

## **Oil Spill Natural Resource Damage Assessment, Chapter 173-183 WAC**

In 1992 Washington State adopted rules that outline a procedure to allow the state to be compensated for natural resource impacts due to oil spills. The process, called Natural Resource Damage Assessment (NRDA), uses a compensation table based on resource vulnerability to calculate the monetary amount a spiller must pay for restoration. This rule update is based on legislative changes made to the law in 2011.

Chapter 173-183 WAC is the foundation of the NRDA program for oil spills. This rule:

- Describes the Resource Damage Assessment committee made up of state resource trustees.
- Sets up a preassessment screening process to determine the best process to use for assessing damages.
- Establishes compensation schedules for Marine Waters, Columbia River Estuary, Freshwater Streams and Lakes, and Freshwater Wetlands.
- Establishes formulas for calculating the damages.
- Establishes a procedure to reduce the monetary amount of damages based on early recover actions by the spiller.

### **Summary of the rule changes adopted on December 14, 2012**

The following changes are adopted:

- Update the monetary amount of compensation that can be calculated for spills of 1,000 gallons or greater in volume from \$1 to \$100 to a new range of \$3 to \$300 per gallon spilled.
- Amend the mathematical formula multipliers contained in WAC 173-183 sections 830, 840, 850, & 860.
- Define persistent oil, non-persistent oil, non-petroleum oil, recovered oil, and shoreline.
- Codify the method to provide credit back to a spiller for their early on-water recovery actions replacing the existing language in WAC 173-183-870.

### **WHY IT MATTERS**

All oil spills cause environmental harm, regardless of size. Oil is toxic to the environment and the damage starts as soon as the oil hits water. A single quart of oil has the potential to foul more than 100,000 gallons of water. This rule insures that spillers pay for restoration of state resources.

When spillers quickly remove oil from the water they directly reduce its persistence in the environment and likely reduce the mechanical effects on organisms as well. This rule allows a spiller to reduce their damage assessment by acting quickly and removing oil from the water's surface.

#### **Adopted Date:**

December 14, 2012

#### **Effective Date:**

January 14, 2013

#### **Contact information:**

Rebecca Post  
360-407-7455  
Rebecca.post@ecy.wa.gov

#### **Special accommodations:**

If you need this document in format for the visually impaired, call the Spills Program at 360-407-7455.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

# Rule Adoption Notice

## Response to Comments

Ecology's response to comments received during the public comment period is now available. Download a copy at <http://www.ecy.wa.gov/programs/spills/rules/1105.html>

## Whom does this rule affect?

This rule applies to any person responsible for an oil spill that enters state waters. This includes but is not limited to:

- Political subdivisions
- Government agencies
- Municipalities
- Industries
- Public or private corporations
- Copartnerships
- Associations
- Firms
- Individuals

## More information

<http://www.ecy.wa.gov/programs/spills/rules/1105.html>

To get updates on Ecology's rule-making activities, sign-up for the WACTrack e-mail list at [www.ecy.wa.gov/maillist.html](http://www.ecy.wa.gov/maillist.html).

## Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at (360) 407-6998 or [bari.schreiner@ecy.wa.gov](mailto:bari.schreiner@ecy.wa.gov).

