BP Cherry Point (Sophie Todd)

Please see attached comments on the preliminary draft rule language.

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Re: Best Achievable Protection Rulemaking for Chapter 173-182, Oil Spill Contingency Plan

Thank you for the opportunity to submit written comments on the Washington Department of Ecology's ("Department of Ecology") proposed rulemaking to amend the Oil Spill Contingency Plan regulation, Washington Administrative Code Chapter 173-182.

WAC 173-182-230 (4) (iii) – Consider clarifying the requirements for details of oil products handled. For sites that handle many products such as Cherry Point, condensing key product safety information is a valuable addition to the plan. The proposed language highlights that the plan should detail health and safety hazards of each product handled by the facility but does not give further direction on what types of safety information should be included. It also requires density, specific gravity, and API gravity to be listed – essentially three units of the same characteristic. In the context of spill response, specific gravity can be more helpful as it is easily comparable to water, thereby telling responders quickly if product is more likely to sink or float. Requiring actual sulfur content (or a range) would also be helpful, as opposed to just a sweet/sour designation. Any additional safety hazards that should be given should be called out specifically, such as signal words, hazard classifications, etc. The newly proposed language also includes language around "MSDS" which is an outdated term for Safety Data Sheet (SDS). In 2015, all employers were required to update their hazard communications to be aligned with the new globally harmonized SDS system. DOSH already requires sites to have SDS information readily available to all employees and duplicating these SDSs into the OSCP only adds length to an already comprehensive plan.

WAC 173-182-349 (5) – Facility plan holders routinely rely on a PRC to meet nonfloating oil planning standards. As the PRCs are responsible for contracting this equipment (and any potential changes to equipment and contractors), the regulation should allow PRCs to prepare and update the required technical manuals. PRCs have the most technical experience in utilizing this equipment and can more easily update their plan if changes are required.

WAC 173-182-522 (1) – Facility plan holders routinely rely on contractors to provide guidance on the SCAT evaluation process. The regulation should allow for contracted access to these personnel, i.e. listing contractors who can provide these qualified personnel rather than listing names in each plan.

WAC 173-182-710 (4) (e) – This proposed language adds nonfloating oil scenarios to the drill requirements. To keep this consistent, this type of drill should be added to the matrix at the top of this section.