to recover the lesser of 20% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	3 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-355, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-355, filed 9/25/06, effective 10/26/06.]

WAC 173-182-365 Transmission pipelines that may impact shorelines of statewide significance.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
1	A safety assessment of the spill by trained crew and appropriate air monitoring could have arrived		
2	2,000 feet of boom available at the spill source or downstream of the source could have arrived Alternatively, resources identified to deploy a pipeline control point to keep oil from entering surface waters or penetrating into the ground could have arrived		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
6	Additional 5,000 feet of boom available for containment, recovery, or protection could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 12,500 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet of boom to be used for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 15% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived	2 times the EDRC
24	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 20% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	3 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-365, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-365, filed 9/25/06, effective 10/26/06.]

WAC 173-182-366 Transmission pipeline tank farms.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
1	A safety assessment of the spill by trained crew and appropriate air monitoring could have arrived		
2	2,000 feet of boom available at the spill source or downstream of the source could have arrived Alternatively, resources identified as a pipeline control point to keep oil from entering surface waters or penetrating into the ground could have arrived		
6	Additional 5,000 feet of boom available for containment, recovery or protection could have arrived Alternatively, additional resources identified as a pipeline control point to keep oil from entering surface waters or penetrating into the ground could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 8,000 barrels within 24-hour period could have arrived	1 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
12	Additional 20,000 feet of boom to be used for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 15% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived	1 times the EDRC
24	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 20% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-366, filed 10/12/16, effective 11/12/16.]

WAC 173-182-370 San Juan County planning standard. ~~Those c~~Covered vessel and facility plan holders that transit or operate within San Juan County ~~must~~shall meet this standard. The resources to meet the two- and three-hour standards must be resident.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived		
4	At least an additional 200 feet of boom and temporary storage of at least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
6	Additional 10,000 feet combination of appropriate types of boom to be used for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst-case spill volume or 12,500 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet combination of appropriate types of boom to be used for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom to be used for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-370, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-370, filed 9/25/06, effective 10/26/06.]

WAC 173-182-375 Padilla Bay planning standard. ~~Those c~~Covered vessel and facility plan holders that transit or operate north of State Highway 20, east of a line drawn from Shannon Point on Fidalgo Island to Kelly's Point on Guemes Island, south of a line drawn from Clark Point on Guemes Island and William Point on Samish Island ~~must~~shall meet the following standards. Some of the GRP ~~strategies~~ may be deployed by land.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
1.5	A safety assessment of the spill by trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
2	Additional 2,000 feet of boom, or 4 times the length of the largest		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
	vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived		
6	Additional 10,000 feet of appropriate types of boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst-case spill volume or 12,500 barrels within 24-hour period could have arrived. 50% must be able to work in shallow water environments. Depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of appropriate types of boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived on scene. At least 20% of the skimming capability must be able to work in shallow water environments. Depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-375, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-375, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-375, filed 9/25/06, effective 10/26/06.]

WAC 173-182-380 Commencement Bay Quartermaster Harbor planning

standard. ~~Those c~~ Covered vessel and facility plan holders that transit or operate within a

five nautical mile radius of a point at Lat. 47°19'29"N Long. 122°27'23"W (WGS 1984)

~~must~~shall meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
1.5	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
2	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived		
4	At least an additional 200 feet of boom and temporary storage of at least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment		
6	Additional 10,000 feet of appropriate types of boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst-case spill volume or 12,500 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet of appropriate types of boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived	1.5 times the EDRC
24	Additional 20,000 feet of boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054

(Order 11-06), § 173-182-380, filed 12/14/12, effective 1/14/13. Statutory Authority:

Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-380, filed 9/25/06, effective 10/26/06.]

WAC 173-182-385 Nisqually planning standard. ~~Those~~ Covered vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 47°06'43"N Long. 122°41'53"W (WGS 1984) ~~must~~shall meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived		
6	Additional 12,000 feet of boom with at least 2,400 feet of boom being calm water - Current capable appropriate for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst- case spill volume or 12,500 barrels within 24-hour period could have arrived. 50% must be able to work in shallow water environments with a <u>depth</u> of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 1,000 feet of boom calm water - Current capable, for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst- case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% of the skimming capability must be able to work in shallow water environments with a <u>depth</u> of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst- case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst- case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03),
§ 173-182-385, filed 9/25/06, effective 10/26/06.]

WAC 173-182-390 Dungeness planning standard. ~~Those c~~Covered vessel and
facility plan holders that transit or operate within a five nautical mile radius of a point at Lat.
48°10'56"N Long. 123°06'38"W (WGS 1984) ~~must~~shall meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived on scene		
6	Additional 7,000 feet of boom with at least 3,000 feet of open water boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst- c ase spill volume or 12,500 barrels within 24-hour period could have arrived. At least 50% must be capable of working in open water environments	1 times the EDRC
12	Additional 20,000 feet of boom appropriate for all potential areas of impact for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst- c ase spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be capable of working in open water environments	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst- c ase spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst- c ase spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03),
§ 173-182-390, filed 9/25/06, effective 10/26/06.]

WAC 173-182-395 Neah Bay staging area. ~~Those covered~~ vessel and facility plan

holders that transit or operate within a five nautical mile radius of a point at Lat. 48°23'06"N

Long. 124°35'59"W (WGS 1984) ~~must~~shall meet the following standards. Logistical

considerations shall be addressed in the plan for deploying resources along this remote,

rugged coastline. Some GRP strategy locations may require access by helicopter or

overland routes. This area is very rugged, in order to accomplish deployment of resources

logistical considerations will need to be planned for. Access to GRP locations may need to

be done by helicopter or by land access, pPlans ~~must~~shall identify all ~~of~~ the equipment

that could be used to deploy GRP strategies. The boom and recovery resources to meet the

~~two-, three-, four-, and six-~~hour standards must be resident.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet or 4 times the length of the largest vessel of open water boom whichever is less, to be used for containment, <u>recovery, or</u> protection or recovery could have arrived		
4	At least an additional 200 feet of boom and temporary storage of at least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
6	Additional 6,000 feet of boom with at least 4,000 feet of open water boom for containment, recovery, or protection and recovery could have arrived	Capacity to recover the lesser of 3% of worst-case spill volume or 12,500 barrels within 24-hour period could have arrived. 100% of the recovery devices must be able to work in open water environments	1 times the EDRC
12	Additional 20,000 feet of boom combination of types appropriate for containment, recovery, or protection and recovery could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 60% of the skimming capability must be able to work <u>in</u> open water environments	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom for containment, recovery, or protection and recovery could have arrived	Capacity to recover the lesser of 14% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-395, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-395, filed 9/25/06, effective 10/26/06.]

WAC 173-182-400 Copalis, Flattery Rocks and Quillayute Needles planning

standard. ~~Those c~~Covered vessel and facility plan holders that transit or operate within the jurisdictional waters of Washington state east of the Three Nautical Mile Line and north of latitude 47°06'00"N, and south of latitude 48°09'00"N (WGS 1984) ~~must~~shall meet the following standards. ~~This area is very rugged, in order to accomplish deployment of resources t~~Logistical considerations ~~will need to~~shall be ~~planned~~ addressed in the plan for deploying resources along this remote, rugged coastline. ~~Access to~~Some GRP strategy

locations may ~~require access~~~~need to be done~~ by helicopter or ~~over by~~ land ~~routes~~~~access~~;

~~p~~ Plans ~~must~~~~shall~~ identify all ~~of~~ the equipment that could be used to deploy GRP

strategies.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet or 4 times the length of the largest vessel of open water boom whichever is less, to be used for containment, recovery, or protection or recovery could have arrived on scene		
6	Additional 12,000 feet of boom with at least 6,000 feet of open water boom for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst- c ase spill volume or 12,500 barrels within 24-hour period could have arrived. 100% of the recovery devices must be able to work in open water environments	1 times the EDRC
12	Additional 20,000 feet of boom combination of types appropriate for containment, recovery, or protection and recovery could have arrived	Capacity to recover the lesser of 10% of worst- c ase spill volume or 36,000 barrels within 24-hour period could have arrived. At least 60% of the skimming capability must be able to work open water environments	1.5 times the EDRC
24	Additional 20,000 feet combination of types appropriate for containment, recovery, or protection and recovery could have arrived	Capacity to recover the lesser of 14% of worst- c ase spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst- c ase spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-400, filed 9/25/06, effective 10/26/06.]

WAC 173-182-405 Grays Harbor planning standard. ~~Those c~~Covered vessel and

facility plan holders that transit or operate within Washington waters in a five nautical mile

radius of a point at Lat. 46°54'52.25"N Long. 124°10'26.45"W (WGS 1984) outside the

entrance to Grays Harbor ~~must~~shall meet these standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom or 4 times the length of the largest vessel of boom to be used for containment, recovery, or protection or recovery could have arrived on scene		
4	At least an additional 200 feet of boom and temporary storage of at least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment		
6	Additional 6,000 feet of boom with at least 2,000 feet of open water boom and 3,000 feet of calm water - Current capable appropriate for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst- case spill volume or 12,500 barrels within 24-hour period could have arrived. 25% must be able to work in shallow water environments -D with a depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 1,000 feet of calm water - Current capable, for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst- case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be able to work in open water, 25% of the skimming capability must be able to work in shallow water environments - D with a depth of 10 feet or less	1.5 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
24	Additional 20,000 feet of boom for boom containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-405, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-405, filed 9/25/06, effective 10/26/06.]

WAC 173-182-410 Willapa planning standard. ~~Those c~~Covered vessel and facility plan holders that transit or operate within Washington waters in a five nautical mile radius of a point at Lat. 46°41'31.2"N Long. 124°5'41.99"W (WGS 1984) outside the entrance to Willapa Bay ~~must~~shall meet these standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived		
6	Additional 10,000 feet of boom with at least 6,000 feet of boom being calm water - Current capable for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst-case spill volume or 12,500 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments with a <u>depth</u> of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 1,000 feet of calm water -	Capacity to recover the lesser of 10% of worst-case spill volume or	1.5 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
	Current capable, for containment, recovery, or protection or recovery could have arrived	36,000 barrels within 24-hour period could have arrived. At least 50% must be able to work in open water, 25% of the skimming capability must be able to work in shallow water environments - with a depth of 10 feet or less	
24	Additional 20,000 feet of boom for boom containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-410, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-410, filed 9/25/06, effective 10/26/06.]

WAC 173-182-415 Cathlamet staging area. ~~Those~~ Covered vessel and facility plan holders that transit or operate on the Columbia River between statute mile 36 and statute mile 42 ~~must~~shall meet the following standards. The resources to meet the two- and three-hour planning standards must be resident.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived		
4	At least an additional 200 feet of boom and temporary storage of at		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
	least 196 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. The additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment		
6	Additional 7,000 feet of boom with at least 4,200 feet of boom being calm water - Current capable for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst-case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments with a depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 5,000 feet of calm water - Current capable, for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments with a depth of 10 feet or less and 25% must be open water capable	1.5 times the EDRC
24	Additional 20,000 feet of boom with at least 10,000 feet of boom being calm water - Current capable for boom containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived. At least 25% must be open water capable	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-415, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-415, filed 9/25/06, effective 10/26/06.]

WAC 173-182-420 Vancouver planning standard. ~~Those covered~~ vessel and

facility plan holders that transit or operate on the Columbia River between statute mile 99

and statute mile 107 ~~must~~shall meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived		
6	Additional 6,000 feet of boom with at least 3,000 feet of boom being calm water - Current capable containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst- case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments -D <u>with a</u> depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 5,000 feet of boom being calm water - Current capable, for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst- case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments -D <u>with a</u> depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom with at least 10,000 feet of boom being calm water - Current capable for boom containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst- case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst- case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03),

§ 173-182-420, filed 9/25/06, effective 10/26/06.]

WAC 173-182-430 Tri-cities planning standard. ~~Those c~~Covered vessel and

facility plan holders that transit or operate on the Columbia River between statute mile 316

and statute mile 322 ~~must~~shall meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the length of the largest vessel whichever is less, to be used for containment, recovery, or protection or recovery could have arrived		
6	Additional 8,000 feet of boom with at least 4,800 feet of boom being calm water - Current capable for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst- c ase spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments -D <u>with a</u> depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of boom with at least 5,000 feet of boom being calm water - Current capable, for containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst- c ase spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments -D <u>with a</u> depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom with at least 10,000 feet of boom being calm water - Current capable for boom containment, recovery, or protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst- c ase spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst- c ase spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-430, filed 9/25/06, effective 10/26/06.]

WAC 173-182-440 John Day Dam staging area. Covered vessel and facility plan holders that transit or operate on the Columbia River between river mile 190 and 270 shall meet the following standards. On-water and shoreside storage may be combined to meet the minimum storage requirements for 6 and 12 hours. Plan holders shall demonstrate the ability to meet federal equipment and personnel requirements for operating near dams and exclusion zones.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
4	A capable vessel with trained crew, appropriate air monitoring equipment to conduct a safety assessment of the spill, and 1,000 feet of boom on board, could have arrived. An additional 2,000 feet of boom could have arrived. The boom shall be appropriate to the operating environment and shall be capable of operating in calm water and in currents, as needed for containment, recovery, or protection.		
6	Additional 8,000 feet of boom could have arrived. The boom shall be appropriate to the operating environment and shall be capable of operating in calm water and in	Capacity to recover 3% of worst-case spill volume could have arrived.	1 times the EDRC

	currents, as needed for containment, recovery, or protection.		
12	At least an additional 200 feet of boom and temporary storage of at least 90 barrels with the ability to collect, contain, and separate collected oil from water could have arrived. This additional boom should be capable of encountering oil at advancing speeds of at least 2 knots in waves. This boom shall be of a type appropriate for the operating environment.	Capacity to recover 10% of worst-case spill volume could have arrived.	1.5 times the EDRC.
24	Additional 20,000 feet of boom could have arrived. The boom shall be appropriate to the operating environment and shall be capable of operating in calm water and in currents, as needed for containment, recovery, or protection.	Capacity to recover 14% of worst-case spill volume could have arrived.	More as necessary to not slow the response.
48	More boom as necessary for containment, recovery, or protection	Capacity to recover 25% of worst-case spill volume within 24-hour period could have arrived.	More as necessary to not slow the response.

1913 [Statutory Authority:]

WAC 173-182-450 Planning standards for the Washington coast. These standards apply to covered vessels that enter Washington waters at the Columbia River, Grays Harbor, or the Strait of Juan de Fuca, and offshore facilities.

Plan holders shall be capable of sustaining a worst-case spill response and shall develop an addendum specific to Washington's coast, including:

- (1) The capability, if applicable, for in situ burning, dispersant, and mechanical recovery;
- (2) Surveillance equipment (including fixed wing, helicopters, and low visibility equipment) to provide for aerial assessment of spill within six hours of spill notification;
- (3) Time frames and mechanisms to cascade in equipment and other resources for up to ~~seventy-two~~72 hours;
- (4) ~~10,000Ten thousand~~ feet of boom appropriate for shoreline protection, containment, and/or ~~ten thousand~~10,000 feet of open-water boom for enhanced skimming, containment, or other use to arrive within ~~twelve~~12 hours; and
- (5) ~~20,000Twenty thousand~~ feet of boom appropriate for containment, protection, or recovery to arrive within ~~twenty-four~~24 hours.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-450, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-450, filed 9/25/06, effective 10/26/06.]

1934 **Section D—Response and Protection Strategies for Sensitive Areas**

1935 **WAC 173-182-510 Requirements for response and protection strategies. (1)**

1936 Plan holders shall have methods to track and contain spilled oil and enhance the recovery
1937 and removal operations that are described in the plan.

1938 (2) Each plan shall include a description of how environmental protection will be
1939 achieved, including:

1940 (a) Protection of sensitive shoreline and island habitat by excluding, diverting,
1941 deflecting, collecting, or blocking oil movement;

1942 (b) ~~DThe plan shall include a~~ description of the sensitive areas and ~~develop~~
1943 strategies to protect th~~ose~~ resources, including information on natural, ~~cultural, and~~
1944 ~~economic~~ resources, coastal and aquatic habitat types and sensitivity by season, breeding
1945 sites, presence of state- or federally-listed endangered or threatened species, and
1946 presence of commercial and recreational species, physical geographic features, including
1947 relative isolation of coastal regions, beach types, and other geological characteristics;

1948 (i) Identification of sensitive resources ~~wit~~shall not be limited to surface and
1949 shoreline species at risk from floating oil spills but ~~wit~~shall also include water column and
1950 benthic species at risk from sunken, submerged, or nonfloating oil spills.

(ii) Additional nonfloating oils considerations include identification of waterway depths, water density, sediment load, sea floor or river bottom types, and response options based on those factors and risks from nonfloating oil spills.

(c) Identification of public resources, including public beaches, water intakes, including both drinking and agricultural water supplies, private and public wells that supply drinking water, and marinas;

(d) Identification of shellfish resources and methods to protect those resources;

(e) Identification of significant economic resources to be protected in the geographic area covered by the plan; and

(f) ~~E~~For each facility with the potential to impact a "sole source" aquifer or public drinking water source, identification of must identify the types of substrate and geographical extent of sensitive sites.

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

~~(4) Each plan shall identify potential initial command post locations.~~

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-510, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46,

90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-510, filed 9/25/06, effective 10/26/06.]

WAC 173-182-515 Geographic information planning standards for pipeline plan

holders. (1) Plan holders shall create and maintain a geographic information planning tool that supports the plan holder in mapping and tracking spilled oil, decision making, and enhancing the recovery and removal operations that are described in the plan.

(2) The tool ~~must~~shall include the following as applicable to the areas which may be impacted by a pipeline spill:

(a) Pipeline details which include location information for line segments, block valves, break out tanks, containment structures, control stations, safety equipment, pipeline right of way, access points, and pipeline control points;

(b) Sensitive natural, cultural, and economic area information including applicable ~~geographic response plans~~ (GRP);

(c) Information about public resources, water intakes, sole source aquifers, existing monitoring wells, and drinking water supplies;

(d) Topography of the area; and

(e) Oil spill response equipment staging information.

(3) The tool ~~must~~shall be described and referenced in the contingency plan, but is not required to be included in the plan.

(4) The plan holder ~~must~~shall commit in writing to utilizing the tool during drills and spills.

(5) The tool ~~must~~shall be updated at a minimum once every five years or in response to lessons learned during drill and spill events.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-515, filed 10/12/16, effective 11/12/16.]

WAC 173-182-522 Planning standards for shoreline cleanup. (1) Each contingency plan shall ~~include procedures~~describe the process and resources for establishing a shoreline response program. The plan shall:

(a) ~~for~~ Include a list of qualified personnel to manage a shoreline response program. At a minimum, the list shall include:

(i) Shoreline Cleanup Assessment Technique (SCAT) coordinator,

(ii) SCAT field team manager, and

(iii) SCAT data manager.

(b) ~~i~~Identifying shoreline types that could be impacted by an oil spill and procedures to determine appropriate response tactics for the potentially impacted shorelines during spills.

(c) Describe how data will be collected, managed, shared, and communicated.

(2) The plan ~~should~~shall describe contracted access to shoreline clean-up workers and shoreline clean-up equipment to ensure the following ~~capability can plan to could have~~ arrived~~d~~ within ~~twenty-four~~24 hours of spill notification:

(a) ~~Plan holders must have contracted access to one hundred~~100 trained shoreline clean-up workers. The shoreline clean-up workers ~~must~~shall have appropriate safety and ~~HAZWOPER~~Hazwoper training and ~~will~~shall not be counted towards other planning standards. The training should enable clean-up workers to safely perform clean-up actions under the direction of the supervisors and the work assignment as developed by the unified command.

(b) ~~Plan holders must have contracted access to t~~l trained shoreline clean-up supervisors. Training for supervisors ~~must~~shall include safety, ~~HAZWOPER~~Hazwoper, and relevant ICS courses. For planning purposes, a ratio of 1:10 supervisors to clean-up workers should be available under contract to the plan holder. The shoreline clean-up supervisors ~~will~~shall not be counted towards other planning standards. Supervisors ~~must~~shall understand the ICS process and be able to direct workers consistent with ~~the~~ work assignments ~~as~~ developed by unified command.

(c) ~~Plan holders shall have access to adequate e~~Equipment for passive recovery for three miles of shoreline on three tide lines. The plan ~~must~~shall identify the staging location(s) of the shoreline clean-up equipment.

(d) ~~The plan holder must have a~~Access to a shoreline clean-up mobile storage cache that can support ~~eighty~~80 to ~~one hundred~~100 shoreline clean-up workers with personal protective equipment, hand tools, and other logistical support for three to five days.

~~(2) Plan holders must describe how data collection, communications, data transmission and data management will be conducted.~~

(3) The plan shall describe how the plan holder will obtain additional resources necessary to support ~~fourteen~~14 additional days of shoreline cleanup. The description should include vendor names, contact information, resources, and approximate time frames for resources to arrive at a staging area.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-522, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-522, filed 12/14/12, effective 1/14/13.]

WAC 173-182-530 Planning standards for groundwater spills. (1) Each facility plan shall include a description of the methods to be used to immediately assess groundwater spills.

(2) Facility plan holders shall include contact information in the plan for resources typically used to investigate, contain, and remediate/recover spills to groundwater.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-530, filed 9/25/06, effective 10/26/06.]

WAC 173-182-535 Planning standards for air monitoring to protect oil spill

responders and the public. Plans ~~will~~shall include a narrative description of applicable federal, state, and local requirements and the plan holder's resources for conducting air monitoring to protect oil spill responders and the public, including:

(1) A description of how initial site safety assessment for responders will occur;

(2) A description of how work area air monitoring will occur;

(3) A description of how community air monitoring (area~~-~~wide monitoring) will occur;

(4) A description of air monitoring instruments and detection limits that will be used by responders when monitoring for public safety;

(5) A description of action levels for various oil constituents of concern based on products handled ~~by the pipeline~~ (benzene, hydrogen sulfide~~H₂S~~, etc.);

(6) A description of data management protocols and reporting time frames to the unified command;

(7) A description of how communication methods to at-risk populations will be managed under unified command; and

(8) A description of how evacuation zones and shelter-in-place criteria are established.~~.~~

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10),

§ 173-182-535, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW.
WSR 16-21-046 (Order 15-08), § 173-182-535, filed 10/12/16, effective 11/12/16.]

WAC 173-182-540 Planning standards for wildlife response. Plan holders

~~must~~shall plan to respond to and care for wildlife injured or endangered by oil spills.

Wildlife response actions shall be conducted in accordance with applicable federal and
state regulations and the ~~NWRCP and any relevant ACPs. Northwest Area Contingency~~
~~Plan.~~

(1) The plan ~~must~~shall include contact information for any PRC or WRSP, available
under contract or other approvable means, and that maintain the required equipment,
personnel, permits, materials, and supplies, for conducting wildlife response operations in
accordance with the capabilities detailed below.

(2) The plan shall describe the equipment, personnel, and resources for wildlife
response, including:

(a) Equipment and personnel that may be used to support an initial impact
assessment and wildlife reconnaissance via air, land, or water in the spill area.

(b) Equipment and personnel for whale reconnaissance, if these animals may be
present in the areas the plan holder operates or transits, including:

(i) Contact information for providers of aircraft capable of supporting aerial
reconnaissance, and deterrence, beyond the immediate spill area to locate whales, which
may include southern resident killer whales.

(ii) Contact information for persons or organizations that can identify whales, which may include southern resident killer whales, from aerial observation and support field reconnaissance activities.

(c) Equipment and personnel that may be used to deter the types of wildlife likely to be found within the areas where the plan holder operates or transits, including the types and staging locations of the deterrent equipment. This equipment ~~must have the capability to arrive~~ shall be capable of arriving on-scene within ~~twelve~~12 hours of spill notification.

(d) Based on the areas the plan holder operates or transits, equipment and personnel to conduct monitoring and deterrence operations to prevent whales, which may include southern resident killer whales, from encountering spilled oil. The plan shall include contact information for a list of vessels, which may be whale-watching vessels, which have been vetted, trained, and equipped to support killer whale deterrent operations. The accuracy of the contact information ~~will~~shall be verified in tabletop drills. The deployment capability ~~will~~shall be tested in multiple plan holder deployment drills.

(e) Equipment and supplies for mobile field stabilization activities, such as; conducting the initial health assessment and treatment of impacted wildlife prior to transport to an oiled wildlife rehabilitation facility. The mobile field stabilization asset must be enclosed, a minimum of ~~one hundred eighty~~180 square feet, lighted and heated, and capable of arriving on-scene within ~~twelve~~12 hours of spill notification.

(f) Wildlife rehabilitation facilities, space, and equipment suitable to conduct wildlife rehabilitation activities. Wildlife rehabilitation facilities shall meet the WDFW rehabilitation requirements detailed in WAC 220-450-100. The plan holder must have access under contract or other approvable means to wildlife rehabilitation spaces and necessary supporting supplies and equipment as described below. The facility spaces and equipment must have the capability to be strategically placed to support the response within twenty-four hours of spill notification. The facility space must meet the following minimum requirements:

(i) A minimum of ~~two thousand four hundred~~2,400 square feet of space to house and treat wildlife. This space shall have the ability to be configured to support intake, prewash stabilization, wash/rinse, drying, and isolation/intensive care activities as needed.

A minimum of four wash and rinse stations ~~shall will have the ability to~~ be located within this space.

(ii) A minimum of ~~one thousand~~1,000 square feet of space to support rehabilitation activities. This space shall have the ability to be configured to support animal food preparation, medical lab, dry storage, morgue, and necropsy areas.

(iii) Pools with a minimum of ~~one thousand two hundred~~1,200 square feet of surface area are required. Pool dimensions ~~will~~shall be such that no point in a pool will be greater than eight feet from a side. Pools ~~shall be able will have the ability to~~ be filled with freshwater to a minimum depth of three feet.

(iv) Access to laundry and cold/freezer storage capacity to support wildlife

response. These spaces may be located offsite.

(v) ~~include a~~ diagram of how the equipment could be configured and ~~provide~~ details about at least one strategic staging location for the rehabilitation facility.

(3) The plan holder shall have contracted access to ~~wildlife response service provider~~WRSP personnel that are appropriately trained to staff and manage the wildlife response within an incident command structure. At a minimum, one person that could have arrived in state within the first ~~twelve~~12 hours of spill notification to coordinate with state, federal, tribal, and other response partners to initiate wildlife impact assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation operations as needed.

(4) The plan holder shall have contracted access to ~~wildlife response service provider~~WRSP personnel to conduct and manage the various field aspects of a wildlife response including ~~wildlife~~ impact assessment, reconnaissance, deterrence, capture, ~~recovery~~, stabilization, and rehabilitation. At a minimum, two personnel that could have arrived within the first ~~twelve~~12 hours of spill notification to support these activities. An additional seven personnel, for a total of nine that could have arrived within ~~twenty-four~~24 hours of spill notification to support these activities.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-540, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46,

90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-540, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-540, filed 9/25/06, effective 10/26/06.]

Section E—Plan Evaluation

WAC 173-182-610 Plan evaluation criteria. (1) Plan holders shall prepare a plan that demonstrates capability, to the maximum extent practicable, of promptly and properly removing oil and minimizing environmental damage from a variety of spill sizes, up to and including worst-case spills. Ecology will evaluate plans based on these conditions:

(2) Only ecology-approved PRC resources, plan holder owned resources and resources ~~provided~~~~guaranteed~~ through contract, written mutual aid agreements, or letters of intent shall be counted when calculating the planning standards. In the case of nondedicated storage devices, these ~~will~~~~shall~~ be derated by ~~fifty~~~~50~~ percent of maximum storage volume (counted at a one to two ratio) and acquisition of these resources ~~may~~~~will~~ be tested in unannounced drills.

(3) Ecology will count equipment if it is appropriate for the operating environment within the geographic area defined in the plan. Ecology will use criteria from sources such as ~~the~~ ASTM International documents, World Catalogue, manufacturer's recommendations, the ~~Worldwide Response Resource List (WRRL)~~, the federal Oil Spill Removal Organization guidelines, the *Field Operations Guide* resource typing guidelines.

and drills and spills to make approval and verification determinations on operating environments.

(43) Ecology will count boom if it is appropriate to the operating environment and support equipment is identified. Support equipment for boom means transportation devices, cranes, anchors, boom tackle, connectors, work boats, and operators.

(4) Ecology will only count dedicated response resources towards the two-hour standards.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-610, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-610, filed 9/25/06, effective 10/26/06.]

WAC 173-182-620 Alternative method of evaluating planning standards. (1) A

plan holder may request that ecology review and approve a plan based on alternative planning standards. Such requests should be submitted with the plan and shall be subject to a ~~thirty~~ 30-day public review period and comment period which includes, but is not limited to, interested local and tribal governments and other stakeholders.

(2) The proposal ~~must~~shall include, at a minimum:

(a) A reference to which planning standard(s) in this chapter the proposal will be substituted for;

(b) A detailed description of the alternative proposal including equipment, personnel, response procedures, and maintenance systems that are being proposed; and

(c) An analysis of how the proposal offers equal or greater protection, ~~or prevention,~~ or preparedness measures as compared to the requirements in this chapter.

(3) Ecology may approve the alternative compliance proposal if, based upon the documents submitted and other information available to the agency, it finds that:

(a) The alternative compliance proposal is complete and accurate; and

(b) The alternative compliance proposal provides an equivalent or higher level of protection in terms of spill preparedness and response when compared with the planning standards found in this chapter.

(4) Ecology may ~~reconsider~~revoke an approved ~~alternative~~at at any time. Revocation may be, in response to lessons learned from spills, drills, and significant plan changes which indicated that the requirements of this section for approval are not met.

[Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-620, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-620, filed 9/25/06, effective 10/26/06.]

WAC 173-182-621 Oil spill contingency plan best achievable protection (BAP) five-year review cycle. (1) Ecology will review the planning standards at five-year intervals to ensure the maintenance of ~~BAPbest achievable protection~~ to respond to a worst-case

spill and provide ~~for~~ continuous operation of oil spill response activities to the maximum extent practicable and without jeopardizing crew safety.

(2) Ecology will adopt a five-year review cycle to ensure that the planning standards are updated to include proven new response technologies and response processes. ~~in~~ ~~addition to~~ Plan holders and other interested parties will be provided an opportunity to present information and proposals regarding spill prevention credits to support an alternative worst-case ~~spill-discharge~~ volume for the contingency plan. The review cycle is designed to evaluate BAP by assessing contributing elements including:

(a) Best achievable technology;

(b) Staffing levels;

(c) Training procedures; and

(d) Operational methods.

(3) The review cycle will be used to evaluate a variety of spill operations, tools, and technologies including, but not limited to, the following:

(a) Advancing systems for the removal of oil from the surface of the water;

(b) Improving the performance of existing skimmer/boom and storage systems technology;

(c) Improving the performance of in situ burn and dispersants technology;

(d) Broadening the environmental conditions under which oil spill cleanup can take place;

(e) Ensuring that the technology is deployable and effective in a real-world spill environment;

(f) Considering tools or technology that are designed, produced, and manufactured in an energy-efficient process and products are reusable, recyclable, and reduce waste; and

(g) Improving equipment, training, and techniques associated with oiled wildlife response.

(4) Ecology may use the following processes to inform and update the use of BAP in the planning standards by:

(a) Convening an advisory committee(s) to assist ecology during the five-year review cycle and promote BAP;

(b) Evaluating the recovery systems identified in the technical manual during the five-year cycle to determine best achievable technology; and inform the development of future planning standards;

(c) Sponsoring a technology conference during the five-year cycle in cooperation with persons, organizations, and groups with interests and expertise in relevant technologies; or

(d) Conducting or reviewing studies, inquiries, surveys, or analyses appropriate to the consideration of new technologies, plan evaluation methods including EDRC, or best operational practices.

(5) Ecology may prepare reports following either of the actions described in subsection (4) of this section. These reports will identify the new technologies, processes, techniques, or operational practices that ecology considers to represent BAP.

(6) Ecology will provide an opportunity for a ~~thirty~~30-day public review and comment period on any draft reports.

(7) Ecology will use the developed reports to update the contingency planning rule as necessary every five years.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-621, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-621, filed 12/14/12, effective 1/14/13.]

WAC 173-182-630 Process for plan approval. (1) Upon receipt of a plan, ecology ~~shall~~will evaluate whether the plan is complete, and if not, the plan holder ~~shall~~will be notified of any deficiencies within five business days. The public review and comment period does not begin until a complete plan is received.

(2) Once a plan has been determined to be complete, ecology ~~shall~~will notify interested parties, including local and tribal governments and make the plan available for public review and comment.

Ecology will accept comments on the plan ~~for no later than thirty~~30 calendar days after the plan has been made publicly available.

(3) ~~No later than~~ Within 65 ~~sixty-five~~ calendar days from the date of public notice of availability, ecology will make a written determination either approving, conditionally approving, or disapproving that the plan ~~is disapproved, approved, or conditionally approved. The written determination will be provided in the form of an order and subject to appeal as specified in chapter 43.21B RCW.~~

(a) If the plan is approved, the plan holder receives a certificate of plan approval and ~~the plan expiration dates.~~ Approved plans ~~shall are be~~ valid for five years unless approval is revoked by ecology.

(b) If a plan is conditionally approved, ecology may require a plan holder to operate under specific restrictions until unacceptable components of the plan are revised, resubmitted, and approved. In the conditional approval ecology will describe:

(i) ~~Any~~ Each specific restriction (s) on operations and the duration for which they apply, if applicable;

(ii) Each required item to bring the plan into compliance; and

(iii) The schedule for plan holders to submit required updates, including a reference to the regulatory standard in question.

(iv) Restrictions may include, but are not limited to, additional information for the plan, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Restrictions may also include additional requirements to ensure availability of response equipment.

(v) Conditional approval expires ~~within no later than eighteen~~ 18 months from date of issue before the plan holder must request an extension, which is subject to public review.

(vi) Ecology shall revoke its conditional approval prior to the expiration date of a plan holder who fails to meet the terms of the conditional approval. ~~The revocation will be in the form of an appealable order.~~

(c) If plan approval is ~~disapproved~~ revoked, the plan holder shall receive an explanation of the factors leading to revocation.

~~(34)~~ The owner or operator or plan holder shall not engage in oil storage, transport, transfer, or other operations without an approved or conditionally ~~-~~ approved plan. Plan holders shall not enroll any persons in a plan that has not been approved or conditionally ~~-~~ approved, by ecology.

~~(45)~~ Ecology may review a plan following an actual spill, ~~or~~ drill of a plan, or equipment verification and may require revisions as appropriate.

~~(56)~~ Public notice will be given of any ~~plan~~ approval, conditional approval, or disapproval of a plan.

[Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-630, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-630, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-630, filed 9/25/06, effective 10/26/06.]

WAC 173-182-640 Process for public notice and opportunity for public review

and comment period. (1) The purpose of this section is to specify the procedures for notifying the public which includes interested local and tribal governments about contingency plan status and decisions ~~in order~~ to provide opportunities for the public to review and comment.

(2) In order to receive notification of the public review and comment period, interested public, local, and tribal governments ~~must~~shall sign up on the ecology email list (listserv) for posting notice about plan review and comment periods. Ecology's website will also be used to post notice of public review and comment periods.

(3) Public comment periods ~~must~~shall extend ~~for at least thirty~~ 30 calendar days.

Public notice, review, and comment periods are required in the following circumstances:

(a) Plan submittals for facilities or vessels that have never submitted a plan in Washington;

(b) Plan updates required by WAC 173-182-130;

(c) The submittal of plans for five-year review as required by WAC 173-182-120;

(d) Requests for an alternative planning standard in accordance with WAC 173-182-620;

(e) Plan holder requests for drill requirement waivers in accordance with WAC 173-182-740;

(f) PRC applications submitted under WAC 173-182-810;

(g) SMT and WRSP applications submitted under WAC 173-182-840; and

(h) ~~Plan updates for~~A permanent significant changes to ~~an~~ approved plans as required in WAC 173-182-142.

(4) Public notice, review, and comment period are not required ~~in the following circumstances for the following plan updates or significant changes:~~

(a) Routine updates to names, phone numbers, formatting, ~~or~~ forms, or SMT assignments that do not change the approved content of the plan;

(b) Plan updates to resubmit the binding agreement based on changes to the binding agreement ~~signatory~~ signer; and

(c) Annual plan reviews that result in a letter to ecology confirming that the existing plan is still accurate.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-640, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-640, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-640, filed 12/14/12, effective 1/14/13.]

PART III: DRILL AND EQUIPMENT VERIFICATION PROGRAM

WAC 173-182-700 Drill participation, scheduling, and evaluation. (1) Plan holders, ~~spill management teams (SMTs), wildlife response service providers (WRSPs), and primary response contractors (PRCs)~~ shall participate in a drill and equipment verification

2351 program for the purpose of ensuring that all contingency plan components function to
2352 provide, to the maximum extent practicable, prompt and proper removal of oil and
2353 minimization of damage from a variety of spill sizes. In Washington, a modified triennial
2354 cycle for drills, as found in the National Preparedness for Response Exercise Program
2355 (NPREP), is relied on to test each component of the plan.

2356 (2) Plan holders and PRCs shall ensure ecology is provided an opportunity to help
2357 design and evaluate all tabletop and deployment drills for which the plan holder desires
2358 drill credit.

2359 ~~(3) To ensure this, p~~Plan holders shall schedule drills on the Northwest Area
2360 Committees Exercise Schedule (NACES) NWACP area exercise calendar. Drill Sscheduling
2361 requirements are noted in the table in WAC 173-182-710.

2362 ~~(34)~~ Ecology ~~will~~shall mail provide a written drill evaluation report ~~for drills~~ to the
2363 plan holder following each deployment and tabletop drill. Credit will be granted for drill
2364 objectives that are successfully met, as determined by ecology.

2365 ~~(45)~~ Objectives that are not successfully met shall be tested again and ~~must be~~
2366 successfully demonstrated within the triennial cycle, ~~except that~~ significant failures, as
2367 determined by ecology, shall ~~will~~ be retested within ~~thirty~~ 30 calendar days.

2368 ~~(56)~~ Where plan deficiencies have been identified in the written evaluation, plan
2369 holders may be required to make specific amendments to the plan or conduct additional
2370 trainings to address the deficiencies.

(6Z) A plan holder may request an informal review with ecology of the ecology drill evaluation within ~~thirty~~ 30 calendar days of receipt of the report.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-700, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-700, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-700, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-700, filed 9/25/06, effective 10/26/06.]

WAC 173-182-710 Type and frequency of drills. The following drills shall be conducted within each triennial cycle.

Type of Drill	Frequency Within the Triennial Cycle	Special Instructions	Scheduling Instructions
Tabletop drills	3--One in each year of the cycle <u>One per year; at least three within each triennial cycle.</u>	One of the three shall involve a worst-case spill discharge scenario. The worst-case discharge scenario drill shall be conducted once every three years.	Must be s Scheduled at least 60 <u>calendar</u> days in advance; the worst-case discharge drill shall be scheduled at least 90 calendar days in advance. except the worst case discharge scenario at least 90 days in advance.
Deployment drills	6--Done two per year <u>Minimum of two per year.</u>	Over the triennial cycle, <u>these drills shall test each type of equipment to demonstrate compliance with planning standards. At least two of these drills shall include a GRP strategy deployment. These drills shall include, GRP deployments, testing of each type of equipment</u>	Scheduled at least 30 <u>calendar</u> days in advance.

Type of Drill	Frequency Within the Triennial Cycle	Special Instructions	Scheduling Instructions
		to demonstrating compliance with the planning standards.	
Ecology-initiated unannounced drills	As necessary	This drill may involve testing any component of the plan, including notification procedures, deployment of personnel, boom, recovery and storage equipment and or verification of ecology approved alternative transitvessel speeds.	No notice.
ERTV Deployment Drill for covered vessels transiting the Strait of Juan de Fuca	One per triennial cycle. This is -an additional -deployment -drill. Credit for this drill may be achieved from a deployment of the ERTV to a vessel emergency. 1--One in each three year cycle, this is an additional deployment drill unless it is incorporated into a large multiobjective deployment drill. Credit for this drill may be achieved from a call out of the tug to a vessel emergency.	This drill may involve notifications and tug call out, communications safety, tug demonstration of making up to, stopping, holding, and towing a drifting or disabled vessel and holding position within one hundred feet of another vessel.	Scheduled at least 30 <u>calendar</u> days in advance.
Wildlife rehabilitation D deployment D drill	One per triennial cycle. This is an additional deployment drill. 1--One in each three year cycle. This is an additional drill.	This drill will be a deployment of wildlife <u>response</u> equipment and wildlife response service provider personnel.	Scheduled at least 90 <u>calendar</u> days in advance.
<u>Wildlife deterrence deployment drill</u>	<u>One per triennial cycle. This is -an -additional -deployment drill.</u>	<u>This drill will be a deployment of wildlife response equipment and wildlife response service provider personnel.</u>	<u>Scheduled at least 90 calendar days in advance.</u>
Multiple plan holder large scale	<u>One per triennial cycle.</u> 1--One in each three year cycle.	This drill may involve dedicated and nondedicated	Scheduled at least 90 <u>calendar</u> days in advance.

Type of Drill	Frequency Within the Triennial Cycle	Special Instructions	Scheduling Instructions
equipment deployment drill		equipment, vessels of opportunity VOO, multiple simultaneous tactics, responses to potentially nonfloating oils, and the verification of operational readiness over multiple operational periods.	

(1) ~~Tabletop drills~~ Tabletop drills are intended to demonstrate a plan holder's capability to manage a spill using ~~the incident command system (ICS)~~ and the ~~spill management team SMT and WRSP~~; described in the plan. Role playing shall be required in this drill.

(a) During all required tabletop drills plan holders must provide a master list of equipment and personnel identified to fill both command post and field operations roles. The master resources list must include:

(i) ~~Worldwide Response Resource List~~ WRRL identification numbers for response resources; and

(ii) Personnel names, affiliation, home base, and command post or field role.

(2) Once during each three-year cycle, the plan holder shall ensure that key members of the regional/national "away" team as identified in the plan shall be mobilized in state for a drill. However, at ecology's discretion, team members that are out-of-state may be evaluated in out-of-state tabletop drills if ecology has sufficient notice, an opportunity to participate in the drill planning process, and provided that the out-of-state

drills are of similar scope and scale to what would have occurred in Washington state. In this case, key away team members shall be mobilized in this state at least once every six years.

(3) Plan holders covering multiple vessels and ecology shall together design a systematic approach to, over time, involve all ~~spill management teams~~SMTs identified in WAC 173-182-230 (6)(a) in tabletop and deployment drills as a best practice to demonstrate the preparedness of enrolled vessel members. These drills ~~will~~shall be scheduled by the plan holder or unannounced to be conducted by ecology, at the discretion of ecology. These drills may test any plan components but at a minimum ~~will~~shall include notification to the enrolled vessel qualified individual, coordination of supplemental resources under WAC 173-182-232, and the transition from the plan holder ~~spill management team~~SMT to the enrolled vessel company ~~spill management team~~SMT.

(4) ~~Equipment deployment drills:~~ Plan holders shall use deployment drills to demonstrate the actions they would take in a spill, including: ~~N~~notifications, safety actions, environmental assessment, land-based tactics, and response equipment deployment.

(a) During the triennial cycle, deployment drills shall include a combination of plan holder owned assets, contracted PRC assets, nondedicated assets, and ~~vessels of opportunity~~VOO.

(b) Plan holders ~~shall~~~~should~~ ensure that each type of dedicated equipment listed in the plan and personnel responsible for operating the equipment are tested during each triennial cycle.

(c) Plan holders ~~shall~~~~must~~ design drills that will demonstrate the ability to meet the planning standards, including recovery systems and system compatibility and the suitability of the system for the operating environment. Drills shall be conducted in all operating environments that the plan holder could impact from spills.

(d) At least twice during a triennial cycle, plan holders shall deploy a ~~geographic response plan~~~~(GRP)~~ strategy identified within the plan. If ~~no~~~~a~~ GRP strategy does not exist for the operating area, plan holders ~~will~~~~shall~~ consult with ecology to determine alternative sensitive areas to protect.

(e) At least once during a triennial cycle, plan holders who handle oils that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink, shall deploy equipment, resources, and personnel for a response to a nonfloating oil scenario.

(5) Plan holders may receive credit for deployment drills conducted by PRCs if:

(a) The PRC is listed in the plan; and

(b) The plan holder operates in the area, schedules on the NACES drill calendar, and participates in or observes the drill.

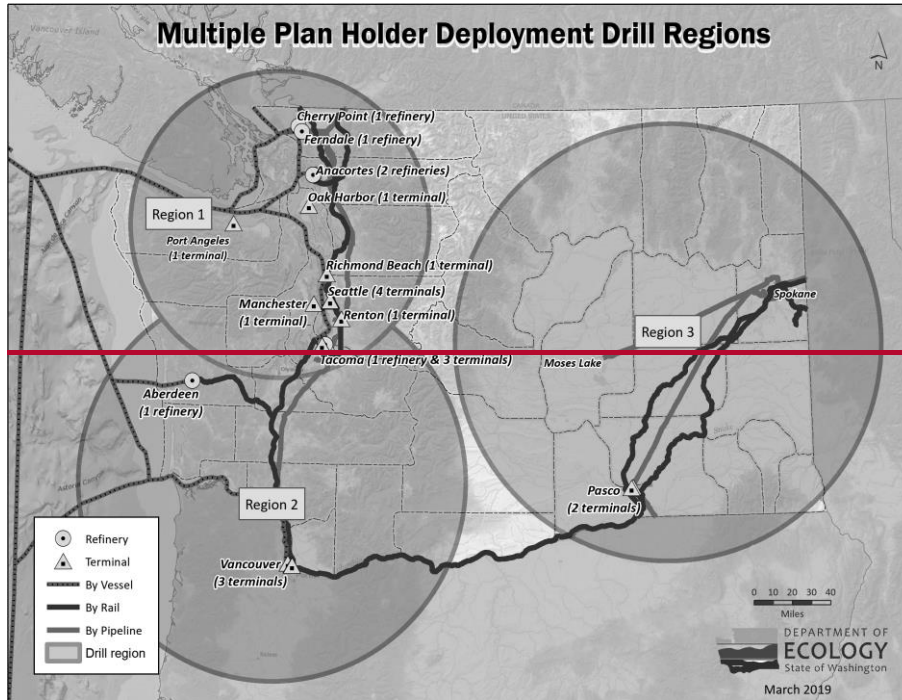
(6) ~~Additional multiple plan holder large-scale multiple plan holder equipment deployment drill requirement.~~ At least once every three years, all plan holders ~~must~~shall participate in a multiple plan holder large-scale equipment deployment ~~drill~~exercise. This drill is a test of the functional ability for multiple contingency plans to be simultaneously activated in response to a spill. This drill may be incorporated into other drill requirements to avoid increasing the number of drills and equipment deployments otherwise required. The ~~drill~~exercise location will be selected by ecology to ensure all plan holders have the opportunity to get credit based on the areas they operate or transit.

(a) The ~~drill exercise will~~shall be called once in each of the three regions over the triennial cycle. All plan holders that operate or transit the region ~~will~~shall receive credit.

(i) Region 1: the Strait of Juan de Fuca from Cape Flattery east, the Salish Sea including the Puget Sound, and any inland waters draining into these bodies.

(ii) Region 2: Grays Harbor and the Columbia River below the Dalles Dam, including any inland waters draining into these bodies.

(iii) Region 3: All Inland waters above the Dalles Dam.



(b) At least one plan holder may be the drill planning lead, participate in all the planning meetings, and observe the drill.

(c) This deployment may include the following objectives as applicable to the operating environment:

(i) Demonstration of dedicated and nondedicated equipment and trained contracted personnel;

(ii) Demonstration of contracted ~~vessel of opportunity~~ VOO response systems and crew performing operations appropriate to the vessel capabilities;

(iii) Demonstration of multiple simultaneous tactics including but not limited to:

(A) On-water recovery task forces made up of complete systems which demonstrate storage, recovery, and enhanced skimming;

(B) Protection task forces which deploy multiple GRP ~~strategies~~;

(C) Vessel and personnel decontamination and disposal;

(D) Deployment of contracted aerial ~~oil surveillance resources~~ ~~assessment assets~~ and aerial observers to direct skimming operations;

(E) Personnel and equipment identified for night operations;

(F) Equipment necessary to address situations where oils, depending on their qualities, weathering, environmental factors, and methods of discharge, may submerge and sink;

(G) Equipment and personnel to conduct monitoring and deterrence operations to prevent whales, which may include southern resident killer whales, from encountering spilled oil; and

(H) Verification of the operational readiness during both the first six hours of a spill and over multiple operational periods.

(7) ~~Additional deployment requirement for vessel plan holders with contracted access to the ERTV.~~ Once every three years plan holders with contracted access to the ERTV ~~must~~shall co-sponsor a drill that includes deployment of the ERTV, unless ERTV drill credit has already been received under WAC 173-182-242(2). This drill ~~must~~shall be scheduled ~~in NACES on the area exercise calendar~~. The drill shall include at a minimum:

(a) Notifications and tug call out;

(b) Safety and environmental assessment;

(c) Demonstration of making up to, stopping, holding, and towing a drifting or disabled vessel;

(d) Demonstration of the capability to hold position within ~~one hundred~~100 feet of another vessel; and

(e) Communications.

~~(8) Additional deployment requirement for all plan holders.~~ Once every three years, plan holders must deploy wildlife response equipment and personnel for the care of oiled wildlife. This is an additional deployment drill.

(9) Once every three years, plan holders must deploy wildlife response equipment and personnel to demonstrate ability to deter wildlife from oiled areas. This is an additional deployment drill.

~~(910)~~ For all plan holders, ecology may initiate scheduled inspections and unannounced deployment and tabletop drills.

(a) In addition to the drills listed above, ecology will implement a systematic scheduled inspection program and an unannounced drill program to survey, assess, verify, inspect, or deploy response equipment listed in the plan. This program will be conducted in a way so that no less than fifty percent of the resources will be confirmed during the first triennial cycle, and the remaining fifty percent during the subsequent triennial cycle.

(b) Unannounced drills may be initiated by ecology when specific problems are noted with individual plan holders, or randomly, to strategically ensure that all operating environments, personnel, and equipment readiness have been adequately tested.

(c) Unannounced notification drills are designed to test the ability to follow the notification and call-out process in the plan.

(d) Immediately prior to the start of an unannounced deployment or tabletop drill, plan holders will be notified in writing of the drill objectives, expectations, and scenario.

(e) Plan holders may request to be excused from an unannounced drill if conducting the drill poses an unreasonable safety or environmental risk, or significant economic hardship. If the plan holder is excused, ecology will conduct an unannounced drill at a future time.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-710, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-710, filed 10/12/16, effective 11/12/16. Statutory Authority: RCW 88.46.060, 90.46.050. WSR 14-15-076 (Order 13-10), § 173-182-710, filed 7/16/14, effective 8/16/14. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-710, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-710, filed 9/25/06, effective 10/26/06.]

WAC 173-182-720 Drill Evaluation criteria. The ecology drill evaluation process is based on the 2016 *National Preparedness for Response Exercise Program (NPREP)*

~~Guidelines 2016~~ (NPREP guidance document). The NPREP guidance document lists ~~fifteen~~15 core components that shall be demonstrated by the plan holder during the triennial cycle. Ecology adopts the ~~se~~ ~~fifteen~~15 core components as the criteria used to evaluate plan holder tabletop and deployment drills. The core components are as follows:

(1) Notifications: Test the notifications procedures identified in the plan.

(2) Staff mobilization: Demonstrate the ability to assemble the ~~SMT~~spill response organization identified in the plan.

(3) Ability to operate within the response management system described in the plan: This includes demonstration of the ICS staffing and process identified in the plan.

(4) Source control: Demonstrate the ability of the ~~PRC~~spill response organization to control and stop the discharge at the source ~~and to effectively coordinate source control activities within the response.~~

(5) Assessment: Demonstrate the ability of the spill response organization to provide an initial assessment of the discharge, or potential discharge, and provide continuing assessments of the effectiveness of the ~~planning and tactical operation~~tactical planning and operations.

(6) Containment: Demonstrate the ability of the spill response organization to contain the discharge at the source or in various locations for recovery operations.

(7) Mitigation: Demonstrate the ability of the spill response organization to recover, mitigate, and remove the discharged product through the use of oil spill countermeasures

including, but not limited to, mechanical oil recovery, dispersants, in situ burning, and bioremediation.

(8) Protection: Demonstrate the ability of the spill response organization to protect the environmentally, culturally, and economically sensitive areas identified in ~~the NWACP and the plan.~~

~~(9)~~ Disposal: Demonstrate the ability of the spill response organization to dispose of the recovered material and contaminated debris in compliance with guidance found in the ~~NW~~RACP and relevant ACPs.

(10) Communications: Demonstrate the ability to establish an effective communications system throughout the scope of the plan for the spill response organization.

(11) Transportation: Demonstrate the ability to provide effective multimodal~~le~~ transportation~~;~~ for all areas of the response.

(12) Personnel support: Demonstrate the ability to provide the necessary logistical support of all personnel associated with the response.

(13) Equipment maintenance and support: Demonstrate the ability to maintain and support all equipment associated with the response.

(14) Procurement: Demonstrate the ability to establish an effective procurement system.

(15) Documentation: Demonstrate the ability of the plan holder's spill management organization to document all operational and support aspects of the response and provide detailed records of decisions and actions taken.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-720, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-720, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-720, filed 9/25/06, effective 10/26/06.]

WAC 173-182-730 Other ways to get drill credit. (1) Plan holders may request drill credit for a response to an actual spill, provided that ecology has an opportunity to participate in and evaluate the spill response. Credit from spills shall not entirely alleviate the plan holder's responsibility to drill.

(a) Credit for a spill may be used to replace the requirement to conduct a drill once per triennial cycle.

(b) If credit for a spill is requested more than once per triennial cycle, it is at the discretion of ecology if additional drill credit ~~will~~shall be granted. Additional drill credit may be granted if ecology determines there were significant lessons learned from the spill or ~~if~~ key response components were successfully demonstrated.

(2) To obtain drill credit, the plan holder shall submit a written request to ecology ~~shall be made~~ within ~~sixty~~60 calendar days of completion of the cleanup operations.

(a) The request shall include documentation supporting the components of WAC 173-182-720.

(b) ~~Within 90 calendar days, the Pplan holders shall have up to ninety days to~~ submit a lessons learned summary supporting the request for drill credit.

(3) Plan holders may request drill credit for out-of-state tabletop drills if:

(a) Ecology has been invited to attend the drill;

(b) Ecology has an opportunity to participate in the planning process for the drill.

There shall be a meeting to discuss the scope and scale of the ~~drill exercise~~, the drill objectives and the types of criteria for which Washington credit may be applicable;

(c) Documentation of the drill and self-certification documentation ~~shall be~~ provided to ecology within ~~thirty~~30 calendar days of the drill;

(d) The plan holder has one response plan for a number of facilities or a fleet of vessels; and

(e) ~~The Pplan holders seeking credit for a scheduled out-of-state drill shall have~~ notified ecology in writing ~~ninety~~90 calendar days in advance ~~of the scheduled out-of-state drill~~, to provide ecology an opportunity to participate.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-730, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-730, filed 9/25/06, effective 10/26/06.]

WAC 173-182-740 Drill requirement waivers. (1) Plan holders may request a waiver for a deployment or tabletop drill requirements.

(2) The request shall be in writing and shall describe why a waiver should be considered and how the plan holder ~~is shall~~ meeting the purpose and intent of the drill program with the waiver.

(3) Plan holder's requests for a drill waiver will be made available for public review and comment, including interested local and tribal governments and other stakeholders, for a period of ~~thirty~~30 calendar days.

(4) Ecology will evaluate the request and respond in writing within ~~sixty~~60 calendar days of receipt of the waiver request.

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-740, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-740, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-740, filed 9/25/06, effective 10/26/06.]

PART IV: PRIMARY RESPONSE CONTRACTOR (PRC), SPILL MANAGEMENT TEAM (SMT), AND WILDLIFE RESPONSE SERVICE PROVIDER (WRSP) STANDARDS

WAC 173-182-800 Primary response contractor (PRC) application. (1) To become a state-approved PRC, a response contractor must:

(a) Submit an application as set forth in WAC 173-182-810;

- (b) Have a process to provide ~~twenty-four~~24-hour/day contact for spill response;
- (c) Commit to begin mobilization efforts immediately upon notification but no later than one hour from notification of a spill;
- (d) Maintain equipment in accordance with manufacturer specifications;
- (e) Identify and train staff and supervisors expected to be deployed on oil spill response tactics or used to meet plan holder planning standards;
- (f) Assist plan holders in meeting the personnel and equipment requirements for plans and drills in Washington; and
- (g) List response equipment on the ~~Worldwide Response Resource List~~WRRL currently located at ~~www.https://wrrl.usworld~~, or provide an equivalent electronic equipment list and commit to maintaining the equipment list in ~~whatever a~~ format ~~is provided acceptable to ecology.~~

(2) To apply, a contractor should complete, sign and submit the application form number ECY 070-216.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-800, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-800, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-800, filed 9/25/06, effective 10/26/06.]

2642 **WAC 173-182-810 Content submittal and review of primary response contractor**

2643 **(PRC) applications.** The PRC application ~~must~~shall contain the following information as
2644 applicable to the capabilities of the PRC:

2645 (1) To the extent to which the PRC plans to provide coverage for plan holders of any
2646 planning standards in this rule, the PRC application shall demonstrate how the PRC
2647 provides the plan holder with the ability to partially or fully meet the standard.

2648 ~~(2)~~ A list of ~~primary response contractor~~PRC personnel indicating whether they are
2649 full-time, part-time, or subcontracted including their homebase or office location, and the
2650 ~~spill management team~~SMT roles or tactical roles they may fill in a response. This list shall
2651 be kept up-to-date and made available to ecology upon request.

2652 (a) If personnel are available to the ~~primary response contractor~~PRC via
2653 subcontract, a summary of the contract terms for personnel resources should be included
2654 in the application. The contract shall be made available to ecology upon request.

2655 (b) A list of all staff training, including training of subcontractors if applicable, and a
2656 description of the frequency of essential core training response staff receive.

2657 (c) The training program ~~must~~shall be specific to the tactics the PRC intends to
2658 perform. Include in the application details about the following training areas as applicable:

2659 (i) Safety training;

2660 (ii) Training on-site safety assessment;

2661 (iii) Assessment of environmental conditions;

2662 (iv) Determination that response equipment and personal protective equipment are
2663 appropriate for the incident conditions;

2664 (v) Air monitoring equipment and documentation; and

2665 (vi) Development of a hazard worksheet.

2666 (d) Additional training as necessary for personnel that may be relied upon to perform
2667 these tasks:

2668 (i) Conducting site safety briefings;

2669 (ii) Use and deployment of limited visibility tracking devices;

2670 (iii) Utilization and coordination of communications equipment;

2671 (iv) Transfer of a product from skimmer to on-water and shoreside storage;

2672 (v) Containment of a land spill from entering water by channeling, diverting, or
2673 berming;

2674 (vi) Fast water river response strategies;

2675 (vii) High current marine response strategies;

2676 (viii) GRP or protection strategy familiarization and deployment;

2677 (ix) Anchoring and setting boom;

2678 (x) Familiarization and deployment of PRC owned oiled-wildlife rehabilitation
2679 equipment;

2680 (xi) On-water recovery including enhanced skimming;

2681 (xii) Directing field resources; and

(xiii) ~~ICS Incident command system~~ training for ~~spill management team~~ SMT roles.

(32) A list of all communication assets by type and location. The frequencies and geographical ranges mustshall be included. This list mustshall be maintained and, if not included in the application, made available to ecology upon request.

(43) A list of response equipment mustshall be submitted electronically to ecology or via ~~Worldwide Response Resource List~~ the WRRL, at ~~www~~ https://:wrrl.usworld, containing the following information:

(a) All equipment mustshall be given a unique company identifier, and this identifier mustshall be submitted on the list provided to ecology.

(b) Equipment mustshall include the minimum number of personnel required to operate successfully for one shift.

(c) The location the equipment is stored using latitude/longitude in the WGS 1984 coordinate system. The coordinates mustshall be in decimal degree format.

(d) The type of equipment, including manufacturer's name, manufacture date, model, and specifications.

(e) For boom, list the length, manufacturer's name, model, size, and date of manufacture.

(f) For oil recovery devices state the manufacturer's name, model, EDRC or approved alternative, manufacture date, and operating environment.

(g) For temporary storage list the maximum capacity in barrels.

(h) For workboats list the vessel name and/or identifier, length, and vessel type, manufacturer, engine type(s), and horsepower.

(54) A detailed description of the ~~vessel of opportunity~~ VOO program.

(65) A detailed description of other response technologies systems available, such as in situ burn, bioremediants, and other chemical agents.

(76) A detailed description of any wildlife response resources. Include a list of contracts or agreements with any trained wildlife response personnel.

(87) A detailed description of equipment and personnel that would be used for shoreline cleanup. This ~~should~~ shall include a description of training resources for additional clean-up personnel.

(98) A list of agreements for access to shoreside storage. Include the owner, location, and general estimate of volume.

(109) A list of agreements for ~~fixed wing and rotary aircraft~~ aerial oil surveillance resources used to support spill clean-up operations.

(110) A detailed description of remote sensing equipment and aerial oil surveillance resources and personnel that the ~~primary response contractor~~ PRC has under contract or letter of intent that could be used to detect and track the extent and movement of oil or direct on-water recovery operations.

(121) Applications shall be submitted at least 65 calendar days in advance of operations in Washington or the application's expiration date. Once an application is

received, ecology will determine whether it is complete. If not, the response contractor shall be notified of deficiencies in writing and given a time period for submitting the required information. If the application is approved and the verification is satisfactory, the contractor shall receive a letter of approval describing the terms of approval, including expiration date. Approved PRC applications shall be valid for three years unless revoked by ecology.

(13) Equipment and personnel readiness ~~will~~shall be verified once the application is approved. Ecology may inspect equipment, training records, personnel lists, maintenance records, drill records, ~~and may request~~require a test of the call-out procedures, and may require operation of each type of equipment listed in the application. These inspections and tests may be conducted at any/all equipment locations. Any resources not on-site at the time of an inspection shall be accounted for by company records.

~~(13) If the application is approved and the verification is satisfactory, the contractor shall receive a letter of approval describing the terms of approval, including expiration dates and EDRG of the recovery equipment. PRC approvals will be reviewed by ecology every three years. Applications shall be resubmitted forty-five calendar days in advance of the expiration date.~~

(14) Once the PRC application is approved, the PRC ~~must~~shall certify in writing on a quarterly basis that the list of equipment the contractor maintains in their application or on

the WRRL is accurate. Any contractor that does ~~not~~ maintain their list on the WRRL, ~~must~~ shall resubmit their electronic list on a quarterly basis.

(15) Notification by ~~facsimile or~~ email will be considered written notice.

(16) Failure to certify the accuracy of the equipment list on a quarterly basis may result in the ~~loss~~ revocation of PRC approval.

(17) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval.

(18) Approval of a response contractor by ecology does not constitute an express assurance regarding the adequacy of the contractor nor constitute a defense to liability imposed under state law.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-810, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-810, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-810, filed 9/25/06, effective 10/26/06.]

WAC 173-182-820 Significant changes to primary response contractor (PRC)

applications require notification. (1) The PRC is responsible to provide written notification to ecology and all plan holders to whom they are obligated, within ~~twenty-~~ four 24 hours, of any significant change in the information reported in the approved application. The notice shall include the identification of back-up resources sufficient to

2763 maintain the PRC readiness level, and the estimated date that the original equipment shall
2764 be back in full service.

2765 (2) Changes which are considered significant include:

2766 (a) Loss of equipment that results in being out of compliance with any planning
2767 standard of any plan holder covered by the PRC;

2768 (b) Transfers of equipment to support spill response for out-of-region spills;

2769 (c) If greater than ~~ten~~10 percent of available boom, storage, recovery, dispersants, in
2770 situ burn, or shoreline clean-up equipment is moved out of the home base, except for a drill
2771 or training, as depicted on the WRRL;

2772 (d) Permanent loss of ~~primary response contractor~~PRC personnel identified to fill
2773 ICS positions for plan holders;

2774 (e) Changes in equipment ownership if used to satisfy a plan holder planning
2775 standard; or

2776 (f) Modification or discontinuing of any mutual aid, letter of intent, or contract
2777 agreement.

2778 (3) Notification by email will be considered written notice.

2779 (4) Failure to report changes could result in the ~~loss~~revocation of PRC approval.

2780 (5) If ecology determines that PRC approval conditions found in WAC 173-182-800
2781 are no longer met, approval may be revoked. The PRC will receive a written notice of the
2782 ~~loss~~revocation of approval and a time period to either appeal or correct the deficiency.

(6) Ecology will ~~immediately~~ notify plan holders of changes in the approval status of

PRCs or significant changes in PRC capability.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-820, filed 12/18/19, effective 1/18/20. Statutory Authority: Chapters 88.46, 90.48, 90.56 RCW, and 2011 c 122. WSR 13-01-054 (Order 11-06), § 173-182-820, filed 12/14/12, effective 1/14/13. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-820, filed 9/25/06, effective 10/26/06.]

WAC 173-182-830 Spill management team (SMT) and wildlife response service provider (WRSP) application requirements. ~~(1)~~ Requirements to become a state-approved ~~spill management team~~SMT or ~~wildlife response service provider~~WRSP, including:

~~(1a)~~ Submission of an application as set forth in WAC 173-182-840;

~~(2b)~~ Have a process to provide ~~twenty-four~~24-hour/day contact for spill management;

~~(3c)~~ Commit to begin mobilization efforts immediately upon notification but no later than two hours from notification of a spill;

~~(4d)~~ Commit to ensuring the incident commander is able to arrive in the state within six hours after notification of a spill, if the SMT is contracted to fill the role;

~~(5e)~~ Assist plan holders in meeting the requirements for plans and drills in Washington;

(6f) Commit to the implementation and use of the contingency plan(s) to which they are contracted during a spill and substantial threat of a spill, and to the training of personnel to implement the plan; and

(7g) Commit to working in unified command within the ~~incident command system~~ICS to ensure that all personnel and equipment resources necessary to the response will be called out to clean up the spill safely and to the maximum extent practicable.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-830, filed 12/18/19, effective 1/18/20.]

WAC 173-182-840 Content submittal and review of spill management team (SMT) and wildlife response service provider (WRSP) applications. The application ~~must~~shall contain the following information as applicable to the capabilities of the SMT or WRSP:

(1) A list of personnel indicating whether they are full-time or part-time, dedicated, or nondedicated, including their home base or office location, and the roles they may fill in a response.

(a) Dedicated means either a full- or part-time employee of the organization.

(b) Nondedicated means any personnel resource available under contract, ~~Letter~~of intent, or other approvable means. Nondedicated relationships ~~shall~~may be verified by ecology during the application review process.

(2) An ICS Form 207 organizational diagram depicting a potential staffing plan for the roles the SMT or WRSP may fill in support of a worst-case spill.

(3) A description of the ~~twenty-four~~24-hour call-out process and estimated time frames for arrival in state. The description of the personnel response times (arrival) is based on the standby or call back status of the person, their home base, and travel time.

(4) A list of staff training by position, and a description of the frequency of training staff receive.

(a) The training program ~~must~~shall be position specific for the roles that may be filled by the SMT or WRSP.

(b) The training program ~~must~~shall include at a minimum, training on ICS, NWRAC~~P~~and applicable ACP(s) plan policies and response tools, use and location of GRPs, the contents of the contingency plan, and worker health and safety requirements including Washington state specific regulations, as appropriate to the role.

(c) A combination of training and experience in drills and spills may be used to describe SMT personnel capabilities within response roles.

(d) New employees shall complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

(5) ~~Wildlife response service providers~~WRSPs shall~~must also~~ include a detailed description of the types of wildlife response activities that may be provided, such as; initial wildlife assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation.

Any other capabilities and personnel resources shall also be detailed in the application including:

(a) Identification of personnel that hold wildlife rehabilitation permits with oiled wildlife endorsements.

(ii) A copy of the permit shall be submitted with the application, or a statement indicating that the permit ~~will~~shall be made available to ecology for review upon request.

(b) Identification of personnel capable of filling the wildlife branch director role or other command post support roles.

(c) Identification of wildlife operations field staff to conduct and manage the various field aspects of a wildlife response including reconnaissance, deterrence, recovery, stabilization, and rehabilitation.

(d) Specific training relevant to key wildlife response roles and capabilities the wildlife contractor may support and a detailed position specific training plan. A combination of training and experience in drills and spills may be used to describe personnel capabilities within response roles.

(6) Once an application is received, ecology will determine whether it is complete. If the application is not complete, the SMT or WRSP ~~shall~~will be notified of deficiencies in writing and given a ~~time period~~deadline ~~for to~~ submitting the required information.

(7) Ecology ~~will~~shall inspect employee training records and conduct a test of the SMT or WRSP call-out procedures.

(8) If the verification is satisfactory and the application is approved, the SMT or WRSP shall receive a letter of approval describing the terms of approval, including expiration dates.

(9) ~~Application approvals will be reviewed by ecology every three years.~~ Applications shall be ~~resubmitted~~ at least 65 forty-five calendar days in advance of operations in Washington or the existing application's expiration date. Approved SMT and WRSP applications shall be valid for three years, unless revoked by ecology.

(10) If the application is not approved, the SMT or WRSP shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval.

(11) Approval by ecology does not constitute an express assurance regarding the adequacy of the SMT or WRSP nor constitute a defense to liability imposed under state law. [Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-840, filed 12/18/19, effective 1/18/20.]

WAC 173-182-850 Significant changes in spill management team (SMT) or wildlife response service provider (WRSP) applications require notification. (1) The SMT or WRSP is responsible to provide written notification to ecology and all plan holders to whom they are obligated, within ~~twenty-four~~24 hours, of any significant change in the information reported in the approved application.

(2) Changes which are considered significant include:

(a) Permanent loss of personnel identified to fill ICS positions for plan holders;

(b) Modification or discontinuing of any mutual aid, letter of intent, permit, or contract agreement;

(c) Change in personnel availability due to personnel being out of their regular homeport or office location to support a spill response.

(3) Notification by email will be considered written notice.

(4) Failure to report changes could result in the loss of approval.

(5) If ecology determines that application approval conditions found in WAC 173-182-840 are no longer met, approval may be revoked. The SMT or WRSP will receive a written notice of the ~~loss~~revocation of approval and a time period to either appeal or correct the deficiency.

(6) Ecology will ~~immediately~~ notify plan holders of changes in the approval status of the application or significant changes in SMT or WRSP capability.

[Statutory Authority: RCW 88.46.0601, 88.46.060, 88.46.120, 88.46.068, 90.56.2101, 90.56.210, 90.56.240, 90.56.569, 90.56.050, and 90.56.005. WSR 20-01-165 (Order 18-10), § 173-182-850, filed 12/18/19, effective 1/18/20.]

PART V: RECORDKEEPING AND COMPLIANCE INFORMATION

WAC 173-182-900 Recordkeeping. (1) Ecology may verify compliance with this chapter by examining:

~~(a)~~ Training and equipment maintenance records;

~~(b); d~~Drill records;,-

~~(c) a~~Accuracy of call-out and notification lists;,-

~~(d) s~~SMTpill management team lists;,-

~~(e)~~ ICS forms;,-

~~(f) w~~Waste disposal records;,-

~~(g) p~~Post-spill reviews; and

~~(h) r~~Records on lessons learned.

[Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03),
§ 173-182-900, filed 9/25/06, effective 10/26/06.]

WAC 173-182-910 Noncompliance. (1) If an owner or operator of a covered vessel,
onshore or offshore facility, a person, or plan holder is unable to comply with an approved
contingency plan or otherwise fails to comply with requirements of this chapter, ecology
may, at its discretion:

(a) Place a plan in condition ~~al-s on~~ approval; ~~and~~

(b) Require additional drills to demonstrate effectiveness of the plan; ~~and/or~~

(c) Revoke the approval status.

~~(2) Approval of a plan by ecology does not constitute an express assurance
regarding the adequacy of the plan nor constitute a defense to liability imposed under state
law.~~

~~(3) Any violation of this chapter may be subject to the enforcement and penalty sanctions.~~(2) A covered vessel may not enter or operate on the waters of the state without an approved, or conditionally approved, contingency plan, except that a covered vessel not in compliance with this chapter may enter waters of the state if the USCG has determined that the vessel is in distress.

(3) The owner or operator of an onshore or offshore facility may not operate without an approved, or conditionally approved, contingency plan nor transfer cargo or passengers to or from a covered vessel that does not have an approved, or conditionally approved, contingency plan. The owner or operator of a covered vessel may not transfer oil to or from an onshore or offshore facility that does not have an approved or conditionally approved contingency plan.

(4) Any violation of this chapter may be subject to enforcement under RCW 43.05.060, 90.48.120, 88.46.073, 88.46.080, 90.56.300, and 90.56.310.

(5) Ecology may assess civil and criminal enforcement under chapters 43.05, 88.46, 90.48, or 90.56.

~~(4) Ecology may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this chapter. Each day that a covered vessel, facility or person is in violation of this chapter shall be considered a separate violation.~~

[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-910, filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48 RCW. WSR 06-20-035 (Order 00-03), § 173-182-910, filed 9/25/06, effective 10/26/06.]

~~WAC 173-182-920 Operation without plan.~~ (1) A covered vessel may not enter or operate on the waters of the state without an approved, or conditionally approved, contingency plan, except that a covered vessel not in compliance with this chapter may enter waters of the state if the Coast Guard has determined that the vessel is in distress.

~~(2) The owner or operator of an onshore or offshore facility may not operate without an approved, or conditionally approved, plan nor transfer cargo or passengers to or from a covered vessel that does not have an approved, or conditionally approved, contingency plan. The owner or operator of a covered vessel may not transfer oil to or from an onshore or offshore facility that does not have an approved or conditionally approved contingency plan.~~

~~(3) Ecology may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this chapter. In the case of a continuing violation, each day's continuance shall be considered a separate violation.~~

~~(4) Any person found guilty of willfully violating any of the provisions of this chapter, or any final written orders or directive of ecology or a court shall be deemed guilty of a gross misdemeanor and upon conviction shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court. Each day upon which a willful violation of the provisions of this chapter occurs may be deemed a separate and additional violation.~~

~~[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-920,
filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48
RCW. WSR 06-20-035 (Order 00-03), § 173-182-920, filed 9/25/06, effective 10/26/06.]~~

WAC 173-182-930 Severability. If any provision of this chapter is held invalid, the
remainder of the chapter is not affected.

~~[Statutory Authority: Chapter 90.56 RCW. WSR 16-21-046 (Order 15-08), § 173-182-930,
filed 10/12/16, effective 11/12/16. Statutory Authority: Chapters 88.46, 90.56, and 90.48
RCW. WSR 06-20-035 (Order 00-03), § 173-182-930, filed 9/25/06, effective 10/26/06.]~~